



**US Army Corps
of Engineers**
Baltimore District

November 2015

EMERGENCY STREAMBANK AND SHORELINE PROTECTION Section 14 of the 1946 Flood Control Act, as amended

Authority and Scope: Section 14 of the 1946 Flood Control Act, as amended, authorized the U.S. Army Corps of Engineers to develop and construct streambank and shoreline protection projects to protect endangered highways, highway bridge approaches, public works facilities such as water and sewer lines, churches, public and private nonprofit public facilities. Each project is limited to a Federal cost of \$5,000,000, and must be economically justified, environmentally sound and engineeringly feasible.

Project Phases and Funding: Section 14 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 in accordance with a Project Cooperation Agreement (PCA) prepared for the project.

The sponsor must contribute in cash a minimum of 5 percent of the total project cost. The sponsor must also pay for and obtain all lands, easements, rights of way and relocations (LERR) for the project. If the value of LERR plus the cash contribution does not equal or exceed 35 percent of the project cost, the sponsor must pay the additional amount necessary so that the sponsor's total contribution equals 35 percent of the project cost. Total Federal project funding is limited to \$5,000,000. 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. Provide cash contribution of not less than 5 percent of the project cost. If the value of the sponsor's total contribution (5% cash and LERR) does not exceed 35 percent of the total project cost, the sponsor must provide an additional cash contribution to make the sponsor's total contributions equal to 35 percent of the project cost.
- c. Assume the full responsibility for all project costs in excess of the Federal cost limitation of \$1,500,000.
- 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 small streambank or shoreline erosion project under Section 14 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 14 STUDY**

Edward P. Chamberlayne, P.E.
Commander and District Engineer
U.S. Army Engineer District, Baltimore
10 South Howard St.
Baltimore, Maryland 21201

ATTN: Planning Branch

Dear COL Chamberlayne:

In accordance with the provisions of Section 14 of the Flood Control Act of 1946, as amended, the (state, city, county, town) is requesting Corps of Engineers assistance in addressing a (either streambank or shoreline) erosion problem at (name and location of the public facility and the body of water causing the problem).

We are aware of the following non-Federal requirements associated with projects undertaken under the Section 14 authority.

- a. Feasibility Phase: The initial \$100,000 of cost if funded by the Federal government. Costs above \$100,000 are shared 50% Federal and 50% non-Federal in accordance with a Feasibility Cost-Sharing Agreement.
- b. Implementation Phase: The non-Federal sponsor is responsible for costs of all lands, easements, relocations and disposal areas, plus a cash contribution of at least 5% of the total project cost. If this amount is less than 35% of the total project cost, the non-Federal sponsor must provide additional cash contribution to make the total equal 35% of the total project cost.
- c. 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.

SIGNATURE OF COOPERATING AGENCY