

Continuing Authorities Program (CAP) & Planning Assistance to States (PAS)

Lower Rio Grande Valley
23rd Annual Water Quality Management & Planning Conference

Reuben Trevino
CAP & PAS Program Manager
USACE Galveston



CAP Basics

What is CAP?

A collection of nine water resource authorities contained in several different laws. All CAP authorities have statutory limits on Federal participation known as per-project limits.

What is the purpose of CAP?

To plan, design, and construct projects of limited scope and complexity.



Characteristics of a CAP Project

Small project or project area

Obvious and well-understood problem(s)

Simple solution(s)

Limited scope and complexity

Must be requested by a plan sponsor (e.g. city or county)

Has an established Federal cost limit

Two phases: 1) Feasibility 2) Design and Implementation



When is a Project Eligible for CAP?

General principles for all CAP projects:

- Must meet the requirements of Federal interest and Corps responsibility set forth in one of the nine legislative authorities.
- Must be complete in itself and shall not obligate the Federal government to future work except in those cases in which maintenance by the Federal government is specified by law or allowed by policy.
- Must have a cost share sponsor (such as a city or county).
- Total study cost cannot equal or exceed the estimated implementation cost including Land, Easements, Rights-Of-Way, Relocation, and Disposal Areas (LERRDs).
- Very small projects should not be pursued.
- Large or complex problems should not be pursued.
- Corps design & construction standards can be modified to reduce project costs for CAP projects provided that the application of modified standards has no more than minimal increased risk to public.



ER 1105-2-100 Appendix F, Amendment #2



The Nine CAP Authorities

Section	Project type	Project purpose
14	Emergency stream bank and shoreline protection	Emergency stream bank and shoreline protection for public facilities in imminent danger of failing (e.g., roads, bridges, hospitals, schools, treatment plants)
103	Hurricane and storm damage reduction; beach erosion	Protection of public and private properties and facilities against damages caused by storm driven waves and currents by the construction of revetments, groins, and jetties; may also include periodic sand replenishment
107	Navigation improvements	Improvements to navigation (e.g., channel dredging and widening of turning basins)
204	Regional sediment management	Regional Sediment Management and beneficial uses of dredged material from new or existing Federal projects for ecosystem restoration, FRM, or HSDR purpose.
205	Flood damage reduction	Local protection from flooding by non-structural measures such as flood warning systems, or flood proofing; or by structural flood damage reduction features such as levees, diversion channels, or impoundments.
206	Aquatic ecosystem restoration	Aquatic ecosystem restoration.
208	Snagging/clearing for flood damage reduction	Local protection from flooding by channel clearing and excavation, with limited embankment construction by use of materials from the clearing operation only.
1135	Project modifications for improvements to the environment	Modifications of USACE constructed water resources projects to improve the quality of the environment. Also, restoration projects at locations where an existing Corps project contributed to the degradation.

FRM = Flood Risk Management

HSDR = Hurricane and Storm Damage Reduction

Draft – for discussion purposes only

CAP Project Restrictions

CAP will NOT be used to:

- Fund study only activities
- Implement or replace any portion of a project specifically authorized by Congress
- Nullify or change an existing condition of a non-Federal responsibility required for a project specifically authorized by Congress or implemented under a CAP authority
- Adopt a non-Federal project for future O&M at Federal expense, to restore completed projects to their authorized dimensions, or to accomplish required non-Federal O&M
- Correct design deficiencies on another CAP project or a specifically constructed project
- “String together” a series of projects to address a problem that should otherwise be addressed as part of a larger study effort



Source: Engineering Regulation (ER) 1105-2-100 Appendix F, Amendment #2



CAP Federal Limits

- All CAP authorities have statutory limits on Federal participation known as per-project limit.
- All costs of planning, design, & construction for the project that exceed the per-project limit is a 100 percent sponsor responsibility.



Cost Sharing of Feasibility Phase

- Most CAP projects require cost-sharing of the feasibility phase
- The feasibility phase will be **Federally funded up to \$100,000**
- Any remaining costs will be shared 50% / 50% with the non-Federal sponsor according to the terms of the CAP feasibility cost sharing agreement (FCSA)
- Certain in-kind services performed by the non-Federal sponsor during the feasibility phase may be credited toward the sponsors cost share
- **Exception for Section 204 projects:** The feasibility phase of CAP Section 204 projects will be 100% Federally funded.

Cost-sharing of Design & Implementation Phase

Authority (Section)	Project Purpose	Design & Implementation Cost Share (Federal / Sponsor %)	Federal Limit (Project)
14	Emergency Stream Bank and Shoreline Protection	65% / 35% ¹	\$5,000,000
103	Hurricane and Storm Damage Reduction; Beach Erosion	65% / 35%	\$10,000,000
107	Navigation Improvements	Varies, based on depth	\$10,000,000
204	Regional Sediment Management	65% / 35% ^{1,2}	\$10,000,000
205	Flood Damage Reduction	65% / 35% ^{1,2}	\$10,000,000
206	Aquatic Ecosystem Restoration	65% / 35%	\$10,000,000
208	Snagging/Clearing for Flood Damage Reduction	65% / 35% ¹	\$500,000
1135	Project Modifications for Improvements to the Environment	75% / 25%	\$10,000,000

1 For structural flood damage reduction purpose, Non-Federal share is 35% up to 50% (based on cost of LERRDs), plus 5% must be in cash.

2 For non-structural flood damage reduction purpose, Non-Federal share is limited to 35% with no cash requirements.

Cost-sharing information is based on the Summary of Continuing Authorities table (last updated October 2014; includes WRRDA 2014 changes)

Draft – for discussion purposes only

The Nine CAP Authorities



Draft – for discussion purposes only

BUILDING STRONG®

Section 14: Emergency Stream Bank & Shore Protection

PURPOSE

Authorizes USACE to study, design & construct emergency streambank and shoreline works (such as riprap or sheet pile) to protect public services. Public services include (but are not limited to) streets, bridges, schools, water & sewer lines, National Register sites, and churches from damage/loss by natural erosion.

ELIGIBLE SITUATIONS

- Imminent threat of damage to facilities
- Natural erosion threatening loss of public service/facility (i.e., not a Federal facility or private property)

Additional guidelines for Section 14 projects

- The level of detail will use procedures appropriate for the scope and complexity of the project
- Operation, Maintenance, Repair, Rehabilitation, and Replacement (OMRR&R) is 100% non-Federal

INELIGIBLE SITUATIONS

- Work designed to protect undeveloped land
- Bank failure not related to stream flow, storm or wind driven waves
- Inadequate drainage
- Facilities that cause the erosion
- Erosion caused by the operation of a man-made project of facility
- Levees or other facilities where owner has O&M responsibilities
- Work within the limits of Corps projects which are O&M responsibilities of those projects
- Work benefiting other Federal agencies

Authority

Section 14, 1946 Flood Control Act, as amended



Section 103: Coastal Storm Damage Reduction

PURPOSE

Authorizes USACE to study, design & construct projects to reduce damages from beach erosion, and hurricane and storm damage reduction.

ELIGIBLE SITUATIONS

- Multiple public and private properties and facilities
- Project areas must be within the bounds of tidal influence
- Small lakes are eligible if the waves are wind-driven (i.e., not draw-down or boat wake)

INELIGIBLE SITUATIONS

- Exclusive private property
- Solely Federal property
- Single private property
- Vacant land

Additional guidelines for Section 103 projects

- Formulated the same as specifically authorized Hurricane and Storm Damage Reduction (HSDR) projects
- The level of detail will use procedures appropriate for the scope and complexity of the project
- OMRR&R is 100% non-Federal on non-Federal shores
- Protection of cultural resources is cost shared at 50%/50%

Authority

Section 103, 1962 River and Harbor Act, as amended



Section 107: Navigation Improvements

PURPOSE

Authorizes USACE to plan, design, construct & maintain projects for commercial navigation in accordance with current policies and procedures governing projects of the same type which are specifically authorized.

ELIGIBLE SITUATIONS

- Formulated for commercial navigation
- Recreation benefits are incidental to formulation, but up to 50% can be used to justify the project.

Additional guidelines for Section 107 projects

- Proper documentation is required, including commodity models. Associated costs of local service facilities must be included in Benefit Cost Ratio (BCR).
- OMRR&R: Non-Federal % increases with project depth. 100% non-Federal for recreation features.

INELIGIBLE SITUATIONS

- Because Federal costs for initial construction and Federal costs for construction of subsequent disposal facilities count toward the per project limit, there is a risk that Section 107 projects will exceed the per project limit. If future disposal facilities will be required, the Section 107 study should be converted to a General Investigation (GI) study unless a waiver from the Office of the Assistant Secretary of the Army (Civil Works) OASA(CW) has been obtained.

Authority

Section 107, 1960 River and Harbor Act, as amended



Section 204: Regional Sediment Management

PURPOSE

Authorizes USACE to carry out projects for the reduction of storm damages and protection, restoration & creation of aquatic & ecologically related habitats, including wetlands, in connection with dredging for construction, operation, or maintenance of an authorized navigation project.

ELIGIBLE SITUATIONS

- ❑ The use of sediment obtained through construction, operation, or maintenance of an authorized Federal water resources project for the purpose of reducing storm damages; or to protect, restore, and create aquatic and ecologically related habitats (including wetlands).
- ❑ Situations that would benefit from a systems based approach to managing sediment resources through regional strategies.

INELIGIBLE SITUATIONS

- ❑ This authority cannot be used to meet mitigation or remediation requirements.

Additional guidelines for Section 204 projects

- Projects less than \$750k in a disadvantaged community may be 100% Federal.
- OMRR&R: 100% non-Federal

Authority

Section 204, 1992 Water Resources Development Act, as amended



Section 205: Flood Damage Reduction

PURPOSE

Authorizes USACE to plan, design and construct structural and non-structural measures for flood damage reduction in accordance with current policies and procedures governing projects of the same type which are specifically authorized.

ELIGIBLE SITUATIONS

- Structural or non-structural flood damage reduction solutions
- Solutions to overbank flooding problems (i.e., not drainage problems)

Additional guidelines for Section 205 projects

- Benefits are based upon damages to structures and non-subsidized agriculture.
- OMRR&R: 100% non-Federal

INELIGIBLE SITUATIONS

- Projects that address drainage issues (the water must get to the stream and then spill over)
- Projects designed to protect a single private property
- Projects for areas that do not meet minimum flow (800 cfs for a 10% chance flood) and drainage area (1.5 sq miles) requirements

Authority

Section 205, 1948 Flood Control Act, as amended



Section 206: Aquatic Ecosystem Restoration

PURPOSE

Authorizes USACE to develop aquatic ecosystem restoration and protection projects that improve the quality of the environment, are in the public interest, and are cost effective in accordance with current policies/procedures for specifically authorized projects of the same type.

ELIGIBLE SITUATIONS

- ❑ Formulation focuses on aquatic ecosystem restoration/protection (i.e., little or no terrestrial restoration).
- ❑ Measures should be tied to the hydrologic regime and restore native species (i.e., not exotic species).

INELIGIBLE SITUATIONS

- ❑ This authority cannot be used to meet mitigation or remediation requirements.

Additional guidelines for Section 206 projects

- Recreation cannot detract from ecosystem restoration benefits.
- Land acquisition must be kept to a minimum; should not exceed 25% of the total project cost.
- OMRR&R: 100% non-Federal

Authority

Section 206, 1996 Water Resources Development Act, as amended



Section 208: Snagging and Clearing for Flood Damage Reduction

PURPOSE

Authorizes USACE to plan, design & construct minimal in-stream measures to reduce nuisance flood damages caused by debris & minor shoaling of rivers & streams in accordance with current policies and procedures governing projects of the same type which are specifically authorized.

ELIGIBLE SITUATIONS

- Restoration of channel capacity either through clearing and snagging or excavation
- Limited embankment construction by use of materials from the channel excavation

Additional guidelines for Section 208 projects

- Placement of revetment is at plan sponsor's expense.
- OMRR&R: 100% non-Federal

INELIGIBLE SITUATIONS

- Projects that address drainage issues
- Projects designed to protect a single private property
- Projects for areas that do not meet minimum flow (800 cfs for a 10% chance flood) and drainage area (1.5 sq miles) requirements

Authority

Section 208, 1954 Flood Control Act, as amended



Section 1135: Project Modifications for Improvements to Environment

PURPOSE

Authorizes USACE to review and modify structures and operations of water resources projects constructed by the Corps for the purpose of improving the quality of the environment when it is determined such are feasible, consistent with the authorized project purposes and will improve the quality of the environment consistent with the public interest.

ELIGIBLE SITUATIONS

- Modifications of USACE constructed water resources projects to improve the quality of the environment
- Restoration projects at locations where an existing Corps project contributed to the degradation

INELIGIBLE SITUATIONS

- PL 84-99 projects (non-Federal levees)
- This authority cannot be used to meet mitigation or remediation requirements.

Additional guidelines for Section 1135 projects

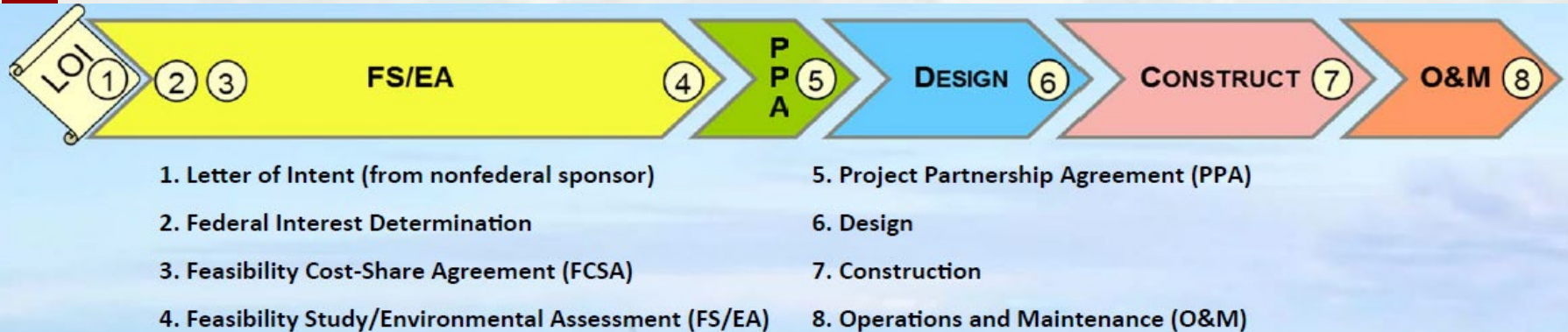
- Recreation cannot detract from ecosystem restoration benefits.
- Land acquisition must be kept to a minimum; should not exceed 25% of the total project cost.
- 100% of non-Federal contribution can be in-kind.
- OMRR&R: 100% non-Federal
- Quantification of non-monetary benefits is key to justifying the project.
- Cannot provide credit for LERRD already credited in original project, regardless of sponsor.

Authority

Section 1135, 1986 Water Resources Development Act, as amended



CAP Process



Feasibility Phase – Follows SMART Planning Principles

- Initially federally funded up to \$100,000. Remaining feasibility phase costs shared 50/50 with non-Federal sponsor.
- Feasibility phase costs vary depending on effort.
 - Ex. \$500,000 Total Cost
 - \$300,000 Federal
 - \$200,000 NFS

Design & Implementation Phase.

- Detailed design & construction
- Cost Shared. Varies. (Typical: 65% Federal / 35% Non-Federal)
- Where applicable, the NFS provides all necessary lands, easements, rights-of-way, access routes and relocation of utilities.
 - Costs associated with these items may be in-kind contribution for the project.

Planning Assistance to States (PAS)

Planning Assistance to States (PAS) under the authority provided by Section 22 of the WRDA act of 1974 the Corps of Engineers can provide non-federal sponsors (NFS) assistance in the preparation of **comprehensive plans for the development, utilization, and conservation of water and related land resources**. Typical studies are only planning level of detail; they do not include detailed design for project construction.

Changes under Section 3015, WRRDA 2014

- Annual programmatic amount for Comprehensive Plans increased to \$30,000,000
- Authorization of appropriations for technical assistance annual limit of \$15,000,000
- Total programmatic limit for PAS of \$45,000,000

	Comprehensive Water Resources Planning	Technical Assistance State Water Resources Mgmt Plans
Cost Shared	50:50	50:50
In-Kind Contribution	Yes	No
Detail Design for Construction	No	No
Federal Limit	Yes by state	Yes by state

FY2014 Program funding was \$13,500,000



	CAP	PAS
Congressional Approval Needed	No	No
Construction Project at Completion	Yes	No
Assistance in Plan Development	No	Yes
Federal Limit	Yes, varies w/ programs	Yes by state
Requires non-federal sponsor match	Yes, varies w/ programs and phase	Yes
Is this a Grant Program?	No	No

