



CONTINUING AUTHORITIES PROGRAM

Section 206 – Aquatic Ecosystem Restoration

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 develop aquatic ecosystem restoration and protection projects that improve the quality 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 206 of the Water Resources Development Act of 1996, as amended, also referred to as Section 206 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	• 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	• Costs are shared 65 percent federal and 35 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 and pre-approved work-in-kind. • Recreation features cannot detract from ecosystem restoration benefits.
Operation and Maintenance	• 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.

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Questions? Contact your local USACE District:

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

