



**US Army Corps  
of Engineers**  
Baltimore District

## CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM

May 2022

**Authority:** Section 510 of the Water Resources Development Act of 1996 as amended authorizes the U.S. Army Corps of Engineers to provide design and construction assistance to non-Federal interests in the Chesapeake Bay watershed for water-related resource restoration and protection projects including projects for:

- Sediment and erosion control
- Protection of eroding shorelines
- Ecosystem restoration, including submerged aquatic vegetation
- Protection of essential public works
- Beneficial uses of dredged material
- Other related projects that may enhance the living resources of the estuary

A public agency or a non-profit entity which has the consent of the affected local government may serve as the non-Federal sponsor (NFS) for a Section 510 project.

**Coordinating potential projects:** The NFS should coordinate the details for any prospective project requiring USACE assistance with the appropriate district planning manager. The Baltimore District has responsibility for projects located in or draining into the Upper Chesapeake Bay and the Norfolk District has responsibility for the Lower Chesapeake Bay. Primary points of contact (POCs) are below until a project manager is assigned. If it is determined after initial coordination that pursuing assistance under the Section 510 authority is the preferred option versus assistance using other Corps authorities, then the Section 510 Program Manager should be included in further coordination.

**Baltimore District:**

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Planning Division  
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**Norfolk District:**

TBD  
Chief, Planning and Policy

Richard Klein (Program Manager)  
Chief, Civil Programs and Projects Branch  
Programs and Project Management Division  
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**Project Cooperation and Cost Sharing Requirements:** Implementation is in cooperation with the heads of appropriate Federal agencies, including: the Administrator of the Environmental Protection Agency; the Secretary of Commerce, acting through the Administrator of the National Oceanographic and Atmospheric Administration; the Secretary of the Interior, acting through the

Director of the United States Fish and Wildlife Service; and the heads of such other Federal agencies as the Secretary determines to be appropriate; and agencies of a State or political subdivision of a State, including the Chesapeake Bay Commission.

Each project is limited to a total cost of \$15,000,000 and requires a 25% non-Federal cost share. The NFS provides formal assurance of local cooperation through the execution of an agreement with the supporting USACE district. A model Design Agreement (DA) is used for design only assistance and a Section 510 model Project Partnership Agreement (PPA) is used for design and construction assistance.

Under the PPA, the NFS must provide without cost to the United States, all necessary lands, easements, rights-of-way, relocations and disposal areas necessary for project construction and subsequent operation and maintenance of the project. These costs may be creditable towards the 25% non-Federal cost share. Upon turnover of the constructed project or a project element to the NFS, the operation, maintenance, repair, rehabilitation and replacement (OMRRR) requirements are a 100% non-Federal cost.

**Section 510 Project Phases:** The sponsor agency will provide a letter of intent (LOI) in order to initiate the Section 510 project subject to available federal resources. A sample LOI is below.

The scoping phase produces a project scoping report (PSR) identifying the proposed project details and a recommendation as to federal interest in supporting implementation under the Section 510 authority. All costs associated with this phase are 100% Federal.

The project planning phase is initiated upon approval of the PSR by higher headquarters, which is the North Atlantic Division if the estimated project cost does not exceed \$7,000,000. The planning phase provides a feasibility analysis report (NEPA document) and it provides a negotiated agreement package with supporting project management plan for higher headquarters approval. Costs associated with the planning phase are retroactively shared at 75% Federal and 25% non-Federal after the implementation phase is underway.

Once the planning phase documents are approved and resources are available, a DA or PPA is executed between the district and the NFS to initiate the implementation phase. This phase is complete when the project is delivered/turned over to the NFS and the agreement is fiscally closed-out.

**SAMPLE LETTER OF INTENT USED TO INITIATE A  
SECTION 510 PROJECT**

Esther S. Pinchasin  
Colonel, U.S. Army  
Commander and District Engineer  
U.S. Army Engineer District, Baltimore  
2 Hopkins Plaza  
Baltimore, Maryland 21201

or

Brian P. Hallberg  
Colonel, U.S. Army  
Commander and District Engineer  
U.S. Army Engineer District, Norfolk  
803 Front Street  
Norfolk, VA 23510

ATTN: Section 510 Program Manager, Civil Branch, PPMD

Dear COL *Pinchasin/Hallberg*:

In accordance with the provisions of Section 510 of the Water Resources Development Act of 1996, the (state, city, county, town) is requesting U.S. Army Corps of Engineers assistance in addressing (description of type, name and location of degradation occurring to the Chesapeake Bay).

We are fully aware of the non-Federal requirements associated with projects under the Section 510 authority. We understand that all project costs in excess of those associated with the project scoping phase will be cost shared 75% Federal and 25% non-Federal.

We understand that the non-Federal sponsor is responsible for costs of all lands, easements, relocations and disposal areas. If this amount is less than our 25% share of the total project cost, we will provide in-kind services and/or a cash contribution to achieve the 25% cost share.

We are aware that this letter is not a contract obligation, but serves as an expression of our intent to cooperate on this project and sign a cost share agreement in the future. We understand that either party may discontinue this effort at any point prior to construction.

*Add any additional information or discussion desired.*

My POC for this project assistance request is . . .

*SIGNATURE OF COOPERATING AGENCY*