THE CONTINUING AUTHORITIES PROGRAM (CAP)

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“The views, opinions and findings contained in this report are those of the author(s) and should not be construed as an official Department of the Army position, policy or decision, unless so designated by other official documentation.”
Dedicated regional resources for the efficient and effective execution of CAP projects:

- Program Manager
- Project Managers
- Lead Planners
- Environmental Planners
- Regional Economist
- Hydraulic Engineers
TOPICS

CAP BASICS
- Purpose
- Eligibility

TWO-PHASE PROCESS
- Feasibility
- Construction

THE CAP AUTHORITIES
- Purpose
- Cost-Sharing

PROJECT INITIATION PROCESS
CAP BASICS

What is the Continuing Authorities Program (CAP)?
A collection of water resource authorities contained in several different laws. All CAP authorities have statutory limits on Federal participation known as per-project cost limits.

What is the purpose of CAP?
To plan, design, and construct projects of limited scope and complexity.

What is special about CAP?
Congress delegated authority to approve certain projects, up to specified dollar amounts to the USACE Chief of Engineers. The Chief in turn has delegated approval for policy compliant projects to the MSC (Regional Division) Commanders. KEY: No legislation needed to implement projects.
## CAP – ONE TOOL IN THE TOOLBOX

<table>
<thead>
<tr>
<th>FLOOD PLAIN MANAGEMENT SERVICES</th>
<th>PLANNING ASSISTANCE TO STATES AND TRIBES</th>
<th>CONTINUING AUTHORITIES PROGRAM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improve public understanding of flood hazards and floodplain management</td>
<td>Prepare plans for development and conservation of watershed resources</td>
<td>Plan, design, and construct water resource projects of limited scope and complexity</td>
</tr>
<tr>
<td>Technical services, planning guidance, public education</td>
<td>Planning-level detail. No detailed engineering designs</td>
<td>Feasibility study, environmental assessment, engineering design, and construction</td>
</tr>
<tr>
<td>Data, maps, reports, and media for flood hazards and other floodplain considerations</td>
<td>Studies for supply &amp; demand, WQ, wetlands, dams, floodplains, shorelines, ports, etc.</td>
<td>Construction of flood damage reduction, ecosystem restoration, streambank projects</td>
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</table>
WHEN IS A PROJECT ELIGIBLE FOR CAP?

Some of the general principles for all CAP projects:

- Must meet the requirements of Federal interest and Corps responsibility set forth in the specific legislative authority.

- 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 (feasibility study & implementation)
  *NOT A GRANT PROGRAM*

- Very small projects should not be pursued.

- Large or complex problems should not be pursued.
SOME IMPORTANT RESTRICTIONS

- Piecemeal
- Replacement
- Study Only
- Deficiency Correction

Not Eligible
2-PHASE PROCESS

Phase 1: Feasibility

- First $100k all Federal Expense
- Feasibility Cost Share Agreement (FCSA) if > $100k
  - Section 14 Studies often completed for less than $100k
- Cost-shared 50/50
  - Sponsor cost share can be met with in-kind technical services/products or a combination of cash and work-in-kind.
- Final report includes selected plan, environmental compliance, preliminary design

Phase 2: Design and Implementation

- Project Partnership Agreement (PPA)
- Cost-shared 65/35 (fed/non-fed) or 75/25
- Sponsor is responsible for obtaining necessary lands, easements, rights, of way, etc. (can be credited towards sponsor share of total cost)
- Once complete, project turned over and non-federal sponsor responsible for operation and maintenance
## THE CAP AUTHORITIES

<table>
<thead>
<tr>
<th>Authority (Section)</th>
<th>Project Type</th>
<th>Design &amp; Implementation Cost Share (Federal / Non-Federal %)</th>
<th>Federal Limit (Project)*</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td>Emergency Stream Bank and Shoreline Protection</td>
<td>65% / 35%</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>103</td>
<td>Hurricane and Storm Damage Reduction; Beach Erosion</td>
<td>65% / 35%</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>107</td>
<td>Navigation Improvements</td>
<td>Varies, based on depth</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>111</td>
<td>Mitigation to Shore Damage Attributable to Navigation Works</td>
<td>Shared in same proportion as project causing damage</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>204</td>
<td>Regional Sediment Management</td>
<td>65% / 35%</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>205</td>
<td>Flood Damage Reduction</td>
<td>65% / 35%</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>206</td>
<td>Aquatic Ecosystem Restoration</td>
<td>65% / 35%</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>1135</td>
<td>Project Modifications for Improvements to the Environment</td>
<td>75% / 25%</td>
<td>$10,000,000</td>
</tr>
</tbody>
</table>

*Only includes the statutory federal limit*
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.

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

ELIGIBLE SITUATIONS

additional guidelines for Section 14 projects
- The least costly alternative versus relocation determines the Federal interest and NED plan
- The level of detail will use procedures appropriate for the scope and complexity of the project
- 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

<table>
<thead>
<tr>
<th>ELIGIBLE SITUATIONS</th>
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<tbody>
<tr>
<td>- Multiple public and private properties and facilities</td>
<td></td>
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<tr>
<td>- Project areas must be within the bounds of tidal influence</td>
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<tr>
<td>- Small lakes are eligible if the waves are wind-driven (i.e., not draw-down or boat wake)</td>
<td>- Solely Federal property</td>
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<tr>
<td></td>
<td>- Single private property</td>
</tr>
<tr>
<td></td>
<td>- Vacant land</td>
</tr>
</tbody>
</table>

Additional guidelines for Section 103 projects
- Formulated the same as specifically authorized Hurricane and Storm Reduction (HSDR) projects
- The level of detail will use procedures appropriate for the scope and complexity of the project
- OMRR&R is100% 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.

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 GI unless a waiver from OASA(CW) has been obtained.

Additional guidelines for Section 107 projects

- Section 107 fact sheets must be submitted for concurrence by ASA(CW) during initial $100k study.
- Proper documentation is required, including commodity models. Associated costs of local service facilities must be in BCR.
- OMRR&R: Non-Federal % increases with project depth. 100% non-Federal for recreation features.

Authority

Section 107, 1960 River and Harbor Act, as amended
SECTION 111: PREVENTION/MITIGATION OF SHORE DAMAGE FROM NAVIGATION

PURPOSE
Authorizes USACE to study, design & construct projects for prevention or mitigation of erosion damages to public or privately owned shores along the coastline when the damages are a result of a Federal navigation project.

- Shore damage caused by navigation works only
- Restoration target is to the level that would have existed without influence of the navigation works at the time works were included as a Federal project.

ELIGIBLE SITUATIONS

INELIGIBLE SITUATIONS
- Mitigation for damages caused by vessel passage
- Protection of primarily Federally owned property

Additional guidelines for Section 111 projects
- Public use and access may be required.
- The recommended plan must be economically justified.
- OMRR&R: 100% non-Federal

Authority
Section 111, 1968 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)

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

Additional guidelines for Section 205 projects
- Benefits are based upon damages to structures and non-subsidized agriculture.
- OMRR&R: 100% non-Federal

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 1135: PROJECT MODIFICATIONS FOR IMPROVEMENTS TO THE 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
HOW TO REQUEST ASSISTANCE

- **Contact USACE**
  - Call or email USACE to establish initial communications

- **Arrange Site Visit**
  - If needed, USACE will visit the site and determine initial eligibility for CAP

- **Send Letter**
  - If found eligible, sponsor sends a letter (template available) to the appropriate USACE District officially requesting assistance under the relevant CAP authority
HOW TO REQUEST ASSISTANCE

EXAMPLE REQUEST FOR ASSISTANCE

District Engineer
U.S. Army Corps of Engineers
Attn: Planning Division
1325 J St.
Sacramento, Ca 95814

Dear Sir or Madam:

This letter is to request the assistance of the U.S. Army Corps of Engineers under Section 14 of the Flood Control Act of 1946, as amended, in protecting (PUBLIC FACILITY or INFRASTRUCTURE) from damage from (STREAM BANK or SHORELINE) erosion in the vicinity of (CITY OR TOWN).


We understand that as a local sponsor under the Section 14 program, we are responsible for 50 percent of feasibility study costs exceeding $100,000 in Federal expenditures and 50 percent of project design and construction costs, if a feasible plan is identified. We acknowledge that the cost share contribution can be in the form of "in-kind" services that contribute a direct component to the study, cash or a combination. Our cost share obligation would include provision of all lands, easements, rights-of-way, relocations, and dredged material disposal areas required for the project. We intend to pursue budgetary actions so that funds are available to meet our cost sharing requirements. We would assume responsibility for operation and maintenance of the project upon completion.

The (NON-FEDERAL SPONSOR) has designated (NAME/PHONE NUMBER) as the point of contact for this project.

Sincerely,
(NAME/TITLE OF OFFICIAL AUTHORIZED TO REQUEST STUDY)

Key Information
- Problem
- Location
- Authority

Contact your local USACE office
GETTING A “NEW START”

Districts Rank New Requests and Express Capability for Ongoing Projects
- Ranking based on metrics such as scarcity or significant of habitat, life and safety risk, potential economic benefits, etc.

USACE HQ Expresses Total Capability to Congress
- Congress considers capability/need expressed by USACE nationally, and budgets specific amounts for each CAP authority

Congress Allocates Funding for Each CAP Authority (annual budget cycle)
- Amounts typically well below statutory program limits; allocations not project-specific

USACE HQ Provides Funding to Districts for Studies and Projects (including New Starts)
- Number and type of new starts depends on an analysis of the affordability
EXAMPLE: DRY CREEK RESTORATION (CAP 1135)

Location
Interior coast range of northern Sonoma County, approximately 30 miles from the Pacific Ocean and 60 miles north of San Francisco Bay.

Sponsor
Sonoma County Water Agency

Overall Project Goal
Restore the quality, complexity, and diversity of habitat along lower Dry Creek by increasing instream and floodplain habitat complexity, riparian vegetation diversity, and productive backwater habitat through reconnecting the mainstem, side channels, and floodplain.

2018 “Good Neighbor” Sustainability Award!
Existing Conditions
Simplified, high-velocity mainstem and very little off-channel habitat

Selected Alternative
Notch old grade control sill and develop side channels and other habitat elements

NOTE: Yellow cross sections from the with-project model shown here for reference.

Source: USACE 2017
New off-channel habitat inundated during base flow

Reduced channel velocities for summer rearing

Source: ESA 2016, USACE 2017
EXAMPLE: DRY CREEK RESTORATION (CAP 1135)

Current Phase: In Construction
Construction Cost: $6.4M ($4.8M Federal)
Estimated Completion Date: 2019
EXAMPLE: PISMO BEACH, CA (CAP 103)

Location
Pismo Beach, CA

Sponsor
City of Pismo Beach

Overall Project Goal
Project consists of a sculpted reinforced concrete tied-back wall to protect a sewage lift station, the sewage line, the road, and a portion of Memory Park. The bluff protection will be approximately 150 ft. in length and 40 ft. in height. The bluff protection will closely follow the meandering bluff face, will include 2-ft thick tied-back shotcrete wall with architectural treatment to match the natural bluff, and will include an ADA compliant reinforced concrete staircase for access to the beach. The bluff protection footing will be embedded into the underlying bedrock, with an anchoring system to support the upper portion of the wall.

Current Phase: In Construction
Construction Cost: $3.5M ($2.3M Federal)
Estimated Completion Date: October 2018
EXAMPLE: OCEAN BEACH (CAP 204)

**Location**
San Francisco, CA

**Sponsor**
City of San Francisco

**Overall Project Goal**
The project is located along San Francisco Ocean Beach. Severe and persistent erosion threatens municipal wastewater infrastructure. Dredged material from O&M maintenance of the San Francisco main ship channel, the gateway to San Francisco Bay will be utilized to construct sand dunes along the eroded stretch of beach to provide shoreline protection and environmental and recreational benefits.

**Current Phase:** Project Partnership Agreement

**Construction Cost:** $4M

**Estimated Completion Date:** 2019
TO LEARN MORE...

https://www.spn.usace.army.mil/Missions/Projects-and-Programs/Continuing-Authorities-Program/
THANK YOU!