



# CONTINUING AUTHORITIES PROGRAM

## Section 107 – Commercial Navigation Improvements

### U.S. ARMY CORPS OF ENGINEERS

#### Scope and Authority

- The U.S. Army Corps of Engineers (USACE) 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 Letter of Intent (LOI) from a potential sponsor and when funding is available, USACE initiates a Federal Interest Determination, 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 will be advanced to identify and comprehensively evaluate alternatives and recommend a plan for implementation. If the feasibility study cost exceeds \$100,000, USACE and sponsor sign a Feasibility Cost Share Agreement and a project management plan that describes the study cost share arrangement, 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, USACE 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 \$15 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 55 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

A template LOI to request a study under the Continuing Authorities Program is available on the USACE Planning web site.

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Questions? Contact your local USACE District:

<https://usace.maps.arcgis.com/apps/webappviewer/index.html?id=7344e62432694199af7790aa47a32fdd>