



CORPS FACTS

Habitat Restoration (Sec. 1135)

U.S. ARMY CORPS OF ENGINEERS

BUILDING STRONG.

Habitat Restoration

The U.S. Army Corps of Engineers has the authority, provided by Section 1135 of the Water Resources Development Act of 1986, as amended, to plan, design and construct fish and wildlife habitat restoration measures. To be eligible for consideration, restoration measures must involve modification of the structures or operations of a project constructed by the Corps of Engineers or modification of an off-project site when it is found that the Corps project has contributed to the degradation of the environment.



A project is accepted for construction after a detailed investigation shows it is technically feasible, environmentally acceptable, and provides cost effective environmental benefits. The project also must be environmentally acceptable and complete within itself. In addition, each separate project is limited to a total federal cost of not more than \$10 million, including studies, plans and specifications and construction. The study process consists of a feasibility investigation. The feasibility phase involves all planning and engineering activities required to reach a conclusion on federal participation in construction of a project. Studies are accomplished at full federal expense up to \$100,000; remaining study costs are cost shared 50/50.

Once a project is approved for design and implementation, the non-federal sponsor is required to contribute 25 percent up-front financing for construction for the portion not covered by work-in-kind. The non-federal sponsor can receive credit for required local responsibilities spelled out below. The non-federal sponsor can receive credit for work in-kind.

Local Responsibilities

Before a project is implemented, formal assurances of local cooperation must be furnished by a state or local agency, federally recognized tribe or private entity empowered with sufficient legal and financial authority to comply with all assurance items. Typically, the non-federal sponsor must agree to the following:

- Provide all lands, easements, rights-of-way, utility relocations and alterations and highway or bridge construction and alterations needed for project construction.
- Hold and save the United States free from damages due to the construction works, not including damages during construction, operation and maintenance that are due to the fault or negligence of the United States or its contractors, and adjust all claims concerning water rights.
- Maintain, operate, repair, replace and rehabilitate the project after completion in accordance with regulations prescribed by the Secretary of the Army.
- Cost share equally feasibility study costs greater than \$100,000.
- Contribute a minimum of 25 percent work-in-kind or up-front financing for design and implementation.

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U.S. ARMY CORPS OF ENGINEERS – ST. PAUL DISTRICT

180 FIFTH STREET E., STE. 700, ST. PAUL, MN 55101-1678

www.mvp.usace.army.mil

How to Request a Study

An investigation under Section 1135 may be initiated after receipt of a formal request from the prospective sponsoring agency. An example of an acceptable resolution is given below.

This request and any further inquiries concerning a habitat restoration project should be made directly to:

U.S. Army Corps of Engineers
St. Paul District
ATTN: Project Management
180 5th Street East, Suite 700
St. Paul, Minnesota 55101-1678

For more information contact: Nathan Wallerstedt
(651) 290-5477
nathan.h.wallerstedt@usace.army.mil

Sample Resolution

Dear Sir,

Be it resolved that the (City Council, Tribal Council, County Board of Commissions, etc.) requests the U.S. Army Corps of Engineers to conduct studies to determine the feasibility of developing a fish and wildlife habitat restoration project at (location) under the authority provided by Section 1135 of the Water Resources Development Act of 1986, as amended.

It is understood that, if it is found feasible and advisable to develop a fish and wildlife habitat restoration project at (location) the (City Council, Tribal Council, etc.) would be required to enter into contractual agreements that it will provide such local cooperation as may be prescribed by the Secretary of the Army.

The (Clerk, Secretary, etc.) of the (City Council, Tribal Council, etc.) shall be, and is hereby, directed to transmit three copies of this resolution to the District Engineer, St. Paul District, U.S. Army Corps of Engineers, 180 5th Street East, Suite 700, St. Paul, Minnesota 55101-1678.

Signed: (Mayor, Chairman, etc.) Date (Date)

Point of Contact: (Name, Title, Address, Phone Number)