



BEACH RESTORATION AND SHORELINE PROTECTION

Section 103 of the 1962 River and Harbor Act, as amended

Authority and Scope: Section 103 of the 1962 River and Harbor Act, as amended, authorized the U.S. Army Corps of Engineers to develop and construct small projects for the purpose of shore protection and beach restoration. Each project is limited to a Federal cost of \$10,000,000, and must be economically justified, environmentally sound, and engineering feasible.

It is current Department of the Army Policy that projects which do not rely on high priority outputs (commercial navigation and flood control) for project justification will not be budgeted for at this time. Therefore, shoreline protection/beach restoration projects that rely primarily upon recreational benefits are currently not being budgeted for.

Project Phases and Funding: Section 103 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). If the project advances to the Implementation Phase all costs are shared 65% Federal and 35% non-Federal for hurricane and storm damage protection projects and 50% Federal and 50% non-Federal for recreational beach projects in accordance with a Project Cooperation Agreement (PCA) prepared for the project.

The sponsor must also pay for and obtain all lands, easements, rights of way and relocations (LERR) for the project. Total Federal project funding is limited to \$10,000,000. All project costs above this limit are 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 during project construction the appropriate percentage of project costs based on shore ownership and use. Credit will be given for the value of lands, easements, rights-of-way, relocations, and disposal areas.
- c. Assume the full responsibility for all project costs in excess of the Federal cost limitation of \$10,000,000.
- 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 103 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 103 STUDY**

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

ATTN: Planning Branch

Dear COL Pinchasin:

In accordance with the provisions of Section 103 of the River and Harbor Act of 1960, as amended, the (state, city, county, town, port authority) is requesting Corps of Engineers assistance in addressing a shore protection 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 103 authority.

Feasibility Phase: Is totally funded by the Federal government for the first \$100,000. Cost-sharing at a 50% Federal and 50% non-Federal rate is required for all feasibility costs above \$100,000.

Implementation Phase: The non-Federal sponsor is responsible for costs of all lands, easements, relocations and disposal areas, plus a cash contribution. Costs associated with hurricane and storm damage reduction are 35% non-Federal. Recreational costs are 50% non-Federal. Any costs associated with privately owned shores or in excess of the \$10,000,000 Federal project limit are 100% non-Federal. Cost-sharing estimates are determined during the Feasibility phase. The costs associated with acquiring all lands, easements, rights-of-way and disposal areas may offset some of the non-Federal cash contributions.

Operations and Maintenance: 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.*

SIGNATURE OF COOPERATING AGENCY