



CONTINUING AUTHORITIES PROGRAM

Fact Sheet: Project Authorities Related to Resilience

U.S. ARMY CORPS OF ENGINEERS

What is the Continuing Authorities Program (CAP)?

It is a collection of water resource project authorities under which the U.S. Army Corps of Engineers (USACE) can plan, design, and implement certain types of water resources projects without additional project-specific congressional authorization. The program is intended for relatively straightforward projects, and it is not intended to address large, complex, or controversial water resource challenges. Because CAP projects do not require congressional approval, they are typically quicker to complete than larger USACE projects. Projects typically cost between \$1M and \$15M to construct. All CAP authorities have Federal cost limits and the total costs are shared with a local partner.

What are the Authorities Related to Resilience Projects?

Authority ¹	Project Type	Project Purpose
103	Coastal storm risk management; beach erosion	Protection of public and private properties and facilities against damages caused by storm driven waves and currents by the construction of revetments, groins, and jetties; may also include periodic sand replenishment.
204	Regional sediment management	Regional sediment management and beneficial uses of dredged material from new or existing Federal projects for ecosystem restoration, flood risk and coastal storm damage reduction.
205	Flood risk management	Local protection from flooding by non-structural measures such as flood warning systems, or flood proofing; or by structural flood risk management features such as levees, diversion channels, or impoundments.
206	Aquatic ecosystem restoration	Aquatic ecosystem restoration, including rivers, wetlands, etc.
1135	Project modifications for improvements to the environment	Modifications of USACE constructed water resources projects to improve the quality of the environment. Also, restoration projects at locations where an existing Corps project contributed to the degradation.

1 – The authority numbers refer to the section of the specific law in which these types of projects were authorized. For additional information on these authorities, please review the fact sheets and other information located at this website: <https://www.spn.usace.army.mil/Missions/Projects-and-Programs/Continuing-Authorities-Program/>

Project Development is a Two-Phase Process

- **Feasibility Study** - On receipt of a written request from a potential sponsor and when funding is available, the Corps initiates a preliminary analysis, at Federal expense, to determine if a potential project meets program requirements and Federal participation is justified. If a Federal interest is verified, a feasibility study is completed that identifies and evaluates alternatives and recommends a project for implementation. Except for Section 204 projects where preparing the decision document is at full Federal expense, if the feasibility study cost exceeds \$100,000, the Corps and sponsor sign a Feasibility Cost Share Agreement that describes the study cost share arrangement, study scope, schedule, and study cost estimate. All costs beyond the first \$100,000 are cost-shared 50/50 between the Federal government and the local (non-Federal) sponsor. Feasibility studies typically take 18-24 months to complete.
- **Design and Construction** - A project is approved for construction if the feasibility study determines it is technically feasible, environmentally acceptable, and cost effective. Before engineering design and construction can begin, the Corps and sponsor negotiate and sign a Project Partnership Agreement that describes the cost share arrangement and operations and maintenance responsibilities. The cost-share of design and construction is either 65/35 (Fed/Non-Fed), or 75/25, depending on the authority.

Key Takeaways

- ✓ CAP is not a grant program.
- ✓ CAP projects are cost-shared between the local (non-Federal) sponsor and the Federal government, with the majority of overall costs borne by the Federal government.
- ✓ In order to be eligible for construction funding, a cost-shared feasibility report must be completed and approved by the Corps.
- ✓ The CAP is intended for relatively straightforward solutions to obvious problems.
- ✓ Demand across the nation for new start projects is high, so requesting assistance early is strongly recommended.

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Questions? Contact: Tom Kendall, (415) 503-6822, thomas.r.kendall@usace.army.mil or
Joél Flannery, (415) 503-6848, joel.r.flannery@usace.army.mil





CONTINUING AUTHORITIES PROGRAM

Section 1135 – Project Modifications for Improvement of the Environment

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Scope and Authority

- The U.S. Army Corps of Engineers (Corps) can partner with a non-Federal sponsor (sponsor) to modify structures and operations of water resources projects constructed by the Corps for the purpose of improving the quality of the environment. Restoration projects can also occur at locations where an existing Corps project contributed to the degradation of the environment.
- Sponsor can be a legally constituted public body or a non-profit entity.
- This authority cannot be used to meet mitigation or remediation requirements.
- Authority is provided by Section 1135 of the Water Resources Development Act of 1986, as amended, also referred to as Section 1135 under the Continuing Authorities Program.



Project Development Process

- **Feasibility Study** - On receipt of a written request from a potential sponsor and when funding is available, the Corps initiates a preliminary analysis, at Federal expense, to determine if a potential project meets program requirements and Federal participation is justified. If a Federal interest is verified, a feasibility study is conducted that identifies and comprehensively evaluates alternatives and recommends a plan for implementation. If the feasibility study cost exceeds \$100,000, the Corps and sponsor sign a Feasibility Cost Share Agreement and a project management plan that describes the study cost share arrangement, feasibility study scope, schedule, and study cost estimate (See Project Costs).
- **Design and Construction** - A project is approved for construction if the detailed feasibility study determines it is technically feasible, environmentally acceptable, and cost effective. Before engineering design and construction can begin, the Corps and sponsor negotiate and sign a Project Partnership Agreement that describes the cost share arrangement and operations and maintenance responsibilities (See Project Costs).

Project Costs

The maximum Federal expenditure per project is \$10 million, including feasibility study and design-and-construction costs.

Feasibility Study	<ul style="list-style-type: none"> • The study is initiated with up to \$100,000 in Federal funds. • Costs exceeding \$100,000 are cost shared 50 percent Federal and 50 percent sponsor. • Sponsor's cost share may include cash, work-in-kind, or a combination of both.
Design and Construction	<ul style="list-style-type: none"> • Costs are shared 75 percent Federal and 25 percent sponsor. • Sponsor must provide all lands, easements, rights-of-way, relocations, and dredged material disposal areas (LERRDs) needed for project construction and maintenance. • Sponsor's cost share includes credit for provision of required LERRDs (not already acquired as part of the original project) and pre-approved work-in-kind. 100% of sponsor cost-share amount can be provided as in-kind services.
Operation and Maintenance	<ul style="list-style-type: none"> • Sponsor is responsible for all project operation and maintenance costs when the project is completed.

How to Request a Project

An example template to request a study under Section 1135 is provided on the reverse side of this information sheet.

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EXAMPLE REQUEST FOR ASSISTANCE

*District Engineer
U.S. Army Corps of Engineers
Attn: Planning Branch 450
Golden Gate Avenue
San Francisco, CA 94102*

Dear Sir or Madam:

*This letter is to request the assistance of the U.S. Army Corps of Engineers under Section 1135 of the Water Resources Development Act of 1986, as amended, in improving the environment in **(CITY OR TOWN, AND SPECIFIC LOCATION)**, which has been adversely affected by **(EXISTING CORPS PROJECT)**.*

(BRIEFLY DESCRIBE NATURE AND SEVERITY OF THE PROBLEM AND POTENTIAL BENEFITS OF A PROJECT.)

We understand that as a local sponsor under the Section 1135 program, we are responsible for 50 percent of feasibility study costs exceeding \$100,000 in Federal expenditures and 25 percent of project design and construction costs, if a feasible plan is identified. We acknowledge that the cost share contribution can be in the form of "in-kind" services that contribute a direct component to the study, cash, or a combination. Our cost share obligation would include provision of all lands, easements, rights-of-way, relocations, and dredged material disposal areas required for the project. We intend to pursue budgetary actions so that funds are available to meet our cost sharing requirements. We would assume responsibility for operation and maintenance of the project upon completion.

*The **(NON-FEDERAL SPONSOR)** has designated **(NAME /PHONE NUMBER)** as the point of contact for this project.*

*Sincerely,
**(NAME / TITLE OF OFFICIAL
AUTHORIZED TO REQUEST STUDY)***