



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

CECW-CO

01 December 2025

MEMORANDUM FOR COMMANDERS, MAJOR SUBORDINATE COMMANDS AND  
DISTRICT COMMANDS, CHIEFS, OPERATIONS DIVISIONS

SUBJECT: Policy Guidance for Section 1153, Challenge Cost-Sharing Program for the Management of Recreation Facilities, of the Water Resources Development Act of 2024 (WRDA 2024)

1. Purpose. The purpose of this memorandum is to provide policy guidance for Section 1153 of WRDA 2024. Section 1153 authorizes the Secretary to enter into agreements with private nonprofit entities to collect and retain user fees for the use of developed recreation sites and facilities and reinvest collected fees at the site where collected. Section 1153 reference is enclosed (Enclosure 1).

2. References.

- a. Water Resources Development Act of 2024, Section 1153, P.L. 118-272.
- b. Water Resources Development Act of 2016, Section 1155, P.L. 114-322.
- c. Water Resources Development Act of 1992, Section 225, P.L. 102-580, as amended (33 U.S.C. 2328).

3. Policy Overview. This policy update to the Partnership Program is effective immediately and will be incorporated into ER 1130-2-500, "Project Operations – Partners and Support" Chapter 14 when revised. All other procedures in Chapter 14 will be followed with the addition of guidance under Section 5 of this memorandum.

a. Section 1153 expands the authority provided by Section 1155 of WRDA 2016 to include private nonprofit entities to enter into challenge cost-sharing cooperative management (CCSCM) agreements for recreation fee areas.

b. This section also allows partners in jointly managed areas full use of the visitor reservation service provided for by contract or interagency agreement and allows the transfer of user fees received by the reservation service, to the non-Federal public or private nonprofit entity pursuant to the CCSCM agreement.

4. Applicability. This memorandum applies to all USACE commands having responsibilities for civil works functions.

## 5. Implementation.

a. As further amended by Section 1153 of WRDA 2024, MSCs may expand agreements from only non-federal public entities to include private nonprofit entities under Section 225 of WRDA 1992 (33 USC 2328). These entities are described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code.

b. The agreement may include the collection and retention of user fees for the use of developed recreation sites and facilities, whether developed or constructed by such entities that the non-federal public entity, private nonprofit entity or the DA, and reinvestment of collected fees at the site at which the fees are collected.

c. Sections 1155 of WRDA 2016 and 1153 of WRDA 2024 further authorized participating non-federal public entities and private nonprofit entities, hereafter, 'eligible entities' as further defined to use any visitor reservation service that the Secretary of the Army has provided for by contract or interagency agreement.

d. CCSCM Agreements are limited to an initial term of ten years, plus the allowance of an additional 5 option years without the need for further competition. The parties must execute option years within thirty days of the termination date of the initial term or previous option period.

e. In the event the CCSCM Agreement is terminated, the areas that were co-managed will be assessed in accordance with applicable guidance to determine if they can be operated without increasing overall O&M costs, or for consideration for closure or alternative operational changes.

f. Prior to a partner providing or USACE accepting any goods or services under a CCSCM Agreement, the parties must develop a mutually agreed-on Partner Operations Plan (POP), including a two-year budget that outlines the respective operations, management, maintenance, administration, and development activities consistent with the project Master Plan. POPs and any modifications thereto must be approved in writing by the designated partner representative and the MSC Operations Chief, who will coordinate with HQUSACE Natural Resources Branch for concurrence before enactment.

6. Point of Contact. My point of contact is Ms. Heather Burke, National Partnership Program Manager, who may be reached at (678) 972-3824.

Encl

STEPHEN. L. HILL, PMP, SES  
Director, Operations and Regulatory  
Programs

## ENCLOSURE 1

### WRDA 2024 Section 1153

#### SEC. 1153. CHALLENGE COST-SHARING PROGRAM FOR MANAGEMENT OF RECREATION FACILITIES.

Section 225 of the Water Resources Development Act of 1992 (33 U.S.C. 2328) is amended—

(1) in subsection (b)—

(A) by striking “To implement” and inserting the fol-

(B) in paragraph (1) (as so designated), by striking “non-Federal public and private entities” and inserting “non-Federal public entities and private nonprofit entities”; and

(C) by adding at the end the following:

“(2) REQUIREMENTS.—Before entering into an agreement under paragraph (1), the Secretary shall ensure that the non-Federal public entity or private nonprofit entity has the authority and capability—

“(A) to carry out the terms of the agreement; and

“(B) to pay damages, if necessary, in the event of a failure to perform.”;

(2) by striking subsection (c) and inserting the following:

“(c) USER FEES.—

“(1) COLLECTION OF FEES.—

“(A) IN GENERAL.—The Secretary may allow a non-Federal public entity or private nonprofit entity that has entered into an agreement pursuant to subsection (b) to collect user fees for the use of developed recreation sites and facilities, whether developed or constructed by the non-Federal public entity or private nonprofit entity or the Department of the Army.

“(B) USE OF VISITOR RESERVATION SERVICES.—

“(i) IN GENERAL.—A non-Federal public entity or a private nonprofit entity described in subparagraph (A) may use, to manage fee collections and reservations under this section, any visitor reservation service that the Secretary has provided for by contract or inter-agency agreement, subject to such terms and conditions as the Secretary determines to be appropriate.

“(ii) TRANSFER.—The Secretary may transfer, or cause to be transferred by another Federal agency, to a non-Federal public entity or a private nonprofit entity described in subparagraph (A) user fees received by the Secretary or other Federal agency under a visitor reservation service described in clause (i) for recreation facilities and natural resources managed by the non-Federal public entity or private nonprofit entity pursuant to a cooperative agreement entered into under subsection (b).

“(2) USE OF FEES.—

“(A) IN GENERAL.—A non-Federal public entity or private nonprofit entity that collects a user fee under paragraph (1)—

“(i) may retain up to 100 percent of the fees collected, as determined by the Secretary; and

“(ii) notwithstanding section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460d–3(b)(4)), shall use any retained amounts for operation, maintenance, and management activities relating to recreation and natural resources at recreation site at which the fee is collected.

“(B) REQUIREMENTS.—The use by a non-Federal public entity or private nonprofit entity of user fees collected under paragraph (1)—

“(i) shall remain subject to the direction and oversight of the Secretary; and

“(ii) shall not affect any existing third-party property interest, lease, or agreement with the Secretary.

“(3) TERMS AND CONDITIONS.—The authority of a non-Federal public entity or private nonprofit entity under this subsection shall be subject to such terms and conditions as the Secretary determines to be necessary to protect the interests of the United States.”; and

(3) in subsection (d)—

(A) by striking “For purposes” and inserting the following:

“(1) IN GENERAL.—For purposes”; and

(B) by striking “non-Federal public and private entities. Any funds received by the Secretary under this section” and inserting the following: “non-Federal public entities, private nonprofit entities, and other private entities.

“(2) DEPOSIT OF FUNDS.—Any funds received by the Secretary under this subsection”; and

(4) by adding at the end the following:

“(e) DÉFINITIONS.—In this section:

“(1) NON-FEDERAL PUBLIC ENTITY.—The term ‘non-Federal public entity’ means a non-Federal public entity as defined in the memorandum issued by the Corp of Engineers on April 4, 2018, and titled ‘Implementation Guidance for Section 1155, Management of Recreation Facilities, of the Water Resources Development Act (WRDA) of 2016, Public Law 114–322’.

“(2) PRIVATE NONPROFIT ENTITY.—The term ‘private non-profit entity’ means an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code.”.