



Forward

This booklet explains how the U.S. Army Corps of Engineers, Buffalo District, in partnership with local sponsors, can solve water resource problems and can provide you with technical assistance. The booklet includes an overview of the operation, makeup, and a detailed description of the Corps' Water Resource Program, which can provide technical planning, design and construction assistance. The Corps of Engineers' services are not limited to the programs presented in this booklet. If you would like more information, please refer to the back page of this booklet for telephone numbers and address.



All photographs (except where noted) are official Corps of Engineers photographs.



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The U.S. Army Corps of Engineers is the federal government's largest water resources development and management agency. Congress assigned civil works responsibilities to the Corps in an effort to conserve one of the nation's vital natural resources - water. This pamphlet provides an overview of water resource problems and opportunities that the Corps can assist state and local governments in addressing.

Figure 1 -
Authorized
Project, Beach
Protection,
Presque Isle
State Park,
Erie
Pennsylvania



The Water Resources Development Act of 1986 (PL 99-662) made numerous changes in the way potential projects are studied, evaluated, cost-shared, and funded. This law establishes a framework for a cost-sharing partnership between the federal government and non-federal sponsors that provides the latter with a key role in project planning.

A. Missions - The Corps can help state and local governments with a variety of water resource problems and opportunities.

- Flood control
- Navigation
- Coastal and shoreline erosion
- Water supply and/or water quality
- Environmental Restoration
- Recreation associated projects
- Water quality control

B. Programs - The Corps can help solve water resource problems through a number of civil works programs.

- Individual studies and projects that are authorized by Congress to meet a full range of water resources needs (Part 3)
- The Continuing Authorities Program to quickly meet selected local water resource needs with low cost solutions (Part 4)
- Floodplain Management Services for floodplain information and assistance (Part 5)
- The Planning Assistance to the States program for help with statewide water resources planning (Part 5)
- Support for Others utilizes the Corps expertise to solve water resource and other engineering problems (Part 5)
- Emergency Operations for assistance in fighting floods and other life-threatening natural disasters (Part 5)
- Regulation of development activities that affect waters and wetlands of the United States (Part 5)

C. Study Process

The Corps of Engineers begins a project with a study of the water resource problem. The study goal is to identify a solution that can be supported by

the Federal government and a non-Federal sponsor. The study process begins with an initial evaluation or reconnaissance study depending on which program the project is being conducted under. This portion of the study is 100 percent federally funded.

Based on the initial evaluation or reconnaissance study, the Corps and the non-federal sponsor jointly decide whether or not to proceed to a more detailed analysis or feasibility study. The purpose of the feasibility study is to perform a detailed evaluation of solutions (alternatives) which leads to a detailed design of the selected alternative. The feasibility study is typically cost shared with the non-federal sponsor on a 50/50 basis.



Figure 2 -
Section 205,
Flood Damage
Reduction,
Conesus Lake
Flood Control
Structure,
Livonia,
New York

1. Initial/Reconnaissance Phase

- Defines federal interest in solving the water resource problem; identifies potential solutions
- Estimates benefits and costs of solutions to determine economic feasibility
- Determines whether or not further studies are appropriate
- Estimates the cost of the feasibility phase
- Prepares and negotiates a Feasibility Study Cost Sharing Agreement with the non-federal sponsor

2. Feasibility Phase

- Continues planning and evaluation of alternative solutions
- Performs a detailed estimate of the benefits and costs of the alternative plans to determine further federal participation
- Performs a detailed design of the selected plan
- Prepares and coordinates an Environmental Assessment or Impact Statement
- Coordinates the feasibility report with federal, state, and local agencies



Figure 3 -
Authorized
Project, Maumee
Bay State Park,
Lucas County,
Ohio

D. Cost Sharing

The Water Resources Development Act of 1986 established a framework for cost sharing water resources projects between the Corps and non-federal sponsors. During a project's life cycle, two agreements will be signed that define the Federal and non-Federal requirements and costs of the project. These are the Feasibility Cost Sharing Agreement for the feasibility study, and the Project Cooperation Agreement for the design, real estate, construction, and operation and maintenance of the project. Examples of cost-sharing requirements for different types of water resource projects are shown in the table on the next page.

Cost Sharing

Project Type	Non-Federal Share
Navigation - Harbors	
.....	20%; depth < 21 ft.
.....	35%; depth 21 - 45 ft.
.....	60%; depth >45 ft.
Flood Control - Streambank Protection	35 %
Environmental Restoration	25% to 35%
Hydroelectric Power	100 %
Municipal and Industrial Water Supply	100 %
Agricultural Water Supply	35 %
Recreation	
Navigation	50 %
Other	50 % of separable cost
Planning Assistance to the States	50 %

Part 3

Authorized Study Program

This program requires that the Corps receive authority from the Congress to both study and construct a project. This approach may be used to address a variety of water resource problems.

The Corps needs two types of authority from the Congress: study authority and budget authority. A study authority authorizes the Corps to conduct an investigation into the identified problem. The study is conducted in two phases as described in Part 2. Once a study is authorized, a budget authority to spend federal funds is provided in an annual appropriations act. When federal funds to conduct the reconnaissance study are included in an appropriations act, the study may begin. There are six steps to implementing an authorized study. The six step process is described in the following sections.

A. Problem Description

A community experiences a water resource problem that is beyond its ability to alleviate or solve. This may be flooding, insufficient draft for vessels or other water related problems.

B. Request for Federal Action

Local officials contact their congressional representative to request legislation to solve the problem. The representative requests study authorization through the Public Works Committees. Committee resolution may be adopted if a Corps report was previously prepared on the water problems in the area. Otherwise, new legislation is required.

C. Study Problem and Report Preparation

Funds to conduct a reconnaissance study are included in the President's budget. Appropriation of funds for the reconnaissance study are then included in the annual Energy and Water Development Appropriation Act. When this bill is passed and signed, the Corps then begins the reconnaissance study leading to a reconnaissance report. If the study continues beyond reconnaissance phase, the non-federal sponsor must agree to cost share the feasibility phase. Then, the Corps and non-federal sponsor negotiate and execute a Feasibility Cost Sharing Agreement.

Funds are then included in the President's annual budget for the feasibility study. Federal and non-federal appropriations are necessary to continue the study. The feasibility study results in Feasibility Report and Environmental Assessment or Impact Statement, which is submitted to Corps of Engineers higher authority for review. Public involvement is an integral part of the planning process, including review of the draft report and the draft Environmental Assessment or Impact Statement.



Figure 4 -
Authorized
Project, Flood
Damage
Protection,
Reno Beach,
Lake Erie, Ohio

D. Report Review and Approval

The feasibility report is reviewed at the Washington level by the Corps, the Assistant Secretary of the Army, and the Office of Management and Budget. The Final Environmental Impact Statement (if necessary) is filed with the U.S. Environmental Protection Agency and made available to the public. When approved, the report is sent to Congress.

E. Congressional Authorization

Based on the report, Congress decides whether or not to authorize construction of the project.

F. Project Implementation

During this last step, the Corps completes the final design of the project, and the Project Cooperation Agreement is signed by the non-federal sponsor and the Assistant Secretary of the Army for Civil Works. The project is constructed and, depending on the type of project, turned over to the non-federal sponsor for operation and maintenance.

A. Introduction

Congress has directed the Corps of Engineers to assist communities in solving small water-resource problems through a body of legislation known as the Continuing Authorities Program. Problems that are eligible for investigation under this program include flood control, navigation improvements, emergency streambank and shoreline erosion control for public works and non-profit public services, mitigation of shoreline damages attributable to federal navigation works, beach restoration, and environmental restoration.

The Corps of Engineers investigates, designs, and constructs (if feasible) eligible projects with input from local interests. The operation and maintenance of the completed project, in most cases, is the responsibility of the local sponsor. The Continuing Authorities Program specifies a federal cost limitation per project. The federal limitation per project applies to the cost of the necessary studies, engineering, design, and construction. There are also limits on appropriations per fiscal year for the total Continuing Authorities Program.



Figure 5 -
Section 103,
Beach
Restoration,
Lakeshore Park,
Ashtabula, Ohio

Before a project is recommended for construction it must be justified under established federal planning criteria, must be complete within itself, and must not obligate the federal government to future work except in those cases where federal maintenance is required by law. Federal planning criteria require that each project be economically justified, socially acceptable, environmentally sound, and engineeringly feasible.

The program cannot be used to carry out any portion of a congressionally authorized project. However, once a congressionally authorized project has been completed to the full extent permitted by its congressional authorization, the Continuing Authorities Program may provide for a new, complete within-itself improvement which will not impair or substantially change the purposes of the authorized project.

The first step in gaining assistance under this program is to write to the District Commander describing the problem. A sample letter is shown at the conclusion of this Part. Upon receipt of the letter, the District will determine its applicability and initiate the study process, subject to availability of funding. In most cases, the Continuing Authorities Program follows the two-phase study process as described in Part 2.

B. Non-Federal Cooperation

Items of non-Federal cooperation required for project implementation are listed below.

1. Provide, without cost to the United States, all lands, easements, and rights-of-way for the construction and subsequent maintenance of the project, including necessary dikes to retain dredged material and disposal of spoil material.
2. Hold and save the United States free from damage due to construction of the project except for damages due to the fault or negligence of the United States or its contractors.
3. Provide the required cash contribution based on the percentage of construction cost applicable to the project.
4. Provide, without cost to the United States, all alterations and relocation of existing improvements, including bridges, highways, buildings, utilities, sewers, and other facilities.
5. Comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (PL 91-646) in acquiring lands, easements and rights-of-way for construction and subsequent maintenance of the project, and informing affected persons of pertinent benefits, policies, and procedures in connection with said act.
6. Comply with Section 601 of Title VI of the Civil Rights Act of 1964 (PL 88-352) and Department of Defense Directive 5500.11 issued pursuant thereto and published in Part 300 of Title 32, Code of Federal Regulation, in connection with the construction and operation of the project.

C. Traditional Authorities

1. Flood Damage Reduction - Section 205

Authority - Section 205 of the 1948 Flood Control Act, as amended.

Purpose - Prevention of flood damage caused by overland flows from streams with a 10-year discharge of 800 cubic feet per second (cfs) or greater. Projects for smaller streams (less than 800 cfs for a 10-year discharge) may be possible under authorities of the U.S. Department of Agriculture, Natural Resources Conservation Service.

Federal Cost Limitation - \$7,000,000. This includes the cost of studies, engineering and design, supervision/administration, and construction.



Figure 6 -
Section 205,
Flood Damage
Protection,
Euclid Creek,
Euclid, Ohio

Construction Cost-Sharing Policy - Non-Federal interests are required to provide 35 percent of the total construction cost with credit for the value of real estate provided, or provide the value of real estate plus 5 percent of the total construction cost, whichever is greater. Real estate requirements include lands, easements, rights-of-ways and utility and facility alteration and relocations required for construction of the project.

2. Stream Clearing and Snagging - Section 208

Authority - Section 208 of the 1954 Flood Control Act, as amended.

Purpose - Removal of accumulated snags, debris, and clearing and straightening of streams in the interest of flood control. Streams must have a 10-year discharge of 800 cubic feet per second or greater.

Federal Cost Limitation - \$500,000. This includes the cost of the study, engineering, design, supervision/administration, and construction.

Study Cost Sharing - Study cost sharing is generally not applicable to the Section 208 program as these are single phase studies and the study costs are usually borne by the federal government.



Figure 7 -
Section 208,
Clearing and
Snagging,
Ninemile
Creek, Amboy,
New York (*Before*)



Figure 8 -
Section 208,
Clearing and
Snagging,
Ninemile
Creek, Amboy,
New York (*After*)

Construction Cost-Sharing Policy - Non-Federal interests are required to provide 35 percent of the total construction cost with credit for the value of real estate provided, or provide the value of real estate plus 5 percent of total construction cost, whichever is greater. Real estate requirements include lands, easements, rights-of-way and utility and facility alterations and relocations required for construction of the project.

3. Emergency Streambank and Shoreline Protection - Section 14

Authority - Section 14 of the 1946 Flood Control Act, as amended.

Purpose - Prevention of damages caused by streambank and shoreline erosion that endanger:

- Major highway systems of national importance, principal highways and bridge approaches, streets and roads of importance to the local community, such as arterial streets, important access roads to other communities and adjacent settlements, and roads designated as primary farm-to-market roads.



Figure 9 -
Section 14,
Streambank
Protection,
Route 20A
Bridge, Livonia,
New York

- Public facilities or structures that serve the general public and are owned and operated by the state or local government.
- Facilities that provide non-profit public services such as churches, hospitals and schools. Non-profit public facilities are structures that serve the general public and are not intended to earn a profit. Facilities that are used by the general public, but are privately owned and produce a profit, are NOT eligible for assistance.

Figure 10 -
Section 14,
Shore Protection,
St. Joe's
Life Center,
Euclid, Ohio



The work accomplished under this authority is not restricted to bank protection and may include other features such as channel stabilization or realignment when such work offers the best engineering and economical solution.

Federal Cost Limitation - \$1,000,000. This includes the cost of the studies, engineering and design, supervision/administration, and construction.

Study Cost Sharing - Study cost sharing is generally not applicable to the Section 14 program as these are single phase studies and the study costs are usually borne by the federal government.

Construction Cost Sharing Policy - Local interests are required to provide 35 percent of the total construction cost with credit for the value of real estate provided, or provide the value of real estate plus 5 percent of the total construction cost, whichever is greater. Real estate requirements include lands, easements, rights-of-ways and utilities and facility alterations and relocations required for construction of the project.

4. Shore Protection - Section 103

Authority - Section 103 of the 1962 River and Harbor Act, as amended. This shore protection authority applies (in part) to the shores of the Great Lakes and directly connected estuaries and bays. The authority extends only to the point in tributary streams where it can be demonstrated that the dominant cause of erosion and damages are wind-generated waves.

Figure 11 -
Section 103,
Beach
Restoration,
Sims Park,
Euclid, Ohio



Purpose - To provide shore protection and beach restoration of publicly-owned lands. In addition to physical structures such as groins, seawalls, revetments, etc., provisions for periodic nourishment may be recommended when this measure can be demonstrated as the most appropriate plan. Federal participation, for a periodic nourishment program, is generally limited to a specific period of time (normally 10 years).

Federal Cost Limitation - \$3,000,000. This includes the cost of the studies, engineering, design, supervision/administration, and construction.

Construction Cost Sharing - Cost sharing is apportioned to each basic project element and is shared at the same percentage basis during construction as determined in the detailed study process. Recreation projects are cost shared at 50 percent of the benefits allocated to recreation. Protection of non-federal lands are entirely the responsibility of the local sponsor.

Current Policy - Presently, projects that rely on recreation benefits to achieve economic justification have a low priority and are not being funded.

5. Navigation - Section 107

Authority - Section 107 of the 1960 River and Harbor Act, as amended.

Purpose - To provide the most practical and economical means to fulfill the needs of general navigation.



Figure 12 -
Section 107,
Navigation
Improvements,
Sturgeon Point
Marina, Evans,
New York (*before*)

Division of Responsibility:

Federal - The federal project can provide general navigation facilities, including: safe entrance channel, breakwaters or jetties; a protected anchorage basin; a protected turning basin; and a major access channel to the anchorage basin. Recreational navigation projects are maintained by the local sponsor. Commercial navigation projects are normally maintained by the federal government.

Figure 13 -
Section 107,
Navigation
Improvements,
Sturgeon Point
Marina, Evans,
New York (*after*)



Non-Federal - The sponsor is responsible for docks, landings, piers, berthing areas, launching ramps, access roads, parking areas, and interior access channels leading from the federal channel. In addition the non-Federal sponsor is responsible for lands, easements, right-of-ways, spoil disposal areas, utility alteration, servicing facilities, policing and other support services.

Construction Cost Sharing - The federal share of the cost for a commercial navigation project may range from 40 to 80 percent. Actual percentage is determined during the study phase. Portion of projects that are for recreational navigation are cost-shared at 50 percent, however, projects that rely on recreational benefits for economic justification are not being funded at this time.

Federal Cost Limitation - \$4,000,000. This includes the cost of the study, engineering and design, supervision/administration, and construction.

D. Environmental Restoration Authorities

1. Environmental Restoration - Section 1135

Authority - Section 1135(b), Water Resources Development Act of 1986, as amended.

Purpose - to restore degraded ecosystem structure, function and dynamic processes to a less degraded, more natural condition. The categories included are the modification of an existing Corps project; or restoration where an existing Corps project has contributed to degradation of the environment; or when a project constructed or funded by the Corps and another Federal agency has contributed to the demise of the environment. Such modifications must result in an improvement to the quality of the environment. The goal should be restoration of the habitat that could be expected to sustain fish and wildlife resources, and there must be a clear connection between the location of the proposed modification and the original project.



Figure 14 -
Authorized Project,
Irondequoit Bay,
Rochester,
New York
(note Wetland in lower
right corner)

Project Process - Two steps are undertaken, the Preliminary Restoration Plan and a Feasibility Phase. The feasibility phase consists of a study and report, after which (if feasible) the Corps prepares the plans and specifications for a construction contract. Prior to start of construction, a Project Cooperation Agreement must be signed by the local sponsor.

Project Cost Sharing - The non-Federal sponsor must provide at least 25 percent of the implementation costs, including studies. The total project cost limit is \$6,600,000 with a federal limit of \$5,000,000. Furthermore, the sponsor is responsible for 100 percent of the costs of operation, maintenance, repair, rehabilitation, and replacement associated with the project modification.

2. Ecosystem Restoration Projects - Section 204

Authority - Section 204, Water Resources Development Act of 1992

Purpose - It is the Corps of Engineers policy to accomplish the disposal of dredged material associated with the construction or maintenance dredging of navigation projects in a least costly manner that is consistent with sound engineering practice and meets all Federal environmental standards (base plan). The 204 Authority provides for the use of the dredged material to produce high quality environmental outputs in a cost effective manner. The implementation of a project, in conjunction with the dredging for construction, operation or maintenance, is for the purpose of the protection, restoration or creation of aquatic and ecologically related habitats.

Project Cost Sharing - Funded up to base plan. Costs above the base plan will be cost-shared at 75% Federal and 25 % non-Federal. The operation and maintenance of the project is 100 % non-federal responsibility.

3. Aquatic Ecosystem Restoration - Section 206

Authority - Section 206, Water Resources Development Act of 1996

Purpose - The Federal government will provide up to \$5,000,000 to restore degraded ecosystem structure, function and dynamic processes to a less degraded, more natural condition. The restoration of aquatic ecosystem structures and function, usually includes the manipulation of hydrology in and along bodies of water including riparian areas. No relationship to a previous Corps project is required.

Project Cost Sharing - The local sponsor must provide 35% of the implementation costs, with the Federal share being 65%. The total project limit is \$7,690,000 with the Federal limit being \$5,000,000. The operation and maintenance is 100% non-Federal responsibility.

4. General Steps for a Section 1135 & Section 206 Project

- a. Preliminary Restoration Plan (PRP) - After a local entity identifies a potential project and submits a non-binding letter of intent to share in the project costs, the Corps requests \$10,000 to prepare a PRP, which is 100% Federally funded. A PRP should be completed within 2 to 6 months.

The procedure for projects with a Federal cost estimated to be less than \$300,000 is that a PRP be prepared with sufficient detail to proceed directly to plans and specifications, there is no Feasibility Phase. National Environmental Policy Act (NEPA) requirements will be met during the preparation of plans and specifications. The local sponsor will be credited for the necessary Lands, Easements, Rights-of-Way, Relocations, and Disposal Areas (LERRD). A Project Cost Sharing Agreement (PCA) must be prepared by the Corps and negotiated with and agreed to by the local sponsor prior to the completion of the plans and specifications.

The procedure for projects with a Federal cost estimated to be greater than \$300,000 is that a PRP be prepared which briefly describes the proposed project, qualitative environmental benefits, and approximate future costs for the next phases. Once a PRP is approved, the project proceeds to the feasibility phase and then plans and specifications.

- b. Feasibility Phase** - In this phase a Detailed Project Report (DPR) is prepared which generally follows the format for standard Corps feasibility studies, with some major exceptions. No benefit cost ratio needs to be developed and engineering standards are not as rigorous. The DPR must consider alternatives other than “No Action” and the recommended plan. NEPA requirements are met during this phase and are integrated in the DPR. Feasibility studies should be completed within 12 months. A (PCA) must be prepared by the Corps and negotiated with and agreed to by the local sponsor. It accompanies the DPR when sent to higher level Corps review and a letter on intent from the local sponsor must accompany the draft PCA.
- c. Plans and Specifications** - These should be completed within 6 months after an DPR is approved and should not take longer than 12 months when an DPR is not prepared.

E. Sample Letter

District Commander
U.S. Army Engineer District, Buffalo
1776 Niagara Street
Buffalo, New York 14207

Attn: Planning Branch

Dear Sir:

This letter is to request assistance from the Corps of Engineers under (state appropriate authority). (Briefly describe your perception and nature of the problem).

I understand that, if the project proceeds, cost sharing may be involved at the feasibility and construction stages and the (community name) will share in these costs.

Your consideration of this request is appreciated. Please contact (name, address, telephone) for further information.

Sincerely,

A. Floodplain Management Services

The Corps of Engineers has authority under Section 206 of the 1960 Flood Control Act to provide information, technical planning assistance, flood hazard evaluation, and guidance to non-federal entities in identifying the magnitude and extent of flood hazards and in planning for the wise use of the nation's floodplains. Services include assistance to communities in developing floodplain regulations, flood-warning and flood-emergency preparedness planning, evaluations of flood-proofing measures (ie. elevation, closures, etc.), and criteria for meeting National Flood Insurance Program Standards and Executive Order 11988 Requirements.

B. Flood and Coastal Storm Emergencies

Public Law 84-99 authorizes the repair or restoration of flood-control works that are threatened, damaged, or destroyed by floods, plus emergency protection of federally authorized hurricane or shore protection structures damaged or destroyed by wind, wave, or water action of other than ordinary nature. Also, during a flood or coastal storm, flood fighting and rescue operations are authorized to supplement local action. The law further includes provisions for emergency drinking water supplies and drought assistance.

C. Aquatic Plant Control

Section 302 of the 1965 River and Harbor Act authorizes the Corps of Engineers to cooperate with state and local governments in controlling obnoxious aquatic plants in navigable waters or tributaries thereof.

D. Coastal Zone Management

This program establishes a national policy to preserve, protect, develop, and enhance the resources of the nation's coastal zones including the Great Lakes. Planning assistance is provided in coastal management activities with available data or other information collected in the course of on-going research, surveys, studies or regulatory activities. The primary purpose of this program is to complement comprehensive state planning for effective management of the coastal zone.

E. Planning Assistance to the States

This program, also known as Section 22, permits the Corps to supplement and support state efforts to undertake statewide water resources planning. Upon request, the Corps of Engineers will cooperate with a state in the preparation of plans for the development, use, and conservation of water and related land resources. Assistance is given within the limits of available appropriations, (\$500,000 annually for each state). Local and regional officials who are interested in assistance under this program should contact their state water resources agency.

F. Support for Others

This program permits other federal, state, and local agencies to essentially hire the Corps to perform work. The type of work includes studies, planning, engineering and design, construction management, and training.

G. Emergency Operations

When a disaster exceeds the state and local capabilities, federal help is available. The Corps can provide assistance, usually at the request of the affected state, to help communities with a variety of life-threatening natural disasters, including floods, coastal storms, hurricanes, earthquakes, etc. The Corps can also assist state and local officials in flood emergency preparedness planning and training. If there is an immediate threat to life and property, such as during a flood, local communities should direct their requests for assistance to their state emergency response agency.

H. Regulatory Program

Several public laws, dating back to 1890, charge the Corps with responsibility for regulating various activities that affect the nation's water resources. If an individual, agency or community proposes to undertake a regulated activity, they must apply for and receive a permit before the work can proceed. Some typically regulated activities follow.

- Performance of work and construction of structures in navigable waters of the United States including excavation, dredging, and disposal activities
- Any activity that alters or modifies the course, condition, location or physical capacity of a navigable water of the United States, such as installation of aerial power lines, dams, dikes, bulkheads, breakwaters, or other similar structures
- Discharges of dredged or fill material into waters of the United States
- Activities involving the excavation or discharge of dredged or fill material into wetlands or other waters of the United States

Part 6

Address & Telephone Numbers

The Address for the Buffalo District, Corps of Engineers:

U.S. Army Engineer District, Buffalo
1776 Niagara Street
Buffalo, New York 14207

Important Telephone Numbers (area code 716):

For questions about Corps Engineering and Planning 879-4274
For questions about Flood Plain Management 879-4143
For questions about Emergency Operations/Response 879-4269
For questions about Permits 879-4330
For questions about Business Development/Support for Others 879-4177