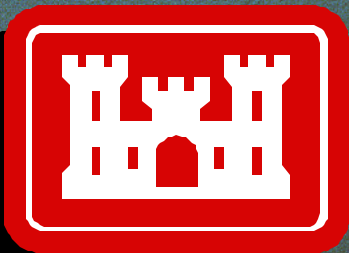


Continuing Authorities Program



**U.S. ARMY CORPS
OF ENGINEERS
DETROIT DISTRICT**

Foreword

This booklet explains how the U.S. Army Corps of Engineers, Detroit District, in partnership with local sponsors, can solve water resource problems and can provide you with technical assistance. The booklet includes an overview of the Detroit District's operation, makeup, and a detailed description of the Corps' **Continuing Authorities Program, and Environmental Restoration Authorities**, which can provide technical planning, design and construction assistance. The Corps of Engineers' services are not limited to those presented in this booklet.

Other programs of high interest to Detroit District customers include:

The Planning Assistance to States Program is authorized by Section 22 of the 1974 Water Resources Development Act. This program authorizes the Corps to use its technical expertise in management of water and related land resources to help States and Tribes solve water resource problems. Upon request, the Corps of Engineers will cooperate with non-federal public sponsors in the preparation of plans for the development, utilization and conservation of water and related land resources located within the boundaries of the State. Assistance is given within the limits of available appropriations, but \$500,000 is the maximum federal funds available annually to any State or Tribe. A 50% cost share is required by the non-federal sponsor.

The Great Lakes Remedial Action Program (RAP), authorized the Corps of Engineers (under Section 401 of the Water Resources Development Act of 1990, as amended), to support the development and implementation of Remedial Action Plans at U. S. Areas of Concern on the Great Lakes. This act enables the Corps to provide technical, planning and engineering assistance to States and local governments. A 50% cost share is required by the non-federal sponsor.

The Support for Others (SFO) Program allows the Corps to provide, on a 100% reimbursable basis, technical support to Federal, State, municipal and Tribal agencies. The Detroit District's expertise has been used extensively by other Federal agencies and many non-Federal customers. This work includes surveys, dredging, assessment and remediation of contaminated sites, real estate acquisition and support, and various planning, engineering and construction services.

If you would like more information, please call the District's Planning, Programs and Project Management Division at (313) 226-3443 or (313) 226-3442, or write to the following address:

U.S. Army Corps of Engineers, Detroit District
ATTN: Planning, Programs and Project Management Division
P.O. Box 1027
Detroit, MI 48231-1027

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Overview of the Detroit District

The Corps of Engineers is the Federal government's largest water resources development agency. Congress assigned the Corps this civil works responsibility in an effort to conserve the nation's most vital natural resources. The variety and challenge of water projects serve to maintain the Corps' range of engineering skills, which are critical during national emergencies.

The Corps began its water resources program in 1824 when Congress for the first time appropriated money for improving river navigation. Since then, the Corps has been involved in improving recreation and commercial navigation, reducing flood damage and controlling beach erosion. Along with these missions, the Corps generates hydropower, supplies water to cities and industry, regulates development in navigable waters and manages a recreation program. Today, the Corps manages nearly 2,000 water resources projects including:

Navigation

Hydroelectric Power Development

Fish and Wildlife Conservation

Environmental Quality

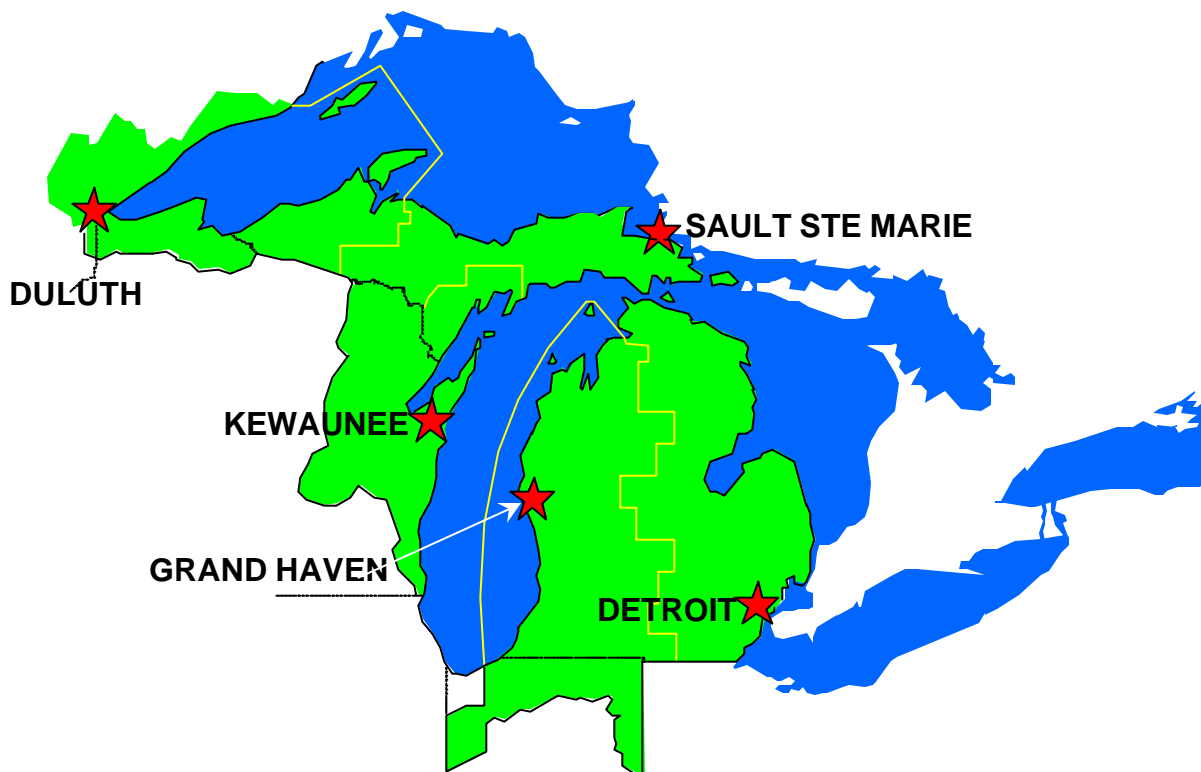
Flood Control

Water Supply and Water Quality Control

Outdoor Recreation

These activities call for careful coordination of many interests, including consideration of environmental impacts.

The Detroit District celebrated the 159th year of the Corps' presence on the Great Lakes in 2000. With the new millennium came renewed esprit de corps in being part of a vibrant, responsive organization.



Our present relationship with the Great Lakes Region encompasses an area of operations in four States, covering 85,000 square miles of land as well as 53,000 square miles of water, supporting a population of 12 million people, 4,000 miles of shoreline, and 200 miles of connecting channels. The District maintains 95 navigation projects, 36 of which are deep draft projects that move 150 million tons of commerce annually. Having responded to numerous water resources concerns due to the vastness of our operation, the Corps presence is visible in many locations throughout the Region.



At the western end of Lake Superior, our Duluth Area Office, located in Duluth, Minnesota, resides in a building constructed in 1902 and beautifully restored to retain its original architectural lines. It adjoins the well-known Canal Park Marine Museum. The office services Western Lake Superior.

The Kewaunee Area Office, located in Kewaunee, Wisconsin services the west shore of Lake Michigan.

The largest of our field establishments is located at Sault Ste. Marie, Michigan. This office operates the Soo Locks, with close to 150 workers it serves as one of the areas leading employers. The Soo Office services a large portion of the eastern 325 mile long Upper Peninsula of Michigan. The historic Administration Building is over 100 years old, and is majestically positioned between the Poe and McArthur Locks located on the St. Mary's River. Two additional locks, Compensating Works, a hydropower plant, warehouses, and a Visitor's Center complement the facility. The lock complex is a National Historic Landmark.



Our Grand Haven Area Office, located in Grand Haven, Michigan, is responsible for Corps activities in western Michigan and Northern Indiana.

Just outside of the Downtown area of Detroit, Michigan, is our Detroit Area Office, servicing the eastern and the southeast portion of Michigan's Lower Peninsula. It includes an administrative building and several shops and warehouse buildings. This facility is located along the Detroit River at the historic Fort Wayne site where some of the existing buildings have been standing since the Civil War.

The Detroit District Command and Headquarters personnel are located in the McNamara Federal Building, 477 Michigan Avenue, in the heart of downtown Detroit.

More information can be obtained from the Detroit District web site at www.lre.usace.army.mil

Program Funding Limitations

The Continuing Authorities Program, and associated Environmental Restoration Authorities, provides the Corps of Engineers with the authority to solve water resource problems in partnership with local sponsors. Congress has authorized the Corps to plan, design and construct, within specified funding limits, certain types of water resources improvements without specific congressional authorization. This saves much time in development and approval of projects. Cost sharing by a local project sponsor is required for studies, design and construction. A local project sponsor must be a municipality or a legally constituted public body empowered under State laws to give assurances and be financially capable of fulfilling all measures of local cooperation, including, but not limited to, study and construction cost sharing. In the case of Project modification for Improving the Quality of the Environment (Section 1135(b)), private interests may qualify as a non-Federal sponsor, if there will be no requirement for future Operation and Maintenance (O&M). As an example, large National non-profit environmental organizations may qualify as sponsor for Section 1135(b).

Funding limits for the continuing authorities projects range from \$500,000 to \$5,000,000, as shown in the following table.

MAXIMUM FEDERAL PARTICIPATION PER PROJECT TYPE

	Federal \$ Maximum
Emergency Streambank and Shoreline Erosion Protection (Section 14, Flood Control Act of 1946, as amended)	\$1,000,000
Beach Erosion Control (Section 103, River and Harbor Act of 1962, as amended)	\$2,000,000
Navigation (Section 107, River and Harbor Act of 1960, as amended)	\$4,000,000
Mitigation of Shore Erosion Damage due to Federal Navigation (Section 111, River and Harbor Act of 1968, as amended)	\$2,000,000
Ecosystem Restoration in Connection with Dredging (Section 204, Water Resources Development Act of 1992)	N/A
Flood Control (Section 205, Flood Control Act of 1948, as amended)	\$5,000,000
Aquatic Ecosystem Restoration (Section 206, Water Resources Development Act of 1996)	\$5,000,000
Snagging and Clearing for Flood Control (Section 208, Flood Control Act of 1954, as amended)	\$500,000
Project Modifications for Improving the Quality of the Environment (Section 1135(b), Water Resources Development Act of 1986, as amended)	\$5,000,000

Program Authorities

Emergency Streambank and Shoreline Erosion Protection for Public Facilities and Services

(Section 14, Flood Control Act of 1946, as amended)
The Corps of Engineers may provide up to \$1,000,000 in one locality during any fiscal year for the construction, restoration and modification of unstable conditions caused by Streambank and shoreline erosion which calls for prompt action to eliminate the threat to public health and safety, and to prevent interruption of vital services. Public facilities eligible under this authority consists of highways, bridge approaches and public works (public facilities which serve the general public and are owned and operated by the Federal, State, or local government, such as municipal water supply and sewage disposal facilities). Other eligible facilities include churches, hospitals, schools and other non-profit services (facilities or structures which serve the general public and are not intended to earn a profit) endangered by bank erosion.



Work under the authority does not include the Corps' participation in the repair, restoration, relocation or modification of the facility to be protected. Further, eligible highways consists of major highway systems of national importance, and principal highways, streets, and roads of importance access routes to other communities and adjacent settlements, and roads designated as primary farm-to-market-roads.

Beach Erosion Control Projects

(Section 103, River and Harbor Act of 1962, as amended)
The Corps of Engineers may construct beach restoration and protection projects not specifically authorized by Congress. This authority may be used for protecting multiple public or private properties and facilities, and for the protection of single non-Federal public properties against damages caused by storm driven waves and ocean currents. The Federal share in such projects may not exceed \$2,000,000 and the project must not be dependent on additional improvements for successful operation.

Navigation Projects

(Section 107, River and Harbor Act of 1960, as amended)
The Corps of Engineers may construct river and harbor improvements projects not specifically authorized by Congress when they will result in substantial benefits to recreation and commercial navigation. The federal share in such projects may not exceed \$4,000,000. Each project must be complete by itself and not commit the United States to any additional improvement to ensure successful operation.



Mitigation of Shore Erosion Damage due to Federal Navigation Projects

(Section 111, River and Harbor Act of 1968, as amended)

The Corps of Engineers is authorized to investigate, study and construct projects for the prevention or mitigation of shore damage attributable to Federal navigation works. The study will address structural or nonstructural measures to reduce erosion-type damage by shoreline stabilization. The target degree of mitigation is the reduction of erosion or accretion to the level that would have existed without the influence of navigation works, at the time such navigation works were accepted as a Federal responsibility. This authority cannot be used for: prevention or mitigation of shore damages such as those caused by natural or river bank erosion, or vessel generated wave wash; changing the responsibility for



maintenance or modifying portions of constructed navigation projects that contain features for prevention or mitigation of shore damages; and construction, maintenance, modification, or change in the cost sharing of Congressionally authorized shore protection projects, or portions thereof, located adjacent to Federal navigation projects. However, when it is determined that shore damage to a portion of a Congressionally authorized shore protection project is attributable to the navigation project, mitigation measures may be accomplished under the Section 111 authority, only to the extent of damages that can be directly identified and attributed to the navigation project. Where new shore damages attributable to a Federal navigation project consist only of a portion of the total beach damages in a specific area and cannot be considered as a separable reach for effective mitigation measures, Section 111 mitigation measures could be combined to become effective. Projects where costs are limited to \$2,000,000 or less do not require congressional approval.

When the shore subject to damage as a consequence of a Corps of Engineers' navigation project is controlled by another Federal agency, mitigation of the damages will not be addressed under the Section 111 authority. Mitigation or corrective measures will be undertaken by the Corps at the concerned agency's request on a reimbursable basis. That agency would be responsible for maintenance of the project measures. If the Federal lands represent only a minor, but integral part of the overall shore subject to damage, Section 111 may be used to provide comprehensive mitigation, subject only to provision, from some non-Corps source, of any required proportionate cost sharing and subsequent maintenance.

Ecosystem Restoration in Connection With Dredging

(Section 204, Water Resources Development Act of 1992)

The Corps of Engineers may carry out projects for the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands, in connection with dredging for construction, operation, or maintenance of an authorized Federal navigation project. Ecosystem restoration projects for the beneficial uses of dredged material must be justified. The value of ecological resources to be protected, restored, or created must be established through legal or institutional recognition, scientific recognition, and public perception of value. While there is no statutory funding limit, annual expenditures are currently capped at \$2,000,000.

Flood Control Projects

(Section 205, Flood Control Act of 1948, as amended)

Flood control projects may be constructed without specific authorization by Congress, when the Chief of Engineers determines that the work is advisable. This authority is used to solve/reduce flood problems by constructing flood damage reduction structures, such as levees, flood walls, etc. In addition, the project must constitute a complete solution to the flood problem involved, and not require subsequent improvements to ensure effective operation. Bank stabilization may only be included as an integral part of a plan for preventing flood damage. In order for the waterway to be eligible, water flow discharge should be a minimum of 800 cubic feet per second (CFS). If this minimum discharge criteria is not met, the project would not be eligible for investigation under the Section 205 authority. The Federal share may not exceed \$5,000,000.



Aquatic Ecosystem Restoration

(Section 206, Water Resources Development Act of 1996)



The Corps of Engineers may provide up to \$5,000,000 in one locality, during any fiscal year, to carry out projects for aquatic ecosystem restoration and protection projects, for the purpose of improving the environment. The purpose of the Section 206 project is to restore degraded ecosystem structure, function and dynamic process to a less degraded, more natural condition, which would involve consideration of the ecosystem's natural integrity, productivity, stability and biological diversity. In situations where a more natural condition cannot be achieved, projects that will improve the existing conditions may be considered.

Snagging and Clearing for Flood Control

(Section 208, Flood Control Act of 1954, as amended)

For purposes of flood control, the Corps of Engineers is authorized under this Act to allot up to \$500,000 on any single tributary during any fiscal year for the removal of accumulated snags and other debris, and for the clearing or channel excavation and improvement with limited embankment construction by use of materials from the channel excavation. Work under this authority is limited to clearing and snagging or channel excavation and improvement with limited embankment construction by use of materials from channel excavation. If investigation indicates that placement of a revetment is needed to provide a complete and fully effective project, the local interests should provide for the item of construction by work or by cash contribution.



Project Modifications for Improving the Quality of the Environment

(Section 1135(b), Water Resources Development Act of 1986, as amended)

The Corps of Engineers may provide up to \$5,000,000 in one locality during any fiscal year for modifications in the structures or operations of a project constructed by the Secretary of Army, or for restoration of the environment for which a Corps project has caused the degradation. Such modifications/projects should result in improvement of the quality of the environment. The goal should be the restoration of habitat that could be expected to sustain modern historic fish and wildlife resources. In order for a project to be eligible under the Section 1135 authority, there must either be a clear connection between the location of the proposed modification and the original project, or clear evidence that a Corps project has caused environmental degradation of the area. If work is proposed on lands not contiguous to existing project lands, then the area must clearly be within the area impacted by the original project, and the acquisition of additional lands should be kept to a minimum. Modifications may address non-project-induced degradation as long as the resource is not restored beyond modern historic conditions and only existing project lands are required.

Project Criteria

Each project constructed by the Corps of Engineers to solve a water resource problem must meet the following criteria:

- a. The project must be complete within itself and not commit the Corps of Engineers to further construction. This means that the project must solve a specific problem and not require a subsequent project to complete the solution.
- b. The project must be economically justified. That is, the benefits from the project must exceed the cost of the project, including project maintenance. This is usually expressed on an average annual basis.
- c. The project must be environmentally acceptable. Consideration of the environment is an integral part of the planning of the project. In all cases, the Corps prepares environmental assessments, which it coordinates with Federal, State, and local agencies, and the concerned public. In more controversial projects, the Corps prepares an environmental impact statement.
- d. The sponsor of the project must be willing to assist with the project. This usually entails providing the lands, easements, rights-of-way, relocations, and disposal sites, necessary for construction and maintenance of the project, and any permits mandated by the state.
- e. Cost sharing is also required for studies, design, and construction. In addition, some projects must be maintained by the project sponsor. Responsibilities of the sponsor are described in detail in the sample letters in the Appendix in this booklet.
- f. The sponsor is also responsible for any costs for clean up and response to hazardous and toxic waste on lands necessary for the project.

How to Request Assistance

The Corps will initiate an investigation of a prospective continuing authority project or environmental restoration project after receipt of a request from a prospective sponsoring agency fully empowered under State law to provide the required local cooperation. Sample letters for requesting a study are located in the Appendix.

Project Process

The process employed by the Corps of Engineers for studying proposed continuing authorities and environmental restoration projects is described as follows:

- a. A governmental unit, such as a State, county or city, submits a request to the Corps of Engineers for investigation of a water resource problem. (Sample letters of application are contained in the Appendix.)
- b. After receipt of the application, the Corps will conduct an initial assessment of the problem. This may include a visit with the local sponsor to determine the extent and nature of the problem, and whether study by the Corps is warranted. If justified, planning will proceed. If it is not feasible, the Corps of Engineers notifies the sponsor that it cannot provide assistance. The initial assessment is at 100% Federal expense.
- c. **The study process under Section 103, 107, 111, and 205**, consists of one planning phase (feasibility). The feasibility phase consists of a study and a report (Detailed Project Report (DPR)). The feasibility phase is 100% Federally financed up to \$100,000. The local sponsor share of the feasibility study is 50% of all costs in excess of \$100,000. After study initiation, an early milestone will be scheduled where the scope of the study can be assessed to determine if further study is warranted. This evaluation will use existing information and professional judgement to estimate average annual damages, idea of Corps-type solution, potential benefits and likelihood of being able to solve the problem with average annual benefits that exceed an average annual cost. Some of this information, if not already available at the Detroit District, will be requested from the prospective project sponsor. Based on the evaluation, the Detroit District would request additional funds, upon receipt of the prospective project sponsor's letter stating its understanding of the items of local cooperation and its intent to cost share. If the funding request puts total feasibility costs in excess of the fully Federal limit of \$100,000, a negotiated Feasibility Cost Sharing Agreement (FCSA) must be developed and a letter of intent (LOI) must be submitted by the project sponsor, prior to proceeding with the planning phase.

The purpose of the feasibility report (DPR) is to accomplish the following:

- i. Describe the identified problems and needs of the area;
 - ii. Determine whether there is Federal interest in participating in a solution to the identified problem(s);
 - iii. Identify and recommend the best solution for the identified problems;
 - iv. Confirm or deny interest in Corps implementation of a candidate project;
 - v. Develop project design as a basis for preparing plans and specifications; and
 - vi. Produce a draft project cooperation agreement (PCA) with the local project sponsor to share project implementation responsibilities, including costs. A written expression of willingness by the local sponsor to cost share in the project is required to accompany the Corps of Engineers' Final Detailed Project Report and budgetary requests.
- d. **The process under Section 14 and 208** consists of a single study and design phase referred to as Planning & Design Analysis (PDA) phase. The PDA phase under these two authorities consists of all planning and design activities required to demonstrate the Federal participation

in a project is warranted, and completes all activities required to award the construction contract. The PDA phase is conducted at 100% Federal funds up to \$40,000. Funds in excess of \$40,000 are shared on a 65% Federal and 35% non-Federal basis.

- e. The study process under Section 1135(b), Section 204, and Section 206** consists of one planning phase (feasibility). Prior to initiating the feasibility phase, an initial assessment is conducted. The purpose of this initial assessment is to present sufficient information and rationale for determining that a feasibility study is warranted, by presenting a potential solution(s) and evidence of economic justification. This initial assessment is 100% Federally financed. If determination is made that a potential viable project exists, findings would be presented in a limited report referred to as a Preliminary Restoration Plan (PRP). The purpose of the preliminary restoration plan is to accomplish the following:
- i.** Identify project features or function to be modified;
 - ii.** Outline nature and scope of the identification; and
 - iii.** Discuss the importance and potential magnitude of the ecosystem being restored. Upon approval of the PRP, funds to initiate the feasibility phase will be requested. The feasibility phase consists of a study and report, Project Modifications Report (PMR) for Section 1135(b), Ecosystem Restoration Report (ERR) for Section 204 and Aquatic Restoration Report (ARR) for Section 206. The PMR/ERR/ARR must show that the proposed modification/project has tangible and intangible benefits (monetary and non-monetary) that exceed tangible and intangible costs. The report should indicate that economic benefits from the proposed modification/project are associated primarily with the improvement to fish and wildlife resources, and/or ecosystem restoration by use of suitable dredged material (in case of Section 204). For projects with an estimated Federal share (including planning, design, & construction) of \$1,000,000 or less, no feasibility phase will be conducted. The preliminary restoration plan would become the basis to initiate the Planning and Design Analysis (PDA).
- f.** Following approval of the Feasibility Report, the Corps prepares plans and specifications for a construction contract. Prior to project construction, a formal Project Cooperation Agreement will need to be signed by the local project sponsor. This agreement is a contractual commitment between the local sponsor and the Corps stipulating the items to be fulfilled by the local sponsor to enable project construction. A project will not be recommended for funding unless the District Engineer is fully satisfied that the local sponsor understands its responsibilities and that it is legally responsible, financially capable, and willing to cooperate to the necessary degree.
- g.** Once funds are allocated and the sponsor provides the local contribution (lands, easements, cash, etc.), the Detroit District advertises the project for competitive bids, awards a contract, and supervises construction of the project.

Local Cooperation

Emergency Streambank or Shoreline Protection Projects

(Section 14, Flood Control Act of 1946, as amended).

Project Cost Sharing. The local sponsor is responsible for 35% of the feasibility study phase for studies exceeding \$40,000. Feasibility phase studies under \$40,000 are 100% Federal responsibility. The local sponsor is responsible for 35% of the implementation costs (plans and specifications, and construction). The sponsor must contribute in cash 5% of the total project cost. If the value of lands, easements, rights-of-way, and relocations plus the cash contribution do not equal or exceed 35% of the project cost, the sponsor must pay the additional amount necessary so that the sponsor's total contribution equals 35% of the project cost. Operation and Maintenance costs of the project are 100% non-Federal responsibility.

Local Cooperation. The sponsoring agency must agree to:

- a. Provide without cost to the United States all necessary lands, easements and rights-of-way, access routes and relocations of utilities necessary for project construction and subsequent operation and maintenance.
- b. Hold and save the United States free from claims for damages that may result from construction and subsequent maintenance of the project, except damages due to the fault or negligence of the United States or its contractors.
- c. Assure maintenance and repair during the useful life of the works as required to serve the project's intended purpose.
- d. Provide a cash contribution of 5% of the project cost.
- e. If the value of the sponsor's contribution above does not exceed 35% of the project cost, provide a cash contribution to make the sponsor's total contributions equal to 35%.
- f. Assume full responsibility of all project costs in excess of the Federal cost limitation of \$1,000,000.

Beach Erosion Control Projects

(Section 103, River and Harbor Act of 1962, as amended.)

Project Cost Sharing. The project sponsor is responsible for 50% of the feasibility phase study costs for studies exceeding \$100,000. Feasibility phase studies under \$100,000 are 100% Federally financed. All projects under Section 103 must be formulated for hurricane and storm damage reduction (HSDR), with the basic cost sharing of 65% Federal and 35% non-Federal. Recreation output achieved with the project formulated for HSDR is considered incidental, although recreation benefits are to be included in the economic analysis for determination of the best plan. Although recreation benefits may be more than 50% of the total benefits, they must be less than 50% of the benefits required for economic justification. Any additional beach fill over

that required for the HSDR project, to satisfy recreation demand, is a separable recreation feature with all costs assigned to the non-Federal sponsor.

Local Cooperation. The sponsoring agency must agree to:

- a. Contribute, in cash, during project construction, the appropriate percentage of project construction cost, the percentage to be in accordance with existing law and based on shore ownership and use at the time of implementation, provided that credit will be given for the value of lands, easements, rights-of-way, relocations, and disposal areas.
- b. Hold and save the United States free from claims for damages which may result from construction (including periodic nourishment), operation, maintenance, repair, replacement, and rehabilitation of the project and any project related betterment, except for damages due to the fault or negligence of the United States or its contractors.
- c. Maintain continued public ownership or continued public use of the shore upon which the amount of Federal participation is based, and assure its administration for public use during the economic life of the project.
- d. Operate, maintain, repair, replace, and rehabilitate the completed project, or functional portion of the project, at no cost to the United States in accordance with applicable Federal and state laws and specific direction prescribed by the United States.
- e. Assume full responsibility for all project costs in excess of the Federal cost limitation of \$2,000,000.
- f. Provide and maintain access roads, parking areas, and other public-use facilities, open and available to all on equal terms.
- g. Grant the United States the right to enter, at reasonable times and in a reasonable manner, upon land which the local sponsor owns or controls for access to the project for the purpose of inspection, and, if necessary, for the purpose of completing, operating, and maintaining, repairing, replacing, or rehabilitating the project.
- h. Perform, or cause to be performed, such investigations for hazardous substances as are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9601-9675, on all lands necessary for project construction, operation, maintenance, replacement, and rehabilitation.
- i. Assume complete financial responsibility for all necessary cleanup and response costs of any CERCLA regulated materials located on any lands necessary for the construction, operation, maintenance, repair, replacement, and rehabilitation of the project.
- j. Prevent future encroachments that might interfere with proper functioning of the project.

Navigation Projects

(Section 107, River and Harbor Act of 1960, as amended).

Division of Work Responsibility. The Federal project can provide only general navigation facilities. These may include a safe entrance channel, protected by breakwaters or jetties if needed; anchorage basin; turning basin; and a major access channel leading to the anchorage basin or locally provided berthing area. General navigation facilities also include the construction of land-based and aquatic dredged material disposal facilities associated with the construction, operation, and maintenance of all Federal navigation harbors. General navigation facilities are maintained by the Corps of Engineers. Construction and maintenance of docks, landings, piers, berthing areas, boat stalls, slips, mooring facilities, launching ramps, access roads, parking areas, and interior access channels needed for maneuvering into berths, are entirely a local responsibility, provided at non-Federal expense. The project sponsor also provides all lands, easements, rights-of-way, alterations, as well as all servicing facilities, including policing and other services. The project sponsor must also assure availability of a public landing or wharf.

Commercial Navigation Cost Sharing. The project sponsor is responsible for 50% of the feasibility phase study costs for studies exceeding \$100,000. Feasibility phase studies under \$100,000 are 100% Federally financed. In addition, the project sponsor must provide a portion of the design and construction cost of the general navigation facilities. 10% applies to commercial navigation projects up to 20 feet in depth. The percentage is 25% for projects between 20 feet and 45 feet, and 50% for projects greater than 45 feet. The sponsor must also pay an additional amount up to 10% of the general navigation facilities over a period not to exceed 30-years. The value of lands, easements, right-of-way, and relocations shall be credited toward this payment. Operation and maintenance under the Section 107 authority are limited to the greater of \$4,500,000, or 2.25 times the Federal cost of the project, including costs for the feasibility through construction. These expenditures are computed on a present worth basis starting with the date the local sponsor accepts the project. The discount rate to be used in determining the value of future operations and maintenance will be the rate applicable to the evaluation of Federal water resource projects in the Federal fiscal year of the first construction contract award. When Federal participation ceases, the operation and maintenance of the project becomes the responsibility of the sponsor. Regardless of the financial limit on the future operation and maintenance, the period of Federal participation in operation and maintenance of Section 107 projects will not exceed fifty years.

Recreation Navigation Cost Sharing. In addition to the local responsibilities specified above, the present basis for cost sharing in recreational small-boat projects provides that non-Federal cost participation will be one-half of the costs of general navigation facilities serving recreational traffic and 100% of the operation and maintenance costs.

Local Cooperation. The sponsoring agency must agree to:

- a. Contribute in cash the local share of project construction cost, determined in accordance with existing policies.
- b. Provide, maintain and operate without cost to the United States any necessary mooring facilities and service areas, including a public landing with suitable supply facilities open and available to the use of all on equal terms.

- c. Provide without cost to the United States all necessary lands, easements, rights-of-way, and relocations required for construction and subsequent maintenance of the project.
- d. Hold and save the United States free from damages that may result from construction and subsequent maintenance of the project, except damages due to the fault or negligence of the United States or its contractors.
- e. Accomplish without cost to the United States alterations and relocations as required in sewer, water supply, drainage and other utility facilities.
- f. Provide and maintain berthing areas, floats, piers, slips and similar marina, and mooring facilities as needed for transient and local vessels, as well as necessary access roads, parking areas and other needed public-use shore facilities open and available to all on equal terms. Only minimum basic facilities and services are required as part of the project. The actual scope or extent of facilities and services provided over and above the required minimum is a matter for local decision. The manner of financing such facilities and services is a local determination.
- g. Assume full responsibility for all project costs in excess of the Federal cost limitation of \$4,000,000.

Mitigation of Shoreline Damages due to Federal Navigation Projects

(Section 111, River and Harbor Act of 1968, as amended).

Project Cost Sharing. The local project sponsor is responsible for 50% of the feasibility phase study costs for studies exceeding \$100,000. Feasibility phase studies under \$100,000 are 100% Federal responsibility. The feasibility report, DPR, will document whether or not Federal navigation works are responsible for causing or contributing to the erosion problem; the extent of the area affected by the navigation works; total area experiencing significant damages; and the approximate percentage of the total erosion damage in a specific area that is attributable to the navigation works. If the work recommended is confined to mitigation work where erosion is totally attributable to the Federal navigation works, cost are shared in the same manner as the project causing the erosion or shoaling. Implementation costs subject to cost sharing include periodic nourishment during the period of project evaluation. The sponsor does not have to be the original sponsor for the navigation project that caused the damage. If the work recommended is a combination of mitigation and restoration of beaches eroded due to other causes, mitigation work will be shared in the same manner as the project causing the erosion or shoaling and the remaining work will be 100% local, unless it qualifies as a Federal beach erosion control project.

Local Cooperation. The sponsoring agency must agree to:

- a. Provide without cost to the United States all lands, easements, rights-of-way, and utility and facility alterations and relocations required for the project.
- b. Hold and save the United States free from claims for damages due to the construction, operation and maintenance of the project, except damages due to the fault or negligence of the United States or its contractors.

- c. Maintain and operate the project after completion without cost to the United States, in accordance with regulations prescribed by the Secretary of the Army.
- d. Contribute a cost for implementing the mitigation measure in the same proportion as the cost for the project causing the shore damage.
- e. Assume responsibility for all costs in excess of the Federal cost limitation of \$2,000,000.

Ecosystem Restoration in Connection with Dredging

(Section 204, Water Resources Development Act of 1992).

Project Cost Sharing. The project costs are limited to the incremental costs in excess of those costs necessary to maintain the authorized navigation project in the most cost effective way, consistent with economic, engineering, and Federal environmental criteria. The non-Federal sponsor must also agree to pay 100% of the operation, maintenance, replacement, and rehabilitation costs associated with the project. No credit will be allowed for work-in-kind. The local sponsor must agree to provide 25% of the incremental costs above the base plan associated with construction of the ecosystem restoration project, including provision of all lands, easements, rights-of-way, necessary relocations and suitable borrow and dredged or excavated material disposal areas (LERRD). Where the value of LERRD exceeds the non-Federal sponsor's 25% share, the sponsor will be reimbursed for the value of LERRD, exceeding 25% non-Federal share. While the cost sharing policy for ecosystem restoration projects allows for reimbursement in cases where the value of LERRD exceed 25% non-Federal share, the land value for most ecosystem restoration projects should be less than 25% of the total project costs. Ecosystem restoration projects that have land costs that exceed 50% of total cost will not be recommended for implementation. The objective of the program is to use dredged material to produce high value environmental outputs in a cost-effective manner. High project LERRD costs could suggest that the location for the habitat project is not efficient. Where LERRD costs exceed 25% but are less than 50% of total project costs, the feasibility level report (Preliminary Restoration Plan for projects with a Federal share of implementation of less than \$300,000) for the ecosystem restoration project must demonstrate that alternative sites for the project have been considered and that the site recommended is the most cost effective. The non-Federal sponsor of the ecosystem restoration project is responsible for acquiring all LERRD that also would have been required for the most cost effective (base development) plan. The non-Federal sponsor, if any, of the navigation project will be required, however, to pay an amount equal to the credited LERRD costs that would have been incurred for the base plan.

Local Cooperation. The sponsoring agency must agree to:

- a. Provide without cost to the United States all lands, easements, and rights-of-way, including suitable disposal areas, as determined necessary for the implementation, operation, and maintenance of the project. As a general rule, fee title will be required for all lands needed to support implementation, operation, maintenance, repair, replacement, or rehabilitation of the project modification.

- b. Provide without cost to the United States all necessary relocations (excluding existing railroad bridges and approaches thereto) determined by the Government to be necessary for implementation of the project modifications.
- c. Hold and save the United States free from damages due to the construction and subsequent maintenance of the project, except damages due to the fault or negligence of the United States or its contractors.
- d. Maintain and operate the project works after completion without cost to the United States in accordance with regulations prescribed by the Secretary of the Army.
- e. Prevent future encroachments that might interfere with proper functioning of the project.
- f. If the value of the identified lands, easements, rights-of-way, and suitable borrow and dredged or excavated material disposal areas (LERRD), represents less than 25% of the total project modification costs, the non-Federal sponsor shall provide, during the period of implementation, a cash contribution in the amount necessary to make its total contribution equal to 25%.
- g. If the value of LERRD contributions exceed 25% of the total project costs, the Government shall refund the excess to the non-Federal sponsor. However, the non-Federal sponsor shall not receive any credit for LERRD previously provided as an item of operation for another Federal project or shall the value thereof be included in the total project costs.
- h. Credit will not be allowed for in-kind-services

Flood Control Projects

(Section 205, Flood Control Act of 1948, as amended).

Project Cost Sharing. The local project sponsor is responsible for 50% of the feasibility phase study costs for studies exceeding \$100,000. Feasibility phase studies under \$100,000 are 100% Federal responsibility. The local project sponsor is responsible for 35% to 50% of the implementation costs (plans and specifications, and construction). The sponsor must contribute in cash 5% of the total project cost. If the value of lands, easements, rights-of-way, and relocation plus the cash contribution do not equal or exceed 35% of the project cost, the sponsor must pay the additional amount necessary so that the sponsor's total contribution equals 35% of the project cost. Operation and Maintenance costs for the project are 100% non-Federal responsibility.

Local Cooperation. The sponsoring agency must agree to:

- a. Provide without cost to the United States all lands, easements, rights-of-way, relocations, and disposal sites necessary for the construction of the project.
- b. Provides without cost to the United States all necessary relocations and alterations of buildings, utilities, highway, bridges, sewers and related and special facilities.

- c. Hold and save the United States free from damages due to the construction and subsequent maintenance of the project, except damages due to the fault or negligence of the United States or its contractors.
- d. Maintain, operate, and rehabilitate the project works after completion without cost to the United States in accordance with regulations prescribed by the Secretary of the Army.
- e. Prevent future encroachment that might interfere with proper functioning of the project for flood control.
- f. 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.
- g. Provide a cash contribution of 5% of the project costs.
- h. If the value of the sponsor's contribution above does not exceed 35% of the project, provide a cash contribution to make the sponsor's total contributions equal to 35%.
- i. If the sum of items (a) and (g) exceed 50% of total project costs, local contributions in excess of 50% will be reimbursed by the Federal Government.
- j. Assume responsibility for all costs in excess of the Federal cost limitations of \$5,000,000.

Aquatic Ecosystem Restoration

(Section 206, Water Resources Development Act of 1996).

Project Cost Sharing. The project sponsor is responsible to provide 35% of the total cost of the project associated with this authority, including planning, design and construction.

Local Cooperation. The sponsoring agency must agree to:

- a. Provide without cost to the United States all lands, easements, and rights-of-way, including suitable disposal areas, as determined necessary for the implementation, operation, and maintenance of the project. As a general rule, fee title will be required for all lands needed to support implementation, operation, maintenance, repair, replacement, or rehabilitation of the project modification.
- b. Provide without cost to the United States all necessary relocations (excluding existing railroad bridges and approaches thereto) determined by the Government to be necessary for implementation of the project modifications.
- c. Hold and save the United States free from damages due to the construction and subsequent maintenance of the project, except damages due to the fault or negligence of the United States or its contractors.
- d. Maintain and operate the project works after completion without cost to the United States in accordance with regulations prescribed by the Secretary of the Army.

- e. Prevent future encroachment that might interfere with proper functioning of the project.
- f. If the value of the identified lands, easements, right-of-way, and suitable borrow and dredged or excavated material disposal areas (LERRD), represents less than 35% of the total project modification costs, the non-Federal sponsor shall provide, during the period of implementation, a cash contribution in the amount necessary to make its total contribution equal to 35%.

Snagging and Clearing

(Section 208, Flood Control Act of 1954, as amended).

Project Cost Sharing. Work under this authority is limited to clearing and snagging or channel excavation and improvement with limited embankment construction by use of materials from the channel excavation. As such, if investigation indicates that placement of revetment is needed to provide a complete and fully effective project, the project sponsor should provide for the item of construction, either by work or by a cash contribution. The local sponsor is responsible for 35% of the feasibility study phase for studies exceeding \$40,000. Feasibility phase studies under \$40,000 are 100% Federal responsibility. The local sponsor is responsible for 35% of the implementation costs (plans and specifications, and construction). The sponsor must contribute in cash 5% of the total project cost. If the value of lands, easements, rights-of-way, and relocations plus the cash contribution do not equal or exceed 35% of the project cost, the sponsor must pay the additional amount necessary so that the sponsor's total contribution equals 35% of the project cost. Operation and Maintenance costs of the project are 100% non-Federal responsibility.

Local Cooperation. The sponsoring agency must agree to:

- a. Provide without cost to the United States all necessary lands, easements and rights-of-way, access routes and relocations of utilities necessary for project construction and subsequent operation and maintenance.
- b. Hold and save the United States free from claims for damages that may result from construction and subsequent maintenance of the project, except damages due to the fault or negligence of the United States or its contractors.
- c. Assure maintenance and repair during the useful life of the works as required to serve the project's intended purpose.
- d. Provide a cash contribution of 5% of the project cost.
- e. If the value of the sponsor's contribution above does not exceed 35% of the project cost, provide a cash contribution to make the sponsor's total contributions equal to 35%.
- f. Assume full responsibility of all project costs in excess of the Federal cost limitation of \$500,000.

Project Modifications for Improving the Quality of the Environment

(Section 1135(b), Water Resources Development Act of 1986, as amended).

Project Cost Sharing. The sponsor must provide 25% of the total project costs, including planning, design, and construction. If the value of lands, easements, rights-of-way, relocations and suitable borrow and dredged or excavated material disposal areas (LERRD) do not equal or exceed 25% of the project cost, the sponsor must pay the additional amount necessary so that the sponsor's total contribution equals 25% of the project cost. The local sponsor will not receive any credit for LERRD previously provided as an item of local cooperation for another Federal project. Work-in-kind will be credited to the non-Federal sponsor's share of the total project modification costs as long as it does not result in any reimbursement to the non-Federal sponsor. The work-in-kind when combined with the non-Federal provision of LERRD cannot exceed 25% of the project costs. Work-in-kind must be provided by the non-Federal project sponsor and can be accomplished by the staff of the non-Federal sponsor or by contract administered by the non-Federal sponsor. Items eligible for work-in-kind as part of the non-Federal sponsor's share include post feasibility phase design, including plans and specifications, provision of materials, and project construction. The non-Federal sponsor will comply with applicable Federal and state laws and regulations, including the requirement to secure competitive bids for all work to be performed by contract. Efforts credited as work-in-kind will be subject to audit. There is no mechanism to provide for work-in-kind for feasibility phase studies and no such work will be accepted. Where work-in-kind for post feasibility design is desired, the Project Cooperation Agreement (PCA) should be executed before the initiation of the design work. Furthermore, the sponsor must be responsible for 100% of the incremental operations, maintenance, repair, rehabilitation, and replacement associated with the project modification.

Local Cooperation. The sponsoring agency must agree to:

- a. Provide without cost to the United States all lands, easements, and rights-of-way, including suitable disposal areas, as determined necessary for the implementation, operation, and maintenance of the project modification. As a general rule, fee title will be required for all lands needed to support implementation, operation, maintenance, repair, replacement, or rehabilitation of the project modification.
- b. Provide without cost to the United States all necessary relocations (excluding existing railroad bridges and approaches thereto) determined by the Government to be necessary for implementation of the project modifications.
- c. Hold and save the United States free from damages due to the construction and subsequent maintenance of the project, except damages due to the fault or negligence of the United States or its contractors.
- d. Maintain and operate the project works after completion without cost to the United States in accordance with regulations prescribed by the Secretary of the Army.
- e. Prevent future encroachment that might interfere with proper functioning of the project.
- f. If the value of the identified lands, easements, rights-of-way, and suitable borrow and dredged or excavated material disposal areas (LERRD), represents less than 25% of the total project modification costs, the non-Federal sponsor shall provide, during the period of

implementation, a cash contribution in the amount necessary to make its total contribution equal to 25%.

- g.** If the value of LERRD contributions exceed 25% of the total project costs, the Government shall refund the excess to the non-Federal sponsor. However, the non-Federal sponsor shall not receive any credit for LERRD previously provided as an item of operation for another Federal project or shall the value thereof be included in the total project modification costs.
- h.** Credit will be allowed for in-kind services provided that these services do not result in a reimbursement by the government and their combination with LERRD does not exceed 25% of the total project costs.

APPENDIX

Sample Application Letters

(TYPE ON LETTERHEAD PAPER)
SAMPLE APPLICATION FOR
EMERGENCY STREAMBANK AND SHORELINE PROTECTION

(Date)

District Engineer
U.S. Army Engineer District, Detroit
P.O. Box 1027
Detroit, MI 48231-1027

Dear Sir:

In accordance with the provisions of Section 14 of the Flood Control Act of 1946, as amended, which authorizes the Federal government to initiate investigations and studies in the interest of emergency Streambank and shoreline protection, the **(cooperating agency)** hereby makes formal application for a study of **(waterway, county, state)**. **(Describe the erosion problem and its severity)**

The initial phase, Planning and Design Analysis (PDA), will be initially funded by the Corps of Engineers. PDA costs of \$40,000 or less will be at 100% Federal expense. Any costs in excess of \$40,000 will be shared on a 35% non-Federal; 65% Federal basis.

Should the project proceed to construction, the **(cooperating agency)** can provide the following local cooperation and participation.

1. Provide without cost to the Government, during the period of construction, all lands, easements, rights-of-way, and utility and facility alterations and relocations necessary for the construction and maintenance of the project, regardless of their value.
2. Make a cash payment of not less than 5% of the total project costs during the period of construction, regardless of the value of the items in (1) above. If the value of the items in (1) above is less than 30% of the total project costs, the local sponsor shall, during the period of construction, make such additional cash payments as are necessary to bring its total contribution in cash and value of lands, easements, right-of-way, and utility and facility alterations and relocations, to an amount equal to 35% of the total project costs.
3. Hold and save the Government free from claims for damages that may result from construction and subsequent maintenance of the project except damages due to the fault or negligence of the Government or its contractors.
4. Assume full responsibility for all project costs in excess of the Federal cost limitation of \$1,000,000.
5. Operate, maintain, and rehabilitate the project upon completion without cost to the Government, in accordance with regulations and directives prescribed by the Secretary of the Army.

SIGNATURE OF COOPERATING AGENCY

(TYPE ON LETTERHEAD PAPER)
SAMPLE APPLICATION FOR
BEACH EROSION CONTROL PROJECT

(Date)

District Engineer
U.S. Army Engineer District, Detroit
P.O. Box 1027
Detroit, MI 48231-1027

Dear Sir:

In accordance with the provisions of Section 103 of the River and Harbor Act of 1962, as amended, which authorizes the Federal government to initiate investigations and studies in the interest of preventing shore erosion by waves and currents, the **(cooperating agency)** hereby makes formal application for a study of the problem at **(waterway, county, state)**. **(Describe the problem and its severity)**

This investigation will be conducted in one planning phase, which would initially be funded by the Corps of Engineers. However, should the total cost of this planning phase exceed \$100,000, the **(cooperating agency)** can provide 50% of the cost above the initial \$100,000. Should the project proceed to construction, the **(cooperating agency)** can provide the following local cooperation and participation.

1. Provide without cost to the Government all necessary lands, easements, and rights -of-way required for construction and subsequent maintenance of the project.
2. Assure maintenance, repair and local share of periodic beach nourishment, where applicable, during the useful life of the project as may be required to serve the project's intended purpose.
3. Assure continued public ownership or continued public use of the shore upon which the amount of Federal participation is based, and assure its administration for public use during the economic life of the project.
4. Contribute, in cash, the appropriate percentage of project construction cost, the percentage to be in accordance with existing law and based on shore ownership and use at the time of implementation, provided that credit will be given for the value of lands, easements, rights-of-way, relocation, and disposal areas.
5. Assume full responsibility for all project costs in excess of the Federal cost limitation of \$2,000,000.
6. Hold and save the Government free from damages that may result from construction and subsequent maintenance of the project except damages due to the fault or negligence of the Government or its contractors.
7. Assure that water pollution that would endanger the health of bathers will not be permitted where the beach is used for recreational purposes.
8. Provide and maintain necessary access roads, parking areas and other public-use facilities, open and available to all on equal terms.
9. Grant the United States the right to enter, at reasonable times and in a reasonable manner, upon land which the local sponsor owns or controls for access to the project for the purpose of inspection, and, if necessary, for the purpose of completing, operating, and maintaining, repairing, replacing, or rehabilitating the project.
10. Perform, or cause to be performed, such investigations for hazardous substances as are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9601-9675, on all lands necessary for project construction, operation, maintenance, replacement, and rehabilitation.

11. Assume complete financial responsibility for all necessary cleanup and response costs of any CERCLA regulated materials located on any lands necessary for the construction, operation, maintenance, repair, replacement, and rehabilitation of the project.
12. Prevent future encroachments which might interfere with proper functioning of the project

SIGNATURE OF COOPERATING AGENCY

**(TYPE ON LETTERHEAD PAPER)
SAMPLE APPLICATION FOR
NAVIGATION PROJECT**

(Date)

District Engineer
U.S. Army Engineer District, Detroit
P.O. Box 1027
Detroit, MI 48231-1027

Dear Sir:

In accordance with the provisions of Section 107 of the River and Harbor Act of 1960, as amended, which authorizes the Federal government to initiate investigations and studies in the interest of navigation, the **(cooperating agency)** hereby makes formal application for a study of **(waterway, county, state)**.

The investigation will be conducted in one planning phase; the feasibility phase, which would initially be funded by the Corps of Engineers. However, should the total cost of this planning phase exceed \$100,000, the **(cooperating agency)** can provide 50% of the cost above the initial \$100,000. Should the project proceed to construction, the **(cooperating agency)** can provide the following local cooperation and participation.

1. Contribute in cash, 10% to 50% of project construction cost, determined in accordance with existing laws for regularly authorized projects.
2. Repay, with interest, over a period of up to 30 years following project completion, 10% of the general navigation facilities. Credit is allowed for the value of lands, easements, and rights-of-way, and relocation against this 10%, except for utility relocation costs.
3. Provide without cost to the Government, all necessary lands, easements, and rights-of-way required for construction and subsequent maintenance of the project.
4. Hold and save the Government free from damages that may result from construction and subsequent maintenance of the project except damages due to the fault or negligence of the Government or its contractors.
5. Except for commercial navigation projects, pay 100% of the operation, maintenance and rehabilitation costs.
6. Accomplish without cost to the Government, alterations and relocations as required in sewer, water supply, drainage, and other utility facilities.
7. Assume full responsibility for all project costs in excess of the Federal cost limitation of \$4,000,000.
8. Provide and maintain berthing areas, floats, piers, slips and similar marina, and mooring facilities as needed for transient and local vessels, as well as necessary access roads, parking areas and other needed public use shore facilities open and available to all on equal terms.
9. Establish regulations prohibiting discharge of untreated sewage, garbage and other pollutants in the waters of the harbor. The regulations shall be in accordance with applicable laws and regulations of Federal, State and local authorities responsible for pollution prevention and control.

SIGNATURE OF COOPERATING AGENCY

(TYPE ON LETTERHEAD PAPER)
SAMPLE APPLICATION FOR
MITIGATION OF SHORE DAMAGE ATTRIBUTABLE
TO FEDERAL NAVIGATION WORK

(Date)

District Engineer
U.S. Army Engineer District, Detroit
P.O. Box 1027
Detroit, MI 48231-1027

Dear Sir:

In accordance with the provisions of Section 111 of the River and Harbor Act of 1968, as amended, which authorizes the Federal government to initiate investigations and studies in the interest of mitigation of shore damage attributable to Federal Navigation work, the **(cooperating agency)** hereby makes formal application for a study of **(waterway, county, state)**. **(Describe the erosion problem and damages)**

The investigation will be conducted in one planning phase; the feasibility phase, which would initially be funded by the Corps of Engineers. However, should the total cost of this planning phase exceed \$100,000, the **(cooperating agency)** can provide 50% of the cost above the initial \$100,000. Should the project proceed to construction, 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 utility and facility alterations and relocations required for construction of the project.
2. Hold and save the Government free from damages due to the construction, operation, and maintenance of the project, except damages due to the fault or negligence of the Government or its contractors.
3. Operate, maintain and rehabilitate the project upon completion without cost to the Government, in accordance with regulations and directives prescribed by the Secretary of the Army.
4. Contribute a cost for implementing the mitigation measure in the same proportion as the cost for the project causing the shore damage.
5. Assume full responsibility for all project costs in excess of the Federal cost limitation of \$2,000,000.

SIGNATURE OF COOPERATING AGENCY

(TYPE ON LETTER HEAD PAPER)
SAMPLE APPLICATION FOR
ECOSYSTEM RESTORATION PROJECT IN CONNECTION WITH
DREDGING

(Date)

District Engineer
U.S. Army Engineer District, Detroit
P.O. Box 1027
Detroit, MI 48231-1027

Dear Sir:

Section 204 of the Water Resources Development Act of 1992 authorizes the Federal government to initiate investigations and studies leading to the implementation of projects for the protection, restoration, and creation of the aquatic and ecologically related habitats in connection with dredging for construction, operation, or maintenance by the Government of an authorized navigation project. Accordingly, the **(cooperating agency)** hereby makes formal application for a study at **(waterway, county, state)** for the purpose of **(Describe the potential project for ecosystem protection, restoration, and creation of aquatic and ecologically related habitats).**

It is the **(cooperating agency's)** understanding that if an Initial Appraisal Report, prepared at Federal expense, indicates that the proposed ecosystem restoration project has merit, feasibility level studies would be initiated. These investigations, which would consist of preparation of a Feasibility Report, would be initially funded by the Corps of Engineers, but will be considered part of the total project cost. Should the project proceed to construction, the **(cooperating agency)** would be responsible to provide local cooperation requirements, which would generally be as follows:

1. Provide without cost to the Government all lands, easements, rights-of-way, relocations and disposal areas (LERRD) necessary for the construction, operation, and maintenance of the ecosystem restoration project.
2. If the value of LERRD exceeds 25% of the total project costs, the Government will refund the excess to the **(cooperating agency)**. It is the **(cooperating agency's)** understanding that where LERRD exceeds 50% of the total project costs, such projects will not be recommended for implementation.
3. Provide during the period of implementation, a cash contribution necessary to make the **(cooperating agency)** share equal to 25% of the incremental ecosystem restoration project cost. If the value of the contributions provided in (1) above is less than 25% of the incremental ecosystem restoration project costs, the local sponsor shall provide an additional cash contribution in the amount necessary to bring its total contribution to 25% of the incremental ecosystem restoration project costs.
4. No credit will be allowed for in-kind services.
5. Hold and save the Government free from claim for damages, which may result from construction and subsequent maintenance of the ecosystem restoration project, except damages due to the fault or negligence of the Government or its contractors.
6. Operate, maintain and rehabilitate the project upon completion without cost to the Government, in accordance with regulations and directives prescribed by the Secretary of the Army.

SIGNATURE OF COOPERATING AGENCY

(TYPE ON LETTERHEAD PAPER)
SAMPLE APPLICATION FOR
FLOOD CONTROL PROJECT

(Date)

District Engineer
U.S. Army Engineer District, Detroit
P.O. Box 1027
Detroit, MI 48231-1027

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 in the interest of flood control, the **(cooperating agency)** hereby makes formal application for a study of **(waterway, county, state)**. **(Describe the flood problems and damages)**.

The investigation will consist of a feasibility study that is initially Federally funded up to \$100,000. Should the feasibility phase exceed \$100,000, the **(cooperating agency)** can provide 50% of the costs in excess of \$100,000. Should the project proceed to construction, the **(cooperating agency)** can provide the following local cooperation and participation.

1. Provide without cost to the Government, during the period of construction, all lands, easements, rights-of-way, and utility and facility alterations and relocations necessary for the construction and maintenance of the project, regardless of their value.
2. Make a cash payment of not less than 5% of the total project costs during the period of construction, regardless of the value of the items in (1) above. If the value of the items in (1) above is less than 30% of the total project costs, the local sponsor, shall, during the period of construction, make such additional cash payments as are necessary to bring its total contribution in cash and value of lands, easements, rights-of-way, and utility and facility alterations and relocations, to an amount equal to 35% of the total project costs.
3. If the sum of items (1) and (2) above exceeds 50% of the total project costs, local contributions in excess of 50% will be reimbursed by the Federal government.
4. Hold and save the Government free from damages that may result from construction and subsequent maintenance of the project except damages due to the fault or negligence of the Government or its contractors.
5. Operate, maintain, and rehabilitate the project upon completion without cost to the Government, in accordance with regulations and directives prescribed by the Secretary of the Army.
6. Prevent future encroachment that might interfere with proper functioning of the project or flood control.
7. Assume responsibility for all costs in excess of the Federal cost limitation of \$5,000,000.
8. 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.

SIGNATURE OF COOPERATING AGENCY

(TYPE ON LETTERHEAD PAPER)
SAMPLE APPLICATION FOR
AQUATIC ECOSYSTEM RESTORATION

(Date)

District Engineer
U.S. Army Engineer District, Detroit
P.O. Box 1027
Detroit, MI 48231-1027

Dear Sir:

Section 206 of the Water Resources Development Act of 1996 authorizes the Federal government to initiate investigations and studies leading to the implementation of projects for aquatic ecosystem restoration and protection. Accordingly, the **(cooperating agency)** hereby makes formal application for a study at **(waterway, county, state)** for the purpose of **(Describe the potential project for aquatic restoration, protection)**.

It is the **(cooperating agency's)** understanding that if an Initial Appraisal Report, prepared at Federal expense, indicates that the proposed aquatic restoration project has merit, feasibility level studies would be initiated. These investigations, which would consist of preparation of a Feasibility Report, would be initially funded by the Corps of Engineers, but will be considered part of the total project cost. Should the project proceed to construction, the **(cooperating agency)** would be responsible to provide local cooperation requirements, which would generally be as follows:

1. Provide without cost to the Government all lands, easements, rights-of-way, and relocations necessary for the construction, operation, and maintenance of the aquatic ecosystem restoration project.
2. Provide during the period of implementation, a cash contribution necessary to make the **(cooperating agency)** share equal to 35% of the aquatic restoration project cost. If the value of the contributions provided in (1) above is less than 35% of the aquatic restoration project costs, the local sponsor shall provide an additional cash contribution in the amount necessary to bring its total contribution to 35% of the aquatic restoration project costs.
3. Hold and save the Government free from claims for damages that may result from construction and subsequent maintenance of the ecosystem restoration project, except damages due to the fault or negligence of the Government or its contractors.
4. Operate, maintain, and rehabilitate the project upon completion without cost to the Government, in accordance with regulations and directives prescribed by the Secretary of the Army.

SIGNATURE OF COOPERATING AGENCY

(TYPE ON LETTERHEAD PAPER)
SAMPLE APPLICATION FOR
SNAGGING AND CLEARING FOR FLOOD CONTROL

(Date)

District Engineer
U.S. Army Engineer District, Detroit
P.O. Box 1027
Detroit, MI 48231-1027

Dear Sir:

In accordance with the provisions of Section 208 of the Flood Control Act of 1954, as amended, which authorizes the Federal government to initiate investigations and studies in the interest of snagging and clearing for flood control, the **(cooperating agency)** hereby makes formal application for a study of **(waterway, county, state)**. **(Describe the flood problem and damages)**

The initial phase, Planning and Design Analysis (PDA), will be initially funded by the Corps of Engineers. PDA costs of \$40,000 or less will be at 100% Federal expense. Any costs in excess of \$40,000 will be shared on a 35 non-Federal; 65% Federal basis.

Should the project proceed to construction, the **(cooperating agency)** can provide the following local cooperation and participation.

1. Provide without cost to the Government, during the period of construction, all lands, easements, right-of-way, and utility and facility alterations and relocations necessary for the construction, and maintenance of the project, regardless of their value.
2. Make a cash payment of not less than 5% of the total project costs during the period of construction, regardless of the value of the items in (1) above. If the value of the items in (1) above is less than 30% of the total project costs, the local sponsor, shall, during the period of construction, make such additional cash payments as are necessary to bring its total contribution in cash and value of lands, easements, right-of-way, and utility and facility alterations and relocations, to an amount equal to 35% of the total project costs.
3. Hold and save the Government free from claims for damages in which may result from construction and subsequent maintenance of the project except damages due to the fault or negligence of the Government or its contractors.
4. Operate, maintain, and rehabilitate the project upon completion without cost to the Government, in accordance with regulations and directives prescribed by the Secretary of the Army.
5. Assume full responsibility for all project costs in excess of the Federal cost limitation of \$500,000.
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.

SIGNATURE OF COOPERATING AGENCY

(TYPE ON LETTERHEAD PAPER)
SAMPLE APPLICATION FOR
**PROJECT MODIFICATIONS FOR IMPROVING THE QUALITY OF THE
ENVIRONMENT**

(Date)

District Engineer
U.S. Army Engineer District, Detroit
P.O. Box 1027
Detroit, MI 48231-1027

Dear Sir:

In accordance with the provisions of Section 1135(b) of the Water Resources Development Act of 1986, as amended, which authorizes the Federal government to initiate investigations and studies to be made in the interest of water resources development, the **(cooperating agency)** hereby makes formal application for a study of a modification to an existing Corps project or its operation (**waterway, county, state**) for the purpose of improving environmental quality. **(Describe the potential for habitat restoration and its relationship to an existing Corps project.)**

It is the **(cooperating agency's)** understanding that if an Initial Appraisal Report, prepared at Federal expense, indicates that the proposed modifications has merit, feasibility level studies would be initiated. These investigations, which would consist of preparation of a Feasibility Report, would be initially funded by the Corps of Engineers, but will be considered part of the total project cost. Should the project proceed to construction, the **(cooperating agency)** would be responsible to provide local cooperation requirements, which would generally be as follows:

1. Provide without cost to the Government during the period of construction, all lands, easements, rights-of-way, suitable disposal areas, and utility and facility alterations and relocations necessary for the construction and maintenance of the project, regardless of their value.
2. Provide during the period of implementation, a cash contribution necessary to make the **(cooperating agency)** share equal to 25% of the total project modification cost. If the value of the contributions provided in (1) above is less than 25% of the total project modification cost, the local sponsor, shall, during the period of construction, make such additional cash payments as are necessary to bring its total contribution in cash and value of lands, easements, rights-of-way, suitable disposal areas, and utility and facility alterations and relocations, to an amount equal to 25% of the total project costs.
3. If the value of lands, easements, rights-of-way, relocations, and disposal areas (LERRD) contributions exceed 25% of the total project costs, the Government shall refund the excess to the **(cooperating agency)**. However, the **(cooperating agency)** shall not receive any credit for LERRD previously provided as an item of operation for another Federal project or shall the value thereof be included in the total project costs.
4. Credit will be allowed in for in-kind services provided that these services do not result in a reimbursement by the Government and their combination with LERRD does not exceed 25% of the total project costs.
5. Hold and save the Government free from claims for damages, which may result from construction and subsequent maintenance of the project except damages due to the fault or negligence of the Government or its contractors.
6. Operate, maintain, and rehabilitate the project upon completion without cost to the Government, in accordance with regulations and directives prescribed by the Secretary of the Army.
7. Prevent future encroachment, which might interfere with proper functioning of the project.

SIGNATURE OF COOPERATING AGENCY