



Agency Specific Procedures for the Principles, Requirements and Guidelines Proposed Rule Action



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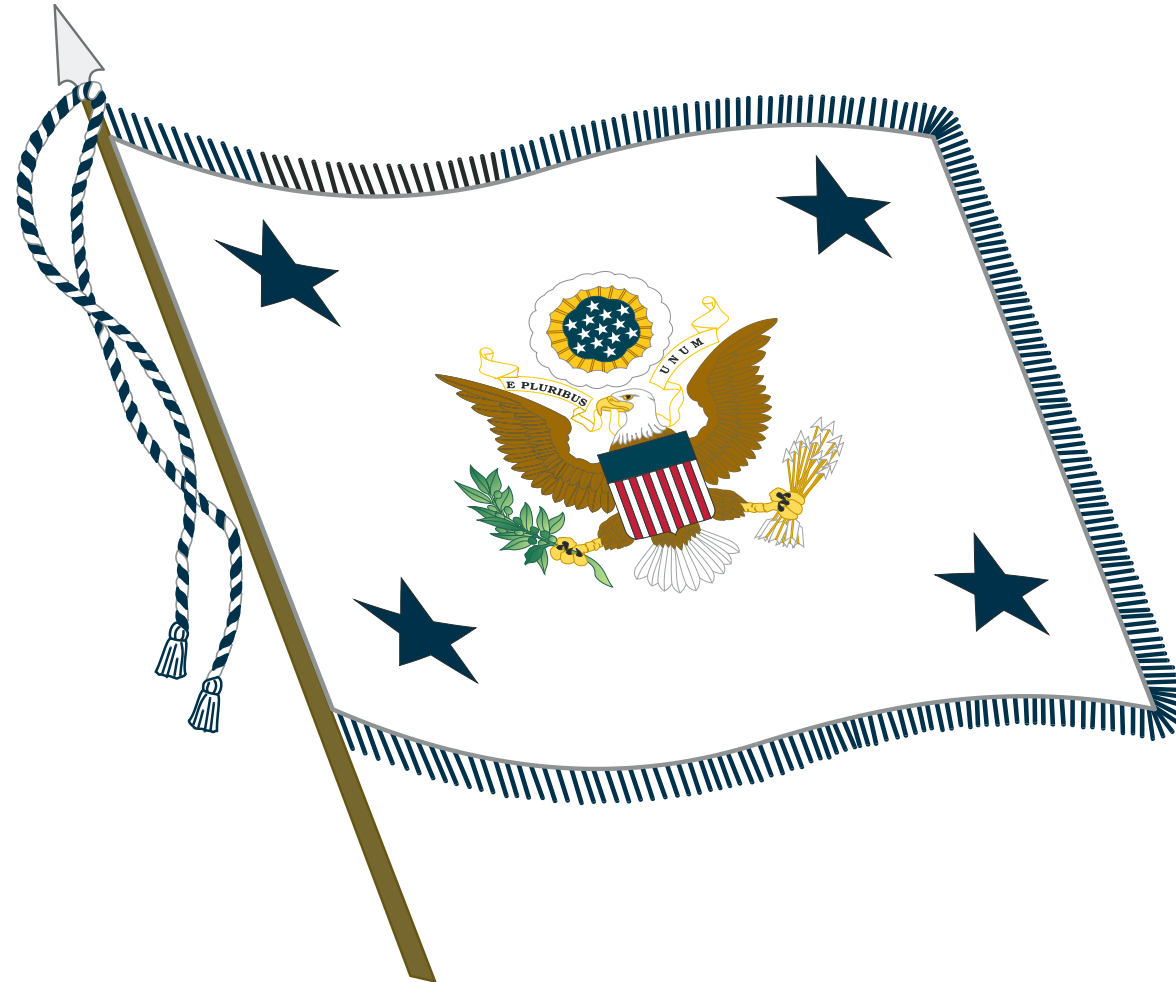
The slides and recording for this meeting will be posted to Army’s webpage (<https://www.army.mil/asacw>).



Agency Specific Procedures for PR&G Proposed Rule



Webinar February 26, 2024





Meeting Format and Ground Rules



- This meeting is open to the public.
- The objective of today's meeting is to:
 - Provide a brief overview of the proposed rule action to establish agency specific procedures (ASPs) to implement the principles, requirements and guidelines (PR&G).
 - Hear feedback from the public regarding the proposed action.
- If you have any clarifying questions, please send them to:
usarmy.pentagon.hqda-asa-cw.mbx.asa-cw-reporting@army.mil.
- The overview meeting slide deck includes the following slides and has been posted on the Army's website: <https://www.army.mil/asacw>.



Meeting Format and Ground Rules



- After the opening presentation, anyone participating who would like to speak may use the raise their hand feature and will be called upon to provide remarks.
- There will be a five-minute waiting period where if no additional attendees request to speak, we will conclude the meeting early.
- Comments provided during today's session are equally weighted with any written comments provided to the docket.



ASA(CW) Mr. Connor Welcome



Michael Connor, Army Civil Works

UNCLASSIFIED



Agenda



1. Background on the PR&G
2. Overview of Previous Comments
3. Overview of Proposed Rule for the ASPs
4. How to Submit Comments
5. Comments from the public



Background and History



- Rivers and Harbors Appropriations Act of 1903
 - Benefits in relation to costs
- The Flood Control Act of 1936
 - Benefits to whomever they may accrue are in excess of the estimated costs
- Water Resources Planning Act of 1965
 - Multi-objective planning
- Principles and Standards for Planning Water and Related Land Resources (P&S) of 1973
 - Enhance national economic development and enhance the quality of the environment



Background and History



- 1983 Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies (P&G).
 - Four accounts: National economic development (NED) (**required**), regional economic development (RED), environmental quality, and other social effects (OSE).
 - Four criteria: completeness, effectiveness, efficiency, and acceptability.



Background and History



- Section 2031 of the Water Resources Development Act of 2007 National Water Resources Planning Policy
 - Reflect national priorities, encourage economic development, and protect the environment by:
 - 1) seeking to maximize sustainable economic development;
 - 2) seeking to avoid the unwise use of floodplains; and,
 - 3) protecting and restoring the functions of natural systems and mitigating any unavoidable damage to natural systems.
- Section 2031 of WRDA 2007 also called for revisions to the 1983 P&G



Background and History



- Council on Environmental Quality issues the Principles, Requirements and Guidelines (PR&G) in 2014:
 - 1) Principles and Requirements for Federal Investments in Water Resources (P&R)
 - 2) Interagency Guidelines (IG)
 - 3) agency specific procedures (ASPs)
- Section 110 of the Water Resources Development Act of 2020 (WRDA 2020)



Comparison Summary of PR&G vs Current P&G



	1983 P&G	PR&G
Affected Federal Entities	USACE, Tennessee Valley Authority, Bureau of Reclamation, Natural Resource Conservation Service	USACE, TVA, Dept of Interior, Dept of Agriculture, Dept of Commerce, Environmental Protection Agency, Federal Emergency Management Agency
Scope of Application	Studies	Water resource investments
Activity Types and Suggested Threshold Criteria for Analysis	Studies, with no cutoffs or exclusions	Projects, Plans, and Programs with cutoffs provided for exclusions, scaled, and full analysis
Federal Objective	Contribute to the National Economic Development (NED) consistent with protecting the environment	Maximization of public benefits (environmental, social, and economic)
Decision Criteria	National Economic Development plan	Maximize public benefits relative to public costs using applicable selection criteria specific to the agency and consistent with PR&G



Modernize Civil Works Comments



- Federal Register Notice on Modernization of Army Civil Works in June 2022.
- Generally supportive comments on development of ASPs
- Consider a broader set of benefits
- More fully incorporate certain concepts into water resources planning process



Outline of Corps ASPs



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1. General – references and statutory requirements
2. Definitions
3. Exceptions – rare occurrence; requires ASA(CW) approval
4. Objectives and Applicability
5. Level of analysis
6. Planning process
7. Evaluation framework
8. Final array of alternatives
9. Evaluate effects of alternatives
10. Compare alternatives
11. Select the recommended plan



234.2 - Definitions



- Acceptability*
- Adaptive management*
- Completeness*
- Effectiveness*
- Efficiency*
- Federal investment
- Federal objective*
- Indigenous knowledge
- Nature-based alternatives
- Non-federal interest
- Nonstructural alternative
- Nonstructural approaches*
- Public benefits*
- Regulatory*
- Resilience*
- Sustainable*
- Tribal Nation
- Unwise use of floodplain*
- Watershed*

* Are from PR&G

Underlined definitions have specific solicitations of comment in the preamble



234.4(b-c) – Objectives and Net Public Benefits



- Goal of the regulation
 - Common framework.
 - Transparency and consistency.
 - Applicability of PR&G to Corps missions and authorities.
 - Incorporation of the Guiding Principles in planning framework.
- Strive to maximize public benefits, with appropriate consideration of costs
 - Encompass environmental, economic, and social goals
 - Monetary and non-monetary effects
 - Quantified and unquantified measures
- Solicit comment on specific tools or methods to assist in implementation.



234.4(d) - Applicability



- Congressionally approved feasibility studies
- General re-evaluation reports
- Major rehabilitation reports
- Continuing Authorities Programs
- Significant changes to operations through re-allocation studies or Section 216 of the Flood Control Act of 1970
- Any other project or program not otherwise excluded under the regulation



234.4(d) - Exclusions



- Regulatory actions (e.g., permit decisions)
- Real estate actions
- Technical Assistance Programs (Planning Assistance to States, Floodplain Management Services programs)
- Section 14 of Rivers and Harbors Act of 1899 (Section 408) program
- Emergency actions and PL 84-99 program (emergency preparedness, response, and recovery)
- Corps Water Infrastructure Finance and Innovation Act Program (CWIFP)
- Environmental Infrastructure projects
- Land management plans
- Operations and maintenance activities (consistent with the original project authorization)
- International and Interagency Support and Support for Others actions
- Research or monitoring activities
- Projects, programs, or plans that meet the threshold criteria for exclusion in the proposed regulation (routine investments and have inconsequential effects on water resources)
- As determined by the Assistant Secretary of the Army for Civil Works



234.5 - Level of Analysis



- Two levels of analysis: “standard” and “scaled”
 - Level of analysis commensurate with the scope and magnitude of proposal and significance of the Federal investment.
- Standard: New or significantly modified actions considering cost and significance of effects. Comprehensive analysis.
- Scaled: More limited in scope where there is low risk/low cost, minimal consequences.

- Thresholds are provided in the proposed regulation.



234.5 –Table 1 - Monetary Threshold Criteria



Type of Activity	Federal Investment (\$M)	Annual Appropriations or Plan Development Costs (\$M)	Level of Analysis
Projects	>20	--	Standard analysis
	10 - 20	--	Scaled analysis
	<10	--	Excluded
Programs	--	>100	Standard analysis
	--	50 - 100	Scaled analysis
	--	<50	Excluded
Individual Plans	--	>50	Standard analysis
	--	10 - 50	Scaled analysis
	--	<10	Excluded



234.6 - Planning Process



- Series of steps that identifies or responds to water resource problems and opportunities, as well as specific Tribal, state, and local concerns.
- Orderly and systematic approach.
- Iterative.
- Investment advice in the form of a recommended plan(s) maximizing net public benefits.
- Integration.



234.6(c) - Guiding Principles



- Environmental justice
- Floodplains
- Healthy and resilient ecosystems
- Public safety
- Sustainable economic development
- Watershed approach



234.6(d) – Collaboration

234.6(e) – Investigations and Data Collection



- Collaboration:
- Robust engagement and transparency throughout the planning process, starting at the earliest phase.

- Investigations and Data Collection:
- Early and ongoing in the planning process.
- Relevant to the planning objectives and constraints.
- Leverage and incorporate information from a wide variety of sources.



234.6(f) – Identify Problems, Needs, and Opportunities

- Clear definition of water resources challenges.
- Describe the plans for stakeholder involvement.
- Include a discussion of the social and cultural context of the region and resources.
- Identify purpose of study, Federal role, and perspectives.



234.6(g) – Inventory and Forecast



- Summary of economic, environmental, and social setting within the study area.
- Forecast Future Conditions - identification of future conditions across alternatives.
- Without-project condition - the most likely condition expected to exist in the future over the period of analysis in the absence of the project or program under consideration.
- With-project condition - the most likely condition expected to exist in the future, over the period of analysis, with a specific project or program in place.
- Period of analysis – traditional 50 years or something different?



234.6(h) – Formulate Alternatives



- Alternatives should:
 - Meet the goal and objective of the project to solve the water resource challenge as authorized.
 - Achieve Federal objective and follow the Guiding Principles.
 - Be feasible.
 - Strive to achieve economic, environmental, and social goals.
 - Have consistent period of analyses.
 - May include actions beyond the missions of the Corps.
 - Justify project purpose.



234.7 - Evaluation Framework



- Economic, environmental, and social effects
- Best available actionable science and commensurate level of detail
- Risk and uncertainty
- Adaptive management



234.7 – Evaluation Framework



- Climate change and water availability, water use, and resilience
- Nonstructural and nature-based solutions
- Tribal treaty rights
- State water law
- International obligations
- Timing



234.8 - Final Array of Alternatives



- The final array of alternatives shall include, at a minimum, the following:
 - (1) A no action alternative
 - (2) A nonstructural alternative
 - (3) A nature-based solution alternative
 - (4) An environmentally preferred alternative
 - (5) An alternative that seeks to maximize net public benefits
 - (6) A locally-preferred alternative
- The same alternative may meet more than one category



234.9 - Evaluate Effects of Alternatives



- Consideration of costs and benefits
 - Economic, environmental, and social
- Evaluation tools and methods
- Benefits to Tribal Nations



234.10 - Compare Alternatives



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- Engagement
- Tradeoffs
- Displays
- Risk and uncertainty



234.11 - Select the Recommended Plan



- Recommend a decision to either: 1) implement an alternative, or 2) take no Federal action
- Federal investments should seek to maximize net public benefits, as measured by economic, environmental, and social costs and benefits to the Nation
- Plan selection requires decision-makers to assess tradeoffs and to consider the extent of both monetized and non-monetized effects
- Transparency
- Exceptions



Comments on Proposed Rule



- Public Comment Period open until **April 15, 2024**
- How to Submit Comments:
- *Identify comments by docket number COE–2023–0005 and/or RIN 0710–AB41 and use any of the following methods:*
 - **Federal eRulemaking Portal:** <http://www.regulations.gov>
 - Follow the online instructions for submitting comments.
 - **Email:** stacey.m.jensen.civ@army.mil
 - Include the docket number, COE–2023–0005, in the subject line of the message.
 - **Mail:** 108 Army Pentagon, Room 3E474
Attn: Stacey M. Jensen
Washington, DC 20310-0108



Comments



How to Request to Speak



- If you would like to speak, please raise your hand.
 - On a computer (or mobile device), select the **Reactions** button then click on “**Raise Hand**”
 - If you called in, you may also press *9 on your phone to raise your hand.
- When it is your turn to speak, I will call on you by using your name or phone number.
- At that time, you can unmute yourself by pressing the unmute button on your screen or dialing *6 on your phone.
- Please feel free to turn on your video while you are speaking.
- For technical issues, please use the chat function.



This meeting has ended

Thank you for participating!