

PLANNING ASSISTANCE TO STATES OVERVIEW & UPDATES

PCoP Webinar

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of Engineers®



WEBINAR OVERVIEW



- Planning Assistance to States background
- Getting Started
- Program Funding
- PAS Program Updates
 - Justice40
 - FPMS & PAS Outreach Plan
 - Section 8119 WRDA 2022 – Cost share waiver
- Questions and Discussion



PRIOR PAS EXPERIENCE?



Not much

Some

Manage PAS Projects



WHAT TYPES OF PROJECTS CAN BE DONE?



Flood Risk Mgmt



Environmental
Studies



Comprehensive
Watershed
Planning



Water Supply



Everything listed &
more!



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PLANNING ASSISTANCE TO STATES (PAS)



AUTHORITY – Section 22, WRDA 1974, as amended ([42 U.S.C. 1962d-16](#))

PURPOSE – Make USACE expertise available for efforts pertaining to planning for water and related resources through two types of studies: comprehensive plans and technical assistance.

(1) COMPREHENSIVE PLANS: The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with any State, group of States, non-Federal interest working with a State or group of States, local government, or regional coalition of governmental entities in the preparation of comprehensive plans for the development, utilization, and conservation of the water and related resources of drainage basins, watersheds, or ecosystems located within the boundaries of such State, interest, local government, or entity, including plans to comprehensively address water resources challenges, and to submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans.

(2) TECHNICAL ASSISTANCE:

(A) In general, At the request of a governmental agency or non-Federal interest, the Secretary may provide technical assistance to such agency or non-Federal interest in managing water resources.

(B) Types of assistance. Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses.

**Original Authorization
Section 22 of WRDA 1974**

Water Conservation Plans – SEC. 22. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with any State in the preparation of comprehensive plans for the development, utilization, and conservation of the water and related resources of drainage basins located within the boundaries of such State and to submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans.

Appropriation. (b) There is authorized to be appropriated not to exceed \$2,000,000 annually to carry out the provisions of this section except that not more than \$200,000 shall be expended in any one year in any one State.



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Planning Assistance to States

ER 1105-2-100, Planning Guidance Notebook Appendix G Section VI – Planning Assistance to States

- Dated 2004 – update planned to consolidate subsequent guidance
- Provides:
 - Background on the program
 - General Roles and responsibilities
 - Appropriate Uses of the Program
 - Program Coordination
 - Budget Execution

Section 22 Technical Assistance

[History and Applicability](#)

Template: MS Word

[Implementation Memo](#)

Template: PDF

Section 22 Planning Assistance Comprehensive Plan

[History and Applicability](#)

Template: MS Word

[Implementation Memo](#)

Template: PDF

Guidance

- [Section 3015 of WRRDA 2014](#)
- [Section 1128 of WRDA 2016](#)
- [Non-Profits as Study Partners](#)

PAS Agreements Website:

https://www.usace.army.mil/Missions/Civil-Works/Project-Partnership-Agreements/templates_pas/

PAS on the Planning Toolbox:

<https://planning.erdc.dren.mil/toolbox/processes.cfm?Id=316&Option=Partnering%20with%20the%20Corps>



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WHAT PAS OFFERS

Section 156, WRDA 2020. In carrying out section 22 of WRDA 1974 (42 U.S.C. 1962d-16), the Secretary shall provide **equal priority for all mission areas of the Corps of Engineers, including water supply and water conservation.**

Section 8119 (b), WRDA 2022, WATERSHED PLANNING AND TECHNICAL ASSISTANCE. — In providing assistance under section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 11 1962d–16) or pursuant to section 206 of the Flood Control Act of 1960 (33 U.S.C. 709a), the Secretary shall, upon request, provide such assistance at a watershed scale.

Explanatory Statement for Energy and Water Development Appropriations Bill, 2023. The Corps is reminded that this program encompasses many types of studies and technical assistance dealing with a number of water resource issues, including but not limited to, **sediment management, coastal resilience, State water planning, water distribution, and water supply evaluations.**

Example PAS Projects
Floodplain delineation
Flood hazard evaluation
Comprehensive floodplain management
Storm water management
Flood risk reduction
Stream and Wetland Assessments
Coastal assessments
Watershed planning
Water Supply
Water Quality
Environmental Restoration
Fish and Wildlife



WHO CAN PARTICIPATE?

- A state;
- Group of states;
- Local government;
- Non-federal public bodies;
- Regional coalition of governmental entities;
- Federally-recognized Indian Tribes; *
- Specified territories; *
 - Puerto Rico, Virgin Islands, Guam, American Samoa, Northern Mariana Islands
- Not for profits
 - The not for profit entity must provide a letter from the affected local government consenting to the provision of such Section 22 assistance to the nonprofit entity

** Section 8119 WRDA 2022 Fee Waiver for Economically Disadvantaged Communities as defined under Section 160 of WRDA2020 (more details in PAS Update slides)*



TYPES OF AGREEMENTS



Comprehensive Water Resources Planning

- Planning for the development, utilization, and conservation of the water and related resources of drainage basins, watersheds, or ecosystems, including plans to comprehensively address water resources challenges such as the state water plan.
- Typical water resources problems and opportunities included in comprehensive state water resource planning efforts include: flood risk management, water supply, water conservation, environmental restoration, water quality, hydropower, erosion, navigation, fish and wildlife, cultural resources, and environmental resources.
- Cost-share: 50% federal/50% non-federal
 - Non-federal voluntary contributions in excess of cost-share requirement
 - Non-federal share may include in-kind services for Comprehensive Plans

Technical Assistance

- Technical work related to management of state water resources in support of a water resources management plan, related land resources development plan or other water resources management related planning documents.
- Coastal assessments for natural and nature-based infrastructure, stream and wetland assessments, sewer and stormwater infrastructure inventories and databases, coast-shed and watershed planning, flood risk assessments, GIS mapping, water supply demands, etc.
- Cost-share: 50% federal/50% non-federal
 - Non-federal voluntary contributions in excess of cost-share requirement
 - In-Kind Services not permitted for Technical Assistance



GETTING STARTED

Non-Federal Interest

- The non-federal partner expresses interest and requests assistance

Scope of Work

- District and partner develop scope of work for project
- Identify tasks, deliverables, cost, and schedule
- Identify cost-share requirements and work in kind (Comprehensive Plan only)
- MSC review and approval prior to executing agreement

Letter of Agreement

- District Commander and non-federal partners sign a Letter of Agreement
- Template Agreements:

http://www.usace.army.mil/Missions/Civil-Works/Project-Partnership-Agreements/templates_pas/

Funding

- MSC works with HQ on availability of funds during their approval of the scope
- Funds are provided with an executed agreement and project information updated in PAS Database



ADDITIONAL CONSIDERATIONS



PAS Project Should:

- Seek support from other Districts (within the Division or nation-wide) for personnel support to accomplish work prior to using contractor services.
- Transition to the appropriate GI study program if a USACE construction project is identified.
- Provide assistance and outcomes to support implementation by the non-federal sponsor.

PAS Projects Should **NOT**:

- Augment or duplicate efforts that should be or are being accomplished under another authority.
- Include site-specific structural designs.
- Include construction specifications.
- Lead to USACE implementation.
- Accept Federal grant funds as non-federal cost share, except where legislation authorizing the Federal grant program allows such use.

General Reminders:

- If the assistance requested could be accomplished under multiple USACE authorities, consult with the Division to determine the most appropriate path forward.
- If additional personnel resources are needed, first work with the Division to seek assistance from other Districts, then consider use of a contractor if appropriate expertise and resources are not available within USACE.
- Implementation of any recommendations resulting from the PAS project will be the responsibility of the requestor.



PROJECT EXAMPLES

Lower Clear Creek, TX
Compound Flooding
Flood Risk Mgmt
Galveston District

Quebrada de los Muertos, PR
Flood Risk Mgmt & Drainage
Jacksonville District

Ohio River Basin-Wide Planning
Comprehensive
Watershed Mgmt
Louisville District

Choctaw/Chickasaw, OK
Tribal Partner – Rural Water
Districts
Tulsa District

Chippewa River Watershed Study,
MI
Tribal Partner - Water Quality
Detroit District

Tijuana River Watershed, CA
Sediment Study
Los Angeles District

WVSA Stormwater, PA
Watershed Mgmt & Water Quality
Baltimore District

Hood & Columbia River, WA
Tribal Partner
Fish Utilization & Eco Restoration
Portland District

50-Year Water Plan, NM
Watershed Mgmt & Climate
Resiliency
Albuquerque District

Alakanuk, AK
Tribal Partner – Coastal Erosion
Alaska District

Chignik, AK
Tribal Partner – Environmental
Study, Salmon Habitat
Alaska District

Big Creek/Brushy Creek, IA
Fish Barrier Study
Rock Island District



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ADMINISTRATION & CONGRESSIONAL PRIORITIES



Addresses inland and coastal life safety risks?

Serves disadvantaged communities?

Provides assistance to coastal federally recognized tribal communities facing impacts from climate change and erosion?

Supports planning and/or preparedness for climate change impacts?

USACE Technical Assistance Programs ideal to address these priorities because:

- Scale of projects smaller than typical General Investigations studies allowing for provision of assistance on a variety of projects that would not otherwise be studied by USACE
- Provide planning and technical guidance to support understanding the problem and options to address in a timely manner
- PAS can provide assistance and comprehensive studies on a wide variety of water resources issues within the USACE mission areas



PAS COORDINATION/NEGOTIATION FUNDING



Funding for Districts to conduct outreach, develop scopes, negotiate and execute PAS agreements.

Base amount distributed this year of \$60K per district with additional funds available upon request.

Activities:

- District outreach, to include outreach to economically disadvantaged communities
- Developing District outreach materials and strategy
- Face-to-face meetings, site visits
- Working with partner to identify needs and develop scope
- Negotiate and execute agreement

Example PAS websites:

- NAB - <https://www.nab.usace.army.mil/technical-services/>
- MVP - <https://www.mvp.usace.army.mil/Missions/Civil-Works/Programs-Project-Management/District-Programs/Planning-Assistance-for-Tribes-and-States/>
- SAD - <https://sad.usace.afpims.mil/Missions/Assistance-Programs/>
- MVR - <https://www.mvr.usace.army.mil/Business-With-Us/Outreach-Customer-Service/>



HOW TO REQUEST PAS PROGRAM FUNDING?



- PAS Project Funding is requested by quarter in the PAS module of the RI-TACO Database. All fields must be completed and the PAS Agreement and Scope uploaded.
- PAS Negotiations funds in the amount of \$15K each quarter are distributed unless other amount requested. Districts provide their negotiations funding needs to the MSC each quarter. Funds can be provided if additional needs arise between quarters.
- PAS funds are distributed by WAT. Prior year funds, to include BIL, will go directly to the District. Current year funds will be distributed to the MSC to distribute to the district.
- Coordinate with MSC PAS PgM for return of unused project funds, for their coordination with the HQ PAS PgM.





PAS BUDGET TRENDS



PAS UPDATES



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ENVIRONMENTAL JUSTICE & JUSTICE40 INITIATIVE

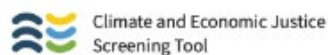


- **Environmental justice** is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income regarding the development, implementation, and enforcement of environmental laws, regulations, and policies, with no group bearing a disproportionate burden of environmental harms and risks.
- **Justice40 Initiative** includes a target to deliver at least 40% of the overall benefits from Federal investments in climate and critical clean water and waste infrastructure to underserved communities. PAS is a covered program under Justice40.
- Improving access to USACE Civil Works technical service programs (e.g., Planning Assistance to States and Floodplain Management Services programs) and maximizing the reach of Civil Works projects to benefit disadvantaged communities, in particular as it relates to climate resiliency.



JUSTICE40

A WHOLE-OF-GOVERNMENT INITIATIVE



Explore the map Methodology & data About Contact

Explore the map

Public engagement

Census tracts that are overburdened and underserved are highlighted as being disadvantaged on the map. Federally Recognized Tribes, including Alaska Native Villages, are also considered disadvantaged communities.

Zooming-in and selecting shows information about each census tract.

Get the data

Download the data with documentation and shapefile from the [downloads](#) page.



As covered programs under Justice40, USACE will use investments as the metric to measure benefits to underserved communities:

“...essentially providing that 40% of USACE investments in climate and critical clean water and waste infrastructure must benefit disadvantaged communities. USACE will strive to achieve the 40% goal under Justice40 Initiative for specific programs, such as Planning Assistance to States, Floodplain Management Services and the Tribal Partnership Program...”

These investments include both project and outreach funding.

The investments will be determined by project using the **latitude and longitude** provided by the district in FPMS proposals and the PAS Database. The HQ team will conduct the analysis to calculate percentage of investments that benefit underserved communities in support of Justice40.



USACE INTERIM ENVIRONMENTAL JUSTICE STRATEGIC PLAN: COMMUNITY OUTREACH & ENGAGEMENT



Objective 5: Improving awareness, access, and participation for USACE Civil Works technical assistance programs while maximizing assistance that benefits underserved and disadvantaged communities.

USACE Partners to Support Outreach Efforts

- State government officials
- Local government officials
- Regional government officials
- Tribal government officials
- Territorial government officials
- Federal agencies (e.g., FEMA, EPA, National Oceanic and Atmospheric Association, Council on Environmental Quality)
- Nongovernmental organizations (e.g., Association of State Floodplain Managers, National Association of Flood and Stormwater Managers, American Rivers, The Nature Conservancy, American Flood Coalition)



FPMS & PAS OUTREACH PLAN

- Tiers from and complements the USACE Interim EJ Strategic Plan.
- Includes four TA-Objectives specific to FPMS & PAS with associated metrics.
- The TA-Objectives and metrics were developed to complement the USACE Interim EJ Strategic Plan as well as the Environmental Justice Scorecard.
- Metrics are to be tracked locally at each district to support future data calls and input to the annual EJ Scorecard.
- FPMS Unit Funding and PAS Negotiation Funding is available for the implementation of the FPMS and PAS specific portions of District Strategic Outreach Plans.

**U.S. Army Corps of Engineers
Floodplain Management Services and
Planning Assistance to States Outreach
Plan: Providing Technical Assistance to
Underserved Communities**

3 March 2023



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SECTION 8119 WRDA 2022

22



ECONOMICALLY DISADVANTAGED COMMUNITIES.—

Notwithstanding subsection (b)(1) and the limitation in section 1156 of the Water Resources Development Act of 1986, as applicable pursuant to paragraph (1) of this subsection, the Secretary is authorized to **waive the collection of fees** for any local government to which assistance is provided under subsection (a) that the Secretary determines is an **economically disadvantaged community, as defined by the Secretary under section 160 of the Water Resources Development Act of 2020** (33 U.S.C. 2201 note) (including economically disadvantaged communities located in urban and rural areas).”.



EDC DEFINITION

SECTION 160 WRDA 2020

An economically disadvantaged community (EDC) is defined as meeting one or more of the following:

- a. Low per capita income -The area has a per capita income of 80 percent or less of the national average;
- b. Unemployment rate above national average -The area has an unemployment rate that is, for the most recent 24-month period for which data are available, at least 1 percent greater than the national average unemployment rate;
- c. Indian country as defined in 18 U.S.C. 1151 or in the proximity of an Alaska Native Village;
- d. U.S. Territories; or
- e. Communities identified as disadvantaged by the Council on Environmental Quality's Climate and Economic Justice Screening Tool (<https://screeningtool.geoplatform.gov>).



SECTION 8119 WRDA 2022 GUIDANCE

Update for Section 22 of the Water Resources Development Act (WRDA) of 1974, as amended (42 U.S.C. 1962d-16), 16 Jan 24

- Eligible entities are as defined by Section 160 WRDA 2020.
- Non-Federal Interest (NFI) submits a Letter of Intent requesting PAS assistance.
- Districts confirms eligibility and documents Section 160 criteria and benefits of PAS effort to EDC.
- Districts work with entity to define assistance and develop scope of work.
- Approval of the Section 8119 waiver is with the National PAS Program Manager.
- No PAS Agreement required where the Section 8119 waiver is approved.



SECTION 8119 WRDA 2022 PROCESS



NFI submits Letter of Intent to District

District determines eligibility under Section 160

District develops Scope of Work with NFI

eligible

not eligible

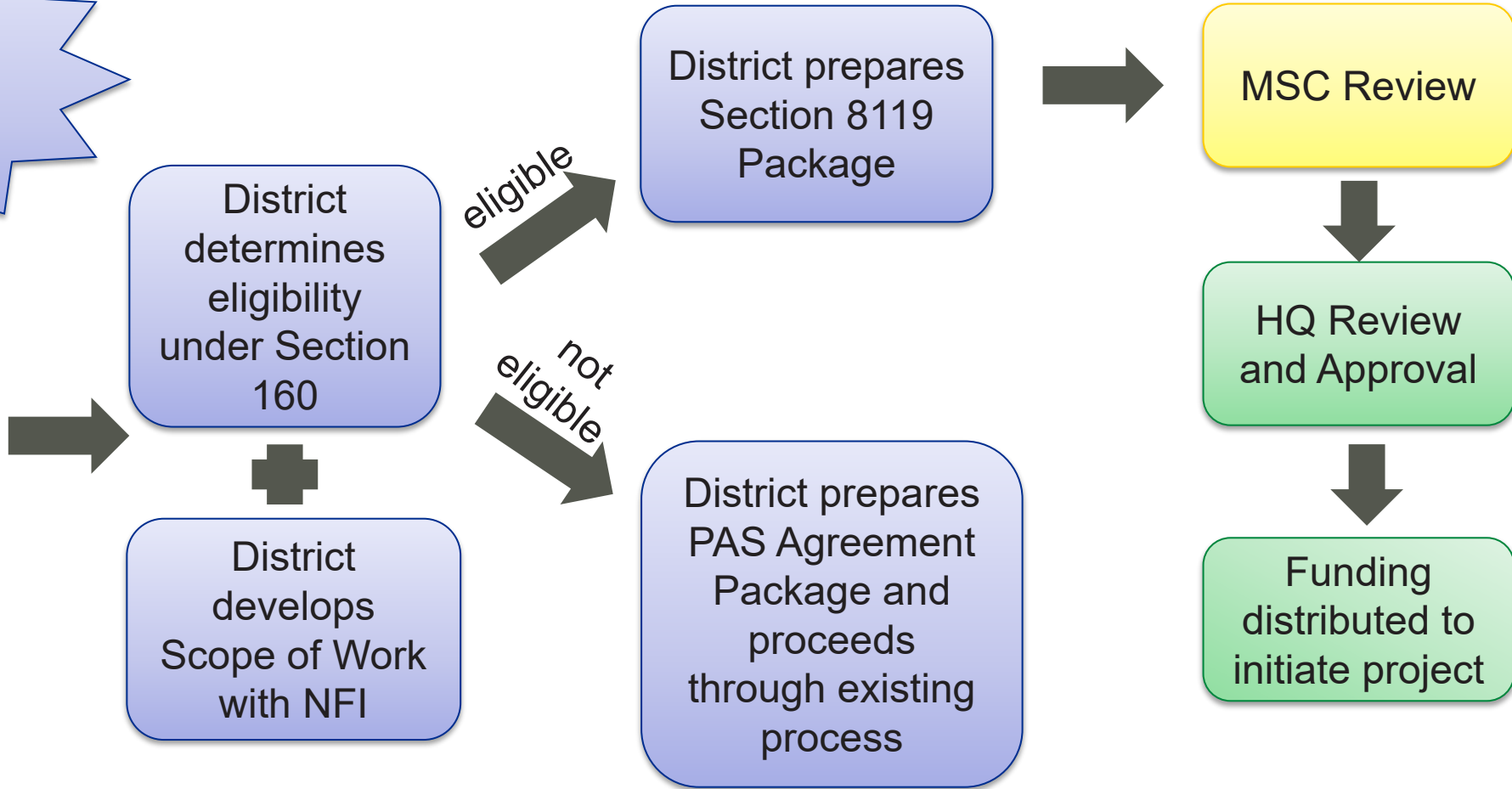
District prepares Section 8119 Package

District prepares PAS Agreement Package and proceeds through existing process

MSC Review

HQ Review and Approval

Funding distributed to initiate project





SECTION 8119 WRDA 2022 PACKAGE



Required Documentation includes:

- Letter of Intent (see enclosed example template)
- Eligibility Determination for EDC prepared by the district (requestor only needs to meet one of the criteria below)
 - If requestor is a Federally recognized Tribe, a U.S. Territory, or in the proximity of an Alaskan Native Village no requirement for documentation is required
 - Screenshot from the Climate and Economic Justice Screening Tool (CEJST) of study area;
 - Data from U.S. Census or Bureau of Labor Statistics identifying study area as having a low per capita income of 80 percent of the national average; and/or
 - Data from U.S. Census or Bureau of Labor Statistics identifying study area as having an unemployment rate at least 1 percent greater than the national average for the most recent 24-month period for which data are available.
- Written description of benefits of the PAS assistance to the EDC(s) prepared by district
- Scope of work developed in coordination with the requesting entity. Scope must identify if the PAS study is Comprehensive Plan or Technical Assistance.



SECTION 8119 FREQUENTLY ASKED QUESTIONS



- *Can the Section 8119 fee waiver be applied retroactively?* **NO**
- *Can a non-federal interest, such as a county, request assistance on behalf of an economically disadvantaged community?* **YES**
- *Can a nonprofit entity request assistance on behalf of an eligible economically disadvantaged community?* **YES**
- *Is the NFI eligible for the Section 8119 fee waiver if a portion of the study area meets the Section 160 definition (i.e., only a portion of census blocks in the area are identified as disadvantaged)?* **YES, IF GREATER THAN 51% MEETS THE ELIGIBILITY CRITERIA. IF LESS THAN 51% OF THE AREA MEETS THE ELIGIBILITY CRITERIA BUT THERE IS SPECIFIC BENEFITS TO ELIGIBLE EDC(S) MAY BE CONSIDERED ON A CASE BY CASE BASIS**
- *Will the policy for budgeting be amended in consideration of the Section 8119 fee waiver?* **NOT AT THIS TIME AND WILL DEPEND ON FUTURE PAS APPROPRIATIONS**



Explore the map

Share data sources with CEQ

Census tracts that are overburdened and underserved are highlighted as being disadvantaged on the map. Federally Recognized Tribes, including Alaska Native Villages, are also considered disadvantaged communities.

Zooming in and selecting shows information about each census tract.

Get the data
Download the data with documentation and shapefile from the [downloads](#) page.

owego, ny

Tract information
 Number: 36107020500
 County: Tioga County
 State: New York
 Population: 3,829

Tract demographics
 Race / Ethnicity ([Show](#))
 Age ([Show](#))

Identified as disadvantaged?
YES

This tract is considered disadvantaged because it meets more than 1 burden threshold **AND** the associated socioeconomic threshold.

[Send feedback](#)

Climate change +
 Energy +
 Health +
Housing +
 Legacy pollution +



Explore the map

Share data sources with CEJ

Census tracts that are overburdened and underserved are highlighted as being disadvantaged on the map. Federally Recognized Tribes, including Alaska Native Villages, are also considered disadvantaged communities.

Zooming in and selecting shows information about each census tract.

Get the data

Download the data with documentation and shapefile from the [downloads](#) page.

The screenshot shows the tool's interface with a map of Choctaw, Mississippi. A search bar at the top left contains the text 'choctaw'. The map displays several census tracts, with one large tract highlighted in a darker blue. To the right of the map is a sidebar with the following sections:

- Tract information**: Number: 28099940100, County: Neshoba County, State: Mississippi, Population: 4,408.
- Tract demographics**: Race / Ethnicity (Show), Age (Show).
- Identified as disadvantaged?**: **YES**. This tract is considered disadvantaged because it meets more than 1 burden threshold AND the associated socioeconomic threshold. The lands of Federally Recognized Tribes that cover 41% of this tract are also considered disadvantaged.
- Send feedback** button.
- Climate change**, **Energy**, and **Health** sections, each with a plus sign (+) to expand.



QUESTIONS AND DISCUSSION



Contact Information:

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Planning Assistance to States
Program Manager

Do you work on PAS? Join our PAS MS Teams group! Send Sharon an email to join.