



CONTINUING AUTHORITIES PROGRAM

Section 1135 – Project Modifications for Improvement of the Environment

• U.S. ARMY CORPS OF ENGINEERS

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.

U.S. ARMY CORPS OF ENGINEERS

(www.spn.usace.army.mil)

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

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)***