

USACE Study Authorities: How the Corps Can Help Communities

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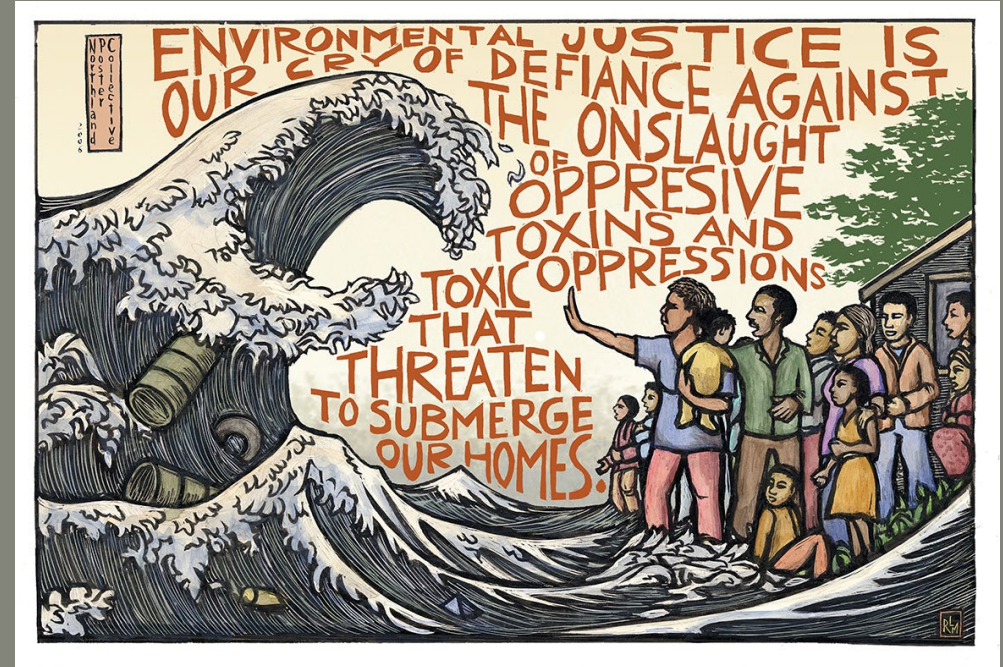


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ENVIRONMENTAL JUSTICE (JUSTICE40 INITIATIVE)

- Environmental Justice - the *fair treatment and meaningful involvement of all people...regarding the development, implementation, and enforcement of environmental laws, regulations, and policies, with no group bearing a disproportionate burden of environmental harms and risks*
- 40% of the overall benefits of certain Federal investments flow to **disadvantaged communities** that are *marginalized, underserved, and overburdened* by pollution



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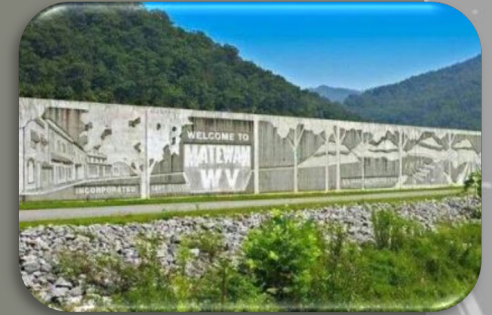


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PROGRAMS AND AUTHORITIES

- Feasibility Study (or SMART Planning Study or 3x3x3 Study)
 - Evaluation of problems, needs, and opportunities, formulation and evaluation of alternatives, and identification and implementation of cost-effective solutions based on specific congressional authorization
- Continuing Authorities Program (CAP) (typically 65/35 cost-share, see following slides)
 - Authorities under which the Secretary of the Army, acting through the Chief of Engineers, is authorized to plan, design, and construct certain types of water resource and ecosystem restoration projects without additional or specific congressional authorization
- Silver Jackets (or Interagency Non-structural Flood Plain Management Services)
 - Collaborative rather than cost-shared
- Floodplain Management Services (FPMS) (100% federally-funded, usually less than \$150K)
 - Information, technical planning assistance, and guidance in identifying the magnitude and extent of flood hazards and planning appropriate use of the floodplains
- Planning Assistance to States (PAS – Section 22) (50/50 cost-share, usually less than \$75K)
 - Technical assistance to support state comprehensive water and related land resource development plans
- Watershed Planning (Section 729) (IWA 100% federally-funded, FWA 75/25 cost-share)
 - Watershed planning addresses problems, needs, and opportunities within a watershed or regional context; strives to achieve integrated water resources management; and results in general, non-project specific, holistic plans or strategies to address those watershed needs
- Section 7001
 - Stakeholders can propose changes to existing Corps authorities or propose studies



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FEASIBILITY STUDY

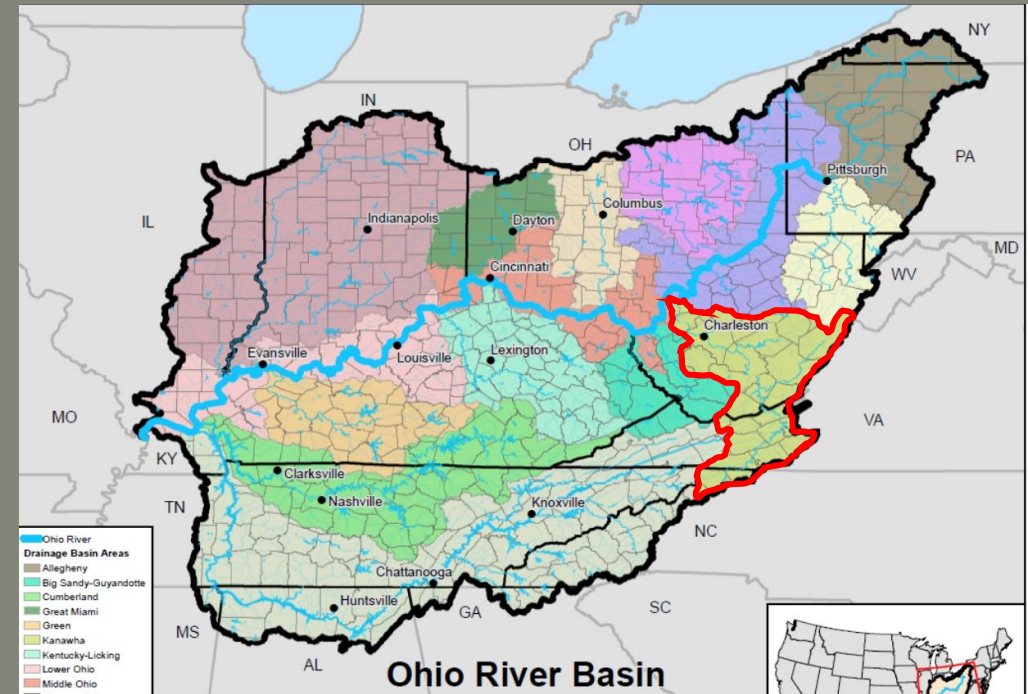
- These studies are named and funded by Congress, so they are very competitive.
- Also called SMART Planning Studies (SMART = Specific, Measurable, Attainable, Risk-Informed, and Timely)
- Also called 3x3x3 studies (3 years, \$3M, and 3 levels of review)
- Can lead to recommendation to construct the types of large projects for which the Corps is known worldwide

Study Cost

The Feasibility Study is cost-shared required to provide all lands, 50/50.

Project Cost

Design and construction costs are shared 50/50, with the sponsor required to provide all lands, easements, rights-of-way, relocations, and disposal areas (LERRDs).



- USACE Huntington is currently funded for flood risk management Feasibility Studies for the Kanawha River Basin (full) and Upper Guyandotte (partial)
 - Working with State of WV to execute Feasibility Cost-Sharing Agreements

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CONTINUING AUTHORITIES PROGRAMS

Program Authority	Description	Federal Funding Limits
		Per Project
Section 14	Emergency streambank and shoreline erosion protection for public facilities and services.	\$10M (\$5M prior to WRDA22)
Section 107	Improve navigation, including dredging of channels, anchorage areas, and turning basins and construction of breakwaters, jetties and groins,	\$10M
Section 205	Plan, design, and construct structural and non-structural flood control projects	\$10M
Section 206	Plan, design and build projects to restore aquatic ecosystems for fish and wildlife	\$10M
Section 208	Snagging and clearing for flood control	\$0.5M
Section 1135	Modifications to operations or structures of civil works projects previously constructed by USACE, for the purpose of improving the quality of the environment	\$10M

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SECTION 14 – EMERGENCY STREAMBANK PROTECTION



Section 14 of the 1946 Flood Control Act provides the Corps of Engineers authority to construct emergency shoreline and stream bank protection works to protect public facilities, such as bridges, roads, public buildings, sewage treatment plants, water wells, and non-profit public facilities, such as churches, hospitals, and schools. The maximum Federal expenditure at any one site is \$10 million and each project must be economically justified and environmentally sound.

Study Cost

The Feasibility Study is 100 percent federally funded up to \$100,000. Costs over the \$100,000 are shared 50/50 with the non-federal sponsor.

Project Cost

Design and construction costs are 65% Federal and 35% non-Federal.

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SECTION 107 – NAVIGATION IMPROVEMENTS

Section 107 of the River and Harbor Act of 1960 provides authority for the Corps of Engineers to improve navigation, including dredging of channels, anchorage areas, and turning basins and construction of breakwaters, jetties, and groins, through a partnership with non-Federal government sponsor such as cities, counties, special chartered authorities (such as port authorities), or units of state government. The maximum federal cost for project development and construction of any one project is \$10 million and each project must be economically justified, environmentally sound, and technically feasible.



Study Cost

The feasibility study is 100% federally funded up to \$100,000. Costs over the \$100,000 are shared 50/50 with the non-federal sponsor.

Project Cost

Non-federal cost is 10% up-front during construction and 10% over a 30-year period for harbors with a design depth of 20 feet or less. For design depths of 20 to 45 feet, the up-front share increases to 25%, and at over 45 feet the up-front share is 50%.

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SECTION 205 – FLOOD DAMAGE REDUCTION



White River Floodwall at Jacksonport, Arkansas

Study Cost

The feasibility study is 100% federally funded up to \$100,000. Costs over the \$100,000 are shared 50/50 with the non-federal sponsor.

Project Cost

Final design (plans and specifications) and construction costs are 65% Federal, 35% non-Federal

Section 205 of the 1948 Flood Control Act authorizes the Corps of Engineers to plan, design, and construct structural and non-structural flood control projects in partnership with non-Federal government agencies, such as cities, counties, special authorities, or units of state government. Projects are planned and designed under this authority to provide the same complete flood risk management project that would be provided under specific congressional authorizations. The maximum federal cost for planning, design, and construction of any one project is \$10 million. Each project must be economically justified, environmentally sound, and technically feasible. Flood risk management projects are not limited to any specific type of improvement. Levee and channel modifications are examples of flood risk management projects constructed utilizing the Section 205 authority.

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SECTION 206 – AQUATIC ECOSYSTEM RESTORATION

Under the authority provided by **Section 206** of the Water Resources Development Act of 1996, the Corps may plan, design, and build projects to restore aquatic ecosystems for fish and wildlife. Projects must improve the quality of the environment, be in the public interest, demonstrate cost effectiveness and be no more than \$10 million in total cost. Recreation projects, if justified, may be included in the total project, but they may not increase the federal share of the total project by more than 10%. Additionally, projects should not be formulated for recreation and recreation should not detract from ecosystem benefits.



Study Cost

The feasibility study is cost shared 50% federal, 50% non-federal after the first \$100,000 in study costs. The first \$100,000 in study cost is federally funded.

Project Cost

Design and construction costs are 65% federal and 35% non-federal

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SECTION 208 – SNAGGING AND CLEARING FOR FLOOD CONTROL



Section 208 of the Flood Control Act of 1954, as amended, gives authority to the U.S. Army Corps of Engineers to partner with a non-federal sponsor to plan for and provide removal of accumulated snags and other debris from waterways and to clear stream channels in the interest of flood control. Each project considered must be complete within itself, and not part of a larger project. The limited scope of these projects allows for prompt action to eliminate the threat of flooding.

Study Cost

The feasibility study is cost shared 50% federal, 50% non-federal after the first \$100,000 in study costs. The first \$100,000 in study cost is federally funded.

Project Cost

Design and construction costs are 65% federal and 35% non-federal

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SECTION 1135 – PROJECT MODIFICATION FOR IMPROVEMENTS TO THE ENVIRONMENT



Study Cost

The feasibility study is cost shared 50% federal, 50% non-federal after the first \$100,000 in study costs. The first \$100,000 in study cost is federally funded.

Project Cost

Design and construction costs are 75% federal and 25% non-federal

Section 1135 of the Water Resources Development Act of 1986, as amended, authorizes the U.S. Army Corps of Engineers to make modifications to operations or structures of civil works projects previously constructed by USACE, for the purpose of improving the quality of the environment. In most cases, it must be demonstrated that the operation or construction of a civil works project has degraded the quality of the environment. The primary objective of Section 1135 is to modify existing USACE projects to restore ecosystem habitats. Each project is limited to a Federal cost of \$10 million and requires cost sharing from an authorized non-Federal sponsor.

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FLOOD PLAIN MANAGEMENT SERVICES (FPMS)

- General Technical Services
 - Site Specific data on flooding
 - Flood formation and timing
- General Planning Guidance
 - Special studies
 - Floodplain delineation
 - Dam break analysis
 - Flood warning / preparedness
 - Other studies
- Funding – Program services can be requested through the Planning Branch POC
- A letter request is required to initiate the process



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SILVER JACKETS PROGRAM

- State-led Interagency approach to sharing knowledge, leveraging resources, and collaboratively reducing flood risk
 - Develop cohesive solutions for effectively managing the floodplain
 - Focus hazard planning and mitigation on state priorities
 - Enhance response and recovery efforts following natural disasters
 - Follow life-cycle risk management
 - Watershed perspectives
- Various Federal, State, and Local Agency Involvement (Examples)
 - State EMA, State DNR, USGS, NWS/NOAA, FEMA, USEPA, NRCS, Local Conservancy Districts, Universities, etc.
- Combines available agency resources
 - Funding
 - Programs
 - Technical expertise
- Website: <http://silverjackets.nfrmp.us/>



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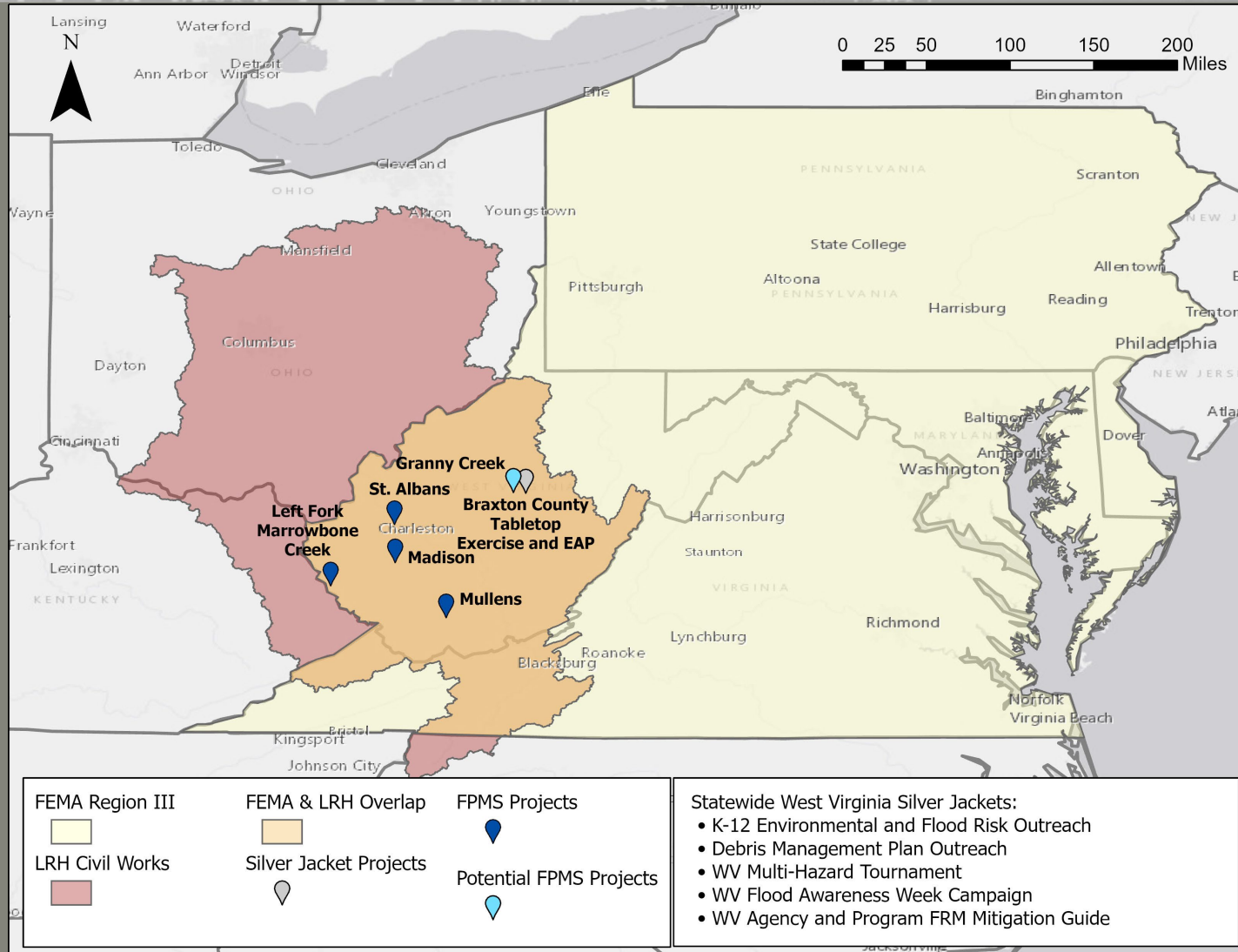
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Current And Potential WV FPMS Studies and Interagency Nonstructural (Silver Jackets) Projects



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PLANNING ASSISTANCE TO STATES

TYPICAL STUDIES. The program can encompass many types of studies, dealing with water resources issues. Types of studies conducted in recent years under the program include the following:

- Water Supply and Demand Studies
- Water Quality Studies
- Environmental Conservation/Restoration Studies
- Wetlands Evaluation Studies
- Dam Safety/Failure Studies
- Flood Risk Management Studies
- Flood Plain Management Studies

FUNDING. The Planning Assistance to States program is funded annually by Congress. Federal allotments for each State or Tribe from the nation-wide appropriation are limited to \$5,000,000 annually, but typically are much less. Individual studies, of which there may be more than one per State or Tribe per year, generally cost between \$25,000 and \$75,000. All efforts under the Planning Assistance to States program are cost shared equally (50/50) with a non-Federal sponsor. The non-Federal sponsor's required contribution may be provided as work in-kind services.

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SECTION 729 WATERSHED ASSESSMENT

Objective: Develop a Watershed Management Plan (WMP)

- Identify water resource problems and needs
- Seek to address those issues using a watershed approaches

The WMP will culminate in a series of recommendations which will address the identified water resource issues via general, non-project specific plans and/or strategies.

- Recommendations may be for agencies other than the Corps to implement

Study Cost

The study is cost-shared 75/25

Project Cost

Varies; some recommendations may not have any Corps involvement

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SECTION 7001 – REPORT TO CONGRESS ON FUTURE WATER RESOURCES DEVELOPMENT

- Section 7001 of WRRDA 2014, as amended, requires that the Secretary of the Army annually submit to the Congress a report that identifies, for potential congressional authorization, completed feasibility reports, proposed feasibility studies submitted by non-Federal interests, proposed modifications to authorized water resources development projects or feasibility studies, and proposed modifications to environmental infrastructure program authorities that meet all the following criteria:
 - Proposed studies and modifications are related to USACE missions and authorities
 - USACE primary missions are navigation, flood risk management, and aquatic ecosystem restoration. Recreation, hydropower, and/or water supply will be considered “related” when it is performed in conjunction with one or more of the primary mission(s).
 - Require specific congressional authorization
 - Have not been congressionally authorized
 - Have not been included in the main table of a previous annual report
 - If authorized could be carried out by USACE

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QUESTIONS?

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