

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: Guidance Letter No. 10, Section 111, Shore Damage Mitigation

1. References:

- a. Revised ER 1165-2-130, Federal Participation in Shore, Hurricane, Tidal, and Lake Front Protection.
- b. Revised ER 1105-2-10, Planning Programs (Appendix S, Paragraph E-7).

2. Referenced guidance is not finalized to reflect changes brought about by Section 940 of the WRDA of 1986, and other policy developments. Several situations have arisen which prompt this interim guidance pending issuance of the revised formal guidance.

3. Implementation costs for Section 111 measures will be shared in the same proportion as implementation costs (including LERRD) for the navigation project or project modification which caused the shore damage (not just the specific component of the project or modification most readily identified as the basic root of the problem) were shared. Decision documents, to support a favorable recommendation for such measures, must identify a non-Federal cost sharing partner, if cost sharing is required. The sponsor for the Section 111 proposal does not have to be the same as the sponsor for the navigation project causing the damage.

4. Prior to enactment of Section 940 of the WRDA of 1986, non-Federal interests were not required to provide any local cooperation in connection with a Section 111 proposal--all costs were Federal. Now, in connection with Section 111 proposals, non-Federal interests bear a percentage of implementation costs where required and, in all cases, are required to OMRR the completed works. They are not required to provide anything else. The development efforts remain entirely a Federal responsibility. This includes any LERR requirement (note in this regard, however, the Federal Government will not incur costs for access rights on properties a Section 111 proposal is designed to protect).

5. Section 111 implementation costs subject to cost sharing shall consist of preparation of plans and specifications, any LERR, and initial installation costs. When it is a more economical means for addressing the shore damage problem than would be one-time permanent measures, periodic re-nourishment of beach front materials may be included as implementation costs during the period of project evaluation. All required efforts subsequent to the initial installation, except for periodic nourishment where clearly adopted as an element of approved measures, shall be construed as maintenance, and shall be the responsibility of the sponsor.

6. Total Federal costs for the Federal share of initial installation measures and subsequent periodic nourishment shall not exceed \$2,000,000, cumulatively, within the period of analysis considered for the Section 111 proposal evaluation and justification. If at any time up through opening of bids for the initial installation it becomes apparent that the Federal share of implementation costs would definitely exceed \$2,000,000, the Section 111 works may not proceed as a Federal undertaking without specific Congressional authorization. This provision may not be overcome by the expedient of making the cooperating entity responsible for any part of the Federal share which would exceed \$2,000,000 even if the cooperating entity should be willing to accept such responsibility.
7. The period of analysis for a Section 111 proposal shall be at least 10 years.
8. When periodic nourishment is an element of an adopted plan for Section 111 measures, prior to funding of any such nourishment subsequent to the initial installation works, an up-to-date analysis shall be prepared, each time, to document the continued justification for proceeding with the nourishment.
9. When the shore subject to damage as a consequence of a Corps 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. Responsibility for maintenance of any such measures would be that agency's. If the Federal lands represent only a minor, but integral, part of the overall shore subject to damage, Section 111, with civil works funding, may be used to provide comprehensive mitigation, subject only to provision, from some non-Corps source, if any required proportionate cost sharing and subsequent maintenance.
10. Questions relating to this guidance letter should be directed to CECW-RR or CECW-PM.

FOR THE COMMANDER:

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Brigadier General, USA
Director of Civil Works