

How Projects are Initiated

The Corps of Engineers functions as an engineer consultant to Congress. Major Corps water resource projects are developed under specific congressional authorization. When local interests believe a need exists for construction or improvement of a water resource project, they petition their representatives in Congress. The senator or representative then requests the appropriate congressional committee to direct the Corps to conduct a study and furnish a recommendation. Authority for a study is either by appropriate Senate or House Committee Resolution or by Congressional Act. New mission areas for the Corps include environmental cleanup and habitat restoration. Economic and engineering solutions to the problem and possible impact on the environment are studied. During the study, public meetings are held to determine the wishes of local interests. Desires of local interests are fundamental, not only because of construction effects on the local area, but because the law (Public Law 99-662) requires local interests to provide real estate and/or financial participation in the project. All interested federal and non-federal agencies are contacted to obtain their views, avoid conflict with their programs, and, if appropriate, to incorporate features of their programs into Corps projects. Then all the data are analyzed and potential alternatives evaluated under criteria specified in the Principle and Guidelines. The study, with its recommendations, is submitted to Congress, which may then authorize a project. After being authorized, the project still requires congressional funding before construction can begin. Some studies may be confined to a small area with a comparatively simple solution. Other studies may involve an urban area or cover an entire river basin and require detailed analyses of navigation, flood control, erosion control, hurricane and flood protection, water supply, water quality control, hydroelectric power, major drainage, irrigation, environmental resources and opportunities for their restoration, recreation, or other purposes that may be deemed necessary to promote national welfare. After Congress provides construction funds, the Corps prepares plans and specifications, awards contracts, and supervises construction. Completed projects are usually operated and maintained by the local sponsors.

Continuing Authorities

In addition to major water resources development projects authorized directly by Congress, the Corps may construct small projects and emergency work. This work is performed under special continuing authorities established by Congress with general funds appropriated annually. The projects are subject to the same evaluation criteria and local cooperation requirements as congressionally authorized projects. The Chief of Engineers, under the direction of the Secretary of the Army and without further congressional authority, may authorize and construct those small projects that are complete in themselves and do not

commit the United States to any additional improvement to ensure successful operation.

Improving the Quality of the Environment under Section 1135

This authority provides for modifying the structure or operation of a Corps project to restore fish and wildlife habitat. The project must result in implementation or change to existing conditions, not in a report or study, and it must be clear that the modification will result in an improvement of the environment, and restoration of resources cannot go beyond pre-project conditions. The project benefits must be associated primarily with restoring historic fish and wildlife resources, and an increase in recreation may be one measure of value. The program requires a non-federal sponsor, which can include public agencies, some private interests (if no requirement for future Operation & Maintenance), and some large national nonprofit organizations such as Ducks Unlimited or Nature Conservancy. Operation and maintenance associated with the project modification is the responsibility of the non-federal sponsor.

Small Flood Control Projects (Section 205, Flood Control Act of 1948, as amended)

Small flood control projects not specifically authorized by Congress may be constructed under authority given the Chief of Engineers. The federal share of such projects may not exceed \$5 million. The work must be a complete solution to the flood problem involved so the United States is not committed to additional improvements to ensure effective operation.

Small Navigation Projects (Section 107, 1960 River and Harbor Act, as amended)

This legislation authorizes the Corps of Engineers to construct small channel and harbor improvement projects not specifically authorized by Congress. The federal share in such projects may not exceed \$4 million. These projects must be complete in themselves and not commit the United States to any additional improvement to ensure successful operation.

Mitigation of Shore Damage

This act is attributable to Navigation Works (Section 111, River and Harbor Act of 1968). This act authorizes the Corps to investigate, study, and construct projects for the prevention or mitigation of shore damage attributable to federal navigation works. Congressional authorization is required for construction of projects that exceed a first cost of \$2 million.

Small Beach Erosion Control Projects (Section 103, River and Harbor Act of 1962, as amended)

Small beach restoration and protection projects not specifically authorized by Congress are constructed under this authority. The federal share of the cost must not exceed \$2 million for a single project and the project must not be

dependent on additional improvements for success.

Snagging and Clearing

This act is under Section 2, Flood Control Act of 1937, as amended by Section 208, 1954 Flood Control Act. The Corps of Engineers is authorized under this act to remove accumulated snags and debris along with clearing and straightening navigable channels. Up to \$500,000 can be expended on any single tributary during one fiscal year in the interest of flood control. Each project must constitute a complete solution to the problem.

Emergency Bank Protection (Section 14, Flood Control Act of 1946, as amended)

Under this act, the Corps of Engineers is authorized to provide the repair, restoration, and modification of emergency streambank and shoreline protection to prevent damages to highways, bridge approaches, and other public works. The Corps of Engineers is authorized to spend up to \$1 million at a single locality.

Flood Fighting, Repair, and Rescue Work (Public Law 84-99, 84th Congress)

This law authorizes the Corps of Engineers to engage in flood fighting and rescue operations and to repair or restore any flood control work threatened or destroyed by flood.

Snagging and Clearing (Section 3 of Public Law 14, River and Harbor Act of 1945)

This act authorizes emergency work by the Corps of Engineers to clear or remove unreasonable obstructions in navigable portions of rivers, harbors, and other waterways and tributaries in the interest of emergency navigation and flood control.

Natural Disaster Assistance (Public Law 93-288, 93rd Congress)

Under this law, the Corps of Engineers is authorized to cooperate with FEMA to provide assistance to state and local governments in dealing with natural disasters. Such assistance includes work essential for the preservation and protection of life and property; conducting damage survey investigations; repairing, restoring or replacing public road facilities; and providing technical and engineering services. This law supersedes and incorporates provisions of Public Law 606, 91st Congress, as amended.

Small Water Resource Development Projects (Section 201, Flood Control Act of 1965)

This special authority can expedite the authorization of small projects. A resolution of the Committees on Public Works of the Senate and/or House of Representatives can authorize a project directly, rather than including the authorization in a water resources development bill. For such projects, the Corps

is authorized to construct, operate, and maintain both single and multi-purpose projects involving, but not limited to, navigation, flood control, and shore protection. The estimated federal fiscal cost of these projects must be less than \$15 million.

Comprehensive Planning Cooperation

This act is part of Section 22 of Public Law 93-251, Water Resources Development Act of 1974. This act authorizes the Secretary of the Army, acting through the Chief of Engineers, to cooperate with any state, local government, or Indian Tribe in the preparation of comprehensive plans for the development, utilization, and conservation of the water and related resources of drainage basins located within the boundaries of that state. The Secretary is also authorized to submit to Congress reports and recommendations of appropriate federal participation in carrying out such plans. The federal share in such plans is limited to \$600,000 annually in any one state.

Columbia River Treaty Fishing Access Sites (Public Law 100-581, Title IV, November 1988)

The Secretary of the Army is directed to administer and improve certain sites to provide access for Indian treaty fishermen. Implementation of this law will require the Secretary to undertake a wide range of land management acquisition and development actions. These actions affect land along Bonneville, The Dalles, and John Day pools on the Columbia River in Oregon and Washington. The law directs the Secretary to transfer these lands, following their development, to the Secretary of the Interior for long-term management for treaty fishing use. The law provides a vehicle for the United States to satisfy its commitment to the Indian tribes that exercise treaty fishing rights in the Columbia River and whose fishing sites were inundated by construction of Bonneville Dam. The history of this public law may be interpreted as providing that the specified fishing sites are to be restricted for the use of the Treaty Tribes. Many of these sites are within or adjacent to public recreation areas that have existed for many years. Agreement has been reached with the Treaty Tribes concerning public use of the recreation areas affected by the law. During the recreation season, the Treaty Tribes will share the use of these areas. Further negotiations are underway to deal with the period of time that follows. Negotiations will address use and management during this period and will lead to development plans for affected lands. FY '92 funding has been appropriated and the Corps is conducting planning and engineering studies necessary to develop specific recommendations and cost estimates for implementation of the law.