



# CONTINUING AUTHORITIES PROGRAM

## Section 107 – Commercial Navigation Improvements

### 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 plan and construct commercial navigation projects that have not previously been specifically authorized by Congress and are not part of a larger project.
- Authority is provided by Section 107 of the River and Harbor Act of 1960, as amended, also referred to as Section 107 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 economically justified. 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, 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 share changes by depth – local share of the General Navigation Features (GNF) increases with project depth (10% for depths equal to or less than 20 feet, 25% for depths between 20 feet and 50 feet). Recreation improvements are cost-shared 50/50.</li> <li>• Sponsor must provide all lands, easements, rights-of-way, and relocations (LERRs), needed for project construction and maintenance.</li> <li>• Sponsor's cost share includes credit for provision of required LERRs and pre-approved work-in-kind. Additional rules apply – consult USACE representatives for details.</li> </ul>
Operation and Maintenance	<ul style="list-style-type: none"> <li>• Operation and maintenance of the GNF are a Federal responsibility.</li> </ul>

#### How to Request a Project

An example template to request a study under Section 107 is provided on the reverse side of this information sheet.

[U.S. ARMY CORPS OF ENGINEERS \(www.spn.usace.army.mil\)](http://www.spn.usace.army.mil)

Questions? Contact: Tom Kendall, (415) 503-6822,

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## EXAMPLE REQUEST FOR ASSISTANCE

*District Engineer  
U.S. Army Corps of Engineers  
Attn: Planning Chief  
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 107 of the River and Harbor Act of 1960, as amended, to study and construct navigation improvement projects in (CITY OR TOWN, AND SPECIFIC LOCATION).*

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

*We understand that as a local sponsor under the Section 107 program, we are responsible for 50 percent of feasibility study costs exceeding \$100,000 in Federal expenditures. We also understand that, if a feasible plan is identified, we are responsible for 10 percent of the General Navigation Feature (GNF) costs for the increment of project depth less than 20 feet, and 25 percent of GNF costs for the increment of project depth between 20 feet and 50 feet, if applicable. We also understand we are responsible for 50 percent of GNF costs that benefit exclusively recreational navigation. We intend to pursue budgetary actions so that funds are available to meet our cost sharing requirements.*

*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)*