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April 30, 2025

U.S. Army Corps of Engineers  
ATTN: Ms. Amy Frantz  
CEW-P, U.S. Army Corps of Engineers, 3F91  
441 G St. NW  
Washington, DC 20314

Submitted by email: WRDA 2024 Implementation guidance, Docket ID No. COE-2024-0004

Dear Ms. Frantz:

Membership of the Interstate Council on Water Policy (ICWP) encompasses state, local, regional and interstate water resources management agencies from across the country. Our members are eager to work with the U.S. Army Corps of Engineers (USACE) to implement the Water Resources Development Act (WRDA) of 2024 (Public Law No. 118-272).

Our members either act as, or work with, non-Federal sponsors of many important USACE water resource projects that provide numerous benefits to communities nationwide made possible by WRDA authorization. WRDA 2024 includes important provisions for our membership that address structural barriers that are currently presented by USACE Project Partnership Agreement (PPA) requirements.

WRDA 2024 directs the Government Accountability Office (GAO) to conduct analysis for the potential reform of USACE PPA requirements related to indemnification and operation, maintenance, repair, replacement, and rehabilitation (OMRR&R). At the result of the analysis, the GAO is directed to provide Congress with recommendations for any changes that may be needed to existing law or policy of the Corps of Engineers.

The PPA analysis provisions in WRDA 2024 are a crucial step toward improving channels for non-Federal sponsor participation in USACE water infrastructure projects. ICWP stands ready to connect USACE and the GAO with states and non-federal partners to better understand the issues with current PPA indemnification and OMRR&R requirements. We are also available to provide information about specific project examples impacted by PPA inequities and work with USACE to explore policy alternatives within the agency's authority.

As USACE prepares implementation guidance for WRDA 2024, ICWP recommends for execution of Section 1244 "GAO Studies" that the Secretary of the Army:

- Consult with states, interstate water organizations and other non-federal project sponsor entities to evaluate policy alternatives within USACE's authority to amend PPA indemnification and OMRR&R requirements.
- Compile findings from the evaluation and supply a report to GAO by December 2025.

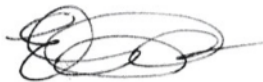
Additionally, ICWP's members value opportunities to enhance our partnerships with USACE to deploy resources authorized by WRDA. Section 1101 of WRDA 2024 builds upon this concept by directing USACE to: 1) conduct outreach that ensures that potential non-federal interests are aware of the roles, responsibilities and financial commitments associated with projects, including OMRR&R and 2) establish a community project advisor at each district and division office of USACE for inquiries about USACE authority and other responsibilities.

While these directives are a positive step toward enhancing transparency and collaboration between USACE and non-federal interests, ICWP recommends that USACE make use of state and local knowledge when tailoring its outreach in WRDA implementation. As such, ICWP recommends Section 1101 to be satisfied by:

- Directing community project advisors to consult with states, interstate water organizations and other non-federal interests within their district to evaluate qualitative science and research to identify stakeholders when conducting outreach to stakeholders and communities served by WRDA-authorized projects.

ICWP is eager to assist USACE to facilitate PPA reform and aid non-Federal sponsor participation in USACE water infrastructure projects and programs authorized by WRDA 2024. Doing so will leverage non-Federal investments in support of local, regional, and national water resource goals. We are committed to remaining a constructive partner with USACE as we chart a shared path forward on this issue and look forward to working with you.

Sincerely,



Beth Callaway  
ICWP Executive Director

CC: Robyn Colosimo, Deputy Assistant Secretary of the Army for Project Planning and Review  
Joe Redican, Deputy Chief, Planning and Policy Division, USACE