



# CONTINUING AUTHORITIES PROGRAM

## Section 206 – Aquatic Ecosystem Restoration

### 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 develop aquatic ecosystem restoration and protection projects that improve the quality 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 206 of the Water Resources Development Act of 1996, as amended, also referred to as Section 206 under the Continuing Authorities Program.



#### Project Development Process

- **Feasibility Study** - Upon 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"> <li>• The study is initiated with up to \$100,000 in Federal funds.</li> <li>• Costs exceeding \$100,000 are cost shared 50 percent Federal and 50 percent sponsor.</li> <li>• Sponsor's cost share may include cash, work-in-kind, or a combination of both.</li> </ul>
Design and Construction	<ul style="list-style-type: none"> <li>• Costs are shared 65 percent Federal and 35 percent sponsor.</li> <li>• Sponsor must provide all lands, easements, rights-of-way, relocations, and dredged material disposal areas (LERRDs) needed for project construction and maintenance.</li> <li>• Sponsor's cost share includes credit for provision of required LERRDs and pre-approved work-in-kind.</li> <li>• Recreation features cannot detract from ecosystem restoration benefits.</li> </ul>
Operation and Maintenance	<ul style="list-style-type: none"> <li>• Sponsor is responsible for all project operation and maintenance costs when the project is completed.</li> </ul>

#### How to Request a Project

An example template to request a study under Section 206 is provided on the reverse side of this information sheet.

### U.S. ARMY CORPS OF ENGINEERS

([www.spm.usace.army.mil](http://www.spm.usace.army.mil))

Questions? Contact: Tom Kendall, (415) 503-6822, [thomas.r.kendall@usace.army.mil](mailto:thomas.r.kendall@usace.army.mil) or  
Joél Flannery, (415) 503-6848, [joel.r.flannery@usace.army.mil](mailto: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 206 of the Water Resources Development Act of 1996, as amended, in aquatic ecosystem restoration in the vicinity of **(CREEK, RIVER, OR BODY OF WATER)** in **(CITY OR TOWN)**.*

***(BRIEFLY DESCRIBE NATURE AND SEVERITY OF THE EXISTING PROBLEM AND/OR POTENTIAL BENEFITS OF A PROJECT.)***

*We understand that as a local sponsor under the Section 206 program, we are responsible for 50 percent of feasibility study costs exceeding \$100,000 in Federal expenditures and 35 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)***