



CONTINUING AUTHORITIES PROGRAM

Section 1135 – Project Modifications for Improvement of the Environment

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 modify structures and operations of water resources projects constructed by the Corps for the purpose of improving the quality of the environment. Restoration projects can also occur at locations where an existing Corps project contributed to the degradation of the environment.
- Sponsor can be a legally-constituted public body or a non-profit entity.
- This authority cannot be used to meet mitigation or remediation requirements.
- Authority is provided by Section 1135 of the Water Resources Development Act of 1986, as amended, also referred to as Section 1135 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 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 \$15 million, including feasibility study, design and construction costs.

Feasibility Study	<ul style="list-style-type: none">• The study is initiated with up to \$100,000 in federal funds.• Costs exceeding \$100,000 are cost shared 50 percent federal and 50 percent sponsor.• Sponsor's cost share may include cash, work-in-kind or a combination of both.
Design and Construction	<ul style="list-style-type: none">• Costs are shared 75 percent federal and 25 percent sponsor.• Sponsor must provide all lands, easements, rights-of-way, relocations, and dredged material disposal areas (LERRDs) needed for project construction and maintenance.• Sponsor's cost share includes credit for provision of required LERRDs (not already acquired as part of the original project) and pre-approved work-in-kind. 100% of sponsor cost-share amount can be provided as in-kind services.
Operation and Maintenance	<ul style="list-style-type: none">• Sponsor is responsible for all project operation and maintenance costs when the project is completed.

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.

U.S. ARMY CORPS OF ENGINEERS

Questions? Contact your local USACE District:

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