

USACE Policy Guidance on Contributed Funds and Section 408

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US Army Corps of Engineers
BUILDING STRONG®



BUILDING STRONG FROM NEW MEXICO ALL THE WAY TO THE PACIFIC!

Navigation Mission

To provide safe, reliable, and efficient waterborne transportation systems (channels, harbors, and waterways) for the movement of commerce, national security needs and recreation.



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Navigation Mission

13,000 miles of Coastal Navigation Channels

12,000 miles of Inland Navigation Channels

926 Harbors



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The Color of Your Money

- Accelerated Funds
 - ▶ Non-Federal Sponsor provides funds early, within total cost-share amount.
 - ▶ Credit given only if additional federal funds are provided.
- Advanced Funds
 - ▶ Non-Federal funds provided as an advance of the federal share or in the absence of federal funding
 - ▶ Potential for repayment or credit

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The Color of Your Money

- Contributed Funds
 - ▶ Non-federal funds provided in excess of required cost-share amount
 - ▶ No repayment or credit

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Contributed Funds

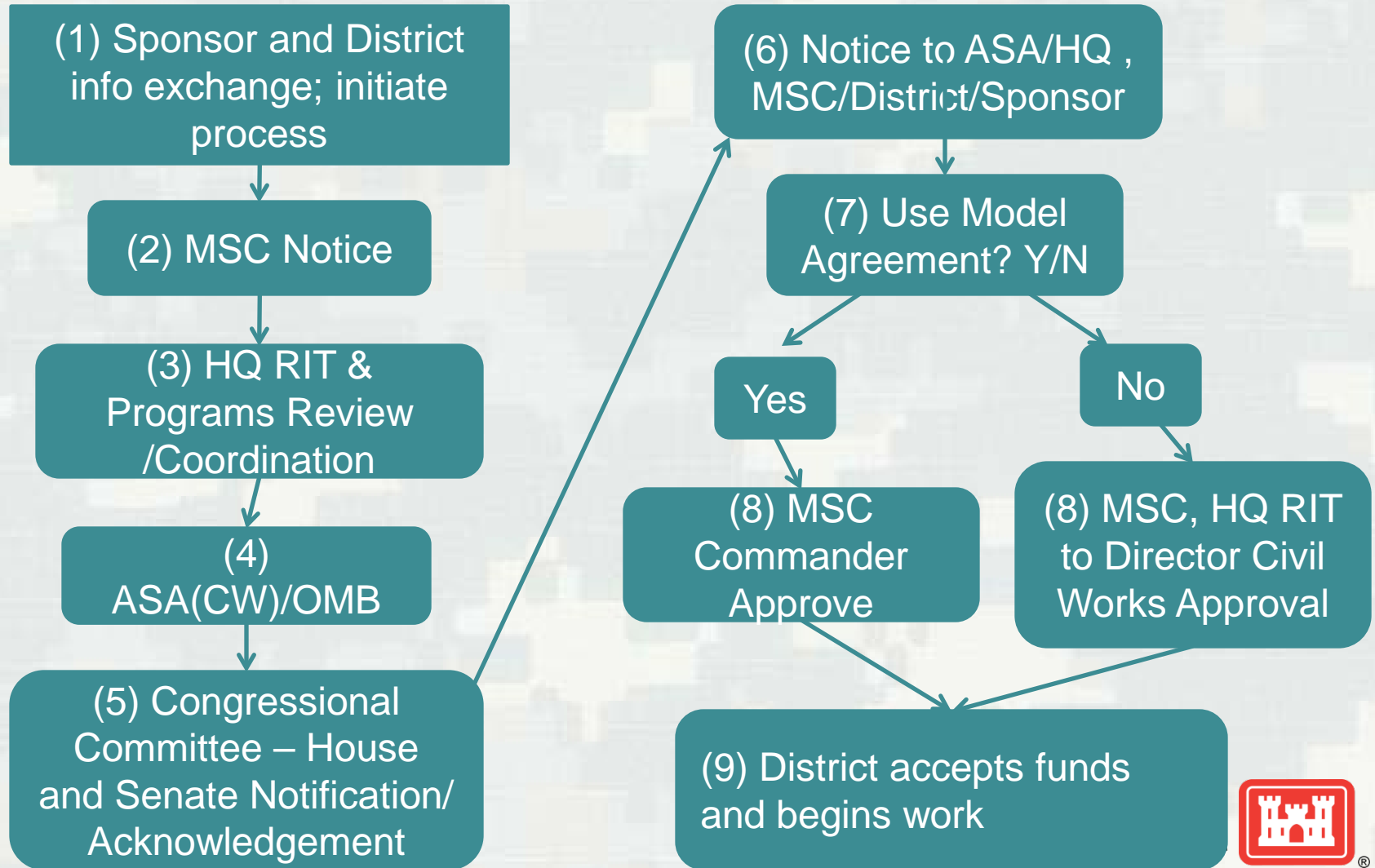
- Section 111 of the FY 2012 Energy & Water Appropriation Acts amended, 33 USC 701(h).
- Guidance issued in April 12, 2012 memo.
 - ▶ Funds are voluntarily provided above statutory requirements
 - ▶ No repayment, but will refund unobligated contributed funds
 - ▶ Congressional Notification required
 - ▶ Can be accepted for planning, design, construction and O&M

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Contributed Funds Flowchart



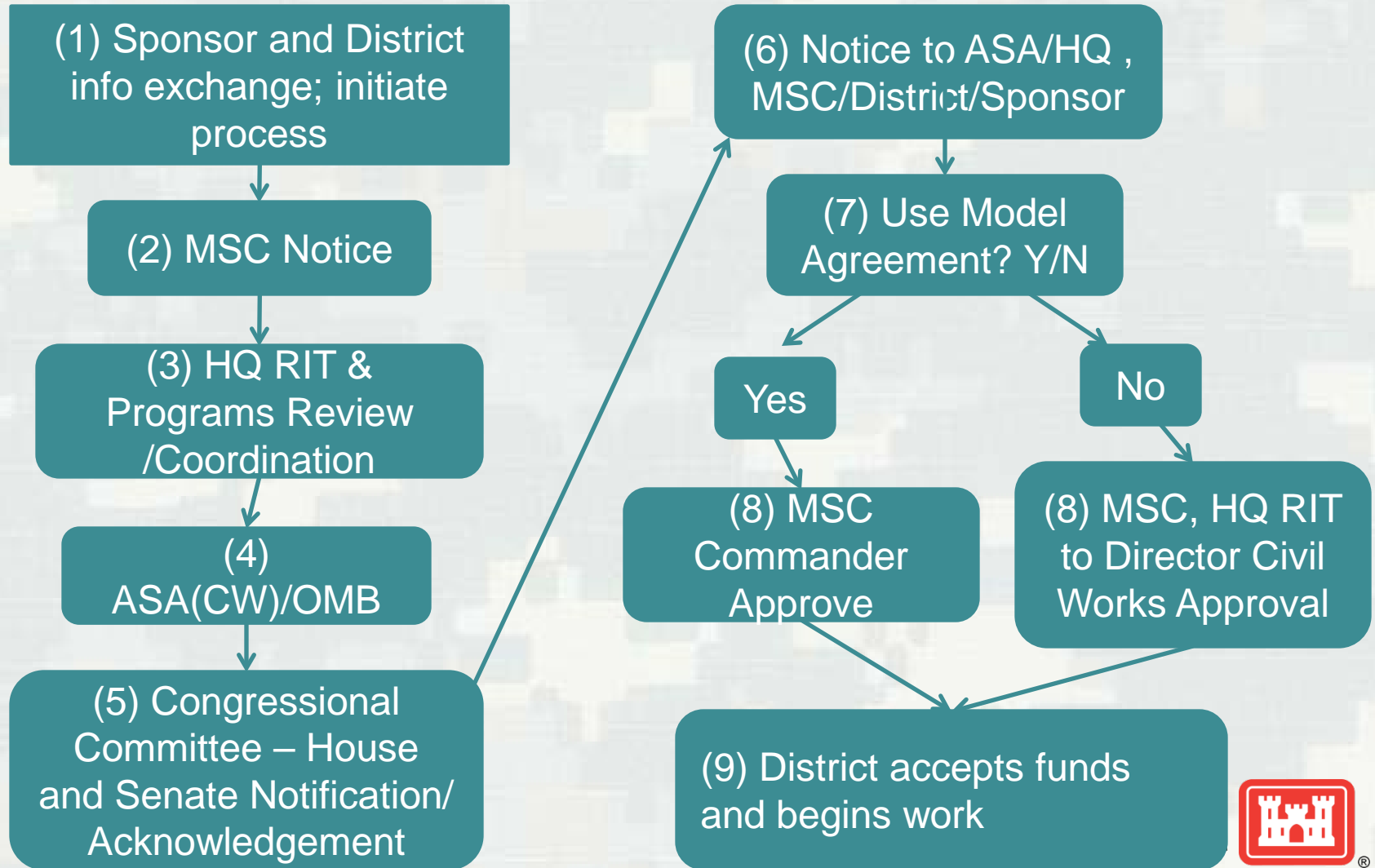
Model Agreements

- Model MOAs that are currently available:
 1. No federal funds available
 2. Federal funds are available

<http://www.usace.army.mil/Missions/CivilWorks/ProjectPartnershipAgreements.aspx>



Contributed Funds Flowchart



Contributed Funds Flowchart

(1) Sponsor and District
info exchange; initiate
process

(6) Notice to ASA/HQ ,
MSC/District/Sponsor

6 to 12+ Months

(4)
ASA(CW)/OMB

(5) Congressional
Committee – House
and Senate Notification/
Acknowledgement

(8) MSC
Commander
Approve

(8) MSC, HQ RIT
to Director Civil
Works Approval

(9) District accepts funds
and begins work





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MODIFICATION OF US ARMY CORPS OF ENGINEERS PROJECTS PURSUANT TO 33 USC § 408

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SECTION 408 PERMITS

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Section 408 Permits

- Modifications that go beyond the normal O&M
 - ▶ Includes modifications to channels, structures, or placement sites
- Can be associated with Section 404/10 permit actions.
- Examples: utility crossing, dock/wharf that would otherwise encroach on the federal project, sediment traps, advanced maintenance

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Requesting a 408 Permit

1. A written request by the non-Federal interests for approval of the project modification/alteration.

Step 1 – Talk to your local USACE District

7. Appropriate NEPA documentation.
8. Any Administrative Record.
9. A discussion of indirect effects.
10. A discussion of E.O. 11988 Considerations.
11. Technical Analysis.

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Questions?

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