

Q & A: Implementation of WRRDA Section 1002: Single Phase Planning & Notification of Study Schedules

February 19, 2015

The February 19th webinar, part of a series of information-sharing webinars hosted by the Planning Community of Practice, provided an overview of the Implementation of WRRDA Section 1002: Consolidation of Studies.

Sue Hughes and Lisa Kiefel from the Planning Community of Practice presented and responded to questions from the field.

The "Planning Partnership Kit" link under Documents on the main Civil Works Planning Policy SharePoint site (<https://cops.usace.army.mil/sites/PLAN/default.aspx>) will include the tools and templates available for Districts as they are developed, including:



- Fact Sheet on Partnering with the Corps (focus on feasibility studies) that can be adapted
- PowerPoint Deck on Partnering with the Corps (focus on new feasibility studies / changes to FCSA process) that can be adapted
- Project Management Plan template
- Model 3x3 Feasibility Cost Sharing Agreement
- Example notification letters for Feasibility Study Schedules
- Example "missed deadline" letters that can be adapted

The questions and responses below are not a direct transcript; they have been reordered and edited for clarity. Additional questions and feedback are always welcome via email to hqplanning@usace.army.mil

Applicability of Section 1002 to Various Studies

Since we no longer have Reconnaissance Studies, will you verify that the initial \$100,000 federal funds are not available for any new feasibility studies?

Yes, that is correct – the \$100,000 of federal funding for reconnaissance studies is no longer available for those studies that will lead to a recommendation of a project for congressional authorization. Outside the very limited Special Investigations funding available to Districts, the federally funding of a specific feasibility study will not start until the FCSA is signed, and then the study will be 50-50 cost shared.

How does this affect Tribal Partnership Program feasibility studies, particularly if a new study was requested under the FY15 work plan and money is anticipated to be received shortly?

The elimination of the reconnaissance phase (and the \$100,000 federal funding for that work) also applies to feasibility studies under the Tribal Partnership Program.

Does this affect studies under the Continuing Authorities Program (CAP) or Watershed Assessments?

Section 1002 only applies to feasibility studies. Studies initiated under the Continuing Authorities Program and Watershed Assessments should continue per current guidance.

How does this guidance apply to studies in the FY15 Work Plan that are resummptions? We have a Feasibility Cost Sharing Agreement (FCSA) signed and a 3x3 compliance memorandum.

You should move out as outlined in your 3x3 compliance memorandum. You have a signed agreement and should proceed.

Feasibility Cost Sharing Agreements, Project Management Plans and Review Plans

Studies could benefit from having some funding to negotiate the FCSA and establish the Project Management Plan before the clock starts. Has that been considered?

Congress was clear that there is no analysis to be done prior to the signed FCSA. We tried many ways of looking at this issue, but this is the only way forward we found. We are going to make available as many tools and resources as we can – from a model FCSA to a PMP template to resources to help with that initial scoping.

Did we correctly hear that the effort to determine Federal Interest and willing non-Federal sponsor still must be completed prior to signing the FCSA? What funding is used for that?

Yes, that is correct. No studies should be included in the budget where the district does not have a high level of confidence in having a willing non-federal sponsor and a strong indication of federal interest. Districts will have some special investigations funding available to assist with budget development.

Do you have any guidance on when to “start the clock” and sign the FCSA for the FY15 New Starts?

For Districts that are already working with sponsors, we would advise looking at when they are going to have their funds available and setting FCSA execution around that date. You don't want to start the clock if your sponsor isn't quite ready to start yet, because the FCSA starts the three years of the 3x3 rule. Because of the timing of the Work Plan, we do expect we will see some carryover into the next FY because some studies won't execute a FCSA until August or September. The key will be to ensure that everybody is informed and on board with that. If you are going to be ready to sign a FCSA next month, let us know what we can do to help you be ready for that.

Has the new model FCSA been socialized or with nonfederal sponsors?

It hasn't, but the changes to it - except for taking out the requirement for the PMP – are not significant and we do not expect push-back or concern from non-federal sponsors due to those changes. The challenge for Districts is communicating with sponsors ahead of time to raise the level of comfort with signing a FCSA that has limited detail on the scope of activities. It can be reassuring that the agreement is it for a limited time / amount of money. We also recognize that both parties carry some risk – if we begin the study and we realize there is not federal interest, the Corps or the sponsor can terminate the agreement. The preparation to execute a FCSA should be easier because you're not trying to negotiate a very specific level of detail on a project you don't have that much information on yet. The FY15 new starts have \$5000 of Special Investigations funding for these conversations.

Will the changes under WRRDA Section 1032 that provides credits for US Territories be included in the model FCSA?

Yes, that should be reflected in the updated model.

When do you think the updated model FCSA will be available?

The new model feasibility cost sharing agreement is under development and will be finalized once remaining policy issues are resolved. The content revisions are fairly minor – using a base of a 3 year study / \$3million (cost shared) and removing references to a completed Project Management Plan, but we are changing the structure substantially to streamline the document. If you are one of the 10 FY15 New Starts and you and your sponsor are ready to proceed with signing a FCSA, please do not proceed to execute a FCSA until we have provided you with the new model agreement. If you are one of these 10 FY15 new starts and you and your sponsor are ready to go, please coordinate with HQ and we will do what we can to expedite and assist. If you are one of the FY14 New Starts that is coming out of recon, you can use the existing model and do not need to wait for the updated FCSA. **Please note this response has been updated since the webinar regarding direction on using the existing FCSA for FY15 new start studies.**

One of our districts has a FCSA package, including a Project Management Plan (PMP) and 3x3 compliance memo ready for MSC review and approval. Should we proceed or wait for the new model FCSA?

If you are ready to go and are not one of the FY15 new starts, please proceed.

Will the model FCSA be more flexible in determining Work In Kind crediting given a PMP isn't the basis for the budget estimate?

This new streamlined FCSA is intended to allow for quick execution by the parties to get the study underway, with the details on the scope of activities to be worked out, and documented in a PMP, by the parties after FCSA execution. The challenge for Districts is communicating with sponsors ahead of time to raise the level of comfort with signing a FCSA that has limited details. Risk associated with signing the FCSA is lessened insofar as the study may be terminated at any point by either party. The FY15 new starts have \$5000 of Special Investigations funding for these communications.

Will non-federal sponsors be able to contribute work-in-kind prior to having the PMP in place?

Work in kind for credit may be undertaken by the sponsor once the PMP, which should be undertaken promptly, is finalized. Otherwise, there is unnecessary risk that the sponsor will start work that is not within the scope of the study.

When is the Review Plan required to be completed, if funding isn't available until after the FCSA is signed?

For new start studies, the Review Plan and Project Management Plan should be completed before the Alternatives Milestone.

What coordination has been done with the PM Community?

They are a critical link, both here at HQ and out in the field. As we have developed a PMP template for studies to use, we have been working with the PM community and PM here at HQ to make sure that they are aligned about what we're talking about, schedules, integration with P2, etc. There is more that needs to be done, but we're making progress.

Elements / Milestones in a Single-Phase Study

How do charettes fit into this single phase project schedule?

The value of a charette can be even greater in a single-phase study. Gathering the non-federal sponsors, other federal agencies, key stakeholders involved in the study and the PDT together *early in the study* for scoping activities, identifying data sources and gaps, problem identification, etc. can provide a valuable jump start to your study and inform the development of the study's Project Management Plan. A charette is not a required process step for a feasibility study, but it can be very useful.

Budget Development

Can you describe the reference to special investigations funding for budget development?

During the budget development process, each District will have \$25K in their special investigations account to screen the studies in their region that are being considered for proposal as new start studies in the FY17 budget. The group of studies that the District / MSC sends up to Headquarters should be the studies that have authority, a willing sponsor, the information available to support them throughout the process, etc.. This is similar to the budget development process followed last year.

What is the role of the new Report to Congress with study proposals; should we reach out to those potential sponsors in the budget development process?

The "Report to Congress on Future Water Resources Development" is a new report to Congress established under WRRDA section 7001 that provides Congress with a list of studies out there that need authorization in order to move forward. If a study hasn't been authorized yet, they wouldn't be considered in the budget development process. However, some of the proposals submitted do already have study authority (they would be included in the appendix); in that case you can work with the potential sponsor and the materials they submitted as part of the call for proposals in consideration of future budgets. The report and full list of proposals is online at <http://www.usace.army.mil/Missions/CivilWorks/ProjectPlanning/LegislativeLinks.aspx>