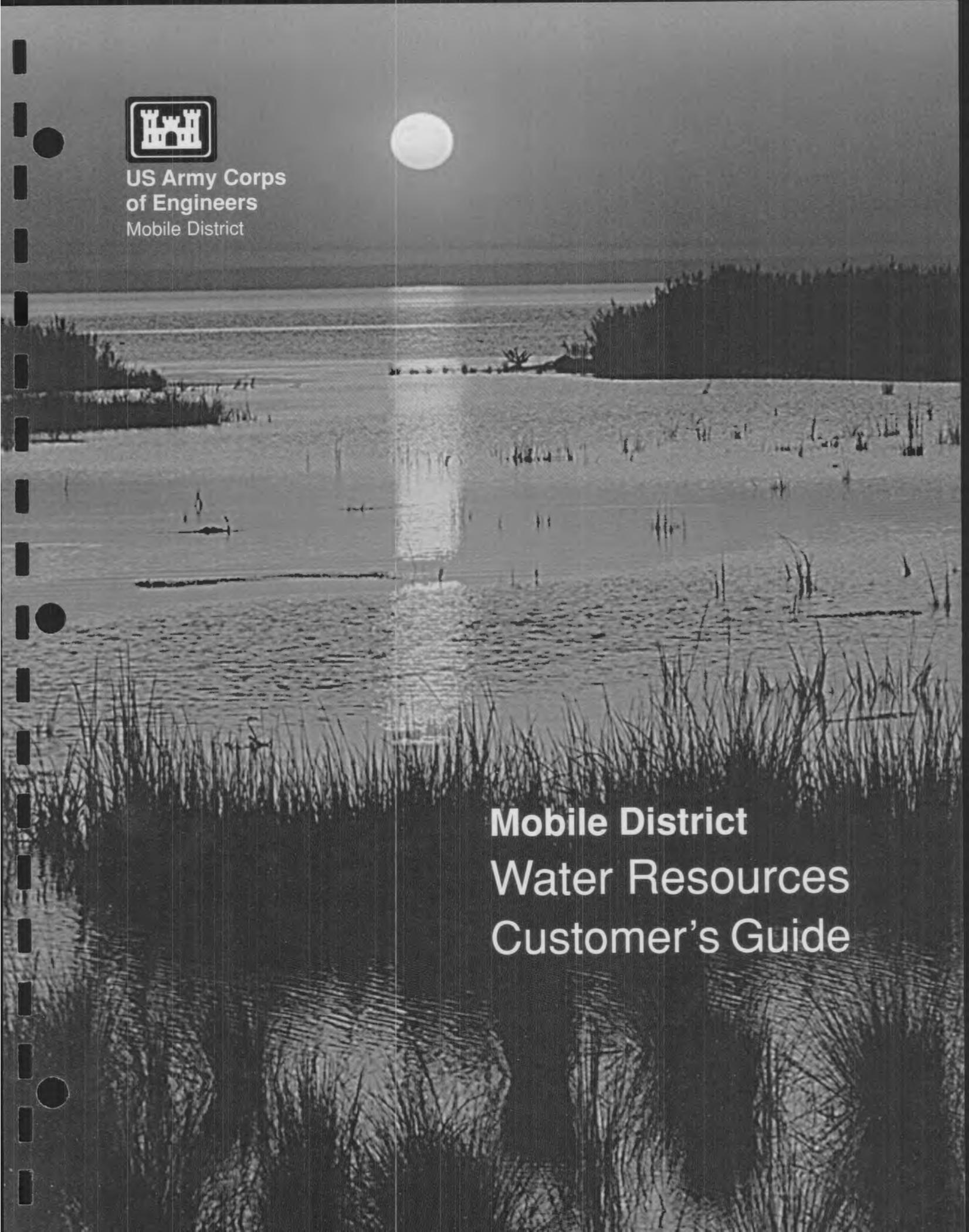




US Army Corps
of Engineers
Mobile District

A black and white photograph of a wetland landscape at sunset. The sun is a bright circle in the sky, reflecting on the water. The foreground is filled with tall grasses, and the background shows a line of trees and a distant horizon.

**Mobile District
Water Resources
Customer's Guide**

Table of Contents

Introduction	3
Corps of Engineers Overview	4
Corps Civil Works Boundaries Map.....	5
Mobile District Civil Works Map	6
Water Resource Projects	7
Continuing Authorities Program	9
Flood Plain Management Services	44
Planning Assistance to States.....	48

Introduction

Almost everyone knows that the U.S. Army Corps of Engineers builds water resources projects.

Not so well known, however, is that the Corps also helps States, Indian Tribes and local governments prepare their own plans and initiate their own actions to manage their water and related land resources.

This booklet describes three of the Corps' most effective and efficient small projects programs:

- Continuing Authorities
- Flood Plain Management Services
- Planning Assistance to States

It explains what these programs can do and the types of information, technical services, and planning guidance they can provide to help others help themselves.

It also includes instructions on how to request assistance and the address and telephone numbers in the Corps' Mobile District where additional information may be obtained.

Corps of Engineers Overview

The U.S. Army Corps of Engineers is the Nation's oldest and 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 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 commercial navigation and reducing flood damage. Along with these missions, the Corps generates hydropower, supplies water to cities and industry, regulates development in navigable waters, controls beach erosion, and constructs and manages recreation facilities. Today the Corps manages nearly 2,000 water resources projects including:

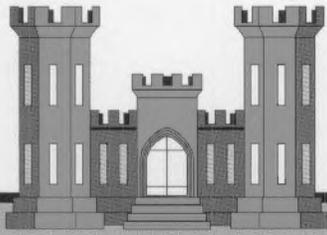
- Navigation
- Flood Damage Reduction
- Hydroelectric Power
- Fish and Wildlife Conservation
- Environmental Quality
- Recreation
- Water Supply

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

The Corps has 47 Division and District offices located throughout the United States and overseas. Division and District boundaries are shown on the accompanying maps (see pages 5 and 6). Each of these Division and District offices has designated a Continuing Authorities Program, a Flood Plain Management Services Program, and a Planning Assistance to States Program Coordinator. These Coordinators are responsible for drawing on the planning and technical resources of the Corps to provide a full range of services and guidance on water resources related matters to States, local governments, other non-Federal entities and Indian Tribes.

U.S. Army Corps of Engineers Division and District Boundaries





MOBILE DISTRICT



Service to the Nation - Customer Focused - The Standard is Excellence

Water Resource Projects

(Flooding, navigation restrictions, shore erosion)

The U.S. Army Corps of Engineers undertakes studies of water and related land resources problems and opportunities in response to directives, called authorizations, from the United States Congress. Congressional authorizations are contained in public laws or in resolutions of either the House Transportation and Infrastructure Committee or the Senate Environment and Public Works Committee. Study authorities are either unique, study-specific authorities or standing program authorities. Studies specifically authorized by Congress are normally required for large scale, complex water resources problems. The process for this type of study is described in the following paragraphs. Smaller, less complex problems are best addressed by one of the standing program authorities discussed in this brochure.

The six major steps in the planning, design, and implementation of a water resources project are:

1. **Problem Perception** - Local citizens or local government perceive or experience a water resources problem such as flooding, shore erosion, navigation restrictions, etc., that is beyond the ability of local government to solve.
2. **Request for Federal Action** - Local government officials contact Congressman or Senator to request a study authorization.
3. **Study Program and Report Preparation** - In addition to authorizing the study, Congress must also appropriate funds for the study. This is normally done as a result of the study being included in the President's Budget. This process can require 18-36 months. Once funded, the Corps conducts a feasibility study, also called a pre-authorization study, using a two-phased planning process discussed later in this brochure.
4. **Report Review and Approval** - Feasibility studies are documented in a report which is submitted to Corps Headquarters in Washington for review to determine if the report recommendations are in accord with current Administration policies. After completion of the feasibility phase detailed design of the recommended project begins. This phase is called Preconstruction Engineering and Design and is

Water Resource Projects

(Flooding, navigation restrictions, shore erosion)

cost shared in the same proportion as the project. This phase concludes with the preparation of detailed construction drawings and specifications often called "plans and specs".

5. **Congressional Authorization** - Following a successful review and coordination with the Office of Management and Budget, the Assistant Secretary for the Army for Civil Works transmits the report to Congress who must authorize the recommended project in a Water Resources Development Act.

6. **Project Implementation** - Once the project has been authorized by Congress and "plans and specs" are complete, construction of the project may begin. For most water resources project purposes, construction costs are shared between the Federal government and a non-Federal sponsor. Prior to construction, a Project Cooperation Agreement must be signed which describes the responsibilities of both parties. Following completion of the project, the non-Federal sponsor in some cases will be responsible for maintaining the project.

Two-Phase Planning Process

Studies of water resources problems are conducted in two phases, the reconnaissance phase, generally completed in 9-12 months, and the feasibility phase, generally completed in 24-36 months depending on the complexity of the problem. The purpose of the reconnaissance phase is to decide whether planning should continue into the feasibility phase, determine the potential non-Federal sponsor's interest and support for the potential solutions, and to estimate the time and cost for completing the feasibility phase. The purpose of the feasibility phase is to describe and evaluate alternative plans and to fully describe a plan to be recommended to Congress for authorization. Feasibility phase investigations must be cost-shared equally between the Corps and a non-Federal sponsor such as a City, County, or a State agency. Up to one-half of the non-Federal share may consist of in-kind services instead of cash. The Federal and non-Federal sponsor sign a Feasibility Cost-Sharing Agreement which details the responsibilities of both parties.

The Continuing Authorities Program

At the request of local interests, Corps assistance in developing and implementing solutions to water resources problems is available under one of two Congressional authorities. Problems which are large in scope require specific Congressional authorization; however, in instances where problems are generally "small" in scope, the Corps may act directly under its Continuing Authorities Program.

The Continuing Authorities Program allows the Corps to respond more quickly than is possible through the specific Congressional authorization process. This is because Congress has delegated to the Corps general authority to study and, if proven feasible, approve and construct certain water resources development projects.

The program is comprised of nine (9) different types of projects, each with its own project authority and strict limit on the Federal contribution. As favorable studies progress towards more detailed design and construction, certain project costs must be shared with the local sponsor including any and all costs in excess of Federal project limits. For this reason, the local sponsor must be a non-Federal entity with the power to raise revenue sufficient to satisfy requirements of local cooperation.

Summary of the Continuing Authorities

Project	Authority	Federal Study Limit	Implementation	Federal Project Limit
			Cost-Share Fed/Non-Fed	
Flood Control	Section 205, 1948 Flood Control Act, as amended	\$100,000	65% / 35%	\$5,000,000
Emergency Streambank and Shoreline Protection	Section 14, 1946 Flood Control Act, as amended	40,000	65% / 35%	1,000,000
Snagging and Clearing for Flood Control	Section 208, 1954 Flood Control Act, as amended	40,000	65% / 35%	500,000
Navigation	Section 107 1960 River and Harbor Act, as amended	100,000	80% / 20%	4,000,000
Beach Erosion	Section 103, 1962 River and Harbor Act, as amended	100,000	65% / 35%	2,000,000
Mitigation of Shore Damage Attributable to Navigation Works	Section 111, 1968 River and Harbor Act, as amended	100,000	65% / 35%	2,000,000
Project Modifications for Improvements to the Environment	Section 1135, 1986 Water Resources Development Act, as amended	10,000	75% / 25%	5,000,000
Ecosystem Restoration Projects in Connection with Dredging	Section 204, 1992 Water Resources Development Act, as amended	10,000	75% / 25%	N/A
Aquatic Ecosystem Restoration	Section 206, 1996 Water Resources Development Act	10,000	65% / 35%	5,000,000

The Nine Authorities



Small Flood Control (Section 205)

Work under this authority provides for local protection from flooding by the construction or improvement of flood control works such as levees, channels, and dams. Non-structural alternatives are also considered and may include measures such as installation of flood warning systems, raising and/or flood proofing of structures, and relocation of flood prone facilities.



Emergency Streambank and Shoreline Protection (Section 14)

Work under this authority is intended to prevent erosion damages to highways, bridge approaches, public works, and other non-profit public facilities by the emergency construction or repair of streambank and shoreline protection works.



Snagging and Clearing for Flood Control (Section 208)

Work under this authority provides for local protection from flooding by channel clearing and excavation, with limited embankment construction by use of materials from the clearing operation only.



Small Navigation Projects (Section 107)

Work under this authority is intended to provide improvements to navigation including dredging of channels, widening of turning basins, and construction of navigation aids.



Small Hurricane and Storm Damage Reduction Projects (Section 103)

Work under this authority provides for protection or restoration of public shorelines by the construction of revetments, groins, and jetties, and may also include periodic sand replenishment.

The Nine Authorities

(Continued)



Mitigation of Shore Damages (Section 111)

Work under this authority provides for the prevention or mitigation of erosion damages to public or privately owned shores along the coastline of the United States when these damages are a result of a Federal navigation project. This authority cannot be used for shore damages caused by river bank erosion or vessel-generated wave wash. It is not intended to restore shorelines to historic dimensions, but only to reduce erosion to the level that would have existed without the construction of a Federal navigation project. Cost-sharing may not be required for this program. If the Federal cost limitation is exceeded, specific Congressional authorization is required.



Project Modifications for Improvements to the Environment (Section 1135)

Work under this authority provides for ecosystem restoration through modification to Corps structures or operation of Corps structures or implementation of restoration features when the construction of a Corps project has contributed to degradation of the quality of the environment.



Ecosystem Restoration Projects in connection with dredging (Section 204)

Work under this authority provides for protection, restoration, and creation of aquatic and wetland habitats in connection with construction and maintenance dredging of an authorized project.



Aquatic Ecosystem Restoration (Section 206)

Work under this authority provides for the restoration and protection of aquatic ecosystems if the project will improve the environment and is in the public interest.

How the Mobile District Will Respond to Your Request

Once a request for assistance is received, funds are requested to begin the planning process. When funds are received the Mobile District begins its planning process. Problems are identified, alternatives formulated, and solutions proposed. Before a proposed solution can be approved and constructed, four questions must be answered favorably.

Is the solution feasible from an engineering standpoint?

Thorough analyses of engineering considerations are always made, including soils, seismic, hydrologic and hydraulic, structural design, and materials availability. Alternatives which present serious technical problems are usually eliminated from consideration.

Is the solution economically justifiable?

Economic justification means that a project must have more benefits than costs or for ecosystem restoration projects, the unit cost for the environmental benefits must be reasonable. With few exceptions, all Federal Civil Works projects must be economically justified.

Is the solution environmentally sound?

Environmental analysis involves a thorough review of environmental conditions and the impact that construction would have. In general, adverse impacts must be mitigated and the cost of mitigation is included in project implementation costs. An environmental assessment is required for all continuing authorities projects.

Are local authorities willing and able to share in costs of planning and construction, as required by Congress?

If a feasible solution is identified and the project advances, the local authorities may be required to provide certain items of local cooperation. These items include funds for project planning and construction, as well as all lands, easements, rights-of-way, relocations of utilities, streets, highways, bridges, buildings, storm drains, and other structures and improvements and disposal areas. Specific cost-sharing regulations will be discussed with the local sponsor early in the planning process.

How to request help

Assistance through the Continuing Authorities Program begins with a request from a responsible local sponsor such as a city council, county board of supervisors, director of public works, flood control agency, or environmental organization.

To request assistance, contact the Mobile District by writing:

U.S. Army Corps of Engineers
Mobile District
ATTN: CESAM-PD
109 St. Joseph Street
Mobile, AL 36628-0001

or calling the Chief of Plan Formulation Branch at (334) 694-3809, or E-mail at roger.a.burke@sam.usace.army.mil.

Appendix A

Small Flood Control Projects

Section 205 of the 1948 Flood Control Act

(Continued)

Local Cooperation

Formal assurance of local cooperation [Project Cooperation Agreement (PCA)] must be executed with the sponsoring agency. The local sponsor must be a municipality or public agency fully authorized under state laws to give such assurance and financially capable of fulfilling all measures of local cooperation. The sponsoring agency must normally agree to:

- a. Provide without cost to the United States all lands, easements, rights-of-way, relocations, and disposal areas necessary for the construction and subsequent operation and maintenance of the project.
- b. Provide without cost to the United States all necessary alterations of buildings, utilities, highways, 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 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 which might interfere with proper functioning of the project for flood control.

Appendix A

Small Flood Control Projects

Section 205 of the 1948 Flood Control Act

(Continued)

- f. Assume responsibility for all costs in excess of the Federal cost limitation of \$5 million.
- g. 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.
- h. Provide a cash contribution of 5 percent of the project cost.
- i. If the value of the sponsor's contribution above does not equal or exceed 35 percent of the project, provide a cash contribution to make the sponsor's total contribution equal to 35 percent.



Example Section 205 Study Request

District Engineer
U.S. Army Corps of Engineers
Mobile District
Attention: CESAM-PD
Post Office Box 2288
Mobile, Alabama 36628-0001

Dear Sir:

(Briefly discuss need for study and nature, extent, and source of flooding and provide any other available information such as number of structures flooded, estimated dollar damage, etc.)

I request that the U.S. Army Corps of Engineers, Mobile District, undertake an investigation of flooding problems under the authority of Section 205 of the Flood Control Act of 1948, as amended. (Local official government entity) is willing to serve as the study sponsor.

I understand that the study would be Federally financed and 100 percent Federally funded to the limit of \$100,000. If the total cost of the study exceeds \$100,000, I understand that remaining study costs will be shared equally between the Corps and (local government entity). If studies indicate a viable solution, our objective will be to proceed with construction. We are capable of fulfilling our financial obligations for construction and operation and maintenance: in general, providing a minimum of 35 percent of the total project costs, including furnished lands, easements, rights-of-way, relocations, and disposal areas. We are also aware that the Corps and our responsibilities will be delineated in the Project Cooperation Agreement, which both parties will execute before construction commences.

If you need additional information, please contact:

_____ (designee) at _____ (telephone number)

Sincerely,

Local Official

Appendix B

Emergency Streambank and Shoreline Protection

Section 14 of the 1946 Flood Control Act

Authority and Scope

Section 14 of the 1946 Flood Control Act provides authority for the Corps of Engineers to develop and construct emergency streambank and shoreline protection projects to prevent erosion damages to endangered highways, highway bridge approaches, public work facilities such as water and sewer lines, churches, public and private non-profit schools and hospitals, and other non-profit public facilities. Each project is limited to a Federal cost of \$1,000,000.

How to request assistance

An investigation of a prospective small emergency streambank or shoreline project under Section 14 can be initiated upon receipt of a request from a sponsoring agency empowered under state law to provide required local cooperation. A sample letter requesting a study is enclosed.

Cash contribution

The sponsor must contribute in cash 5 percent of the total project cost. If the value of lands, easements, rights-of-way, relocations and disposal areas plus the cash contribution do not equal or exceed 35 percent of the project cost, the sponsor must pay the additional amount necessary so that the sponsor's total contribution equals 35 percent of the project cost.

Local cooperation

Formal assurance of local cooperation (PCA) must be executed with the local sponsoring agency. The local sponsor must be a municipality or public agency fully authorized under state laws to give such assurances and financially capable of fulfilling all measures of local cooperation. The sponsoring agency must normally agree to:

- a. Provide without cost to the United States all necessary lands, easements, rights-of-way, relocations and disposal areas necessary for project construction and subsequent operation and maintenance.

Appendix B

Emergency Streambank and Shoreline Protection

Section 14 of the 1946 Flood Control Act

(Continued)

- b. Hold and save the United States 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 United States or its contractors.
- c. Assume the full responsibility of all project costs in excess of the federal cost limitation of \$1,000,000.
- d. Assure maintenance and repair during the useful life of the works as required to serve the project's intended purpose.
- e. Provide a cash contribution of 5 percent of the project cost.
- f. If the value of the sponsor's contribution above does not equal or exceed 35 percent of the project cost, provide a cash contribution to make the sponsor's total contributions equal 35 percent.



Example Section 14 Study Request

District Engineer
U.S. Army Corps of Engineers
Mobile District
Attention: CESAM-PD
Post Office Box 2288
Mobile, Alabama 36628-0001

Dear Sir:

(Briefly discuss need for study and nature, extent, and source of problem and provide any other available information such as structures threatened, estimated impacts if failure occurs, etc.)

I request that the U.S. Army Corps of Engineers, Mobile District, undertake an investigation of this streambank erosion problem under the authority of Section 14 of the Flood Control Act of 1946, as amended. (Local official government entity) is willing to serve as the study sponsor.

I understand that the Planning and Design Analysis (PDA) would be initially 100 percent Federally funded. If the total cost does not exceed \$40,000 the PDA will be accomplished at full Federal expense. Any PDA costs over \$40,000 are considered part of project implementation, and the sponsor's share will be recovered during project construction, as a part of total project cost. If studies indicate a viable solution, our mutual objective will be to proceed with construction within 12 months of initiating the PDA. We are capable of fulfilling our financial obligations; in general, providing a minimum of 35 percent of the total project costs, including furnishing lands, easements, rights-of-way, relocations, and disposal areas, and we will operate and maintain the project upon completion. We are also aware that both the Corps and our responsibilities will be delineated in a Project Cooperation Agreement, which both parties will execute before construction commences.

If you need additional information, please contact:

_____ (designee) at _____ (telephone number)

Sincerely,

Local Official

Appendix C

Snagging and Clearing

Section 208 of the 1954 Flood Control Act

Authority and Scope

Section 208 of the 1954 Flood Control Act provides authority for the Corps of Engineers to make improvements for flood control by removing accumulated snags and other debris, and clearing and straightening of the channels in streams in the interest of flood control. Each project is limited to a Federal cost of not more than \$500,000. This Federal cost limitation includes all project-related costs for feasibility studies, planning, engineering, construction, supervision, and administration.

How to request assistance

The Corps can initiate an investigation of a small snagging and clearing project upon receipt of a request from a prospective sponsoring agency fully empowered under state law to provide the required local cooperation. A sample letter requesting a study is enclosed.

Cash Contribution

Costs for such projects will be shared the same as for small flood control projects.

Local Cooperation

Local cooperation for such projects will be the same as for small flood control projects.



Appendix D

Small Navigation Projects

Section 107 of the 1960 River and Harbor Act

Authority and Scope

Section 107 of the River and Harbor Act of 1960, as amended, provides authority for the Corps of Engineers to develop and construct small navigation projects. The Corps adopts a project for construction after detailed investigation clearly shows the engineering feasibility and economic justification of the improvement. Each project is limited to a Federal cost of not more than \$4 million. This Federal cost limitation includes all project-related costs for feasibility studies, planning, engineering, construction, supervision and administration.

How to Request Assistance

The Corps can initiate an investigation of a small project upon receipt of a request from a prospective sponsoring agency fully empowered under state law to provide the required local cooperation. A sample letter requesting a study is enclosed.

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 are constructed and maintained by the Corps of Engineers. Construction and maintenance of docks, landings, piers, berthing and fleeting 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, relocations, and dredged material disposal areas including dikes, 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.

Appendix D

Small Navigation Projects

Section 107 of the 1960 River and Harbor Act (Continued)

Cost Sharing

The project sponsor must pay 20% of the cost of the general navigation facilities costs. Ten percent of the general navigation facilities costs must be paid during construction. The sponsor may also pay the additional 10 percent of the general navigation facilities costs over a 30-year period with interest; the value of lands, easements, rights-of-way, relocations, and disposal areas shall be credited toward this payment.

Local Cooperation

Formal assurance of local cooperation (PCA) must be executed with the local sponsoring agency. The local sponsor must be a municipality or public agency fully authorized under state laws to give such assurances and financially capable of fulfilling all measures of local cooperation. The sponsoring agency must normally 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 adequate public landing or wharf with provisions for the same of motor fuel lubricants and potable water open and available to the use of all on equal terms.

Appendix D

Small Navigation Projects

Section 107 of the 1960 River and Harbor Act (Continued)

- c. Provide without cost to the United States all necessary lands, easements, rights-of-way, relocations and disposal areas required for construction and subsequent maintenance of the project, including suitable dredged material disposal areas with any necessary retaining dikes, bulkheads and embankments.
- 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 and fleeting 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.)

Appendix D

Small Navigation Projects

Section 107 of the 1960 River and Harbor Act (Continued)

- g. Assume full responsibility for all project costs in excess of the Federal cost limitation of \$4 million.
- h. Establish regulations prohibiting discharge of untreated sewage, garbage and other pollutants to 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.



Example Section 107 Study Request

District Engineer
U.S. Army Corps of Engineers
Mobile District
Attention: CESAM-PD
Post Office Box 2288
Mobile, Alabama 36628-0001

Dear Sir:

(Briefly discuss need for study and nature, extent, and source of interest in navigation needs and provide any other available information justifying those needs.)

I request that the U.S. Army Corps of Engineers, Mobile District, undertake an investigation of a port at (location), under the authority of Section 107 of the River and Harbor Act of 1960. (Local official government entity) is willing to serve as the study sponsor.

I understand that the study would be Federally financed and 100 percent Federally funded to the limit of \$100,000. If the total cost of the study exceeds \$100,000, I understand that remaining study costs will be shared equally between the Corps and (local government entity). If studies indicate a viable solution, our objective will be to proceed with construction. We are capable of fulfilling our financial obligations for construction and operation and maintenance: in general, providing a minimum of 20 percent of the construction cost for the general navigation facilities including furnishing lands, easements, rights-of-way, relocations, dredge material disposal areas, and berthing and fleeting areas. We are also aware that both the Corps and our responsibilities will be delineated in the Project Cooperation Agreement, which both parties will execute before construction commences.

If you need additional information, please contact:

_____ (designee) at _____ (telephone number)

Sincerely,

Local Official

Appendix E

Small Hurricane and Storm Damage Reduction Projects

Section 103 of the 1962 River and Harbor Act (Continued)

and recreation purposes are shared 50% Federal and 50% non-Federal. The value of lands, easements, rights-of-way, relocations, and disposal areas are credited toward these payments. Hurricane and storm damage reduction policies continue to undergo revisions by the Congress and the Administration. Accordingly, the Federal and non-Federal responsibilities and costs are subject to change.

Local Cooperation

Formal assurance of local cooperation (PCA) must be executed with the sponsoring agency. The local sponsor must be a municipality or public agency fully authorized under state laws to give such assurance and financially capable of fulfilling all measures of local cooperation. The sponsoring agency must normally agree to:

- a. Provide without cost to the United States all lands, easements, rights-of-way, relocation, and disposal areas necessary for the construction and subsequent operation and maintenance of the project.
- b. Contribute in cash during project construction the appropriate percentage of project costs based on shore ownership and use. Credit will be given for the value of lands, easements, rights-of-way, relocations, and disposal areas.
- c. Hold and save the United States free from damages due to the construction, operation, and maintenance of the project, except for 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 applicable Federal and state laws.
- e. Maintain public ownership and public use of the shore upon which the Federal participation is based.

Example Section 103 Study Request

District Engineer
U.S. Army Corps of Engineers
Mobile District
Attention: CESAM-PD
Post Office Box 2288
Mobile, Alabama 36628-0001

Dear Sir:

(Briefly discuss need for study and nature, extent of storm damages and provide any other available information such as number of structures damaged, estimated dollar damage, etc.)

I request that the U.S. Army Corps of Engineers, Mobile District, undertake an investigation of flooding problems under the authority of Section 103 of the River and Harbor Act of 1962, as amended. (Local official government entity) is willing to serve as the study sponsor.

I understand that the study would be Federally financed and 100 percent Federally funded to the limit of \$100,000. If the total cost of the study exceeds \$100,000, I understand that remaining study costs will be shared equally between the Corps and (local government entity). If studies indicate a viable solution, our mutual objective will be to proceed with construction within 12 months of initiating the PDA. We are capable of fulfilling our financial obligations; in general, providing a minimum of 35 percent of the total project costs, including furnishing lands, easements, rights-of-way, relocations, and disposal areas, and we will operate and maintain the project upon completion. We are also aware that both the Corps and our responsibilities will be delineated in a Project Cooperation Agreement, which both parties will execute before construction commences.

If you need additional information, please contact:

_____ (designee) at _____ (telephone number)

Sincerely,

Local Official

Appendix F

Shore Damage Attributable to Federal Navigation Work

Section 111 of the 1968 River and Harbor Act

Authority and Scope

Section 111 of the 1968 River and Harbor Act provides authority for the Corps of Engineers to develop and construct projects for prevention or mitigation of damages caused by Federal navigation work. This applies to both publicly and privately owned shores located along the coastal shorelines of the United States. Each project is limited to a Federal cost of not more than \$2 million.

How to Request Assistance

The Corps can initiate an investigation of a prospective mitigation of damages project upon receipt of a request from a sponsoring agency empowered under state law to provide the required local cooperation. A sample letter requesting a study is enclosed.

Limitations of Authority

This authority may not be used for the following purposes:

- a. To construct works for prevention or mitigation of shore damage caused by river bank erosion or vessel-generated wave wash.
- b. To prevent or mitigate shore damage caused by non-Federal navigation projects.

Criteria for a Favorable Recommendation

A recommendation to construct a project to prevent or mitigate shore damage attributable to a Federal navigation project may be considered when both of the following conditions exist:

- a. The navigation project has been determined to be the cause of the damage, and abandonment of the navigation project is not the most viable solution.
- b. Analysis based on sound engineering and economic principles clearly demonstrates the feasibility of the proposed work.

Example Section 111 Study Request

District Engineer
U.S. Army Corps of Engineers
Mobile District
Attention: CESAM-PD
Post Office Box 2288
Mobile, Alabama 36628-0001

Dear Sir:

(Briefly discuss need for study and nature, extent, and source of problem and provide any other available information such as estimated impacts if failure occurs, etc.)

I request that the U.S. Army Corps of Engineers, Mobile District, undertake an investigation under the authority of Section 111 of the River and Harbor Act of 1968, as amended. (Local official government entity) is willing to serve as the study sponsor.

I understand that the study would be Federally financed and 100 percent Federally funded to the limit of \$100,000. If the total cost of the study exceeds \$100,000, I understand that remaining study costs will be shared equally between the Corps and (local government entity). If studies indicate a viable solution, our mutual objective will be to proceed with construction within 12 months of initiating the PDA. We are capable of fulfilling our financial obligations; in general, providing a minimum of 35 percent of the total project costs, including furnishing lands, easements, rights-of-way, relocations, and disposal areas, and we will operate and maintain the project upon completion. We are also aware that both the Corps and our responsibilities will be delineated in a Project Cooperation Agreement, which both parties will execute before construction commences.

If you need additional information, please contact:

_____ (designee) at _____ (telephone number)

Sincerely,

Local Official

Appendix G

Project Modifications for Improvements to the Environment

Section 1135 of the 1986 Water Resources Development Act

Authority and Scope

Section 1135 of the 1986 Water Resources Development Act, as amended, provides authority for the Corps of Engineers to restore degraded ecosystem. If the construction or operation of a Corps of Engineers project has contributed to the degradation of the quality of the environment, measures for restoration through modifications of the structure or operation of the structure may be undertaken at the project site. Measures at other locations that have been affected by the construction or operation of the project can be undertaken, if such measures do not conflict with the authorized project purposes.

How to Request Assistance

An environmental improvement project under Section 1135 can be initiated upon receipt of a request from a prospective local sponsor. A sample letter requesting a study is enclosed.

Cash Contribution

If the value of the lands, easements, rights-of-way, relocations, and disposal areas plus the cash contribution is less than 25 percent of the project cost, the sponsor must pay the additional amount necessary so that the sponsor's total contribution equals 25 percent of the project cost.

Local Cooperation

Formal assurance of local cooperation (PCA) must be executed with the local sponsoring agency. The sponsoring agency must normally agree to:

- a. Provide without cost to the United States all lands, easements, rights-of-way, relocations and disposal areas necessary for the construction and subsequent maintenance of the project.

Appendix G

Project Modifications for Improvements to the Environment

Section 1135 of the 1986 Water Resources Development Act (Continued)

- b. Maintain and operate the project after completion without cost to the United States.
- c. "Work-in-kind" contributions from the sponsor may be acceptable with a limit of no more than 80 percent of the non-Federal share.
- d. If the value of the sponsor's contribution above does not equal or exceed 25 percent of the project cost, provide a cash contribution to make the sponsor's total contributions equal to 25 percent.



Example Section 1135 Study Request

District Engineer
U.S. Army Corps of Engineers
Mobile District
Attention: CESAM-PD
Post Office Box 2288
Mobile, Alabama 36628-0001

Dear Sir:

(Briefly discuss need for study and nature, extent, and Corps project's relationship to the problem and provide any other available information such as species impacted, magnitude of impact, ecological significance, etc.)

I request that the U.S. Army Corps of Engineers, Mobile District, investigate this degrading ecosystem under the authority of Section 1135 of the Water Resources Development Act of 1986, as amended. (Local sponsor) is willing to serve as the non-Federal sponsor.

I understand that non-Federal cost sharing will be required for the Project Modification Report, plans and specifications, and project construction. We are capable of fulfilling our financial obligations; in general, providing 25 percent of the total project cost which includes furnishing lands, easements, rights-of-way, relocations, and disposal areas, and we will operate and maintain the project upon completion. We are also aware that both the Corps and our responsibilities will be delineated in the Project Cooperation Agreement, which both parties will execute before construction commences.

If you need additional information, please contact:

_____ (designee) at _____ (telephone number)

Sincerely,

Local Official

Appendix H

Ecosystem Restoration Projects in Connection with Dredging

Section 204 of the 1992 Water Resources Development Act

Authority and Scope

Section 204 of the 1992 Water Resources Development Act, as amended, provides authority for the Corps of Engineers to restore, protect, and create aquatic and wetland habitats in connection with construction or maintenance dredging of an authorized project.

How to Request Assistance

Investigations of an environmental improvement project under Section 204 can be initiated upon receipt of a request from a prospective sponsoring agency. A sample letter requesting a study is enclosed.

Cash Contribution

If the value of the lands, easements, rights-of-way, relocations, and disposal areas (LERRDS) plus the cash contribution does not equal or exceed 25 percent of the project cost, the sponsor must pay the additional amount necessary so that the sponsor's total contribution equals 25 percent of the project cost. Local expenditures in excess of the 25 percent contribution will be reimbursed.

Local Cooperation

Formal assurance of local cooperation must be furnished by a local sponsoring agency. The sponsoring agency must normally agree to:

- a. Provide without cost to the United States all lands, easements, rights-of-way, relocations and disposal areas necessary for the construction and subsequent maintenance of the project.
- b. Maintain and operate the project after completion without cost to the United States.

Appendix I

Aquatic Ecosystem Restoration

Section 206 of the 1996 Water Resources Development Act

Authority and Scope

Section 206 of the 1996 Water Resources Development Act provides authority for the Corps of Engineers to restore degraded aquatic ecosystems. A restoration project is adopted for construction only after investigation shows that the restoration will improve the environment, is in the public interest, and is cost-effective. Each project is limited to a Federal cost of not more than \$5 million. This Federal limitation includes all project-related costs for feasibility studies, planning, engineering, construction, supervision, and administration.

How to Request Assistance

An aquatic restoration project under Section 206 can be initiated upon receipt of a written request from a prospective local sponsor. A sample letter requesting a study is enclosed.

Cash Contribution

If the value of the lands, easements, rights-of-way, relocations, and disposal areas is less than 35 percent of the project cost, the sponsor must pay the additional amount necessary so that the sponsor's total contribution equals 35 percent of the project costs.

Local Cooperation

Formal assurance of local cooperation (PCA) must be executed with the local sponsoring agency. The sponsoring agency must formally agree to:

- a. Provide without cost to the United States all lands, easements, rights-of-way, relocations and disposal areas necessary for the construction and subsequent maintenance of the project.
- b. Maintain and operate the project after completion without cost to the United States.

Example Section 206 Study Request

District Engineer
U.S. Army Corps of Engineers
Mobile District
Attention: CESAM-PD
Post Office Box 2288
Mobile, Alabama 36628-0001

Dear Sir:

(Briefly discuss nature, extent, and Corps project's relationship to the problem and provide any other available information such as species impacted, magnitude of impact, ecological significance, etc.)

I request that the U.S. Army Corps of Engineers, Mobile District, investigate this degrading ecosystem under the authority of Section 206 of the Water Resources Development Act of 1996, as amended. (Local sponsor) is willing to serve as the non-Federal sponsor.

I understand that non-Federal cost sharing will be required for the Ecosystem Restoration Report, plans and specifications, and project construction. We are capable of fulfilling our financial obligations; in general, providing 35 percent of the total project costs which includes furnishing lands, easements, rights-of-way, relocations, and disposal areas, and we will operate and maintain the project upon completion. We are also aware that both the Corps and our responsibilities will be delineated in a Project Cooperation Agreement, which both parties will execute before construction commences.

If you need additional information, please contact:

_____ (designee) at _____ (telephone number)

Sincerely,

Local Official

Flood Plain Management Services

Authority, Objective, and Scope

The program's authority is provided by Section 206 of the Flood Control Act of 1960, as amended. Its objective is to foster public understanding of the options for dealing with flood hazards and to promote prudent use and management of the Nation's flood plains.

Land use adjustments based on proper planning and the employment of techniques for reducing flood damages provide a rational way to balance the advantages and disadvantages of human settlement on flood plains. These adjustments are the key to sound flood plain management.

Types of Assistance

The FPMS Program provides the full range of technical services and planning guidance that is needed to support effective flood plain management.

a. General Technical Services. The program develops or interprets site-specific data on obstructions to flood flows, flood formulation and timing; flood depths or stages; flood-water velocities; and the extent, duration, and frequency of flooding. It also provides information on natural and cultural flood plain resources before and after the use of flood plain management measures.



b. **General Planning Guidance.**
On a larger scale, the program provides assistance and guidance in the form of "Special Studies" on all aspects of flood plain management planning including the possible impacts of off-flood plain land use changes on the physical, socioeconomic, and environmental conditions of the flood plain.

This can range from helping a community identify present or future flood plain areas and related problems, to a broad assessment of the various remedial measures that may be effectively used.

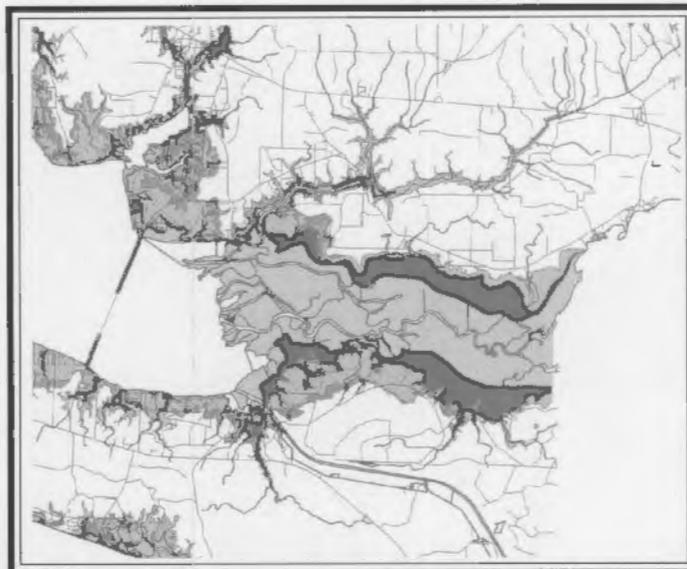
Some of the most common types of Special Studies include:

- Flood Plain Delineation/Flood Hazard Evaluation Studies
- Dam Break Analysis Studies
- Hurricane Evacuation Studies
- Flood Warning/Preparedness Studies

- Regulatory Floodway Studies
- Comprehensive Flood Plain Management Studies
- Flood Damage Reduction Studies
- Urbanization Impact Studies
- Stormwater Management Studies
- Flood Proofing Studies
- Inventory of Flood Prone Structures

The program also provides guidance and assistance for meeting standards of the National Flood Insurance Program and for conducting workshops and seminars on non-structural flood plain management measures, such as Flood Proofing.

c. **Guides, Pamphlets, and Supporting Studies.** Studies are conducted under the program to improve the methods and procedures for mitigating flood damages. Guides and pamphlets are also prepared on flood proofing techniques, flood plain occupancy, natural flood plain resources, and other related aspects of flood plain management.



The study findings and the guides and pamphlets are provided free-of-charge to Federal agencies, Indian Tribes, State, regional, and local governments and private citizens for their use in addressing the flood hazard.

Charges for Assistance

Upon request, program services are provided to State, regional, and local governments, Indian Tribes, and other non-Federal public agencies without charge.

Program services also are offered to non-water resource Federal agencies and to the private sector on a 100% cost recovery basis. For most of these requests, payment is required before services are provided. A schedule of charges is used to recover the cost of services taking up to one day to provide. Letter requests or signed agreements are used to charge for those that take longer.

All requestors are encouraged to furnish available field survey data, maps, historical flood information and the like to help reduce the cost of services.



How to Request Assistance

Agencies, governments, organizations, and individuals interested in flood-related information or assistance should call the Mobile District's FPMS Program Coordinator at (334) 694-3879, or E-mail at john.r.eringman@sam.usace.army.mil, or write to the address in the sample letter request on the following page.

Information that is readily available will be provided in response to a telephone request. A letter request is required for assistance that involves developing new data, making a map, or preparing a report.



Example for Flood Plain Management Services Request

District Engineer
U.S. Army Corps of Engineers
Mobile District
Attention: CESAM-PD
Post Office Box 2288
Mobile, Alabama 36628-0001

Dear Sir:

This is in reference to your Flood Plain Management Services Program. We understand that Section 206 of the Flood Control Act of 1960, as amended, authorizes the Corps to help others mitigate flood losses. The (requesting agency or private entity) requests assistance for (body of water or waterway), located in (City, and / or County and State).

(Add brief paragraph describing problem or need).

Property descriptions, (site plans, maps and/or photographs) are enclosed. Upon your review of this initial request, we would like to discuss the availability of information, required schedule, and level of effort required (to negotiate the appropriate charge if applicable). Please contact (Name, title, phone number) to arrange a further discussion of this request.

Signature of Cooperating Agency or Individual

Planning Assistance to States

Authority and Scope

Section 22 of the Water Resources Development Act (WRDA) of 1974, as amended, provides authority for the Corps of Engineers to assist the States, local governments, and other non-Federal entities in the preparation of comprehensive plans for the development, utilization, and conservation of water and related land resources. Section 208 of the WRDA of 1992 amended the WRDA of 1974 to include Native American Tribes as equivalent to a State.

Funding

The Planning Assistance to States (PAS) Program is funded annually by Congress. Federal allotments for each State or Tribe from the nation-wide appropriation are limited to \$500,000 annually, but typically are much less. Individual studies, of which there may be more than one per State or Tribe per year, generally cost \$25,000 to \$75,000. These studies are cost shared on a 50 percent Federal - 50 percent non-Federal basis.

Program Development

The needed planning assistance is determined by the individual States and Tribes. Every year, each State and Indian Tribe can provide the Corps of Engineers its request for studies under the program, and the Corps then accommodates as many studies as possible within the funding allotment. Typical studies are only planning level of detail; they do not include detailed design for project construction. The studies generally involve the analysis of existing data for planning purposes using standard engineering techniques although some data collection is often necessary. Most studies become the basis for State or Tribal and local planning decisions. To assist in expediting a request for Planning Assistance to states activities, a sample letter and Cost Sharing Agreement are included on the following two pages.

Typical Studies

The program can encompass many types of studies dealing with water resources issues. Types of studies conducted in recent years under the program include the following:

- Water Supply and Demand Studies
- Water Quality Studies
- Environmental Conservation/Restoration Studies
- Wetlands Evaluation Studies
- Dam Safety/Failure Studies
- Flood Damage Reduction Studies
- Flood Plain Management Studies
- Coastal Zone Management/Protection Studies
- Harbor/Port Studies

How to Request Assistance

State, local government, and Tribal officials who are interested in obtaining planning assistance under this Program can contact the Mobile District's PAS Coordinator - (334) 694-3863, E-mail at: james.o.buckalew@sam.usace.army.mil or write to the address in the following sample letter request.



Example for Planning Assistance to States Request

District Engineer
U.S. Army Corps of Engineers
Mobile District
Attention: CESAM-PD
Post Office Box 2288
Mobile, Alabama 36628-0001

Dear Sir:

This is in reference to the Corps of Engineers' Planning Assistance to States Program. We understand that the provisions of Section 22 of the Water Resources Development Act of 1974, as amended, provide authority for the Corps to assist in the preparation of comprehensive plans for the development, utilization, and conservation of water and related land resources. The (name of State, Indian Tribe, local government, or other non-Federal entity) requests planning assistance for (briefly describe problem or need, including if appropriate, the name of the body of water or waterway, and City, and / or County and State).

We would like to discuss the availability of information, required schedule, and level of effort required in order to negotiate a cost-sharing agreement to initiate a Section 22 study. Please contact (Name, title, phone number) to arrange a further discussion of this request.

Signature of Cooperating Agency

COST SHARING AGREEMENT
FOR
PLANNING ASSISTANCE BETWEEN
THE U.S. ARMY CORPS OF ENGINEERS
AND
(SPONSOR'S NAME)

THIS AGREEMENT, entered into this day of , by and between the United States of America (hereinafter called the "Government"), represented by the Contracting Officer executing this Agreement, and (Name of the Requesting State entity or Tribe) (hereinafter called the "Sponsor").

WITNESSETH, that

WHEREAS, the Congress has authorized the Corps of Engineers in Section 22 of the Water Resources Development Act of 1974 (Public Law 93-251) as amended to assist the States in the preparation of comprehensive plans for the development, utilization and conservation of water and related land resources; and whereas, Section 319 of the Water Resources Development Act of 1990 (Public Law 101-640) authorized the Government to collect from non-Federal entities fees for the purpose of recovering fifty (50) percent of the cost of the program; and,

WHEREAS, the Sponsor has reviewed the State's comprehensive water plans and identified the need for the planning assistance as described in a Scope of Studies: (Name of the study which is described in Appendix A), incorporated into this agreement; and

WHEREAS, the Sponsor has the authority and capability to furnish the cooperation hereinafter set forth and is willing to participate in study cost-sharing and financing in accordance with the terms of this agreement;

NOW THEREFORE, the parties agree as follows:

1. The Government, using funds contributed by the Sponsor and appropriated by the Congress, shall expeditiously prosecute and complete the Study, estimate to be completed within twelve (12) months, substantially in compliance with the Scope of Studies attached as Appendix A and in conformity with applicable Federal laws and regulations and mutually acceptable standards of engineering practice.

2. The Government and the Sponsor shall contribute in cash, fifty (50) percent, respectively, of all study costs, the total cost of which is currently estimated to be \$ _____, as specified in the cost estimate attached as Appendix B. The Sponsor agrees to provide a cashier or certified check in the amount of \$ _____ which shall be made payable to FAO, USAED, (Mobile District), prior to any work being performed under this Agreement.

3. No Federal funds may be used to meet the local Sponsor's share of study costs under this Agreement unless the expenditure of such funds is expressly authorized by statute as verified by the granting agency.

4. Before any Party to the Agreement may bring suit in any court concerning any issue relating to this Agreement, such Party must first seek in good faith to resolve the issue through negotiation or another form of nonbinding alternate dispute resolution mutually acceptable to the Parties.

5. In the event that any one or more of the provisions of this Agreement is found to be invalid, illegal, or unenforceable, by a court of competent jurisdiction, the validity of the remaining provisions shall not in any way be affected or impaired and shall continue in effect until the Agreement is completed.

6. This Agreement shall become effective upon the signature of both Parties.

For the Sponsor:

For the Corps:

By: _____

By: _____

Colonel, Corps of Engineers

Title: _____

Title: District Engineer

Date: _____

Date: _____

