

# IMPLEMENTING ECOSYSTEM RESTORATION PROJECTS IN CONNECTION WITH DREDGING

## Section 204 of the Water Resources Development Act of 1992



Approximately 38 million cubic yards of uncontaminated dredged material removed from the southern approach channels of the Baltimore Harbor and Channels Federal navigation project will be used to restore 1,110 acres of wetland and upland habitat at Poplar Island (shown). Restoration of the island will result in the creation of approximately 450 acres of low marsh, 100 acres of high marsh, and 550 acres of upland habitat while providing an environmentally sound use for dredged material.

**Authority and Scope.** Section 204 of the Water Resources Development Act of 1992, as amended, provides authority for the Corps of Engineers to implement projects for the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands, in connection with construction, operation, or maintenance dredging of an authorized Federal navigation project. Although there is no per-project limit, the maximum annual Federal appropriation limit for this authority is \$15 million.

**How to Request Assistance.** The Corps will initiate a preliminary investigation of a potential project after a letter from a prospective sponsoring agency is received. The sponsor must be fully empowered under State law to provide the required local cooperation. A sample letter of request is shown on the reverse side of this paper.

**Funding.** The sponsor is required to contribute 25 percent of the total incremental project costs. The incremental cost is the cost that exceeds the base construction, operation, or maintenance dredging plan. All lands, easements, rights of way, and relocations, (LERR) necessary for construction of the project are the responsibility of the local sponsor. The value of LERR may be credited towards the sponsor's share of project costs.

**Local Cooperation.** Formal assurance of local cooperation must be furnished by a local sponsoring agency, as defined in the letter of request. During the planning phase, the sponsor will be required to demonstrate financial capability to fulfill all items of local cooperation.

## SAMPLE LETTER OF REQUEST

(Type on Letterhead Paper)

(DATE)

District Engineer  
U.S. Army Engineer District, Baltimore  
P.O. Box 1715  
Baltimore, Maryland 21203-1715

Dear Sir:

In accordance with the provisions of Section 204 of the Water Resources Development Act of 1992, as amended, which authorizes the Federal government to implement projects for the protection, restoration, and creation of aquatic and ecologically related habitats in connection with construction, operation, or maintenance of a Federal navigation project, the *[cooperating agency]* makes formal application for a study of *[waterway or locality, County, State]*.

*[Insert paragraph giving a brief description of problem].*

The *[cooperating agency]* understand(s) that the problem will be assessed through the conduct of a feasibility study, the cost of which will be shared between the *[cooperating agency]* and the Corps of Engineers. The *[cooperating agency]* must provide 25 percent of the project cost.

The *[cooperating agency]* can provide the following local cooperation and participation:

1. Provide without cost to the United States all lands, easements, rights-of-way, and relocations (LERR), as determined by the Federal government to be necessary for the construction of the project. The value of LERR will be included in the total project costs and credited towards the sponsor's share of project costs, as defined in the local cooperation agreement.
2. Hold and save the United States free from claims for damages that may result from the construction and subsequent maintenance of the project, except damages due to the fault or negligence of the United States or its contractors.
3. Ensure maintenance and repair of the project during the useful life of the works as required to serve the project's intended purpose, with no additional cost to the Federal government.
4. If the value of the sponsor's contribution above does not exceed 25 percent of the project cost, provide a cash contribution to make the sponsor's total contributions equal to 25 percent.
5. If the value of the sponsor's contribution above exceeds 25 percent of the project cost, the sponsor will be reimbursed for the value of LERR exceeding the non-Federal 25 percent share to make the sponsor's total contributions equal to 25 percent.

*SIGNATURE OF COOPERATING AGENCY*