

# Civil Works Policy Guidebook

**BUILDING STRONG**



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# Introduction

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The U.S. Army Corps of Engineers is one of the world's largest public engineering, design, and construction management agencies. Congress assigned the U.S. Army Corps of Engineers this civil works responsibility.

The U.S. Army Corps of Engineers' water resources program began in 1824 when Congress provided funds for improving river navigation. Since then, the U.S. Army Corps of Engineers has been involved in developing recreation and commercial navigation, reducing flood damage, and restoring ecosystems. Along with these missions, the U.S. Army Corps of Engineers generates hydropower, makes water supply available to cities and industry, and regulates development along navigable waters.

The seven primary mission areas of the U.S. Army Corps of Engineers for direct federal investment are:

- **Navigation**
- **Flood Risk Management**
- **Ecosystem Restoration**
- Hurricane and Storm Damage Reduction
- Water Supply
- Hydroelectric Power Generation
- Recreation

Additionally, the Civil Works Program includes an important regulatory mission where we regulate construction in navigable waters including the deposition of dredged and fill material in the waters and wetlands of the United States. The Civil Works Program also includes disaster preparedness response and recovery missions.

If your community, local or state government, is seeking a partner to assist with a water and related land resources study or project, in any of our seven focus areas call our office or send a letter to the address below. Additionally, non-government organizations can partner on ecosystem restoration projects. A sample letter is provided for reference on page 41.

**Susanne J. Davis , Chief Planning Branch**

U.S. Army Corps of Engineers, Chicago District  
111 N. Canal  
Chicago, IL 60606  
ATTN: Planning Branch



*Specifically Authorized Project Process*

# Specifically Authorized Project Process

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## **Navigation**

The U.S. Army Corps of Engineers Navigation Mission is to provide safe, reliable, and efficient waterborne transportation systems (channels, harbors, and waterways) for the movement of commerce, National security needs, and recreation. The Federal interest in navigation improvements stems from the commerce clause of the Constitution. Subsequent Supreme Court decisions have established that the Federal obligation to regulate navigation includes the right to make necessary improvements in waterways. Navigation in harbors and inland waterways is essential to our nation's transportation system.

The U.S. Army Corps of Engineers, as the Federal government's largest water resources development and management agency, began its water resources program in 1824.

## **Flood Risk Management**

One of the primary missions of the U.S. Army Corps of Engineers is to support flood risk management activities of communities in both urban and rural areas throughout the United States. To carry out this mission, the Corps operates projects that reduce flood risk and conducts emergency management activities. At the direction of Congress, the Corps studies and implements flood risk management measures. Over the years the Corps has significantly reduced the impacts of floods by implementing measures such as dams, levees and floodplain management activities.

With specific congressional authorization, the U.S. Army Corps of Engineers can evaluate flood problems, potential solutions, and recommend to Congress whether or not a project should be authorized. This approach is used for larger projects. Typical project features include dams, channel modifications, levees, and other flood control structures.

## **Ecosystem Restoration**

The U.S. Army Corps of Engineers Chicago District environmental mission has two major focus areas: protection restoration. Efforts in both areas are guided by the Corps environmental operating principles, which help us balance economic and environmental concerns.

The U.S. Army Corps of Engineers works to restore degraded ecosystem structure, function and dynamic processes to a more natural condition through ecosystem restoration projects and by employing system-wide watershed approaches to problem solving and management for smaller ecosystem restoration projects

## **Study Process (Specifically Authorized Studies and Projects)**

Before the Federal Government can participate in implementing a project, planning studies must be conducted to determine if the project is feasible. Planning studies are typically conducted in two phases — reconnaissance and feasibility. A description of these phases is as follows:

### **Reconnaissance Phase**

A 905(b) reconnaissance analysis is funded by the Federal Government up to \$100,000 to accomplish 6 essential tasks and is ideally completed in 12 -18 months. The 6 essential tasks include:

1. Determine if the water resource problem warrants Federal participation in a feasibility study
2. Define the Federal interest based upon a preliminary analysis consistent with Army policies, costs, benefits and environmental impacts

3. Complete the 905(b) analysis Report
4. Prepare a Project Management Plan
5. Assess the level of interest of the non-Federal partner(s) including a letter-of-intent from the partner(s) stating their willingness to cost share the feasibility study and construction of the project.
6. Negotiate and execute a Feasibility Cost Sharing Agreement (FCSA) between the U.S. Army Corps of Engineers and the partner(s). The feasibility study cannot be initiated until the FCSA is signed.

### **Feasibility Phase**

The feasibility phase investigates the problem and recommends solutions and includes either an environmental assessment (EA) or Environmental Impact Statement (EIS) to discuss impacts of the proposed actions. It typically takes three to five years to complete assuming all the necessary funds are available. The feasibility phase is cost shared equally between the U.S. Army Corps of Engineers and the non-Federal sponsor(s). The non-Federal share of feasibility phase costs may be a combination of cash and in-kind products or services.

The feasibility report results in a recommendation to Congress for or against Federal participation in solutions to the water resources problems and opportunities identified in the study. There is national policy on how the U.S. Army U.S. Army Corps of Engineers determines when the Federal involvement is merited.

A project recommended for implementation can be submitted to Congress for authorization. A project must be authorized by Congress for it to be implemented. Certain small projects do not require a specific project authorization and can be constructed under the Continuing Authorities Program.

### **Project Implementation and Local Partnership**

Following authorization for construction of a project, the sponsor enters into a Project Partnership Agreement (PPA) to define the responsibilities of each party. The sponsor must normally agree to the following:

1. Provide without cost to the United States all lands, easements, rights-of-way, relocations and disposal areas (LERRDs) necessary for the construction and subsequent maintenance of the project;
2. Provide without cost to the United States all necessary alterations of buildings, utilities, highways, bridges, sewers, and related and special facilities;
3. 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;
4. Maintain and operate the project after completion without cost to the United States;
5. Prevent future encroachment, which might interfere with proper functioning of the project;
6. Assume responsibility for all costs in excess of applicable Federal cost limitations;
7. 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 contribution equal to 35 percent.

### **How to Request Assistance:**

Requests should be directed to

**Susanne J. Davis, Chief Planning  
Branch**

office: (312) 846-5580

susanne.j.davis@usace.army.mil



# PROJECT DEVELOPMENT PHASES

	Reconnaissance Phase	Feasibility Phase	Preconstruction Engineering & Design Phase	Construction Phase	Operation & Maintenance Phase
<b>Duration</b>	6 - 12 Months	2 - 3 Years	Approx. 2 years	Varies with Project	As long as Project remains Authorized
<b>Funding Activities</b>	<p>Recon. Funding (100% Federal) →</p> <p>← RECON. ANALYSIS</p> <p>Feasibility Funding (50% Fed-50% non-Fed) →</p> <p>← FEAS. ANALYSIS</p> <p>75% Fed-25% non-Fed →</p> <p>← PED Funding</p> <p>Construction Funding (Project purpose cost sharing) →</p> <p>← CONSTRUCTION REAL ESTATE ACQUISITION RELOCATIONS ENGR. &amp; DESIGN (IF Needed)</p> <p>← PLANS &amp; SPECS. (IF Needed)</p> <p>← O&amp;M Funding normally 100% non-Fed →</p>	<p>← NEGOTIATE Design Agreement</p> <p>← GENERAL or LIMITED REEVALUATION (IF Needed)</p> <p>← DESIGN DOCUMENTATION (IF Needed)</p> <p>← PLANS &amp; SPECS. for 1st Significant Constr. Contract</p>	<p>← Project Cooperation Agreement Signed</p>	<p>← O&amp;M Manual</p>	
<b>Agreements</b>	<p>Feasibility Cost Sharing Agreement Signed</p> <p>905(b) Analysis</p>	<p>Design Agreement Signed</p> <p>Chief of Engineers Report</p>	<p>Project Cooperation Agreement Signed</p>		
<b>Decision Documents</b>		<p>Feasibility Report and NEPA Documentation</p>	<p>Engineering Design Report (If Needed)</p>		
<b>Significant Reports/Manuals</b>					

Note: Project authorization generally occurs during PED Phase

# Continuing Authorities Program (CAP)

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Congress has delegated to the U.S. Army Corps of Engineers nine standing authorities to plan, design and construct projects without the need for further congressional approval. Collectively these nine authorities are known as the Continuing Authorities Program. The Continuing Authorities Program is focused primarily on water resources projects of smaller scope, cost and complexity. These programs require a cost sharing partner. Potential cost-sharing partners should request the U.S. Army Corps of Engineers to investigate potential water and related land resource issues that might fit one of the authorities. Once the U.S. Army Corps of Engineers determines that the project falls within the authority, the District can request funds to initiate a planning study to determine if there is a Federal interest in proceeding with the project. The planning process is done in two phases – feasibility and design and implementation. There are two Navigaiton authorities, four Flood Risk Management authorities, and three Ecosystem Restoration authorities within this program:

## **Navigation**

- Section 107 - Small Navigation Projects  
(Authorized by Section 107 of the River & Harbor Act of 1960, as amended)
- Section 111 - Mitigation of Damages  
(Authorized by Section 111 of the River & Harbor Act of 1968, as amended)

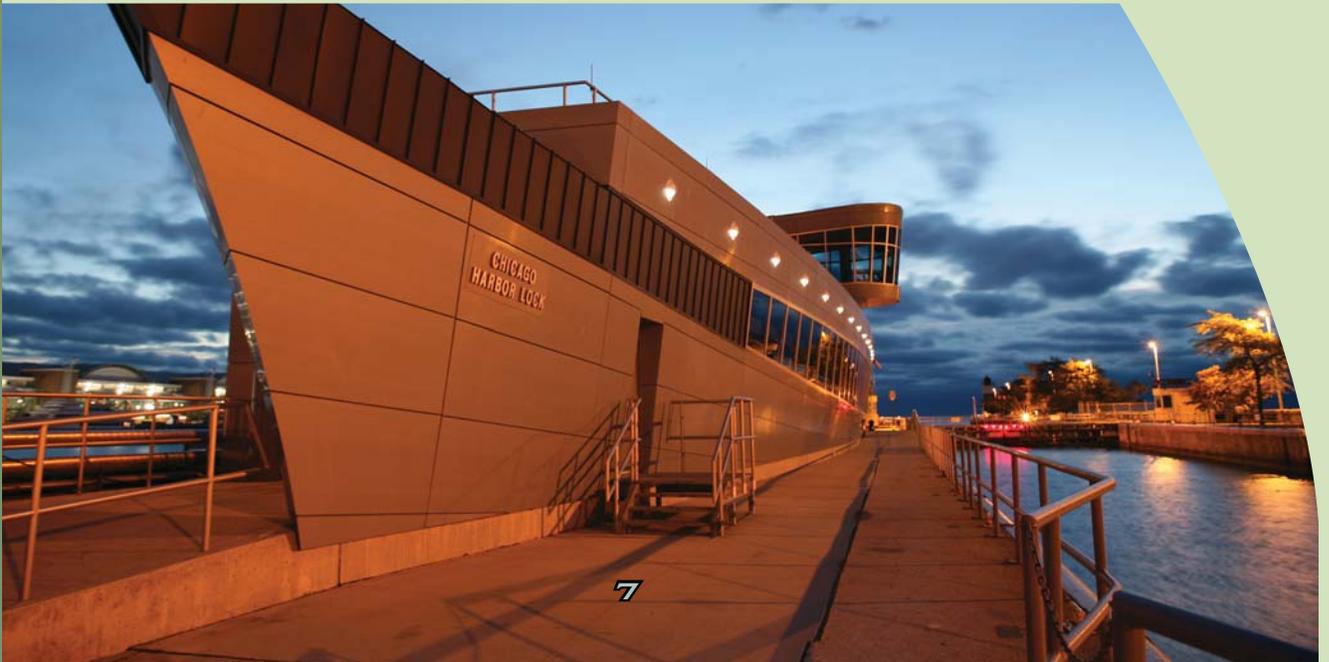
## **Flood Risk Management**

- Section 205 - Small Flood Risk Management Projects  
(Authorized by Section 205 of the Flood Control Act of 1948, as amended)
- Section 14 - Emergency Streambank and Shoreline Protection  
(Authorized by Section 14 of the Flood Control Act of 1946, as amended)
- Section 208 – Snagging and Clearing for Flood Damage Reduction  
(Authorized by Section 208 of the Flood Control Act of 1954, as amended)
- Section 103 - Small Beach Erosion Control Projects  
(Authorized by Section 103 of the River & Harbor Act of 1962, as amended)

## **Ecosystem Restoration**

- Section 1135 - Project Modifications for Improvement of Environment  
(Authorized by Section 1135 of the Water Resources Development Act of 1986, as amended)
- Section 204 - Beneficial Uses of Dredged Material  
(Authorized by Section 204 of the Water Resources Development Act of 1992, as amended)
- Section 206 - Aquatic Ecosystem Restoration  
(Authorized by Section 206 of the Water Resources Development Act of 1996, as amended)

# Navigation



# Navigation

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The U.S. Army Corps of Engineers Navigation Mission is to provide safe, reliable, and efficient waterborne transportation systems (channels, harbors, and waterways) for the movement of commerce, National security needs, and recreation. The Federal interest in navigation improvements stems from the commerce clause of the Constitution. Subsequent Supreme Court decisions have established that the Federal obligation to regulate navigation includes the right to make necessary improvements in waterways. Navigation in harbors and inland waterways is essential to our nation's transportation system.

The U.S. Army Corps of Engineers, as the Federal government's largest water resources development and management agency, began its water resources program in 1824.

## **What the U.S. Army Corps of Engineers Can Do**

The U.S. Army Corps of Engineers has been authorized by Congress to maintain the nations inland waterways. These services can be performed under two different types of authorities: (1) specifically authorized navigation projects, and (2) the Continuing Authorities Program. Each of the authorities requires a study process and a cost share sponsor before implementation of a project.

## **How to Request Assistance**

Requests to initiate navigation studies or questions related to navigation projects should be directed to:

**Susanne J. Davis, Chief Planning Branch**

office: (312) 846-5580

susanne.j.davis@usace.army.mil



# CAP Section 107 Small Navigation Projects

Section 107 of the River & Harbor Act of 1960, as amended

## What the U.S. Army Corps of Engineers Can Do

The U.S. Army Corps of Engineers is authorized to plan, design, construct and maintain projects for commercial navigation in accordance with current policies and procedures governing projects of the same type which are specifically authorized.

## Study Process

The first \$100,000 of the feasibility study is a Federal expense, all costs after the first \$100,000 will be shared at 50 percent Federal and 50 percent non-Federal requiring a Feasibility Cost Sharing Agreement (FCSA) with the sponsor(s). All design and implementation costs are cost shared 65 percent Federal and 35 percent non-Federal. Each project is limited to a total Federal cost of \$7 million.

## Responsibility of Project Sponsor

Formal assurance in the form of a Project Partnership Agreement must be executed with the project sponsor. The U.S. Army Corps of Engineers would oversee project construction; however, once constructed, the maintenance and operation of the project would be the responsibility of the project sponsor. The sponsor must contribute 35 percent of the total project implementation cost as cash or Lands, Easements, Rights-of-way, Relocations, and Disposal areas (LERRDs). If the value of the LERRDs plus the cash contribution does 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.

## How to Request Assistance

An investigation of a prospective small navigation project under Section 107 may be initiated upon receipt of a request from a sponsoring agency empowered under State law to provide local partnership and availability of funds.

Project requests should be directed to:

**Susanne J. Davis , Chief  
Planning Branch**  
office: (312) 846-5580  
susanne.j.davis@usace.army.  
mil



# CAP Section 111 Mitigation of Damages

Section 111 of the River & Harbor Act of 1968, as amended

## What the U.S. Army Corps of Engineers Can Do

The U.S. Army Corps of Engineers is authorized to plan, design, construct projects of a justified level of work for prevention or mitigation of damages to both non-Federal public and privately owned shores to the extent that such damages can be directly identified and attributed to Federal navigation works located along the coastal and Great Lakes shorelines of the United States.

## Study Process

The first \$100,000 of the feasibility study is a Federal expense, all costs after the first \$100,000 will be shared at 50 percent Federal and 50 percent non-Federal requiring a Feasibility Cost Sharing Agreement (FCSA) with the sponsor(s). All design and implementation costs are cost shared 65 percent Federal and 35 percent non-Federal. Each project is limited to a total Federal cost of \$5 million.

## Responsibility of Project Sponsor

Formal assurance in the form of a Project Partnership Agreement must be executed with the project sponsor. The U.S. Army Corps of Engineers would oversee project construction; however, once constructed, the maintenance and operation of the project would be the responsibility of the project sponsor. The sponsor's cost responsibility and responsibility for providing interests in real estate, and performance of facility or utility relocations, as required by projects pursued under Section 111, will be the same for the project causing the shore damage. The non-Federal sponsor is required to operate and maintain the mitigation measures, and in the case of interests in real property acquired in conjunction with non-structural measures, to operate and maintain the property in accordance with regulations prescribed by the U.S. Army Corps of Engineers.

## How to Request Assistance

An investigation of a prospective mitigation of damages project under Section 111 may be initiated upon receipt of a request from a sponsoring agency empowered under State law to provide local partnership and availability of funds.

Project requests should be directed to:

**Susanne J. Davis , Chief  
Planning Branch**

office: (312) 846-5580

susanne.j.davis@usace.army.mil



# Flood Risk Management



# Flood Risk Management

Federal involvement in flood risk management began in the early nineteenth century in the Mississippi River Basin when interrelationships between navigation and flood risk management became apparent. As the Nation developed, disastrous floods endangered life and property, as well as transportation. In the Flood Control Act of 1936, Congress extended Federal interest in flood risk management to the entire Nation.



Although efforts of Federal, state, tribal and local interests to reduce flood damage have been substantial, flooding still accounts for 90 percent of all natural disaster damage. Flooding forces several hundred thousand people to be evacuated from homes and work places every year. The purpose of flood risk management is to help prevent or reduce flood damage by using either structural or non-structural means or a combination of the two.

**Structural Measures:** Structural measures are physical modifications designed to reduce the frequency of damaging levels of flood inundation. Structural flood risk management measures include dams and reservoirs, channel modifications, levees or floodwalls.

**Non-Structural Measures:** Non-structural measures reduce flood damages without significantly altering the nature or extent of the flooding by changing the use of floodplains or by accommodating existing uses to the flood hazard. Non-structural measures include modifying homes, businesses, and other facilities to reduce flood damages by elevating the structure or removing them from the floodplain. Remaining land can be used for ecosystem restoration, outdoor recreation, or natural open space. Flood warning systems are also considered non-structural measures.

## What the U.S. Army Corps of Engineers Can Do

The U.S. Army Corps of Engineers has been authorized by Congress to perform flood risk management. These services can be performed under two different types of authorities: (1) specifically authorized flood risk management projects, and (2) the Continuing Authorities Program. Each of the authorities requires a study process and a cost share sponsor before implementation of a project.

## How to Request Assistance

Requests to initiate flood risk management studies or questions related to flood risk management projects should be directed to:

### Susanne J. Davis, Chief Planning Branch

office: (312) 846-5580

susanne.j.davis@usace.army.mil

# CAP Section 205

## Small Flood Risk Management Projects

Section 205 of the Flood Control Act of 1948, as amended

### What the U.S. Army Corps of Engineers Can Do

The U.S. Army Corps of Engineers is authorized to construct local flood protection projects or improvement of flood control works. The types of studies and/or projects are tailored to be site specific. Typical flood risk management projects may include levees, floodwalls, impoundments, pumping stations, and channel modifications as well as non-structural measures. Non-structural measures reduce flood damages by changing the use of floodplains or by accommodating existing uses to the flood hazard. Examples include flood proofing, relocation of structures, and flood warning and preparedness systems. The U.S. Army Corps of Engineers oversees planning, design, and construction of flood risk management projects in close coordination with the project sponsor.

### Study Process

Before the Federal Government can participate in implementing a flood risk management project, a planning study must be conducted to determine if the project is economically justified (benefits exceed the costs), technically feasible, and environmentally acceptable. Planning studies are typically conducted in two phases - reconnaissance and feasibility. Each project is limited to a total Federal cost of \$7 million.

### Project Phase and Funding

The feasibility study is 100 percent federally funded up to \$100,000, any cost to the study after \$100,000 will be shared at 50 percent Federal and 50 percent non-Federal requiring a Feasibility Cost Sharing Agreement (FCSA) with the sponsor(s). Design and implementation is cost shared 65 percent Federal and 35 percent non-Federal. The sponsor must contribute 35 percent (minimum 5 percent cash) of the total project implementation cost as cash or Lands, Easements, Rights-of-way, Relocations, and Disposal areas (LERRDs). If the value of the LERRDs plus the cash contribution does 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.

### Responsibility of Project Sponsor

Formal assurance in the form of a Project Partnership Agreement must be executed with the project sponsor. The U.S. Army Corps of Engineers would oversee project construction; however, once constructed, the maintenance and operation of the project would be the responsibility of the project sponsor.

### How to Request Assistance

An investigation of a prospective small project under Section 205 may be initiated upon receipt of a request from a sponsoring agency empowered under State law to provide local partnership and availability of funds..

Project requests should be directed to:  
**Susanne J. Davis , Chief Planning Branch**  
office: (312) 846-5580  
susanne.j.davis@usace.army.mil



# CAP Section 14

## Emergency Streambank and Shoreline Protection

Section 14 of the Flood Control Act of 1946, as amended

### What the U.S. Army Corps of Engineers Can Do

The U.S. Army Corps of Engineers is authorized to construct bank protection works to protect endangered highways, highway bridge approaches, and other essential, important public works, such as municipal water supply systems and sewage disposal plants, churches, hospitals, schools, and non-profit public services and known cultural sites that are endangered by flood-caused bank or shoreline erosion. Privately owned property and facilities are not eligible for protection under this authority.

### Study Process

The first \$100,000 of the feasibility study is a Federal expense, all costs after the first \$100,000 will be shared at 50 percent Federal and 50 percent non-Federal requiring a Feasibility Cost Sharing Agreement (FCSA) with the sponsor(s). All design and implementation costs are cost shared 65 percent Federal and 35 percent non-Federal. Each project is limited to a total Federal cost of \$1.5 million.

### Responsibility of Project Sponsor

Formal assurance in the form of a Project Partnership Agreement must be executed with the project sponsor. The U.S. Army Corps of Engineers would oversee project construction; however, once constructed, the maintenance and operation of the project would be the responsibility of the project sponsor. The sponsor must contribute 35 percent of the total project implementation cost as cash or Lands, Easements, Rights-of-way, Relocations, and Disposal areas (LERRDs). If the value of the LERRDs plus the cash contribution does 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.

### How to Request Assistance

An investigation of a prospective emergency streambank or shoreline protection project under Section 14 may be initiated upon receipt of a request from a sponsoring agency empowered under State law to provide local partnership and availability of funds.

Project requests should be directed to:

**Susanne J. Davis , Chief Planning  
Branch**

office: (312) 846-5580

[susanne.j.davis@usace.army.mil](mailto:susanne.j.davis@usace.army.mil)



# CAP Section 208

## Snagging and Clearing for Flood Damage Reduction

Section 208 of the Flood Control Act of 1954, as amended

### What the U.S. Army Corps of Engineers Can Do

The U.S. Army Corps of Engineers is authorized to plan for and provide removal of accumulated snags and other debris from waterways and to clear stream channels in the interest of flood control. Each project must be complete within itself, not part of a larger project. The limited scope of these projects allows for prompt action to eliminate the threat of flooding. This is recognized in the streamlined study and shortened time frame of the Section 208 program.

### Study Process

The first \$100,000 of the feasibility study is a Federal expense, all costs after the first \$100,000 will be shared at 50 percent Federal and 50 percent non-Federal requiring a Feasibility Cost Sharing Agreement (FCSA) with the sponsor(s). All design and implementation costs are cost shared 65 percent Federal and 35 percent non-Federal. Each project is limited to a total Federal cost of \$500,000.

### Responsibility of Project Sponsor

The feasibility study is 100 percent federally funded up to \$100,000, any cost to the study after \$100,000 will be cost shared 50 percent Federal and 50 percent non-Federal. Project implementation is cost shared 65 percent Federal and 35 percent non-Federal. The sponsor must contribute 35 percent (minimum 5 percent cash) of the total project implementation cost as cash or Lands, Easements, Rights-of-way, Relocations, and Disposal areas (LERRDs). If the value of the LERRDs plus the cash contribution does 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.

### How to Request Assistance

An investigation of a prospective snagging and clearing for flood damage reduction project under Section 208 may be initiated upon receipt of a request from a sponsoring agency empowered under State law to provide local partnership and availability of funds.

Project requests should be directed to:

**Susanne J. Davis , Chief  
Planning Branch**  
office: (312) 846-5580  
susanne.j.davis@usace.army.  
mil



# CAP Section 103

## Small Beach Erosion Control

Section 103 of the River & Harbor Act of 1962, as amended

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### What the U.S. Army Corps of Engineers Can Do

The U.S. Army Corps of Engineers is authorized to study, design and construct projects to reduce damages from beach erosion and hurricane and storm damage reduction.

### Study Process

The first \$100,000 of the feasibility study is a Federal expense, all costs after the first \$100,000 will be shared at 50 percent Federal and 50 percent non-Federal requiring a Feasibility Cost Sharing Agreement (FCSA) with the sponsor(s). All design and implementation costs are cost shared 65 percent Federal and 35 percent non-Federal. Each project is limited to a total Federal cost of \$3 million.

### Responsibility of Project Sponsor

Formal assurance in the form of a Project Partnership Agreement must be executed with the project sponsor. The U.S. Army Corps of Engineers would oversee project construction; however, once constructed, the maintenance and operation of the project would be the responsibility of the project sponsor. The sponsor must contribute 35 percent of the total project implementation cost as cash or Lands, Easements, Rights-of-way, Relocations, and Disposal areas (LERRDs). If the value of the LERRDs plus the cash contribution does 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. If there are any recreation features associated with the project, the sponsor's LERRD contribution increases to 50 percent.

### How to Request Assistance

An investigation of a prospective small beach erosion control project under Section 103 may be initiated upon receipt of a request from a sponsoring agency empowered under State law to provide local partnership and availability of funds.

Project requests should be directed to:

**Susanne J. Davis , Chief  
Planning Branch**  
office: (312) 846-5580  
susanne.j.davis@usace.  
army.mil



# *Ecosystem Restoration*



# Ecosystem Restoration

Ecosystem restoration activities involve a comprehensive examination of the problems contributing to the ecosystem degradation and determining the feasibility of restoring degraded ecosystem structure, function, and dynamic processes to a less degraded, natural condition. The U.S. Army Corps of Engineers' ecosystem restoration program seeks to provide a comprehensive approach for addressing the problems associated with disturbed and degraded ecological resources.

The U.S. Army Corps of Engineers activities in ecosystem restoration concentrate on solutions to water and related land resource problems. Restoration opportunities that are associated with aquatic systems, wetlands, riparian, other floodplain and hydro/geomorphic manipulation including closely linked buffer areas are the most appropriate for Corps involvement.

## **What the U.S. Army U.S. Army Corps of Engineers Can Do:**

The U.S. Army Corps of Engineers has been authorized by Congress to perform ecosystem restoration in conjunction with water resource and related land resource issues. These services can be performed by seeking specific project authority, or through the Continuing Authorities Program or other authorities. Each of the programs requires a cost-sharing partner.

**Specific Projects:** This approach is applied to larger projects that require specific authorization and appropriation of funds from the Congress. Typical projects include investigation and restoration of watersheds and river basins. Currently, the Chicago District is working on South Fork South Branch of the Chicago River (Bubbly Creek) and Cedar Lake.

## **How to Request Assistance**

Requests to initiate ecosystem restoration studies or questions related to flood risk management projects should be directed to:

### **Susanne J. Davis, Chief Planning Branch**

office: (312) 846-5580  
susanne.j.davis@usace.  
army.mil



# CAP Section 1135

## Project Modifications for Improvement of the Environment

Section 1135 of the Water Resources Development Act of 1986, as amended

### What the U.S. Army Corps of Engineers Can Do

The U.S. Army Corps of Engineers can assist in the restoration of degraded aquatic ecosystems through the modification of U.S. Army Corps of Engineers' structures, operations, or implementation of measures in affected areas.

### Study Process

The initial study is 100 percent federally funded up to \$100,000. All planning costs after the first \$100,000 will be shared at 50 percent Federal and 50 percent non-Federal requiring a Feasibility Cost Sharing Agreement (FCSA) with the sponsor(s). All design and implementation costs are cost shared 75 percent Federal and 25 percent non-Federal. The Federal cost limit is \$5,000,000. The non-Federal sponsor cost share can be a contribution of cash, Lands, Easements, Rights-of-way, Relocations, and Disposal areas (LERRDs), or work-in-kind or any combination thereof. Design and implementation work-in-kind may be credited.

### Responsibility of Project Sponsor

Formal assurance in the form of a Project Partnership Agreement must be executed with the project sponsor. In addition, the project sponsor must normally agree to the following:

- Provide without cost to the United States all Lands, Easements, Rights-of-way, Relocations, and Disposal areas (LERRDs) necessary for the construction and subsequent maintenance of the project.
- Maintain and operate the project after completion without cost to the United States.
- Assume responsibility for all costs in excess of the Federal cost limitation of \$5,000,000 per project.
- If the value of the sponsor's land contribution above does not equal or exceed 25 percent of the project cost, provide cash or work-in-kind contributions to make the sponsor's total contribution equal to 25 percent.

### How to Request Assistance

An ecosystem restoration project under Section 1135 may be initiated upon receipt of a request from a prospective project sponsor and availability of funds.

Section 1135 project requests should be directed to:

**Susanne J. Davis , Chief Planning Branch**

office: (312) 846-5580

susanne.j.davis@usace.army.mil



# CAP Section 204 Beneficial Uses of Dredged Materials

Section 204 of the Water Resources Development Act of 1992, as amended

## What the U.S. Army Corps of Engineers Can Do

The U.S. Army Corps of Engineers can create aquatic and wetland habitats in connection with construction or maintenance dredging of an authorized Federal navigation project.

## Study Process

All project planning costs are 100 percent federally funded. Design and implementation costs are cost shared 65 percent Federal and 35 percent non-Federal. The Federal cost limit is \$5,000,000 per project. The non-Federal sponsor cost share can be a contribution of cash or Lands, Easements, Rights-of-way, Relocations, and Disposal areas (LERRDs). Only the increased cost above the cost of the planned dredge disposal that would have been implemented without ecosystem restoration (referred to as the base plan) is cost shared. The sponsor pays 35 percent of the project costs above the base plan in a Section 204 project.

## Responsibility of Project Sponsor

Formal assurance in the form of a Project Partnership Agreement must be executed with the project sponsor. The project sponsor must normally agree to the following:

- Provide without cost to the United States all Lands, Easements, Rights-of-way, Relocations, and Disposal areas (LERRDs) necessary for the construction and subsequent maintenance of the project.
- Maintain and operate the project after completion without cost to the United States.
- Assume responsibility for all costs in excess of the Federal cost limitation of \$5,000,000.
- If the value of the sponsor's land contribution above does not equal or exceed 35 percent of the project cost, provide cash or work-in-kind contributions to make the sponsor's total contribution equal to 35 percent.

## How to Request Assistance

An ecosystem restoration project under Section 204 may be initiated upon receipt of a request from a prospective project sponsor and availability of funds.

Section 204 project requests should be directed to:

**Susanne J. Davis , Chief Planning  
Branch**

office: (312) 846-5580

susanne.j.davis@usace.army.mil



# CAP Section 206 Aquatic Ecosystem Restoration

Section 206 of the Water Resources Development Act of 1996, as amended

## What the U.S. Army Corps of Engineers Can Do

The U.S. Army Corps of Engineers can carry out aquatic ecosystem restoration and protection projects. Such projects generally include modification of the hydrology in and along bodies of water, including wetlands and riparian areas. A project is approved for construction only after a detailed investigation determines that the project will improve the quality of the environment and is in the best interest of the public.

## Study Process

The initial study is 100 percent federally funded up to \$100,000. All planning costs after the first \$100,000 will be shared at 50 percent Federal and 50 percent non-Federal requiring a Feasibility Cost Sharing Agreement (FCSA) with the sponsor(s). All design and implementation costs are cost shared 65 percent Federal and 35 percent non-Federal. The Federal cost limit is \$5,000,000 per project. The non-Federal sponsor cost share can be a contribution of cash, Lands, Easements, Rights-of-way, Relocations, and Disposal areas (LERRDs) or work-in-kind.

## Responsibility of Project Sponsor

Formal assurance in the form of a Project Partnership Agreement must be executed with the project sponsor. The project sponsor normally agrees to the following:

- Provide without cost to the United States all LERRDs necessary for the construction and subsequent maintenance of the project
- Maintain and operate the project after completion without cost to the United States
- Assume responsibility for all costs in excess of the Federal cost limitation of \$5,000,000
- If the value of the sponsor's land contribution above does not equal or exceed 35 percent of the project cost, provide cash or work-in-kind contributions to make the sponsor's total contribution equal to 35 percent.

## How to Request Assistance

An ecosystem restoration project under Section 206 may be initiated upon receipt of a request from a prospective project sponsor and availability of funds.

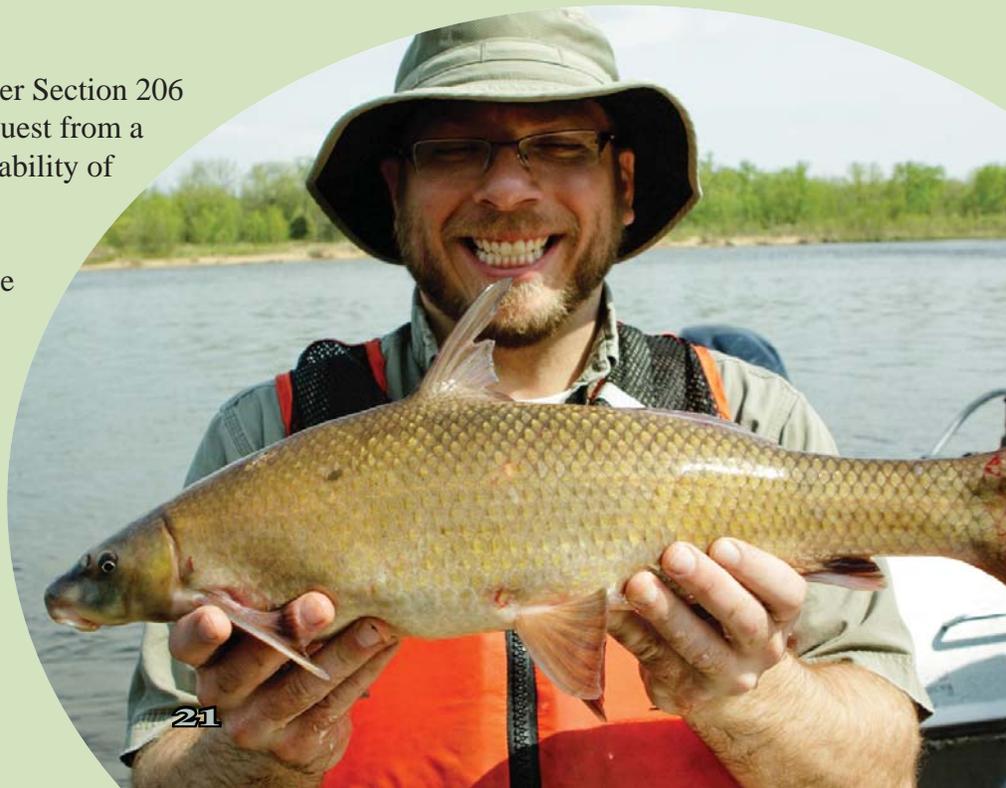
Section 206 project requests should be directed to:

### Susanne J. Davis , Chief Planning Branch

office: (312) 846-5580

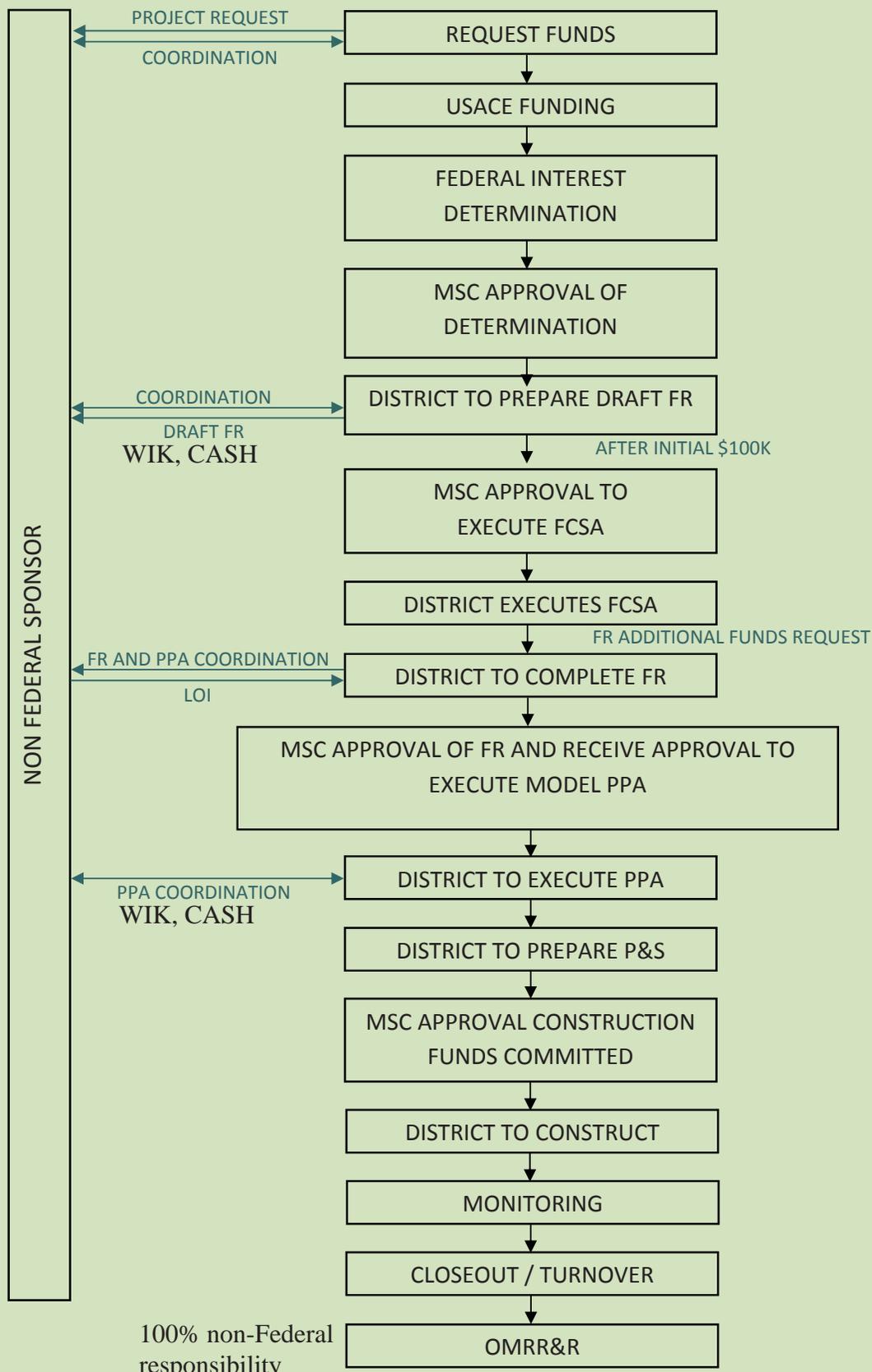
susanne.j.davis@usace.army.mil

Picture courtesy of  
mikehariphotography.com



# Sample Continuing Authorities Project Process

## SECTION 206 PROJECT DEVELOPMENT PROCESS



# Other Small Project Authorities



# Other Small Project Authorities

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The U.S. Army Corps of Engineers also has authority to perform work on small projects under three authorities outside of the Continuing Authorities Program. They are:

## **Other Small Project Authorities**

- Section 125 - Restoration of the Lake Michigan Waterfront and Related Areas, Lake and Porter Counties, IN  
(Authorized by Section 125 Energy and Water Appropriations Act of 2006)
- Section 506 – Great Lakes Fishery and Ecosystem Restoration  
(Authorized by Section 506 of the Water Resources Development Act of 2000)
- Section 401– Great Lakes Remedial Action Plans  
(Authorized by Section 401 of the Water Resources Development Act of 1990) This authority is limited to technical, planning and engineering assistance to States and local governments

# Section 125

## Restoration of the Lake Michigan Waterfront and Related Areas, Lake and Porter Counties, IN

Section 125, Energy and Water Appropriations Act of 2005 (P.L. 109 -103)

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### What the U.S. Army Corps of Engineers Can Do

The U.S. Army Corps of Engineers can carry out a continuing program for the restoration of the Lake Michigan Waterfront and related areas that impact or influence the waterfront or aquatic habitats in Indiana's Lake and Porter Counties. Restoration is defined as activities to improve a site's ecosystem function, structure and dynamic processes to a less degraded and more natural condition and/or the management of contaminants that allow the site to be safely used for ecological and/or economic purposes.

### Study Process

The initial study is 100 percent federally funded up to \$100,000. All planning costs after the first \$100,000 will be shared at 50 percent Federal and 50 percent non-Federal requiring a Feasibility Cost Sharing Agreement (FCSA) with the sponsor(s). All design and construction costs are cost shared 65 percent Federal and 35 percent non-Federal. The non-Federal sponsor cost share can be a contribution of cash, Lands, Easements, Rights-of-way, Relocations, and Disposal areas (LERRDs), or work-in-kind.

### Responsibility of Project Sponsor

Formal assurance in the form of a Project Partnership Agreement must be executed with the project sponsor. In addition, the project sponsor must normally agree to the following:

- Provide without cost to the United States all Lands, Easements, Rights-of-way, Relocations, and Disposal areas (LERRDs) necessary for the construction and subsequent maintenance of the project.
- Maintain and operate the project after completion without cost to the United States.
- If the value of the sponsor's land contribution above does not equal or exceed 35 percent of the project cost, provide cash or work-in-kind contributions to make the sponsor's total contribution equal to 35 percent.

### How to Request Assistance

An ecosystem restoration project under Section 125 may be initiated upon receipt of a request from a prospective project sponsor and availability of funds.

Section 125 project requests should be directed to:

**Susanne J. Davis, , Chief Planning Branch**  
office: (312) 846-5580  
susanne.j.davis@usace.army.mil



# Section 219

## Environmental Infrastructure

Section 219 of the Water Resources Development Act of 1992, as amended

### What the U.S. Army Corps of Engineers Can Do

The U.S. Army Corps of Engineers can assist non-Federal interests in Benton, Jasper, Lake, Newton and Porter Counties, Indiana along with Cook County, Illinois, in carrying out water-related environmental infrastructure and resource protection and development projects such as: Water Supply and Storage, Treatment and Distribution Systems; Stormwater Storage; and Waste Water Treatment Systems including Treatment Plants. Such assistance may be in the form of technical, planning, and/or design assistance.

### Study Process

The initial study is 100 percent federally funded for up to the amount of \$25,000. All costs for planning, design and implementation after the first \$25,000 are cost shared 75 percent Federal and 25 percent non-Federal requiring a Feasibility Cost Sharing Agreement (FCSA) with the sponsor(s). The non-Federal sponsor cost share can be a contribution of cash, Lands, Easements, Rights-of-way, Relocations, and Disposal areas (LERRDs).

### Responsibility of Project Sponsor

Formal assurance in the form of a Project Partnering Agreement must be executed with the project sponsor. In addition, the project sponsor must normally agree to the following:

- Provide without cost to the United States all Lands, Easements, Rights-of-way, Relocations, and Disposal areas (LERRDs) necessary for the construction and subsequent maintenance of the project.
- Maintain and operate the project after completion without cost to the United States.
- If the value of the sponsor's land contribution above does not equal or exceed 25 percent of the project cost, provide cash or work-in-kind contributions to make the sponsor's total contribution equal to 25 percent.

### Additional Information Requests

Please direct request for additional information on the Section 219 program to:

**Imad Samara, Project  
Manager**

Office: 312-846-5560

Imad.samara@usace.

army.mil



# Section 506

## Great Lakes Fishery & Ecosystem Restoration (GLFER)

Section 506 of the Water Resources Development Act of 2000, as amended

### What the U.S. Army Corps of Engineers Can Do

The U.S. Army Corps of Engineers can assist in planning, design and construction of projects to protect and / or restore the fishery, ecosystems and beneficial uses of the Great Lakes.

### Study Process

The initial study is 100 percent federally funded up to \$100,000. All planning costs after the first \$100,000 are cost shared 65 percent Federal and 35 percent non-Federal requiring a Feasibility Cost Sharing Agreement (FCSA) with the sponsor(s). All design and implementation costs are cost shared 65 percent Federal and 35 percent non-Federal. The Federal cost limit is \$10,000,000 per project. The non-Federal sponsor cost share can be a contribution of cash, Lands, Easements, Rights-of-way, Relocations, and Disposal areas (LERRDs) or work-in-kind.

### Responsibility of Project Sponsor

Formal assurance in the form of a Project Partnership Agreement must be executed with the project sponsor. In addition, the project sponsor must normally agree to the following:

- Provide without cost to the United States all Lands, Easements, Rights-of-way, Relocations, and Disposal areas (LERRDs) necessary for the construction and subsequent maintenance of the project.
- Maintain and operate the project after completion without cost to the United States.
- Assume responsibility for all costs in excess of the Federal cost limitation of \$10,000,000.
- If the value of the sponsor's land contribution above does not equal or exceed 35 percent of the project cost, provide cash or work-in-kind contributions to make the sponsor's total contribution equal to 35 percent.

Section 125 project requests should be directed to:

### Susanne J. Davis, Chief Planning Branch

office: (312) 846-5580

susanne.j.davis@usace.army.mil

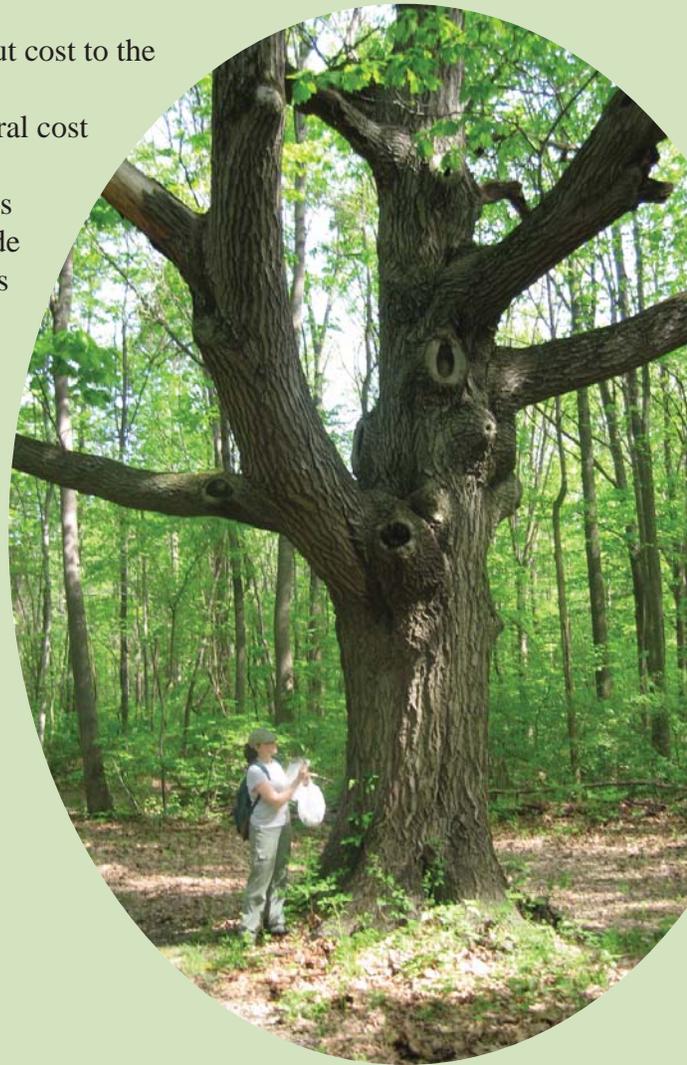
### Additional Information Requests

Please direct request for additional information on the Section 125 program to:

### Kirston Buczak, Project Manager

Office: 312-846-5552

Kirston.a.buczak@usace.army.mil



*Planning Assistance to States and Tribes*



US Army Corps of Engineers

# Planning Assistance to States and Tribes

Section 22 of the Water Resources Development Act of 1974

## What the U.S. Army Corps of Engineers Can Do

Almost everyone knows that the US Army Corps of Engineers builds water resource projects. Not so well known, however, is that the Corps also provides assistance to help states, eligible Native American Indian tribes, and local governments prepare their own plans and initiate their own actions to manage their water and related land resources. Assistance is determined through a request by a governmental agency or non-federal interest for technical assistance in the management of water resources. Request for studies are assessed every year and are approved and funded at the discretion of Secretary of the Army. 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.

## Funding

Congress funds the Planning Assistance to States (PAS) Program annually. States and Tribes are limited to a \$2,000,000 allotment annually from the nationwide appropriation, but typically are much less. Individual studies, of which there may be more than one per State or Tribe per year, generally range in cost from \$25,000 to over \$100,000. These studies are cost shared on a 50 percent Federal, 50 percent non-Federal basis. All of the non-Federal cost share can be provided as work-in-kind.

## Typical Studies

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

- Water Supply and Demand Studies
- Water Quality Studies
- Environmental Conservation Studies
- Environmental Restoration Studies
- Wetland Evaluation Studies
- Dam Safety/Failure Studies
- Flood Risk Management Studies
- Floodplain Management Studies
- Land Use Studies
- Master Planning
- Brownfields Environmental Assessments
- GIS development

## How to Request Assistance

Contact the Chicago District's Planning Assistance to States Coordinator:

**Mark J. Kramer**

office: (312) 846-5448

mark.j.kramer@usace.army.mil



# Floodplain Management Services



# Floodplain Management Services

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## What the U.S. Army Corps of Engineers Can Do

The Floodplain Management Services (FPMS) Program provides the full range of technical services and planning guidance that is needed to support effective floodplain management.

### Types of Assistance

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

**General Planning Guidance:** On a larger scale, the program provides assistance and guidance in the form of “Special Studies” on all aspects of floodplain management planning, including the possible impacts of off-floodplain land use changes on the physical, socio-economic, and environmental conditions of the floodplain. Special Studies are accomplished at 100% Federal cost. However, funding for these studies is very limited and competitive.

Special Studies can range from helping a community identify present or future floodplain areas to a broad assessment of the various floodplain management alternatives. Some of the most common types of Special Studies include:

- Floodplain Delineation/Flood Hazard Evaluation Studies
- Dam Break Analysis Studies
- Flood Warning/Preparedness Studies
- Regulatory Floodway Studies
- Comprehensive Floodplain Management Studies
- Urbanization Impact Studies
- Storm Water Management Studies
- Hydrologic, hydraulic, and sediment transport modeling

The program also provides guidance and assistance for meeting standards of the National Flood Insurance Program and for conducting workshops and seminars on nonstructural floodplain management measures, such as flood proofing and relocation of structures from the floodplain.

### Guides, Pamphlets, and Supporting Studies

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



## Charges for Assistance

Upon request, program services are provided to state, regional, and local governments, Native American Tribes, and other non-Federal public agencies without charge, based on available funding.

Program services also are offered to non-Federal Public agencies and to the private sector on a 100-percent cost recovery basis. Requests from Federal agencies and private persons for services limited to “quick-responses” (walk-in or telephone requests each of which require only ten minutes or less of work by one person) may also be honored without charge. 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 requesters are encouraged to furnish available field survey data, maps, historical flood information, and the like to help reduce the cost of services.

In addition, Section 202 of the WRDA of 1999 authorized the voluntary contribution of funds by States, local governments, and Native American Tribes for the purpose of expanding the scope of services requested under Floodplain Management Services by these entities.

## How to Request Assistance

Agencies, governments, organizations, and individuals interested in flood-related information or assistance should contact the Chicago District’s Floodplain Management Services Program Coordinator

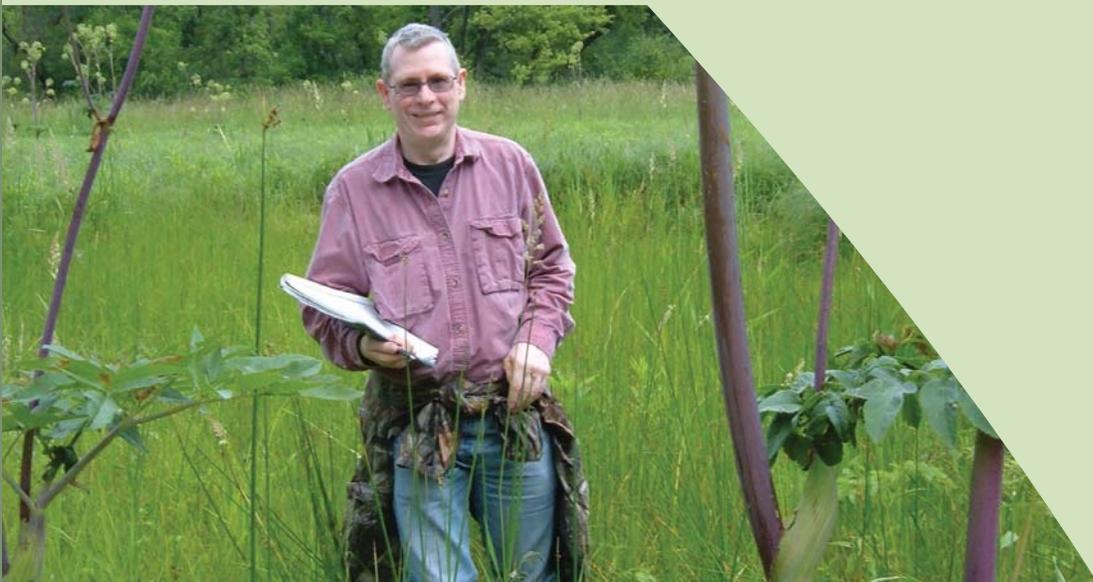
**Mark J. Kramer**

office: (312) 846-5448

[mark.j.kramer@usace.army.mil](mailto:mark.j.kramer@usace.army.mil)



# Additional Missions



# Additional Missions

In addition to our primary civil works missions, the U.S. Army Corps of Engineers has been involved in improving recreation and controlling beach erosion. Along with these missions, the U.S. Army Corps of Engineers generates hydropower, supplies water to cities and industry, regulates development in navigable waters, and manages a recreation program.

## Regulatory

The U.S. Army Corps of Engineers Regulatory Branch is tasked with preserving and protecting the nation's aquatic resources, while allowing development through fair, flexible, and balanced permit decisions. The Chicago District Regulatory Branch operates under two legal authorities: Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Protecting streams, lakes, and wetland is critical due to their role in providing habitat for fish and wildlife, as well as the extensive value they provide to the public.

Some aquatic resources are regulated by the Corps Regulatory Branch, while others are not. The Corps Regulatory Branch uses legal opinions, rule-making, and guidance from our Headquarters to determine whether or not an aquatic resource is regulated and, therefore jurisdictional. Jurisdictional aquatic resources or 'Waters of the U.S.' may include rivers, lakes, streams, tributaries and wetlands, swamps, bogs, or fens. The Regulatory Branch also utilizes its 1987 Wetland Delineation Manual along with the appropriate supplements to determine the boundaries of jurisdictional aquatic areas and their floristic quality prior to any proposed development in or near those aquatic areas.

The placement of fill material or structures in Waters of the U.S. may require a permit from the Corps Regulatory Branch. Numerous minor activities in Waters of the U.S. are covered by Chicago District regional permits and Nationwide permits, although some complex activities require an individual permit which entails a more stringent review process. If you are placing fill material or a structure in a jurisdictional waterway or wetland you should coordinate with the Regulatory Branch to determine whether or not a permit is needed.

### How to Request Information

Contact the Chicago District's Regulatory Branch:

**Leesa Beal, Chief Regulatory Branch**

office: (312) 846-5540

leesa.beal@usace.army.mil



# Emergency Readiness & Response



# Emergency Readiness and Response

Public Law 84-99

## Preparedness Assistance

The preparedness program allows the U.S. Army Corps of Engineers to undertake activities necessary to insure that a knowledgeable and experienced work force is always available to respond to natural disasters. The planning aspect includes development of an emergency management organization, planning, training, and maintaining adequate supplies, and an inspection program for Federal and non-Federal flood risk management structures.

- Participation in emergency seminars and exercises when requested by state or local officials.
- Inspection of flood risk management works for Public Law 84-99 eligibility, and advisement to local officials of needed maintenance.
- Technical assistance for development of plans at the state and local levels.

## Response and Recovery Assistance

The U.S. Army Corps of Engineers may provide emergency assistance for flood response and post-flood response activities to save lives and protect improved property (i.e., public facilities/services and residential/commercial developments) during or following a flood. Assistance to individual homeowners and businesses is not permitted. This includes agricultural lands. Emergency Operations assistance will be undertaken to supplement state and local efforts.



Authority to perform post-flood activities immediately after a flood is provided by Public Law 84-99 as amended, along with Public Law 93-288 as administered by the Federal Emergency Management Agency (FEMA). U.S. Army Corps of Engineers assistance must be required immediately, and is limited to major flood disasters resulting in life-threatening or property-damaging situations.

On a National level, the Chicago District U.S. Army Corps of Engineers also provides this type of assistance (engineering expertise, manpower, and supplies and equipment); before, during and after natural disasters such as flooding, coastal storms and hurricanes.

## Examples of Response Assistance

- Assist in search and rescue operations.
- Furnish technical advice and assistance.
- Provide emergency repairs to levees and other flood control projects.
- Furnish materials such as sandbags, polyethylene sheeting, lumber, pumps, or rock for stabilization when the U.S. Army Corps of Engineers is actively participating in a flood fight.

If the U.S. Army Corps of Engineers is not actively participating in a flood fight, Government supplies may be furnished only if local resources are exhausted or will be exhausted. Under such circumstances, supplies will be replaced in-kind or paid for by local interests. All unused stock should be returned or reimbursed to the Government at replacement cost.

### Examples of Recovery Assistance

- Furnish technical advice and assistance.
- Provide restoration repairs to eligible flood risk management projects.
- Debris removal necessary to reopen vital transportation routes.
- Temporary restoration of critical public services or facilities.
- Identify hazard mitigation opportunities.

### How to Request Information

Contact the Chicago District's Emergency Management Section:

**Scott Vowinkel**

office: (312) 846-5471

scott.g.vowinkel@usace.army.mil



# Real Estate for Potential Sponsors

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Non-Federal Sponsors are required to furnish real estate interests required for cost shared projects. It will be necessary to include a provision in the Project Partnership Agreement (PPA) which states that the Non-Federal Sponsor will provide all lands, easements, rights-of-way, relocations, and disposal/borrow areas (LERRD) required for construction, operation, and maintenance of the project.

It will also be necessary to include a provision in the PPA in which the Non-Federal Sponsor agrees to comply with the applicable principles of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646) as amended by Public Law 100-17. It will contain other important provisions, some of which may be generic in nature and some specific to the particular project.

During early planning stages, a copy of a standard PPA will be provided to the Non-Federal Sponsor by the Plan Formulator/Project Manager. The PPA will be refined to exactly fit the specific project as the study progresses.

## **PROJECT PHASES**

### **Reconnaissance Study**

Real Estate Division works with Engineering/Planning Division to estimate administrative costs of completing the study, to establish preliminary project boundaries, and to prepare rough cost estimates for necessary lands, easements, rights-of-way, relocations, and disposal/borrow areas (LERRD).

An important aspect of the Reconnaissance Study is the assessment of local support and willingness and capability of a Non-Federal Sponsor to share in the cost of a Feasibility Study. Real Estate Division will consult with the potential Non-Federal Sponsor to insure the Non-Federal Sponsor's understanding of its future real estate related requirements. Among the issues addressed at this stage are:

- (1) Real estate acquisition requirements and procedures.
- (2) Appraisal requirements.
- (3) Non-Federal Sponsor's resource capabilities.
- (4) Approval of Non-Federal Sponsor's appraiser(s).
- (5) Obtaining rights-of-entry for future studies.
- (6) Requirements of PL 91-646.
- (7) Acquisition of LERRD by the Corps on behalf of the Non-Federal Sponsor.
- (8) Crediting.

The Reconnaissance Study ends with the submission of a Reconnaissance Report which contains an assessment of water and related land resources problems and opportunities specific to the study area.

### **Feasibility Study**

The purpose of the Feasibility Study is to further evaluate alternatives presented in the Reconnaissance Report through the development and analysis of detailed engineering, economic, real estate, environmental and design criteria and to describe a recommended plan. The U.S. Army Corps of Engineers prepares a real estate plan (REP) for planning purposes that includes general project information; describes the types and acres of real estate required in fee, and temporary or permanent easements for construction of the project; conducts a gross appraisal to identify the land costs; and estimates acquisition costs. The U.S. Army Corps of Engineers also prepares a gross appraisal which is a planning level cost and possibly subject to change. The REP is part of the feasibility report. The following represents real estate related activities to be performed:

- (1) Refine project boundaries and acreage requirements and begin documenting ownerships.
- (2) Attorney's Opinions of Compensability for utilities.

- (3) Refine cost estimate/Prepare Gross Appraisal.
- (4) Obtain rights-of-entry for investigations (Geotechnical, Environmental, etc.).
- (5) Draft Project Partnership Agreement (PPA).
- (6) Draft Crediting Plan.
- (7) Prepare Real Estate Plan (REP).
- (8) Draft Memorandum of Agreement (MOA) if Corps acquiring LERRD on behalf of Non-Federal Sponsor.
- (9) Complete Capability Assessment Checklist.
- (10) Coordination between Corps Real Estate Division and the Non-Federal Sponsor relating to administrative costs and acquisition schedule.

During the feasibility phase, Real Estate Division will attend public meetings on the project and advise the Non-Federal Sponsor on real estate requirements. In addition, Real Estate Division will more thoroughly explain crediting procedures to the Non-Federal Sponsor and provide the Non-Federal Sponsor with a draft copy of a Crediting Plan which identifies responsibilities of the Non-Federal Sponsor and the Corps with respect to the crediting process, and assures that there is an understanding of allowable and allocable credits and the procedures to be followed in making credit claims. A schedule for real estate acquisition activities will be developed at this time.

### **Preconstruction Engineering and Design**

During this phase, the local Corps office continues detailed technical studies and investigations needed to begin construction. Plans and Specifications, detailed drawings and instructions for building the project, are prepared. Meetings continue with the Non-Federal Sponsor.

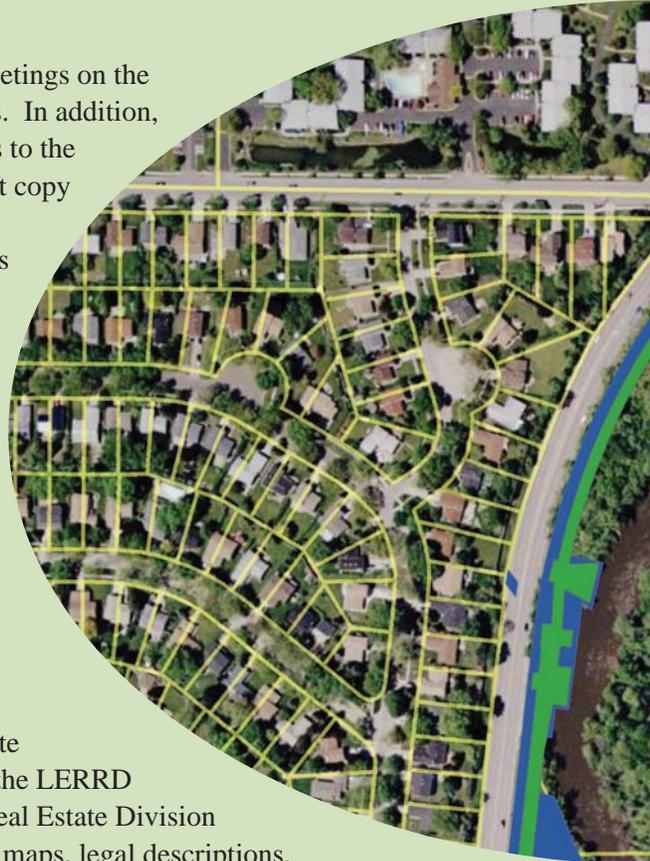
### **Construction**

When Non-Federal Sponsor funds are received by the Corps, Real Estate Division begins to work with the Non-Federal Sponsor in maintaining the LERRD acquisition schedule developed during the Feasibility level of study. Real Estate Division coordinates with the Non-Federal Sponsor in preparing final real estate maps, legal descriptions, estate requirements, appraisals, title information, and to complete negotiations, relocations and closings.

All LERRD must be acquired in accordance with the PPA, the provisions of the Water Resources Development Act of 1986, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended, PL91-646. When all required interests in lands have been obtained, the Non-Federal Sponsor must provide the Corps with an Authorization for Entry for Construction and Attorney's Certificate of Authority.

### **Crediting and Completion**

The Non-Federal Sponsor's share of total project cost will include the cost of LERRD. The claim for credit for lands and acquisitions, including lands for facility and utility relocations with supporting documents should be submitted by the Non-Federal Sponsor to the Real Estate Division within 60 days after the right-of-entry for construction is made available to the Government. The Non-Federal sponsor is responsible for preparing the final credit appraisal by a Corps approved appraiser. The final credit appraisal will be submitted for review and approval. All other items such as Public Law 91-646 relocation payments, unresolved condemnation cases, and other associated costs may be submitted annually or earlier if possible. The Chief, Real Estate Division, will review and approve a Non-Federal Sponsor's request for LERRD credit and return to the Project Manager for final approval and entry into the accounting records.



# Work In Kind for Potential Sponsors

A local sponsor can perform work in kind (WIK) activities during the feasibility or the design and implementation phases of the project that are considered integral to the project and that would have otherwise been performed by the Corps or its contractors. All WIK to be credited must be performed after execution of a Feasibility Cost Sharing Agreement (FCSA), Project Partnership Agreement (PPA), or Memorandum of Understanding (MOU). A local sponsor can only get credit of their actual cost to complete the WIK. The Corps will work with the local sponsor to verify estimated costs to complete WIK for use in the FCSA, PPA or MOU. The Corps will not reimburse the local sponsor for any WIK in excess of their cost share requirement if their entire share is provided as WIK.

The local sponsor will submit an auditable package requesting WIK. The package shall include a cover letter, summary of expenditures and support documentation. The cover letter will reference the project name, applicable cost share agreement, total amount of WIK credit requested and the period of performance for the credit. Also included is a summary of expenditures that comprise the credit request during the period of performance. This summary can be in the form of a spreadsheet, or a printout from an accounting system or other automated program. The support documentation should describe the work performed and provide sufficient detail to determine if the work effort represented is reasonable in scope and cost, integral to the project, and allowable per the cost share agreement. Types of acceptable documentation include, but are not limited to: contract authorization forms, contracts, invoices with explanations of services or materials purchased, expense logs, summary sheets, labor reports showing charges to the project, receipts, cancelled checks, approved fringe benefits and overhead rates, cost engineering estimates agreed upon by both parties during a technical review, etc.

Additionally, the Project Manager and the local sponsor shall establish a schedule for the submission of an auditable package requesting WIK credit. This schedule may be dependent on the size, cost and scope of the services being provided. The local sponsor will submit an auditable package requesting earned WIK credit as agreed to, based on the completion of work. Interval for submission will not exceed every 6 months from the incurrence of WIK expenses/costs.

Lastly, the Corps will review all WIK performed to ensure that the work is accomplished in a satisfactory manner and in accordance with applicable Federal laws, regulations, and policies, with documentation of satisfactory environmental compliance for the construction portion of the WIK.



# Sample Letter

for General Request for Assistance

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(Date)

Susanne J. Davis

U.S. Army U.S. Army U.S. Army Corps of Engineers Chicago District

ATTN: Planning, Programs and Project Management Division

111 N. Canal St. Suite 600

Chicago, IL 60606

Dear Ms. Davis:

This letter is to request assistance from the U.S. Army Corps of Engineers to address (briefly describe the problem or need, including, if appropriate, the name of the body of water or waterway, and City, and/or County, and State).

Please contact (name, title, phone number) to arrange a further discussion of this inquiry.

Sincerely,

Signature and Title