

DTIC FILE COPY

①

# Civil Works

THIS DOCUMENT HAS BEEN REPRODUCED  
FOR PRIVATE USE ONLY AND IS NOT  
TO BE DISTRIBUTED OUTSIDE YOUR  
ORGANIZATION.

DTIC  
ELECTE

AD-A205 111

S

04 JAN 1989

D

OE

# Authorities

89

1

04

001

Unclassified

SECURITY CLASSIFICATION OF THIS PAGE

REPORT DOCUMENTATION PAGE

Form Approved OMB No. 0704-0188

1a. REPORT SECURITY CLASSIFICATION <b>Unclassified</b>			1b. RESTRICTIVE MARKINGS <b>None</b>		
2a. SECURITY CLASSIFICATION AUTHORITY <b>NA</b>			3. DISTRIBUTION / AVAILABILITY OF REPORT <b>Planning Branch, Public Affairs and Library</b>		
2b. DECLASSIFICATION / DOWNGRADING SCHEDULE <b>NA</b>			4. PERFORMING ORGANIZATION REPORT NUMBER(S)		
4. PERFORMING ORGANIZATION REPORT NUMBER(S)			5. MONITORING ORGANIZATION REPORT NUMBER(S)		
6a. NAME OF PERFORMING ORGANIZATION <b>Public Affairs Office</b>		6b. OFFICE SYMBOL (if applicable) <b>CENPS-PA</b>	7a. NAME OF MONITORING ORGANIZATION		
6c. ADDRESS (City, State, and ZIP Code) <b>4735 East Marginal Way South Seattle, WA 98124-2255</b>			7b. ADDRESS (City, State, and ZIP Code)		
8a. NAME OF FUNDING / SPONSORING ORGANIZATION <b>Public Affairs Office</b>		8b. OFFICE SYMBOL (if applicable) <b>CENPS-PA</b>	9. PROCUREMENT INSTRUMENT IDENTIFICATION NUMBER		
8c. ADDRESS (City, State, and ZIP Code) <b>4735 East Marginal Way South Seattle, WA 98124-2255</b>			10. SOURCE OF FUNDING NUMBERS		
			PROGRAM ELEMENT NO.	PROJECT NO.	TASK NO.
			WORK UNIT ACCESSION NO.		
11. TITLE (Include Security Classification) <b>Civil Works Authorities</b>					
12. PERSONAL AUTHOR(S) <b>None</b>					
13a. TYPE OF REPORT <b>Progress</b>		13b. TIME COVERED <b>FROM 1/1/88 TO 12/31/88</b>		14. DATE OF REPORT (Year, Month, Day) <b>Oct. 1988</b>	15. PAGE COUNT <b>82</b>
16. SUPPLEMENTARY NOTATION <b>NA</b> <i>- Civil engineering</i>					
17. COSATI CODES			18. SUBJECT TERMS (Continue on reverse if necessary and identify by block number)		
FIELD	GROUP	SUB-GROUP	Navigation, Flood Control, Hurricane & Storm Damage Reduction Shore Protection, Streambank & Shoreline Protection, Hydro- electric Power, Water Supply, Recreation, Fish & Wildlife, Misc		
19. ABSTRACT (Continue on reverse if necessary and identify by block number)			(S)		
<input checked="" type="checkbox"/> UNCLASSIFIED/UNLIMITED <input type="checkbox"/> SAME AS RPT. <input type="checkbox"/> DTIC USERS			21. ABSTRACT SECURITY CLASSIFICATION <b>Unclassified</b>		
22a. NAME OF RESPONSIBLE INDIVIDUAL <b>David G. Harris</b>			22b. TELEPHONE (Include Area Code) <b>206-764-3750</b>	22c. OFFICE SYMBOL <b>CENPS-PA</b>	

Outlines the legal authorizations by which the Corps of Engineers operates. *Keywords*

## INDEX

SUBJECT	PAGE
<b>NAVIGATION:</b>	
General	1
Harbors	3
Inland Waterways	6
Continuing Authority	
o Small Projects	7
o Clearing and Snagging	9
o Shore Damage Mitigation	11
Recreation	13
L&D Replacement	15

This document is best viewed  
in a web browser and may be  
difficult to read if  
printed.

**SUBJECT**

**PAGE**

**FLOOD CONTROL:**

Structural	16
Nonstructural	19
Continuing Authority	
o Small Projects	21
o Clearing and Snagging	23
Emergency Authority	25
FPMS	28

**SUBJECT**

**PAGE**

**HURRICANE AND STORM DAMAGE REDUCTION  
SHORE PROTECTION**

- General
- Periodic Nourishment
- Continuing Authority - Small Projects

30

34

35

**STREAMBANK AND SHORELINE PROTECTION**

- Continuing Authority Program

36

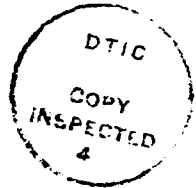
**HYDROELECTRIC POWER**

- General
- Facilities for Future Power

38

42

30	
34	
35	
36	<i>see form 50</i>
38	
42	
Codes	



iii

Dist	Avail and/or Special
<i>A-1</i>	

<b>SUBJECT</b>	<b>PAGE</b>
<b>WATER SUPPLY</b>	
Storage	44
Surplus Water	47
Minor Withdrawals	49
<b>RECREATION</b>	
Pre P.L. 99-662 Resources	50
Post P.L. 99-662 Resources	52
Non-Reservoir Projects	54
<b>FISH AND WILDLIFE</b>	
Mitigation	56
Enhancement	58

**SUBJECT**

**PAGE**

**MISCELLANEOUS**

Flow Regulation - WQ	60
Flow Regulation - Other	62
Wetlands Creation	64
Acquatic Plant Control	65
Review of Completed Projects	67
Planning Assistance to states	69

## **NAVIGATION, GENERAL**

**Authority:** Stems from Commerce Clause of the Constitution and Supreme Court decisions. Corps mission considered to have begun in 1824 when funds appropriated to clear snags from Ohio and Mississippi Rivers.

### **Provisions:**

- Federal work must be in the general public interest and available to all on equal terms.
- The federal interest extends only to primary access channels, anchorages, turning basins, locks and dams, harbor areas, jetties and breakwaters.

**Cost Sharing:**

- This varies with the nature of the project. See the following pages.

## **NAVIGATION, HARBORS**

**Authority:** Section 101, 1986 WRDA (P.L. 99-662)

### **Cost Sharing:**

- Non-federal interests must provide all lands, easements, rights-of-way, relocations (with exceptions per page 5) and dredged material disposal areas (LERRD) for construction and maintenance.
- Non-federal interests must provide cash contributions toward the costs for construction of the general navigation features (GNF) of the project, paid during construction (PDC) as follows: for project depths of up to 20' -- 10%; for project depths over 20' and up to 45' -- 25% and for project depths exceeding 45' -- 50%.

- For all depths, they must provide an additional cash contribution equal to 10% of GNF costs (which may be financed over a period not exceeding 30 years), against which the sponsor's costs for LERRD (except utilities) shall be credited.
- Non-federal interests must hold and save the U.S. free from damages due to the construction, operation and maintenance.
- Non-federal interests must contribute 50% of the incremental costs for operations and maintenance associated with project depths in excess of 45 feet.

**Relocation Exceptions:**

- The owner of a utility requiring relocation as part of a deep-draft (deeper than 45') improvement must fund 50% of the costs.
- The owner of a bridge requiring modification must share in the costs according to the principles of Truman-Hobbs Act; the balance is cost shared as part of the GNF.

## **NAVIGATION, INLAND WATERWAYS**

**Authority:** Section 102, 1986 WRDA (P.L. 99-662)

### **Cost Sharing:**

- If the waterway users are subject to fuel taxes paid into the Inland Waterway Trust Fund (IWWTF), there are no other non-federal cost sharing requirements in connection with federal project improvements to the waterway (not for LERRD, nor for construction, nor for OMR&R).
- Inland channels not authorized for improvement using the IWWTF will be cost shared in accord with the terms of their specific authorization.

## **NAVIGATION, CONTINUING AUTHORITY (SMALL PROJECT PROGRAM)**

**Authority:** Section 107, 1960 RHA (P.L. 86-645) as amended.

### **Provisions:**

- Without specific authorization, Corps may study, adopt and construct and maintain navigation projects using same procedures and policies that apply to congressionally authorized projects.
- The federal share of initial implementation costs for any one project may not exceed \$4 million (per Section 915, P.L. 99-662).

- **ASA (CW) policy also stipulates that the federal share of total costs (initial costs plus the capitalized value of future maintenance costs) shall not exceed 2.25 times the initial federal costs or \$4.5 million, whichever is greater.**

**Cost Sharing:**

- **Non-federal interests must participate in project costs in accordance with the established requirements herein set forth for navigation projects or measure (harbors, inland waterways, recreational, as the case may be).**
- **Sponsor is also responsible for all costs in excess of the federal cost limitation.**

## **NAVIGATION, CONTINUING AUTHORITY (CLEARING AND SNAGGING)**

**Authority:** Section 3, 1945 RHA (P.L. 79-14)

### **Provisions:**

- Without specific authorization, Corps may undertake emergency clearing and snagging for navigation or flood control (used by the Corps solely for navigation).
- May be used for clearance of obstructions both within authorized projects and at non-project locations used for navigation.
- May not be used for normal shoaling or betterments.

- No specific limit on federal costs per location; there is an annual program limit of \$1 million per Section 915(g), P.L.99-662.

**Cost Sharing:**

- Non-federal interests are responsible for any LERRD requirements, for any recurring maintenance, and must hold and save the U.S. free from damages due to the construction.

## **NAVIGATION, CONTINUING AUTHORITY - MITIGATION OF DAMAGES**

### **Authority:**

- Section 111, 1968 RHA (P.L. 90-483), as amended.
- Section 940, 1986 WRDA (P.L. 99-662)

### **Provisions:**

- Without specific authorization, Corps may study and implement works (structural or nonstructural) to prevent or mitigate damage to coastal or Great Lakes shorelines caused by federal navigation projects.
- The federal share of costs for any one project may not exceed \$2 million. Specific congressional authorization is required for

a meritorious project for which the federal share of costs would exceed this limit.

**Cost Sharing:**

- Non-federal interests must share in the mitigation costs in the same proportion they shared in the costs for the navigation project causing the damage.
- Non-federal interests are responsible for operation and maintenance of the mitigation measure.

## **NAVIGATION, RECREATION**

**Authority:** Section 103(c)(4), 1986 WRDA (P.L. 99-662)

### **Cost Sharing:**

- Non-federal interests must provide, at their expense, all ancillary shoreside facilities and marina facilities including interior access channels and berthing areas.
- Non-federal interests must provide all related LERRD for construction and maintenance, except to the extent that the value may exceed 50% of the total (separate and joint if any) recreational navigation costs.

- If the value of the LERRD contribution specified above is less than 50% of total recreational navigation costs (GNF costs plus LERRD), non-federal interests must provide a cash contribution (PDC) so the total non-federal share (cash plus LERRD) equals 50%
- Non-federal interests must pay 100% of the OMR&R costs and hold and save the U.S. free from damages due to the construction, operation and maintenance.

**Note: ASA(CW) policy precludes budgeting of projects where recreational boating benefits predominate.**

## **NAVIGATION, LOCK AND DAM REPLACEMENT**

**Authority:** Section 6 of 1909 RHA (P.L. 60-317)

**Provisions:**

- Authority for Secretary of the Army to repair, rehabilitate, replace or reconstruct navigation works, absolutely essential for continued use of project.
- Work cannot significantly alter scope, scale or location.
- Recent use of authority rare: replacements generally studied and recommended for specific congressional authorization; other extensive work now normally accomplished under major rehabilitation program.

**Cost Sharing:**

- Construction and maintenance federal.

## **FLOOD CONTROL, STRUCTURAL**

### **Authority:**

- Sections 1 and 3, 1936 FCA (P.L. 74-738)
- Section 2, 1941 FCA (P.L. 77-228)
- Section 103, 1986 WRDA (P.L. 99-662)

### **Provisions:**

- Federal government should. . .participate in. . .improvements for flood control purposes if the benefits to whom they accrue are in excess of the estimated costs (Section 1, 1936 FCA)

### **Cost Sharing:**

- Non-federal interests must provide all lands, easements, rights-of-way, relocations and dredged material disposal areas

**(LERRD) and a cash contribution amounting to 5% of total project costs (TPC), paid during construction (PDC).**

- If the value of the contributions specified above is less than 25% TPC, non-federal interests must provide an additional cash contribution PDC so that total non-federal share equals 25% TPC.**
- The maximum non-federal contribution will not exceed 50% of TPC (5% cash plus 45% for LERRD). Arrangements for funding LERRD requirements that may exceed 45% TPC will be covered in the LCA.**

- **Non-federal interests must pay 100% of the operations, maintenance, replacement, and rehabilitation costs (OMR&R) and hold and save the U.S. free from damages due to the construction, operation and maintenance.**

## **FLOOD CONTROL, NONSTRUCTURAL**

### **Authority:**

- Section 73, 1974 WRDA (P.L. 93-251)
- Section 103(b), 1986 WRDA (P.L. 99-662)

### **Provisions:**

- Consideration will be given, in Corps project planning, to nonstructural alternatives to prevent or reduce flood damages.

### **Cost Sharing:**

- Non-federal interests must provide all LERRD, except to the extent that the value thereof may exceed 25% of TPC for the nonstructural measures.

- **If the value of non-federal LERRD contributions is less than 25% TPC, a cash contribution must be made after project completion so when combined with LERRD value, the total non-federal share equals 25% TPC.**
- **Non-federal interests must pay 100% of OMR&R related to nonstructural measures, and hold and save the U.S. free from damages due to the construction, operation and maintenance thereof.**

## **FLOOD CONTROL, CONTINUING AUTHORITY (SMALL PROJECT PROGRAM)**

**Authority:** Section 205, 1948 FCA, (P.L. 80-858), as amended.

### **Provisions:**

- Without specific authorization, Corps may study, adopt and construct small flood control projects.
- The federal share of costs for any one project may not exceed \$5 million (per Section 915, P.L. 99-662).

### **Cost Sharing:**

- Non-federal interests must participate in project costs in accordance with the established requirements as previously set

forth for flood control projects or measures (structural or nonstructural, as the case may be).

- Sponsor is also responsible for all costs in excess of the federal limitation.

## **FLOOD CONTROL, CONTINUING AUTHORITY (CLEARING AND SNAGGING)**

**Authority:** Section 208, 1954 FCA (P.L. 83-780) as amended.

**Provisions:**

- Without specific authorization, Corps may study, adopt and construct in-stream clearing and snagging projects in the interest of flood control.
- The federal share of costs for any one project may not exceed \$500,000 (per Section 915, P.L. 99-662).

**Cost Sharing:**

- Non-federal interests must participate in project costs in accordance with the established requirements as previously set forth for structural flood control projects or measures.
- Sponsor is also responsible for all costs in excess of the federal cost limitation.

## **FLOOD CONTROL, EMERGENCY AUTHORITY**

**Authority:** Act of 1955 (P. L. 84-99), as amended.

**Provisions:** Corps participation in:

- Flood emergency preparations
- Flood fighting and rescue operations
- Emergency repair and restoration of flood damaged or destroyed flood control works
- Emergency protection of federal hurricane or shore protection works
- Repair and restoration of federal hurricane or shore protection project structure damaged or destroyed by extraordinary storm occurrences

- **Emergency supply of clean drinking water where source is contaminated**
- **Emergency supply of water for human and livestock consumption in drought distressed areas**

**Cost Sharing:**

- **Non-federal interests must provide all required LERRD (advance measures; emergency operations; repairs or restoration).**
- **The sponsor is responsible for 20% of the construction costs (including S&A; excluding E&D) for repair or restoration of non-federal flood control works.**
- **Advance measures are undertaken only to supplement state and local efforts when their capabilities are exceeded. Even in**

of the worst circumstances, their capabilities are assumed to total at least 30% advance measure costs.

- Non-federal interests are responsible for 100% of the OMR&R requirements in connection with any flood control measures undertaken pursuant to P.L. 84-99 as amended, and must hold and save the U.S. free from damages due to the construction, operation and maintenance of such measures. (Section 103(j), 1986 WRDA)
- The sponsor may be asked--in connection with these or any other of the efforts authorized by P.L. 84-99 as amended--to provide such other measures of cooperation that, at the discretion of the Chief, would be appropriate to the specific case.

## **FLOOD PLAIN MANAGEMENT SERVICES PROGRAM**

**Authority:** Section 206, 1960 FCA (P.L. 86-645) as amended.

### **Provisions:**

- General authority to provide flood plain information and planning assistance to state, county, and city governments as well as to other federal agencies.
- Flood and flood plain information is also provided to private citizens, corporations, and groups.
- Flood proofing and general flood plain management guidance are developed and published.

- **Hurricane Evacuation Studies and Flood Warning - Preparedness Studies are conducted jointly with other federal agencies for state and local governments.**

**Cost Sharing:**

- **Services are non-reimbursable. Involvement of requesters is strongly encouraged.**

---

**HURRICANE AND STORM DAMAGE REDUCTION, SHORE  
PROTECTION (INCLUDING BEACH CONTROL), GENERAL**

**Authority:**

- 1946 Act (P.L. 79-727) as amended
- Sections 103(c)(5) and (d), 1986 WRDA (P.L.99-662)

**Provisions:**

- Establishes federal policy to assist in the construction, but not the maintenance, of works for the improvement and protection of the shores of the U.S. against erosion by waves or currents.
- ASA(CW) policy stipulates that Corps projects be formulated primarily for hurricane and storm damages reduction.

**Cost Sharing:**

- Non-federal interests are responsible for providing all lands, easements, rights-of-way, relocations and dredged material disposal areas (LERRD)
- Costs assigned to protection of federally owned lands and/or shores are 100% federal.
- Costs assigned to privately owned lands (undeveloped) and shores (where use of the shores is limited to private interests) are 100% non-federal.
- Costs assigned to privately owned, developed lands where criteria for public use of the shores are met are 35% non-federal.

- **Costs assigned to non-federal public shores used for parks and recreation are 50% non-federal.**
- **The non-federal costs for LERRD will be credited against the sponsor's total (percent) responsibility for sharing construction costs; any excess of LERRD will be reimbursed to the sponsor.**

- **Non-federal interests must pay 100% of the operations, maintenance, relocations and replacement/rehabilitation costs (OMR&R) assigned to non-federal shores, and hold and save the U.S. free from damages due to the construction, operation and maintenance.**

## **HURRICANE AND STORM DAMAGE REDUCTION, SHORE PROTECTION PERIODIC NOURISHMENT**

**Authority:** 1956 Act (P.L. 84-826)

### **Provisions:**

- Federal assistance in periodic beach nourishment is provided on the same basis as new construction when it would be the most suitable and economical remedial measure.

### **Cost Sharing:**

- Costs are shared in the same proportion as the initial project construction costs.

## **HURRICANE AND STORM DAMAGE REDUCTION, SHORE PROTECTION CONTINUING AUTHORITY**

### **Authorities:**

- Section 103, 1962 R&HA (P.L. 87-874)
- Sections 103(c), 103(d), 103(i) and 915(e) (P.L. 99-662) WRDA 1986

### **Provisions:**

- Without specific authorization, COE may study, adopt and construct small beach erosion control projects.
- Federal costs for each project may not exceed \$2 million.

### **Cost Sharing:**

- Same as congressionally authorized projects (see page 27).

## **STREAMBANK AND SHORELINE PROTECTION - CONTINUING AUTHORITY PROGRAM**

### **Authorities:**

- Section 14, 1946 FCA (P.L. 79-526) as amended.
- Section 27, WRDA of 1974 (P.L. 93-251)
- Section 915(c), WRDA of 1986 (P.L. 99-662)

### **Provisions:**

- Authorizes COE to study, adopt and construct bank work to protect highways, bridges, other public works and non-profit public services such as churches, hospitals and schools.

- Annual program for federal expenditures limit of \$12.5 million, not more than \$500,000 at any one site.

**Cost Sharing:**

- Locals provide needed LERRD and cash, as required, so local share of total project costs is at least 25% (value of lands already owned for facility being protected is not counted against fulfillment of this requirement).
- When federal share of costs would otherwise exceed the limit (\$500,000), locals must provide the excess.
- Locals must OMR&R the completed project.

## **HYDROELECTRIC POWER, GENERAL**

**Authority:** Various congressional statutes direct consideration of power.

**Provisions:**

- Corps policy is to maximize sustained public benefits from each of its projects for all desirable purposes, including power.
- Power developed at Corps projects surplus to project needs is turned over to DOE for marketing (Section 5, 1944 FCA, P.L. 78- 534).

- **Non-federal power developments may be constructed at Corps projects through FERC licensing procedures, and it is Corps policy to encourage non-federal interests to develop such hydropower potential where it is feasible and not authorized for federal development.**
- **Recommendations for federal development in Corps reports are made only if it can be shown that non-federal development is impractical, i.e., non-federal project would produce significantly fewer net NED benefits than a federal project when all project outputs are considered.**

- **No general authority exists for Corps to develop power at non-Corps sites, but this has been done with specific congressional authority.**

**Cost Sharing:**

- **All capital investment and OMR&R costs allocated to power are reimbursable. DOE's power marketing agencies (PMAs) establish power rates that will recover costs over time--usually 50 years.**
- **Section 103(c)(1) of P.L. 99-662 provides that cost sharing will be in accordance with existing law, which anticipates recovery of project costs after project completion through rates set by the PMA. As a matter of policy, every effort is made to seek payment of construction costs during the construction period.**

- **Section 703 of P.L. 99-662 authorizes the SA, upon request of locals to survey the potential and methods for rehabilitating former industrial sites, millraces, etc., for use as hydroelectric facilities and to provide technical assistance in dredging projects to rehabilitate sites that have been surveyed. In return, the non-federal entity will receive the power produced or an equivalent value of power for a period of 30 years.**

## **HYDROELECTRIC POWER - FACILITIES FOR FUTURE POWER INSTALLATIONS (MINIMUM PROVISIONS)**

**Authority:** Section 4, 1983 FCA (P.L. 75-761) and subsequent authorizing acts.

### **Provisions:**

- Penstocks and other similar facilities may be included in the initial construction of projects where power is not authorized.
- Probability of future economic and financial viability and willingness of non-federal interests to finance or contract for the facilities must be determined.
- Purpose of this authority is to preclude loss of hydropower viability and to provide significant future construction savings.

**Cost-Sharing:**

- **Costs allocated to hydropower are reimbursable. The power marketing agencies of DOE establish rates that will recover costs over time (usually 50 years) when the power is ultimately developed.**

## **WATER SUPPLY, STORAGE**

### **Authority:**

- Water Supply Act of 1958 (P.L. 85-500) as amended.
- Section 932 of the WRDA of 1986 (P.L. 99-662)

### **Provisions:**

- Water supply storage may be included in any Corps reservoir, to impound water for present and future municipal or industrial use (not more than 30% of the total allocated costs may be for future water needs.)

- **Modification of an existing reservoir, by structural changes or reallocation of existing storage, to add or increase dedicated storage for water supply, requires separate congressional authorization if it would impact significantly on existing authorization purposes or involve major structural or operational changes. By policy, the Chief's discretion for any such reallocation is limited to 15% of total usable storage or 50,000 acre-feet, whichever is the lesser. All contracts are signed by ASA(CW).**

**Cost Sharing:**

- **Sponsor must contract to provide 100% reimbursement of costs (including OMR&R) on an annual basis (and major rehabilitations and replacements as they are required) allocated to water supply, within life of project but not more than 30 years from initial use of the project for water supply. For new projects, reimbursement is based on the actual development costs allocated to water supply storage. For reallocations, it is based on the current value of that storage.**

## **WATER SUPPLY, SURPLUS WATER**

**Authority:** Section 6, 1944 FCA (P.L. 78-534)

### **Provisions:**

- **ASA(CW) may make contracts with states, municipalities, private concerns and individuals at such prices and terms he finds reasonable for small amounts of water (and/or temporary use of storage as opposed to reallocation and permanent right to that**

storage) for domestic and industrial uses of surplus water, if available in Corps reservoirs. (Note: The storage having been provided in the reservoir for some other purpose not yet being realized.) Such contracts are normally limited to 5 years, with provisions for additional 5-year extensions.

**Cost Sharing:**

- For the period of use, user pays an annual amount based on the updated cost for that part of the reservoir costs plus OMR&R.

## **WATER SUPPLY, MINOR WITHDRAWALS**

**Authority:** Section 6, 1944 FCA (P.L. 78-534)

### **Provisions:**

- Agency heads may prescribe a standard minimum flat charge or standard unit charge for certain small water supply withdrawals from federal projects.

### **Cost Sharing:**

- All such standard charges require HQUSACE (CECW-P) approval prior DE execution of agreement allowing such withdrawals. Contracts for 50 acre-feet or greater require signature of ASA(CW).

## **RECREATION - PRE P.L. 89-72 RESERVOIR PROJECTS**

### **Authority:**

- Section 4, 1944 FCA (P.L. 78-534) as amended
- Section 103(c)(4), 1986 WRDA (P.L. 99-662)

### **Provisions:**

- Projects must be under control of the Army
- Corps operated areas - no new development except for upgrading sanitary facilities to meet state and local health standards.
- Outgranted areas - requires cost sharing

**Cost Sharing:**

- Locals pay 50% of the separable recreation cost and assume OMR&R.
- ASA(CW) requires the local share be financed during construction.
- One hundred percent (100%) federal cost for upgrading sanitary facilities on Corps operated areas.

## **RECREATION - POST P.L. 89-72 RESERVOIR PROJECTS**

### **Authority:**

- Federal Water Project Recreation Act, 1965 (P.L. 89-72) as amended.
- Section 103(c)(4), 1986 WRDA (P.L. 99-662)

### **Provisions:**

- Requires local cost sharing.
- If no willing cost sharing sponsor, Corps may only provide minimum facilities (guardrails, turnarounds, vault toilets at road ends) for health and safety.

**Cost Sharing:**

- Locals pay 50% of the separable recreation cost and assume OMR&R.
- ASA(CW) requires the local share be provided during construction.
- Minimum facilities are joint costs and are shared among the project purposes in accordance with Section 103(c).

## **RECREATION - NON-RESERVOIR PROJECTS**

### **Authority:**

- Section 4, 1944 FCA (P.L. 78-534)
- Federal Water Project Recreation Act, 1965 (P.L. 89-72)
- Section 103(c)(4), 1986 WRDA (P.L. 99-662)

### **Provisions:**

- Requires local cost sharing
- ASA(CW) policy precludes budgeting of CW funds for new recreation-oriented projects where the recreation benefits exceed 50% of total project benefits.
- Facilities must be on land required for basic project.

- Separable lands may be acquired at flood control projects for access, parking and facilities required for health and safety.
- Recreation development costs at structural flood control projects cannot exceed 10% of the total project cost.
- Facilities are not provided at shore protection projects.

**Cost Sharing:**

- Locals pay 50% of the separable cost and assume OMR&R.
- For harbor and channel projects, locals pay 50% of the joint and separable costs allocated to recreational navigation and assume OMR&R.
- ASA(CW) requires the local share be provided during construction.

## **FISH AND WILDLIFE - MITIGATION**

### **Authority**

- F&WL Coordination Act, 1958 (P.L. 85-624)
- Sections 103(c) and 906, 1986 WRDA (P.L. 99-662)

### **Provisions:**

- Provides for modifications of projects not 60% complete on 12 August 1958.
- Requires congressional authorization of land acquisition except for authority provided by Section 906(b), P.L. 99-662.
- Requires the Corps to determine justification and desirability of project modification.

**Cost Sharing:**

- Costs are assigned to appropriate project purposes in Section 103(c) and are shared accordingly.

## **FISH AND WILDLIFE - ENHANCEMENT**

### **Authority:**

- Federal Water Project Recreation Act, (P.L. 89-72)
- Section 906(e), 1986 WRDA (P.L. 99-662)

### **Provisions:**

- Must be on project lands or take advantage of project-created opportunity.
- Measures may be of national interest (e.g., endangered species, subject to treaties, anadromous fish or on national wildlife refuge lands) or more regional or local in scope.

**Cost Sharing:**

- If enhancement measures are of national interest, 100% federal.
- If enhancement measures are of regional or local interest, locals pay 25% first cost plus 25% OMR&R.

## **FLOW REGULATION-WATER QUALITY CONTROL**

### **Authority:**

- Section 102, Clean Water Act (P.L. 92-500) as amended.
- Section 103(c) and (d), 1986 WRDA (P.L. 99-662)

### **Provisions:**

- In the planning of Corps projects, consideration shall be given to including storage for streamflow regulation.
- The need for, value of, and impact of such storage for water quality control shall be EPA determinations.

**Cost Sharing:**

- Water Quality enhancement costs are assigned to appropriate project purposes in Section 103(c) and are shared accordingly.
- OMR&R - 100% non-federal.

## **FLOW REGULATION-OTHER THAN WATER QUALITY CONTROL**

### **Authority:**

- Section 102, Clean Water Act of 1972 (P.L. 92-500) as amended.
- Sections 103(c) and (d), 1986 WRDA (P.L. 99-662)

### **Provisions:**

- In the planning of Corps projects, consideration shall be given to including storage for streamflow regulation.
- The need for, value of, and impact of such storage (other than for Water Quality) shall be Corps determinations.

**Cost Sharing:**

- Costs are assigned to appropriate project purposes in Section 103(c) and are shared accordingly.
- OMR&R - 100% non-federal.

## **WETLANDS CREATION - CONTINUING AUTHORITY**

**Authority:** Section 150, 1976 WRDA (P.L. 94-587)

**Provisions:**

- Authorizes Corps to plan and establish wetlands as part of water resources projects.
- Must be primary result of dredged material placement.
- Increased cost may not exceed \$400,000 per disposal area.

**Cost Sharing:** One hundred percent (100%) federal.

## **AQUATIC PLANT CONTROL**

### **Authority:**

- Section 302, P.L. 89-298, as amended.
- Sections 103(c)(6) and 941, 1986 WRDA (P.L. 99-662)

### **Provisions:**

- Authorizes cooperation with other federal and non-federal agencies to control noxious plants.
- Program limited to \$12 million a year.

**Cost Sharing:**

- **Studies - Reconnaissance (100% federal); Feasibility (50/50).**
- **Control - 50% federal, locals agree to hold and save the U.S. free from damages.**
- **Research - Programmatic (100% federal); Site Specific (50/50)**

## **REVIEW OF COMPLETED PROJECTS PROGRAM**

### **Authority:**

- Section 216, 1970 FCA (P.L. 91-611)
- Sections 103, 105 and 905; 1986 WRDA (P.L. 99-662)

### **Provisions:**

- General authority for SA to review operations of completed projects, when found advisable due to changed physical or economic conditions.
- A report is made to Congress on advisability for modifying structures or operations.

**Cost Sharing:**

- Studies - Recon 100% federal, Feasibility 50/50.
- Improvement costs are allocated to federal or local interests in accordance with the basic project authority and existing policies.

**PLANNING ASSISTANCE TO STATES (SECTION 22)**

**Authority:** Section 22, 1974 WRDA (P.L. 93-251) as amended.

**Provisions:**

- General authority for COE to cooperate with the United States, Puerto Rico, Virgin Islands, Guam, American Samoa, Commonwealth of the Northern Mariana Islands, Trust Territory of the Pacific Islands (now only Paulau).

- Corps provides technical assistance to support state preparation of comprehensive water and related land resources development plans.
- Corps assists in conducting individual studies supporting the state plan.
- Assistance to basis of state request and availability of Corps expertise rather than through congressional study authorization procedures.
- Cannot be used to supplement other ongoing or pending Corps efforts.
- Cannot be used to offset required state contributions to federal grant programs.

**Cost Sharing:**

- Nationwide annual funds may not exceed \$6 million, with not more than \$300,000 in any one year in any one state.
- Technical services, rather than grants, are provided without charge or cost sharing.

**Reflects policies as of May 1988**  
**Reprinted by Seattle District, Oct. 1988**