



# CONTINUING AUTHORITIES PROGRAM

## Section 1135 – Project Modifications to Improve the Environment

U.S. ARMY CORPS OF ENGINEERS

BUILDING STRONG®

### Scope and Authority

- The U.S. Army Corps of Engineers (Corps) can partner with a non-federal sponsor (sponsor) to modify existing Corps projects to restore the environment or construct new projects to restore areas where a Corps project has contributed to environmental degradation.
- Environmental improvements cannot conflict with authorized Corps project purposes.
- Typical projects have included setting back levees, restoring degraded habitat and improving fish passage.
- Authority is provided by Section 1135 of the Water Resources Development Act of 1986 (P.L. 99-662), as amended, also referred to as Section 1135 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 occurs 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, 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 75 percent federal and 25 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> </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 1135 is provided on the reverse side of this information sheet.

U.S. ARMY CORPS OF ENGINEERS – WALLA WALLA DISTRICT

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## EXAMPLE REQUEST FOR ASSISTANCE

*Bret L. Walters  
Chief, Planning Branch  
U.S. Army Corps of Engineers  
Walla Walla District  
201 North Third Street  
Walla Walla, Washington 99362*

*Dear Mr. Walters:*

*This letter is to request that the U.S. Army Corps of Engineers conduct a study under Section 1135 of the Water Resources Development Act of 1986, as amended, to determine the feasibility of a project at (**LOCATION**).*

***(BRIEFLY DESCRIBE NATURE OF THE ENVIRONMENTAL RESTORATION PROJECT AND POTENTIAL BENEFITS.)***

*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**)*