



NAVIGATION IMPROVEMENTS

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

Authority and Scope: Section 107 of the 1960 River and Harbor Act, as amended, authorized the U.S. Army Corps of Engineers to develop and construct small navigation projects. Each project is limited to a Federal cost of \$10,000,000, and must be economically justified, environmentally sound and engineeringly feasible.

The Federal project can provide only general navigation facilities. These may include a safe entrance channel protected by breakwaters or jetties if necessary; anchorage basin; turning basin; and a major access channel leading to the anchorage basin or locally provided berthing area. General navigation facilities are constructed and maintained by the Corps of Engineers. Construction and maintenance of docks, landings, piers, berthing and fleeting areas, boat stalls, slips, mooring facilities, launching ramps, access roads, parking areas, and interior access channels needed for maneuvering into berths, are entirely a local responsibility, provided at non-federal expense. The project sponsor also provides all lands, easements, rights-of-way, relocations, and dredged material disposal areas including dikes, alterations, as well as all servicing facilities, including policing and other services. The project sponsor must also assure availability of a public landing or wharf.

Project Phases and Funding: Section 107 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. Implementation phase cost-sharing depends upon the type of navigation project recommended. The non-Federal sponsors cash contributions for commercial navigation projects may range from 10 to 50 percent. Recreational navigation projects are cost shared 50 percent Federal and 50 percent non-Federal. The sponsor's cash contribution, for projects which include commercial and recreation navigation, is determined by the percent of the respective navigation benefit for the total project. The actual percentages are determined during the Feasibility study phase.

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 lands, easements, and rights-of-way for construction and subsequent maintenance of the project, including dikes necessary to retain dredged material, and disposal of spoil material.
- 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. Provide and maintain berthing and fleeting 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 needed public-use shore facilities open and available to all on equal terms. (Only minimum basic facilities and services are required as part of the project. The actual scope or extent of facilities and services provided over and above the required minimum is a matter for local decision. The manner of financing such facilities and services is a local determination.)
- e. Provide without cost to the United States all alterations and relocation of existing improvements including bridges, highways, buildings, utilities, sewers, and other facilities.
- f. Establish a competent and properly constituted public body empowered to prescribe and enforce regulations pertaining to navigation and to regulate the use and development of the harbor and related facilities, with the understanding that said facilities will be open to all on equal terms.
- g. Reserve anchorage spaces and mooring facilities adequate for the accommodation of transient craft.
- h. Comply with the applicable provisions of the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, "Public Law 91-646, approved 2 January 1971, in acquiring lands, easements, and rights-of-way for construction and subsequent maintenance of the project and inform affected persons of pertinent benefits, policies, and procedures in connections with said Act.

- i. Comply with Section 601 of Title VI of the civil Rights Act of 1964 (PL 88-352) and Department of Defense Directive 5500.11 issued pursuant thereto and published I Part 300 of Title 32, Code of Federal Regulation, in connection with the construction and operation of the project.
- j. Hold and save the United States free from damage due to construction of the projects, except for damages due to fault or negligence of the United States or its Contractors.
- k. Take over and maintain the project after completion in accordance with regulations prescribed by the Secretary of the Army (depending upon the nature of the project).

How to Request Assistance: A study of a prospective small navigation project under Section 107 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:

Mr. Anthony Clark
Continuing Authorities Program Manager
Planning Division
anthony.a.clark@usace.army.mil
(410) 962-3413

**SAMPLE LETTER OF REQUEST
FOR A
SECTION 107 STUDY**

John T. Litz, PMP
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 Litz:

In accordance with the provisions of Section 107 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 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 107 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 ranging from 10% to 50% of the total project cost. 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 costs of operations and maintenance of the project after construction may range from 100% Federal to 100% non-Federal depending upon the boating fleet which benefits from project construction.

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, in particular a discussion of the commercial boat fleet and recreation use (charter fishing boats, tour boats, ferry boats, commercial fishing boats, etc.).

SIGNATURE OF COOPERATING AGENCY