



**US Army Corps
of Engineers**
Baltimore District

April 2019

MODIFICATIONS TO PROJECTS FOR IMPROVEMENT OF THE ENVIRONMENT

Section 1135 of the Water Resources Development Act of 1986, as amended

Authority and Scope: Section 1135 of the Water Resources Development Act of 1986, as amended, authorizes the U.S. Army Corps of Engineers to make modifications to operations or structures of civil works projects previously constructed by the Corps of Engineers, for the purpose of improving the quality of the environment. In most cases, it must be demonstrated that the operation or construction of a civil works project has degraded the quality of the environment. The primary objective of Section 1135 is to modify existing Corps of Engineers projects to restore ecosystem habitats. Each project is limited to a Federal cost of \$10,000,000, and requires cost sharing from an authorized non-Federal sponsor (see below).

Project Phases and Funding: Section 1135 projects start with the Feasibility Phase. Initially the feasibility phase is funded 100% Federally up to a limit of \$100,000. Feasibility phase costs above \$100,000 are cost-shared 50% Federal and 50% non-Federal. After approval of the feasibility report, the project enters the Design and Implementation Phase. Costs of the Design and Implementation Phase are shared 75% Federal and 25% non-Federal with the non-Federal sponsor given credit for Lands, Easements, Rights of Way and Relocations and some other costs. Operation, Maintenance, Repair, Rehabilitation and Replacement of the project in the future is at 100% non-Federal costs.

Non-Federal Responsibilities: Formal assurance of local cooperation must be furnished by a local sponsoring agency. The local sponsor must be a public agency or a non-profit environmental organization. Private interests may also qualify if there is no requirement for future operation and maintenance of the project modification. 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. Provide 25 percent of the total design and implementation costs. All costs associated with the operation, maintenance, repair, rehabilitation and replacement of the project modification will be the responsibility of the non-Federal sponsor.
- c. Maintain and operate the project after completion without cost to the United States.

How to Request Assistance: A study of a prospective Section 1135 project 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
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(410) 962-3413

**SAMPLE LETTER OF REQUEST
FOR A
SECTION 1135 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 1135 of the Water Resources Development Act of 1986, as amended, the (state, city, county, town) is requesting Corps of Engineers assistance in addressing an ecosystem restoration problem at (name and location of the degradation caused by a federal project).

We are fully aware of the following non-Federal requirements associated with projects under the Section 1135 authority.

Feasibility Phase: The first \$100,000 is funded by the Federal government. Costs above \$100,000 are shared 50% Federal and 50% non-Federal.

Design and Implementation Phase: The non-Federal sponsor is responsible for costs of all lands, easements, relocations and disposal areas. If this amount is less than 25% of the total project cost, the non-Federal sponsor must provide either in-kind services or an additional cash contribution to make the total equal 25% of the total project cost.

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