



Program Fact Sheet

MITIGATION OF SHORELINE EROSION DAMAGE CAUSED BY FEDERAL NAVIGATION PROJECTS

Section 111 of the 1968 River and Harbor Act, as amended

Authority and Scope: Section 111 of the 1968 River and Harbor Act, as amended, provides authority for the Corps of Engineers to develop and construct small projects for the purpose of mitigation of shoreline erosion or accretion problems directly influenced by the construction of a Federal navigation project. The amount of mitigation is limited to the level that would have existed without the influence of the navigation project. Each project is limited to a Federal cost of \$10,000,000, and must be economically justified, environmentally sound and engineeringly feasible.

Project Phases and Funding: Section 111 projects have two phases: Feasibility (study phase) and Design and Implementation Phase (detailed project design and construction). The first \$100,000 of Feasibility Phase costs are financed at 100% Federal costs. All Feasibility phase costs above \$100,000 are cost-shared 50% Federal and 50% non-Federal in accordance with a Feasibility Cost-Sharing Agreement (FCSA) prepared for the study. If the project advances to the Design & Implementation phase, cost sharing will be applied at the same proportion of the original project which caused the shore damage.

Non-Federal sponsors cash contribution for Section 111 projects are variable and are dependent upon the original cost sharing requirements for the Federal navigation project. Work beyond that directly attributed to the Federal navigation project is 100% non-Federal.

Non-Federal Responsibilities: Formal assurance of local cooperation must be furnished by a local sponsoring agency. The local sponsor must be a municipality or public agency, fully authorized under state laws to give such assurances and must be financially capable of fulfilling all measures of local cooperation. The sponsoring agency must normally agree to:

- a. Provide without cost to the United States all necessary lands, easements, rights-of-way, access routes and relocation of utilities necessary for project construction and subsequent operation and maintenance of the project. Costs associated with these items may be creditable towards the non-Federal cash contribution for the project.
- b. Contribute in cash the local share of project construction cost, determined in accordance with existing policies.
- c. Assume full responsibility for all project costs in excess of the Federal cost limitation of \$10 million.
- d. Hold and save the United States free from claims for damages which may result from construction and subsequent maintenance of the project, except damages due to the fault or negligence of the United States or its Contractors.
- e. Assume all responsibilities and costs for operation and maintenance of the project.

How to Request Assistance: A study of a prospective project under Section 111 will be initiated after receipt of a written request (see sample below), from an authorized sponsoring agency (see Non-Federal Responsibilities above), and provided Federal funds are available.

For Further Information, Contact:

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**SAMPLE LETTER OF REQUEST
FOR A
SECTION 111 STUDY**

Lieutenant Colonel Eli S. Adams
District Commander
U.S. Army Engineer District, Buffalo
1776 Niagara Street
Buffalo, NY 14207

ATTN: Planning Branch

Dear Colonel Adams:

In accordance with the provisions of Section 111 of the River and Harbor Act of 1968, as amended, the (state, city, county, town, port authority) is requesting Corps of Engineers assistance in addressing a navigation problem at (specifically name the location and nature of the problem).

We are fully aware of the following non-Federal requirements associated with projects undertaken with the Section 111 authority.

Feasibility Phase: Is funded by the Federal government for the first \$100,000. All feasibility study costs over \$100,000 are cost-shared 50% Federal and 50% non-Federal.

Design & Implementation Phase: Cost sharing for Design & Implementation will be applied at the same proportion of the original project which caused the shore damage.

The non-Federal sponsor is responsible for the removal of all hazardous, toxic and radioactive wastes prior to construction and for all operations and maintenance of the project after it is constructed.

We are aware that this letter serves as an expression of non-Federal intent to cooperate on this project and is not a contract obligation. Either party may discontinue this effort at any point prior to construction.

- Add any additional information or discussion desired.*

Signed by a Port Authority Director, Mayor, Town Manager
or his/her representative