

AQUATIC ECOSYSTEM RESTORATION

Section 206 of the Water Resources Development Act of 1996



Authority and Scope. Section 206 of the Water Resources Development Act of 1996, provides authority for the Corps of Engineers to carry out aquatic ecosystem restoration and protection projects if the project will improve the quality of the environment, is in the public interest, and is cost effective. Each project is limited to a Federal cost of \$5,000,000. The total program limit is \$25 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 35 percent of the total project costs. 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 206 of the Water Resources Development Act of 1996, which authorizes the Federal government to carry out aquatic ecosystem restoration and protection projects to improve the quality of the environment, 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 investigation will result in the preparation of an Ecosystem Restoration Report, the cost of which will be shared between the *[cooperating agency]* and the Corps of Engineers. The *[cooperating agency]* must provide 35 percent of the project cost. *[Cooperating agency]* may provide its entire share in 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, (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 project 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. Assume responsibility for all costs in excess of the Federal cost limitation of \$5 million.
4. 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.
5. 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