

# SMALL NAVIGATION PROJECTS

## Section 107, River and Harbor Act of 1960, as amended



A small boat harbor and entrance channel were constructed at Nanticoke Harbor, Wicomico County, Maryland, for commercial and recreational vessels. The harbor is protected by stone jetties to the north and south.

**Authority and Scope.** Section 107 of the River and Harbor Act of 1960, as amended, provides authority for the Corps of Engineers to develop and construct small navigation projects, such as dredging channels or constructing breakwaters and jetties for harbor protection. Each project is limited to a Federal cost of \$4 million, which includes project-related costs for feasibility studies, planning, engineering, design, and construction.

**How to Request Assistance.** The Corps will initiate a preliminary investigation of a potential project after a letter from a prospective sponsoring agency is received. The sponsor must be fully empowered under State law to provide the required local cooperation. A sample letter of request is shown on the reverse side of this paper.

**Funding.** The sponsor's share of project costs is determined in accordance with existing Federal policies. All lands, easements, rights of way, relocations, and dredged material placement areas (LERRD) necessary for construction of the project are the responsibility of the local sponsor. The value of LERRD may be credited towards the sponsor's share of project costs.

**Local Cooperation.** The sponsor must assure the availability of a public landing or wharf. The construction and maintenance of docks, piers, berthing areas, boat slips, mooring facilities, launching ramps, roads, and access channels are entirely a local responsibility. Formal assurance of local cooperation must be furnished by a local sponsoring agency, as defined in the letter of request. During the planning phase, the sponsor will be required to demonstrate financial capability to fulfill all items of local cooperation.

## SAMPLE LETTER OF REQUEST

[Type on Letterhead Paper]

[DATE]

District Engineer  
U.S. Army Engineer District, Baltimore  
P.O. Box 1715  
Baltimore, Maryland 21203-1715

Dear Sir:

In accordance with the provisions of Section 107 of the River and Harbor Act of 1960, as amended, which authorizes the Federal government to initiate investigations and studies to be made in the interests of navigation, the *[cooperating agency]* makes formal application for a study of *[waterway or locality, County, State]*.

*[Insert paragraph giving a brief description of problem].*

The *[cooperating agency]* understands that the problem will be assessed through the conduct of a feasibility study. The Federal government will pay 100 percent of the costs of the feasibility study up to the Federal funding limit of \$100,000. If the cost exceeds \$100,000, the *[cooperating agency]* can provide 50 percent of the amount in excess of \$100,000. Of this 50 percent share, the *[cooperating agency]* may provide its entire share through in-kind services.

The *[cooperating agency]* can provide the following local cooperation and participation:

1. Provide without cost to the United States all lands, easements, rights-of-way, relocations, including suitable borrow and dredged material placement areas (LERRD), as determined by the Federal government to be necessary for the construction of the project. The value of LERRD will be included in the total project costs and credited towards the sponsor's share of project costs, as defined in the local cooperation agreement.

2. Hold and save the United States free from claims for damages that may result from the construction and subsequent maintenance of the project, except damages due to the fault or negligence of the United States or its contractors.

3. Assume full responsibility for all project costs in excess of the Federal cost limitation of \$4 million.

4. Provide, maintain, and operate, without cost to the United States, an adequate public landing or wharf with provision for the sale of motor fuel, lubricants, and potable water available to all on equal terms.

5. Provide and maintain berthing areas, floats, piers, slips, and similar marina and mooring facilities as needed for transient and local vessels as well as necessary access roads, parking areas, and other public-use shore facilities open to all on equal terms.

6. Provide a cash contribution towards the construction cost in accordance with existing Federal cost-sharing laws for navigation projects.

7. Establish regulations prohibiting discharge of untreated sewage, garbage, or other pollutants in the waters of the harbor, in accordance with applicable laws and regulations of Federal, state, and local authorities responsible for pollution prevention and control.

*SIGNATURE OF COOPERATING AGENCY*