

SMALL FLOOD CONTROL PROJECTS

Section 205, Flood Control Act of 1948, as amended



A levee/flood wall system was constructed along the North Branch of the Potomac River to prevent flooding at Kitzmiller, Garrett County, Maryland.

Authority and Scope. Section 205 of the Flood Control Act of 1948, as amended, provides authority for the Corps of Engineers to develop and construct small flood control projects. Each project is limited to a Federal cost of not more than \$7 million, which includes all project-related costs for feasibility studies, planning, engineering and design, and construction. Federal flood control projects are designed to alleviate major flooding problems by means of reservoirs, local protection works, or by combinations of both. A local protection project may consist of structural solutions such as channel enlargement, realignment, or paving; obstruction removal; levee and wall construction; and bank stabilization; and/or non-structural solutions such as a flood warning system.

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 35 percent of the total project costs. All lands, easements, rights of way, relocations, and dredged material placement areas (LERRD) necessary for construction of the project are the responsibility of the local sponsor. The value of LERRD may be credited towards the sponsor's share of project costs; however, the sponsor must contribute in cash a minimum of 5 percent of the total project costs for structural solutions.

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 205 of the Flood Control Act of 1948, as amended, which authorizes the Federal government to initiate investigations and studies to be made in the interest of flood control, 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]* understands that the problem will be assessed through the conduct of a feasibility study. The Federal government will pay 100 percent of the costs of the feasibility study up to the Federal funding limit of \$100,000. If the cost exceeds \$100,000, the *[cooperating agency]* can provide 50 percent of the amount in excess of \$100,000. Of this 50 percent share, the *[cooperating agency]* may provide the entire non-Federal share through in-kind services.

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, including suitable borrow and dredged material placement areas (LERRD), as determined by the Federal government to be necessary for the construction of the project. The value of LERRD 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. Prevent future encroachment that might interfere with proper functioning of the project for flood control.
4. Assume responsibility for all costs in excess of the Federal cost limitation of \$7 million.
5. 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.
6. Provide guidance and leadership in preventing unwise future development of the flood plain by use of appropriate flood plain management techniques to reduce flood losses.
7. Provide a cash contribution of 5 percent of the project cost.
8. If the value of the sponsor's contribution above does not exceed 35 percent of the project cost, provide a cash contribution to make the sponsor's total contributions equal to 35 percent.

SIGNATURE OF COOPERATING AGENCY