

AGREEMENTS NEWS VOL. 2

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(Includes Updates Since August 2020)

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AGREEMENT TIPS

What to Put for the Project Description in the Agreement?

Every model agreement has a section for including a description of the project. The purpose of the project description is to provide enough detail so that the non-federal sponsor is clear on what they are signing up for, but to not be so detailed that small design changes, etc. to the project could potentially warrant an amendment to the agreement.

The district is responsible for filling in this information. While there are no hard and fast requirements for what should or should not be included in the project description, we have generally found that Districts tend to include more information than is needed. Typically, detail regarding project extent and general dimensions should be included in the project description, while exact quantities of specific project features can be excluded.

For example, the following project description is one that includes too much specificity for an agreement:

“The term “Project” means the coastal storm risk management project...consisting of the following authorized components: 15.6-mi of new levees ranging from 12.0 to 17.5 feet NAVD88 in elevation; 10.7-mi of new floodwalls and gates ranging from 13.5 to 16 feet NAVD88; 56 drainage structures, 32 road/railroad closure gates to mitigate interior flooding during surge events, 7 pump stations, 2 sector gated structures with adjacent vertical lift floodgates for normal channel flows, and 6 mitigation areas totaling 2,409 acres of forested wetlands and estuarine marsh mitigation features, with up to 5-years after construction is complete for monitoring and adaptive management to ensure mitigation measures have been demonstrated to be successful, as generally described in the [Name and Date of Decision Document] and approved by the [INSERT TITLE OF APPROVING OFFICIAL, e.g. Chief of Engineers, Director of Civil Work, Division Commander for [Name of Division], or the District Commander for [Name of District], if such approval authority has been specifically delegated to the District Commander] on Month Day, Year.”

The following is a better, more concise description for the agreement:

“The term “Project” means the coastal storm risk management project...consisting of the following authorized components: approximately 15.6-mi of new levees ranging from 12.0 to 17.5 feet NAVD88 in elevation; approximately 10.7-mi of new floodwalls and gates ranging from 13.5 to 16 feet NAVD88; and appropriate drainage structures, road/railroad closure gates to mitigate interior flooding during surge events, pump stations, sector gated structures with adjacent vertical lift floodgates for normal channel flows, and mitigation features, with up to 5-years after construction is complete for monitoring and adaptive management to ensure mitigation measures have been demonstrated to be successful, as generally described in the [Name and Date of Decision Document] and approved by the [INSERT TITLE OF APPROVING OFFICIAL, e.g. Chief of Engineers, Director of Civil Work, Division Commander for [Name of Division], or the District Commander for [Name of District], if such approval authority has been specifically delegated to the District Commander] on Month Day, Year.”

MODEL AGREEMENT UPDATES

ENVIRONMENTAL INFRASTRUCTURE ASSISTANCE AGREEMENTS

https://www.usace.army.mil/Missions/Civil-Works/Project-Partnership-Agreements/model_env-inf/

- ***Section 340 – Southern West Virginia (Updated Models, November 2020)***
- ***Section 594 – Ohio and North Dakota (Updated Models, November 2020)***
- ***Section 595 – Idaho, Montana, Rural Nevada, New Mexico, Rural Utah and Wyoming (Updated, November 2020)***

Note that existing Environmental Infrastructure Assistance “Construction Only” models are being removed with the posting of updated models. The updated “Design and Construction” models can be used in lieu of “Construction Only” agreements, as there is always some design work that takes place during construction.

OTHER AGREEMENTS

- ***Section 1122 – Beneficial Use of Dredged Material Pilot Program (Updated Models, October and November 2020)***

https://www.usace.army.mil/Missions/Civil-Works/Project-Partnership-Agreements/model_other/

The model agreements were updated to provide for crediting of eligible real property interests and relocations required for the cost shared work.

- ***Section 506 – Great Lakes Fishery and Ecosystem Restoration (GLFER) – (New Model, August 2020)***

https://www.usace.army.mil/Missions/Civil-Works/Project-Partnership-Agreements/model_ra/section_506/

- ***Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA) – (New Model, October 2020)***

https://www.usace.army.mil/Missions/Civil-Works/Project-Partnership-Agreements/model_ra/cwppra/

- ***Water Supply (Storage Originally Authorized and Storage Reallocation) – (Updated Models October 2020)***

https://www.usace.army.mil/Missions/Civil-Works/Project-Partnership-Agreements/model_other/

Sedimentation survey language was revised in the model agreements to clarify that the Project will continue to be regulated to reduce flooding downstream from the dam.

PROJECT-SPECIFIC AGREEMENTS

Note, project-specific agreements are not posted to the HQUSACE PPA website.

BBA 2018

- ***Updated Santa Ana River Mainstem LCA Amendment***
- ***Revised Design Agreement for Sabine Pass to Galveston Bay, Texas – Orange County Separable Element***

OTHER NEWS

Environmental Infrastructure Assistance Agreements were previously housed under the “Regional Authorities” heading on the PPA website. They have been moved to a new heading, “Environmental Infrastructure” at the following link:

https://www.usace.army.mil/Missions/Civil-Works/Project-Partnership-Agreements/model_env-inf/

The Regional Agreements link still exists and will be used to house region-specific agreements other than those for Environmental Infrastructure Assistance projects.

https://www.usace.army.mil/Missions/Civil-Works/Project-Partnership-Agreements/model_ra/