



US Army Corps
of Engineers®
Walla Walla District

SECTION 1135

Authority for: **PROJECT MODIFICATIONS TO IMPROVE THE ENVIRONMENT**

WHAT CAN THE CORPS DO? Section 1135 of the Water Resources Development Act of 1986, as amended, provides the authority to modify existing Corps projects to restore the environment and construct new projects to restore areas degraded by Corps projects. A project is accepted for construction after a detailed investigation shows it is technically feasible, environmentally acceptable, and provides cost effective environmental benefits. Each project must be complete within itself, not a part of a larger project. The maximum federal expenditure per project is \$5 million, which includes both planning and construction costs. Projects exceeding \$5 million must be specifically authorized by Congress. Project costs are shared 75% federal, 25% non-federal. Costs of lands, easements, and rights-of-way are non-federal and are creditable towards the 25% non-federal cost share. Section 1135 also allows credit for certain works in-kind, including provision of materials and construction activities. Contributions, such as volunteer labor, can also be accepted to reduce the overall project cost. The non-federal sponsor must assume responsibility for operation and maintenance of the project upon completion.

The Corps does environmental restoration in areas that require modification to the hydrologic regime, in other words, areas of water, such as rivers, lakes, and wetlands. We evaluate projects that benefit the environment through restoring, improving, or protecting habitat for plants, fish and wildlife.

After an eligible non-federal sponsor requests assistance, the Corps will conduct a preliminary study to determine if the problem may have a federal interest. If the Corps' headquarters office approves this effort, a feasibility study begins at federal expense. In the feasibility study the problem is defined, potential solutions are identified, the costs, benefits, and environmental impacts of the alternatives are analyzed, and a plan is chosen. In addition to the study, a project cooperation agreement (PCA) is drawn up by which the federal government and the sponsor agree to share project costs. No more than 2 years should pass between the start of the study and the time the project is ready for construction. Projects with an estimated federal cost of \$1,000,000 or less may be expedited allowing for a project to be completed in 18 months or less.

WHAT ARE THE LOCAL RESPONSIBILITIES? Costs for Section 1135 projects are shared between the federal government (75%) and a non-federal sponsor (25%) in accordance with the Water Resources Development Act of 1986, as amended. Sponsors include public agencies such as cities, local improvement districts, and watershed groups, private interests if no future operation and maintenance is required,

and large national nonprofit organizations if they can commit to future operation and maintenance. The non-federal sponsor must have the legal and financial capability to fulfill the requirements of cost sharing and local cooperation. The sponsor generally must agree to the following:

- Provide all lands, easements, rights-of-way, relocations, and dredged material disposal areas.
- Provide any additional cash contributions needed to make the local sponsor's share of the cost 25 percent.
- Hold and save the United States free from damages due to the construction and maintenance of the project, except damages due to fault or negligence of the United States or its contractors;
- Provide all access routes and relocations of utilities necessary for project construction and subsequent operation and maintenance;
- Comply with provisions of pertinent federal acts in carrying out the specified nonfederal responsibilities of the project;
- Contribute in cash the local share of project planning and construction cost;
- Maintain and operate all the non-federal works after completion in accordance with regulations prescribed by the Secretary of the Army;

HOW CAN A STUDY BE REQUESTED? We may begin a Section 1135 study after we receive a written request from the prospective sponsor. A sample letter is offered below.

*U.S. Army Corps of Engineers, Walla Walla District
ATTN: Planning
201 North 3rd Street
Walla Walla, WA 99362*

Dear Sir:

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

(Briefly describe the nature of the environmental restoration and any issues that might affect the acceptability of any recommended solutions, from the perspective of local government and/or the public.)

It is understood that, if it is found feasible and advisable to develop an environmental restoration project at (location), the (non-federal sponsor) would be required to provide the local cooperation and cost sharing prescribed by the Secretary of the Army.

*Sincerely,
(Name and title of public official authorized to request study)*

For more information, contact Plan Formulation, at 509-527-7296 or Email:
cenww-pd-ec@usace.army.mil