



**US Army Corps
of Engineers** ®
Albuquerque District

Continuing Authorities Program

Section 14

(Flood Control Act of 1946)

Emergency Streambank Erosion Protection

At a Glance:

- \$1.5 million Federal per-project limit.
- First \$100,000 of Feasibility phase is 100% Federal cost.
- Remainder of the Feasibility phase is cost-shared 50/50
- Design and Implementation phase is cost-shared at 65% Federal and 35% Non-Federal.

The Authority. Section 14 of the Flood Control Act of 1946 allows the Corps of Engineers to study, design and construct bank protection works in the interest of protecting public facilities (churches, roads, bridges, known cultural sites, public buildings, utilities, etc.). Erosion caused by the design or operation of the facility itself, by inadequate drainage, or due to lack of reasonable maintenance, is not eligible. In addition, repair of the facility itself is excluded.

The Process. A Section 14 project has two phases: Feasibility, and Design and Implementation.

During the Feasibility phase, a study is conducted to determine if there is Federal interest in the project. Federal interest is determined by evaluating different alternatives – comparing costs and benefits and identifying potential environmental affects. If there is a Federal interest in building the project (i.e. there is a plan with more benefits than costs that is environmentally acceptable), the study will recommend proceeding to the Design and Implementation phase. The first \$100,000 of the Feasibility phase is provided by the Federal government. Feasibility phase costs that exceed \$100,000 must be cost-shared 50% Federal and 50% non-Federal. The non-Federal share of the amount in excess of \$100,000 may be provided as work-in-kind.

During the Design and Implementation phase, the project is designed and constructed. This phase is cost-shared 65% Federal and 35% non-Federal.

At least 5% of the total cost must be contributed in cash but the remainder can be credit for work-in-kind, and any project lands, easements, rights-of-way, relocations, and disposal areas (LERRD) that the sponsor must provide as items of local cooperation.

However, the non-Federal sponsor cannot receive credit for the value of LERRD that are part of the tract of land on which the facility or structure to be protected is located, if the tract is owned by either the non-Federal sponsor or the owner of the facility or structure. Should LERRD costs exceed 35% of the total cost, the sponsor must still provide these items in addition to the 5% cash. In addition, the sponsor must agree to operate and maintain the project after completion of construction.

How to Request a Study. If you have an erosion problem that may fit within the Section 14 authority, please contact the Albuquerque District at the phone number below. Our Continuing Authorities Program Manager will be happy to assist you and, if warranted, will visit the site to determine whether or not the problem fits within our authority. Upon receipt of a letter of request from a non-Federal project sponsor the Corps of Engineers can initiate the study.

For more information please contact:

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SAMPLE REQUEST FOR ASSISTANCE

District Engineer
U.S. Army Corps of Engineers, Albuquerque District
ATTN: Civil Works Planning and Project Management Division
4101 Jefferson Plaza, NE
Albuquerque, NM 87109

Dear Sir:

This letter is to request the assistance of the U.S. Army Corps of Engineers under Section 14 of the Flood Control Act of 1946, as amended, in reducing the threat of damages along *[name of river, creek, or body of water]* in the vicinity of *[city or town, etc.]*.

[Briefly describe the nature and severity of the problem, any issues that could affect the acceptability of possible solutions, and the facilities needed to correct the problem.]

We understand that the non-Federal sponsor would be required to sign a feasibility cost share agreement and pay 50% of the feasibility phase costs over \$100,000. Following completion of the feasibility phase, we understand that a project partnership agreement (PPA) for the design and construction phase will be signed and the non-Federal sponsor would be required to pay 35% of the remaining cost of the project. We also understand that we will receive credit for providing lands, easements, rights-of-way, and relocations (with some restrictions) and for in-kind work, and will be required to provide a minimum cash contribution of 5% of the total project cost. We also understand the maximum Federal cost for this project is limited to \$1,500,000, and that any costs exceeding this amount would be a non-Federal responsibility.

We are able and willing to proceed to construction within a year, if a feasible project is identified, and we will accept responsibility for 100% of the operation and maintenance costs of the project upon completion. Please contact *[name, address, telephone]* for further information.

Sincerely,

[Name and Title of public official authorized to request the study]

For more information, please contact CAP manager Corinne V. O'Hara at (505) 342-3361
or via e-mail: Corinne.V.OHara@usace.army.mil