



US Army Corps
of Engineers®
Omaha District

Continuing Authorities Program

Introduction:

Congress has provided the U.S. Army Corps of Engineers with a number of standing authorities to study and build water resource projects for various purposes and with specified limits on how much federal money can be spent for a project. The Continuing Authorities Program (CAP) is a collection of these authorities established to allow for expedited project development and approval, resulting in a decrease in the amount of time it takes to get smaller, less complex projects constructed. Each of these authorities carries with it pre-approved authority for construction without the need for additional congressional authority, provided the recommended project falls within the parameters of the specific program.

Two-phase Approach:

Feasibility Phase

To initiate a CAP study, local government officials contact the Omaha District to request an investigation of a water resource problem. After receiving a request from the local sponsor, the District will coordinate with the local officials (typically including conducting an initial site visit) to determine the extent and nature of the problem and which CAP authority would best meet their need. If the problem fits within one of the existing CAP authorities (and subject to availability of funds) the District will initiate a feasibility study to investigate the problem and possible solutions. The first \$100,000 of the feasibility study is funded 100 percent by the Corps with any costs in excess of the initial \$100,000 being cost-shared 50-50 with a non-federal sponsor. Within the first \$100,000 the Corps will evaluate whether a solution to the problem is both viable and in the interest of the federal government.

If adequate federal interest exists, the Corps will work with the non-federal sponsor to develop a Project Management Plan (PMP) outlining the scope of work, cost estimate and schedule for the detailed feasibility study and negotiate a Feasibility Cost Share Agreement (FCSA) to cover any anticipated costs above the initial \$100,000.

Non-federal sponsors are responsible for 50 percent of the feasibility study costs and may provide their entire share in the form of in-kind services. Once negotiations are completed, the FCSA is executed and the feasibility phase begins. The feasibility study involves more intensive data collection and detailed technical investigations. The feasibility phase is usually completed in 1-3 years depending on the scope and nature of the project. One exception is feasibility for the Emergency Streambank and Shoreline Protection (Section 14) Program which is usually completed in less than a year. The completed feasibility report is submitted to Northwestern Division office for review and approval which then allows the project to proceed directly to the design and implementation phase.

Design and Implementation Phase

Following completion of the feasibility study, the project moves into the design and implementation (D&I) phase where detailed plans and specifications for construction, and ultimately project construction, is undertaken. The first step in the D&I phase is the negotiation and execution of the Project Partnership Agreement (PPA) which governs the responsibilities of the Corps and the non-federal sponsor for the ultimate construction and subsequent operation and maintenance of the project.

The design includes developing detailed contract drawings and specifications which will be used to advertise the project for prospective contractors to construct. The non-federal sponsor is required to provide the non-federal share of funds (as outlined in the next section on page 2) as well as any necessary lands, easements, rights-of-way, relocations and disposal sites (LERRDs) at this time prior to advertising the project for construction. Depending upon availability of funds and the complexity of the project, the construction may consist of one or more contracts.

CAP Authorities:

Flood Damage Reduction

- Authority: *Section 205, Flood Control Act of 1948, as amended*
- Allows for construction of projects (structural or nonstructural) to reduce damages caused by flooding and focuses on solving local flood problems in urban areas, towns and villages
- Cost share for D&I is 65% federal, 35% non-federal
- Maximum federal share for planning, design and construction - \$7,000,000

Emergency Streambank and Shoreline Protection

- Authority: *Section 14, Flood Control Act of 1946, as amended*
- Allows for construction of emergency streambank and shoreline protection to prevent erosion from damaging nonprofit public facilities
- Cost share for D&I is 65% federal, 35% non-federal
- Maximum federal share for planning, design and construction - \$1,500,000

Aquatic Ecosystem Restoration

- Authority: *Section 206, Water Resources Development Act of 1996*
- Allows for structural or operational changes to restore historic habitat conditions of aquatic ecosystems at any location to benefit fish and wildlife resources
- Cost share for D&I is 65% federal, 35% non-federal
- Maximum federal share for planning, design and construction - \$5,000,000

Product Modifications for Improvement of the Environment

- Authority: *Section 1135, Water Resources Development Act of 1986, as amended*
- Allows for structural or operational changes to existing Corps projects for restoration or enhancement of environmental values, especially fish and wildlife
- Cost share for D&I is 75% federal, 25% non-federal
- Maximum federal share for planning, design and construction - \$5,000,000