File: Dauphin Island

CESAM-PD-FP 3 October 1996

AUTHORITIES

Section 111, River & Harbor Act of 1968, as amended - Authorizes study, design and construction of work for prevention and mitigation of damages to both non-Federal, public and privately owned shores to extent that damages are directly attributed to a Federal navigation project. Degree of mitigation is the reduction of erosion to level which would have existed without influence of the navigation works at the time such navigation works were accepted as a Federal responsibility (not to restore to historic shoreline dimensions).

Cost Limitation - is $2 million - Federal first cost, without special Congressional authorization.

Local Cooperation - Non-Federal responsibility to maintain the project. Cost sharing for implementation will be shared at the same proportion as implementation cost for the navigation project.

Study Effort - is cost shared in accordance with the Continuing Authorities Program authorized cost sharing procedures.

Section 933, Water Resources Development Act of 1986 - Beach placement of dredged material (beach quality sand) is considered an integral to the navigation project when it is least costly method of disposal. In cases where placement of dredged material (beach quality sand) on a beach is more costly the Corps can participate in the additional cost for placement when (1) requested by the state, (2) Secretary of the Army deems such action to be in the public interest and (3) added cost of disposal is justified by the benefits associated with shore protection projects.

Local Cooperation - Non-Federal responsibilities include all LERRDs and 50 percent of incremental cost of placement of dredged material disposal, if beneficial justification is proven. Otherwise, 100 percent of the additional cost involved must be provided by the non-Federal interest.

Study Effort - Is funded from available appropriations for the navigation project be dredged. If beach disposal is ultimately agreed to then the study cost is to be considered part of the additional cost of disposal.

Section 103, River and Harbor Act of 1962, as amended - Authorizes Federal participation in the cost of protecting shores (beach erosion control) of publicly owned property.

Cost Limitation - is $2 million - Federal cost.

Local Cooperation - Responsibilities include all LERRDs, operation, maintenance and rehabilitation, and 35 percent of construction implementation cost.

Study Effort - is shared by non-Federal sponsor according to Continuing Authority Program procedures.

Section 1135, Water Resources Development Act of 1986, as amended - Project modification for improvement of the environment. Authorizes review and modifications in the structures and operations of Federal water resources projects for the purpose of improving the quality of the environment in the public interest.

Cost Limitation - is $5 million total project ($3.75 million Federal) includes all project related cost for studies, planning, engineering and construction.

Local Cooperation - includes 25 percent of the total project cost (planning, design and construction) and any LERRDs and operation and maintenance cost of project.

Section 204, Water Resources Development Act of 1992 - Beneficial use of dredged material. Authorizes the Secretary of the Army to 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. Works can be implemented based upon benefits justifying cost.

Local Cooperation - includes 25 percent of the construction costs including LERRDs and operation and maintenance of the project.

Section 22, Water Resources Development Act of 1974 - Planning Assistance to States. Provides the authority for Corps to assist

states in the preparation of comprehensive plans for the development, utilization and conservation of water and related land resources.

Cost Limitation - State allotments from the nationwide appropriation are limited to $300,000 annually.

Cost Sharing - Cost of Planning Assistance is on a 50-50 basis with the State.

Section 216, River and Harbor Act and Flood Control Act of 1970 - Authorizes the review of operation projects due to significantly changed physical or economic conditions and for improving the quality of environment. This is a study authority which can be used to seek specific Congressional authorization. A feasibility study under Section 216 authority would be appropriated for ecosystem restoration where cost would be to large for the Section 1135, Section 204, or Section 111 program. Study effort is generally initiated using O&M funds (up to $20,000) to conduct an Initial Appraisal to obtain Congressional appropriation for further study effort.

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pay the non-Federal share of the costs of construction required by this section and to pay 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to the project in accordance with regulations prescribed by the Secretary.

(d) Cost Limitation.--Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single locality.

(e) Funding.--There is authorized to be appropriated to carry out this section $25,000,000 for each fiscal year.

SEC. 207. BENEFICIAL USES OF DREDGED MATERIAL.

Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326; 106 Stat. 4826) is amended--

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

``(e) Selection of Dredged Material Disposal Method.--In developing and carrying out a project for navigation involving the disposal of dredged material, the [illegible] may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of such disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion. The Federal share of such incremental costs shall be determined in accordance with subsection (c).".

SEC. 208. RECREATION POLICY AND USER FEES.

(a) Recreation Policy.--

(1) In general.--The Secretary shall provide increased emphasis on, and opportunities for recreation at, water resources projects operated, maintained, or constructed by the Corps of Engineers.

(2) Report.--Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on specific measures taken to implement this subsection.

(b) User Fees.--

(1) In general.--Section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460d-3(b)(4)) is amended by inserting before the period at the end the following: ``and, subject to the availability of appropriations, shall be used for the

(2) PERRY CREEK, SIOUX CITY, IOWA.—The project for flood control, Perry Creek, Sioux City, Iowa, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4116) and reauthorized by this Act.

(3) ALOHA-RIGOLETTE, LOUISIANA.—The project for flood control, Aloha-Rigolette, Louisiana, authorized by section 101(a)(12) of the Water Resources Development Act of 1990 (104 Stat. 4607).

(4) ST. JOHNS BAYOU AND NEW MADRID FLOODWAY, MISSOURI.—The project for flood control, St. Johns Bayou and New Madrid Floodway, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118).

(5) STE. GENEVIEVE, MISSOURI.—The project for flood control, Ste. Genevieve, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118).

(6) BUENA VISTA, VIRGINIA.—The project for flood control, Buena Vista, Virginia, authorized by section 101(a)(24) of the Water Resources Development Act of 1990 (104 Stat. 4610).

SEC. 202. PROJECTS FOR IMPROVEMENTS OF THE ENVIRONMENT.

Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a; 100 Stat. 4251–4252) is amended—

(1) by inserting at the end of subsection (b) the following new sentence: "No modification shall be carried out under this section without specific authorization by Congress if the estimated cost exceeds $5,000,000."; and

(2) in subsection (e) by striking "$15,000,000" and inserting "$25,000,000".

33 USC 2325.

SEC. 203. VOLUNTARY CONTRIBUTIONS FOR ENVIRONMENTAL AND RECREATION PROJECTS.

(a) ACCEPTANCE.—In connection with carrying out a water resources project for environmental protection and restoration or a water resources project for recreation, the Secretary is authorized to accept contributions of cash, funds, materials, and services from persons, including governmental entities but excluding the project sponsor.

(b) DEPOSIT.—Any cash or funds received by the Secretary under subsection (a) shall be deposited into the account in the Treasury of the United States entitled "Contributions and Advances, Rivers and Harbors, Corps of Engineers (8662)" and shall be available until expended to carry out water resources projects described in subsection (a).

33 USC 2326.

SEC. 204. BENEFICIAL USES OF DREDGED MATERIAL.

(a) IN GENERAL.—The Secretary is authorized to 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 by the Secretary of an authorized navigation project.

(b) SECRETARIAL FINDINGS.—Subject to subsection (c) of this section, projects for the protection, restoration, or creation of aquatic and ecologically related habitats may be undertaken in any case where the Secretary finds that—

(1) the environmental, economic, and social benefits of t project, both monetary and nonmonetary, justify the c thereof; and

(2) the project would not result in environmen degradation.

(c) COOPERATIVE AGREEMENT.—Any project undertaken pur ant to this section shall be initiated only after non-Federal intere have entered into a cooperative agreement in accordance with t requirements of section 221 of the Flood Control Act of 1970 which the non-Federal interests agree to—

(1) provide 25 percent of the cost associated with constr tion of the project for the protection, restoration, and creati of aquatic and ecologically related habitats, including provisi of all lands, easements, rights-of-way, and necessary relo tions; and

(2) pay 100 percent of the operation, maintenance, repla ment, and rehabilitation costs associated with the project the protection, restoration, and creation of aquatic and e logically related habitats.

(d) DETERMINATION OF CONSTRUCTION COSTS.—Costs associa with construction of a project for the protection, restoration, a creation of aquatic and ecologically related habitats shall be limi solely to construction costs which are in excess of those costs n essary to carry out the dredging for construction, operation, maintenance of the authorized navigation project in the most c effective way, consistent with economic, engineering, and envir mental criteria.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authori to be appropriated not to exceed $15,000,000 annually to ca out this section. Such sums shall remain available until expend

SEC. 205. DEFINITION OF REHABILITATION FOR INLAND WATERW PROJECTS.

For purposes of laws relating to navigation on inland intracoastal waterways of the United States, the term "rehabil tion" means—

(1) major project feature restoration—

(A) which consists of structural work on an inl navigation facility operated and maintained by the Co of Engineers;

(B) which will significantly extend the physical of the feature;

(C) which is economically justified by a benefit- analysis;

(D) which will take at least 2 years to complete;

(E)(i) which is initially funded before October 1, 19 and will require at least $5,000,000 in capital outl or

(ii) which is initially funded on or after such d and will require at least $8,000,000 in capital outl and

(2) structural modification of a major project compor (not exhibiting reliability problems)—

(A) which will enhance the operational efficienc such component or any other major component of project by increasing benefits beyond the original pr design; and

the project only. Specifies the non-Federal cost share is 25% and that not more than 80% of the non-Fed share may be in-kind. Defines water resources projects constructed by the Secretary to include projects constructed or funded jointly by army and some other Federal agency.

Sec. 205. ENVIRONMENTAL DREDGING. Authorizes annual appropriations of $20M to do environmental dredging, including removal and remediation, as part of O&M of Federal navigation projects and in non-project specific waters of the U.S. In carrying out this work, Secretary shall give priority to Brooklyn Waterfront, NY; Buffalo Harbor and River, NY; Ashtabula River, OH; Mahoning River, OH; and Lower Fox River, WI

Sec. 206. AQUATIC ECOSYSTEM RESTORATION. Authorizes small aquatic ecosystem restoration projects ($5M Federal cost) to improve the quality of the environment if in the public interest and cost effective; cost shared 35% non-Federal with 100% non-Federal O&M; $25M per year authorization of appropriations.

Sec. 207. BENEFICIAL USES OF DREDGED MATERIALS. Directs that in carrying out navigation projects, the secretary may select a disposal method that is not the least cost option if the incremental costs are reasonable in relation to the environmental benefits including creation of wetlands and shoreline erosion control.

Sec. 208. RECREATION POLICY AND USER FEES. Directs secretary to put increased emphasis on recreation opportunities at Corps projects; specifies that recreation fees collected at Corps projects remain for use at the project where they are collected. Directs secretary to evaluate an alternative to the $25 annual pass, to include a $10 annual fee alternative on a test basis at recreation facilities at Raystown Lake, PA.

Sec. 209. RECOVERY OF COSTS. Allows Secretary to reimburse the trust fund from which the cost of any HTW clean up at civil works projects was taken.

Sec. 210. COST SHARING FOR ENVIRONMENTAL PROJECTS. Amends Section 103 of WRDA 86 by specifying that the non-Federal share of environmental restoration and protection projects shall be 35%.

Sec. 211. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

1. Authorizes non-Feds to undertake flood control projects subject to required permits; 2. Non-feds may prepare studies for review by the Secretary or request and fund the Secretary to undertake studies and design activities; or may complete studies underway.

3. Non-Federal interests may construct projects with favorable chief's report, permits will be granted without further action if applicable regulations have been satisfied during feasibility study.

4. The non-Fed, upon favorable recommendation of the Secretary, may carry out the project and the Secretary may reimburse the non-Fed for the Federal share of the project, provided the project is authorized, economically justified, environmentally acceptable and that the Secretary approves the plans for construction prior to initiation of construction by the non-Feds.

PREVIOUS STUDIES/PROJECTS
DAUPHIN ISLAND, ALABAMA

1. Survey Report on Beach Erosion Control and Hurricane Protection for Mobile County (Including Dauphin Island), Alabama, completed the feasibility report in 1978.

2. Section 107, Navigation Improvement Project was constructed in Nov 1991 for dredging Fort Gaines (Government Cut) channel.

3. Section 14, Emergency Shoreline Protection for East End Dauphin Island, Alabama was constructed in Oct 1993. Work was to refurbish the armor protection in the form of rip-rap and groins around Fort Gaines.

4. Secton 14, Emergency Shoreline Protection for Dauphin Island Shoreline, Alabama was constructed in Oct 1993. Hard protective structures in the form of rip-rap were placed at the public fishing pier.

10/3/96

POTENTIAL OPPORTUNITIES FOR SAND PLACEMENT ON DAUPHIN ISLAND BAR

- **DAUPHIN ISLAND ENTRANCE CHANNEL**
  - Will alter maintenance plan and provide for direct placement on beach (concern land mass balance).
  - 3 to 4 year frequency; 10-20,000 CY (16,740 FY96).

- **BAR MAINTENANCE TO FEEDER BERM LOCATION**
  - Presently 73^{k} share by locals (estimated/yr).
  - Evaluate expanding the feeder berm location with potential of decreasing haul distance and greater depths for equipment suitability.
    - Schedule SHOALS survey of the entire bar.
    - Perform engineering/operational analyses to maximize equipment availability as close to dredge site without causing material re-entry into channel.
    - Safety Fairway must be evaluated with USCG.
    - Potential for significantly reducing the local cost share and could eliminate it.

- **RIVER SAND IN UPPER DEPOSITION BASIN**
  - Periodic river material will go to Gulf to preserve long-term viability of upland D/A's.
  - Determine available quantity, frequency, and quality of sand.
  - Evaluate economics of placement on the bar within expanded D/A.
  - Potential routine freebee.

- **BAY SUMPS**
  - Two remain to be constructed subject to availability of funds.
  - Determine quantity of suitable material.
  - Evaluate economics of placement on the bar within expanded D/A.
  - Potential one time freebee.