

USACE Civil Works Legislative and Policy Updates Affecting the Texas Coast

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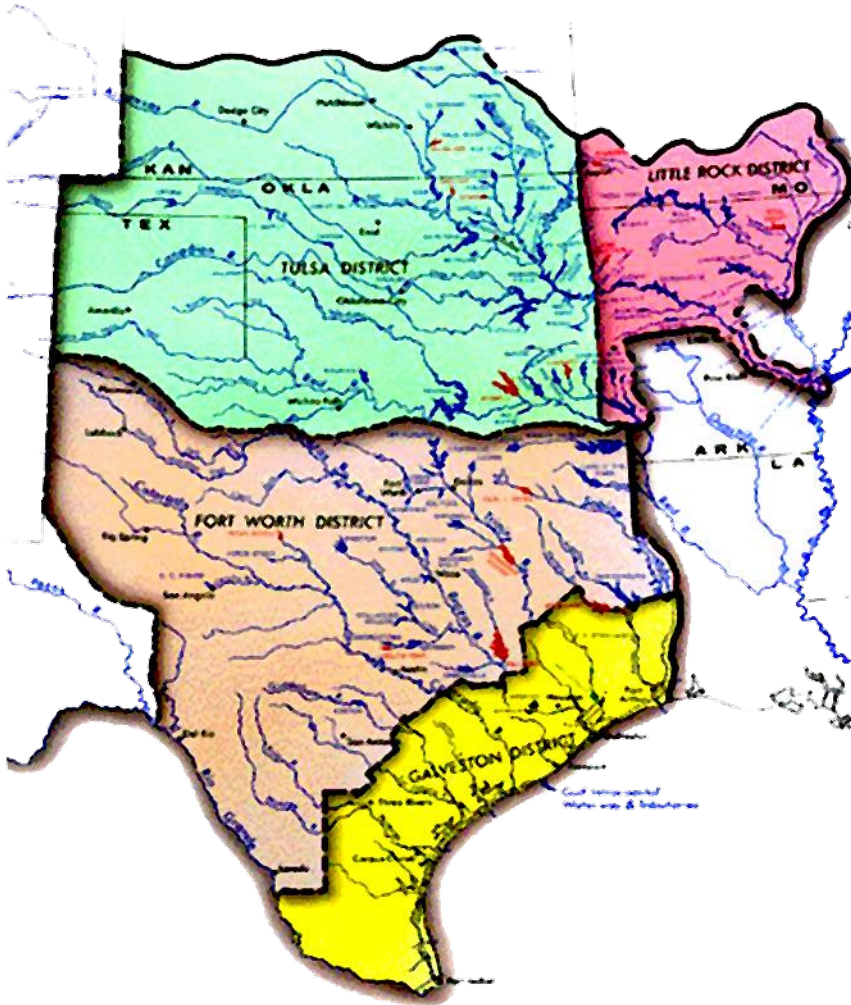
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Overview



- **FY17/18 Budget**
- **Key Executive Orders**
- **WRDA Implementation Guidance**
- **Policy Updates**



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Fiscal Year 2017/2018 Budget and Work Plan

Accounts	President's Budget National (SWD)	Work Plan National (SWD)
Fiscal Year 2017		
GI	\$85 million (\$6.1M)	\$32 million (\$4.2M)
CG	\$1.09 billion (\$13.3M)	\$805 million (\$37.9M)
O&M	\$2.7 billion (\$400M)	\$456 million (\$39M)
Total	\$4.6 billion (\$419.4M)	\$1.29 billion (\$81.1M)
Fiscal Year 2018		
GI	\$86 million (\$6.6M)	TBD
CG	\$1.02 billion (\$16.5M)	TBD
O&M	\$3.1 billion (\$450M)	TBD
Total	\$5 billion (\$473.1M)	TBD

Status of Appropriations: FY18 Appropriations bill from Congress not yet complete.



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Key Executive Orders

- **Fixing America's Surface Transportation ACT (FAST) 41:**
 - Effort to modernize Federal Government's role in the environmental permitting and review of proposed infrastructure projects
 - Encourages predictability, transparency, and improved coordination

- **Waters Of The United States (WOTUS):**
 - Final Rule updating Clean Water Act issued in 2015
 - February 2017 E.O. requires review of the rule
 - Comments currently due by August 28, 2017



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SWG Specific Provisions-Completed:

- **Section 1205: Texas Coastal Area**
- **Section 1312: Texas City Ship Channel, Texas City, Texas**
- **Section 1318: Cameron County, Texas**
- **Section 1401: Project Authorizations- Brazos Island Harbor and Houston Ship Channel, Modification**

Enterprise Provisions Applicable to SWG- Under Review:

- **Section 1122: Beneficial Use of Dredge Material**



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WRDA/POLICY UPDATES

WRRDA 2014 Section 1014(a): Studies of Water Resources Development Projects by Non-Federal Interest-Completed and incorporated into ER 1165-2-209 (dated February 4, 2016)

- Authorizes non-Federal interest to undertake feasibility studies of proposed water resources development projects for submission to the Secretary of the Army.

WRRDA 2014 Section 1014(b) and WRDA 2016 Section 1127: Non-Federal Construction of Authorized Flood Damage Reduction Projects-Completed and incorporated into ER 1165-2-504 (dated July 12, 2017)

- Authorizes non-Federal interest to undertake construction of certain water resource development projects.



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WRDA/POLICY UPDATES

- **EC 1165-2-216** (issued July 2014, expires 30 Sep 2017): Gives direction to consolidate and provide one comprehensive policy and procedural document for processing specific Section 408 requests.
- **Interim Guidance Memo** (dated June 16, 2017): Revision to the guidance found in Paragraph 6.c of EC 1165-2-216 and is incorporated into Section 408.
- **Section 1156: Structures and Facilities Constructed by Secretary-Complete**
 - Clarifies the applicability of the procedures for complying with Section 408 for USACE project that occur within navigable waters for more consistent implementation of the EC nationwide.



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POLICY UPDATES

- **ER 1105-2-101** (dated July 17, 2017): provides updates to policy guidance on risk assessment requirements for flood management studies including but not limited to feasibility studies, post-authorization changes, general reevaluation studies, dam and levee safety studies, and major rehabilitation studies.
 - **Risk Framework:** Focuses on three key areas
 - Risk Assessment
 - Risk Communication
 - Risk Management



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POLICY UPDATES

Planning Milestones



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CECW-ZB

JUN 21 2017

MEMORANDUM FOR MAJOR SUBORDINATE COMMANDS, AND DISTRICTS

SUBJECT: Further Advancing Project Delivery Efficiency and Effectiveness of USACE Civil Works

1. Beginning 1 July 2017, this office will embark on a comprehensive organizational review of current authorities, policies, regulations, and procedures. The desired outcome is to identify opportunities for enhanced project delivery and increased organizational efficiency and effectiveness by reducing redundancies and delegating authority for decision making to the most practical and appropriate level. As a world class organization, we are committed to reliably delivering the best quality projects and services on time, and within budget. To do so, we must fully implement our Project Management doctrine, recognize risk and uncertainties, and develop mitigation strategies that allow us to accept appropriate levels of risk to improve project delivery. As part of the Civil Works strategy, I intend to operationalize risk-informed decision making at all levels in the organization, and then I expect discipline in documenting these decisions at the appropriate level. The following five paragraphs capture the key lines of effort that I expect us all to advance.

2. **Embrace and Operationalize Risk-Informed Decision Making.** We must change our behavior regarding risk management across Civil Works and in our policies, analytical approaches and models, priorities, and dialogue with sponsors and communities. Civil Works will undertake the following steps to develop a more comprehensive understanding and application of risk-informed decision making and project delivery across the agency:

a. Publish an Engineer Circular entitled *USACE Risk Framework*. This document will establish common principles for assessing, managing, and communicating risk. It will articulate principles and practices that ensure the consideration and application of risk and uncertainty to Civil Works activities and decisions;

b. Require functional areas and programs to develop risk-informed decision making processes for key decisions; and

c. Require all levels of the organization to embrace risk-informed decision making as a key component of project delivery in our day-to-day business in Civil Works. To support these efforts, Civil Works will undertake the following activities:

C. Discontinue Civil Works Review Boards (CWRB), effective immediately.

D. Develop guidance to replace CWRB processes consistent with SMART Planning and risk-informed decision making concepts.



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POLICY CHANGE

Relocations and Removals of Utilities

- Policy Guidance Letter 44 (PGL-44) issued in 1995 is currently being revised to be consistent with law. Revised guidance will not be applied retroactively.
 - Revises the definition of utilities to include all pipelines, cables, or related facilities (public or private) located in navigable waters of the U.S.
 - The Corps can exercise the navigation servitude to compel relocations, if requested by the sponsor and both the sponsor and State lack authority to require the owners to relocate. (The State has to join in the request by the sponsor.)
 - Sponsors may be legally obligated to pay relocation costs and are entitled to credit for such costs towards the additional cash payment of 10 percent of the cost of General Navigation Features.



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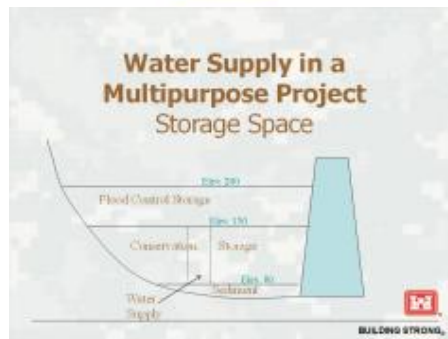
Questions?



Freeport Harbor- Texas



Dewey Short Visitor Center, Table Rock Lake



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