DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON, DC 20314-1000

REPLY TO
ATTENTION OF

CECW-P

APR 0 6 2012

MEMORANDUM FOR Commanders, Major Subordinate Commands

SUBJECT: Implementation Guidance for Section 2045 of the Water Resources Development Act of 2007 (WRDA 2007) – Project Streamlining

1. Section 2045 of WRDA 2007 directs the Secretary to develop and implement a coordinated review process with Federal, State, and local government agencies and Indian tribes in the development of water resources development projects. It also requires congressional and Council on Environmental Quality notification when certain deadlines are not met. A copy of Section 2045 is enclosed.

2. Applicability. This guidance applies to every study initiated after the date of this memo to develop a feasibility report or a reevalutation report if an environmental impact statement is required for the study.

3. To meet mission objectives, every proposed project study is managed under a project management plan (PMP) that is a roadmap for quality project delivery (ER 5-1-11, paragraph 7b(2)). During the development of the PMP, and in accordance with ER 1105-2-100 (paragraph B-5c), the study team determines the extent of public involvement required and establishes an appropriate strategy for integrating public involvement into the planning process. Detailed public involvement strategies are key to an open and collaborative process that maximizes public input at each stage of the planning process and includes, among other components, an identification of other Federal, State and local public agencies and entities, Indian tribes, groups, and individuals most likely to be interested in the action under consideration. The strategy is to contain a plan of sequential public involvement activities integrated with the planning and decision-making process, and development of planning reports. This guidance is consistent with the underpinnings of Section 2045 and Council on Environmental Quality (CEQ) regulations for implementing the National Environmental Policy Act (NEPA). Section 1500.4(k) of the CEQ regulations directs agencies to reduce excessive paperwork by integrating NEPA requirements with other environmental review and consultation requirements. Section 1502.25 addresses environmental review and consultation requirements.

4. Guidance:

a. Using the criteria set out in section 2045(e), the relevant Federal, State, and local government agencies and Indian tribes will be identified as part of the public involvement strategy. To ensure consistency, state clearing houses will be utilized where available. The State in which the project is located may choose to subject its

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State agencies to the coordinated review process. The project development team (PDT) will work with these entities to develop and implement a coordinated review process to be conducted, to the maximum extent practicable, concurrently. This process will be presented at the feasibility scoping meeting.

b. The PDT will coordinate with the relevant Federal, State, and local government agencies and Indian tribes to establish a time period for the reviews, analyses, opinions, permits, licenses, and approvals that must be issued or made for the project. This time period will be included in the project management plan. To assist the PDT and ensure consistency, the MSC should coordinate with regional levels of other Federal agencies and with state and tribal representatives whose jurisdiction spans multiple Corps district or division areas of responsibility.

c. If the district commander determines that a formal agreement would better support or memorialize the coordinated review process, a memorandum of understanding (MOU) can be executed among the district commander, the regional heads of the applicable Federal, State, and local government agencies, and Indian tribes. Development and execution of a MOU should be scheduled to avoid delaying project development.

d. If an agency, tribe, or non-Federal interest participating in the coordinated review process does not meet an established deadline, the district commander will provide notification to the non-responsive party within 30 days after the missed deadline. The notification will include a request that the non-responsive party provide, within 30 days of notification, a report explaining why it did not meet the deadline and actions it intends to take to complete or issue the required review, analysis, or opinion or determination on issuing a permit, license, or approval.

e. Within 15 days of receiving the report from the non-responsive party, or within 45 days of sending the notification if no report is received, the PDT, through the MSC and the HQUSACE Regional Integration Team (RIT), will provide for the ASA(CW) a draft report that describes established deadlines, Corps coordination to meet those deadlines, and any information provided by parties non-responsive to the established deadlines. The draft report will include the HQUSACE recommendation to resolve the matter and provide the basis for the ASA(CW) to meet the reporting requirements in section 2045(h)(3).

f. In accordance with section 2045(i), none of the actions described herein shall preempt or interfere with any statutory requirement for seeking public comment; any power, jurisdiction, or authority that a Federal, State, or local government agency, Indian tribe, or non-Federal interest has with respect to carrying out a water resources project; or any obligation to comply with the provisions of the National Environmental Policy Act of 1969 and the regulations issued by CEQ to carry out such Act.

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5. This guidance is effective immediately and will be incorporated into ER 1105-2-100 upon the next revision.

FOR THE COMMANDER:

Theodore A. Brown

Encl

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