

CHAPTER 15

STREAM BANK EROSION CONTROL

15-1. The Federal Interest. Remedial or corrective measures for bank erosion should be considered in studies of regulating river flows. However, except in serious cases affecting the general public welfare, and as otherwise stated below, the Federal interest is limited to bank stabilization measures required as components of flood control, navigation and other water resources developments. Costs of such components will be shared in accordance with the basic policies applicable to the project functions served. Justification may be judged in terms of economic and environmental damages prevented or improvement of economic and environmental values, whether the measures are independent or component parts of larger systems of works.

15-2. Nature of Effects. Bank erosion causes loss of land and monetary income therefrom, affects the tax base, pollutes streams, depletes reservoir storage, silts up wetlands and estuaries, and disrupts ecologic and economic activities. Control of such erosion would alleviate these effects. However, practicable remedial measures, limited to those that are economically justified, would probably have only a limited effect on the overall impact of naturally occurring bank erosion.

15-3. Special Continuing Authority.

a. Authority. Section 14 of the 1946 Flood Control Act, as amended, states that: "The Secretary of Army is hereby authorized to allot from any appropriations heretofore or hereinafter made for flood control, not to exceed \$15,000,000 per year, for the construction, repair, restoration, and modification of emergency streambank and shoreline protection works to prevent damage to highways, bridge approaches, and public works, churches, hospitals, schools and other non-profit public services when in the opinion of the Chief of Engineers such work is advisable: Provided, that not more than \$1 million shall be allocated for this purpose at any single locality from the appropriations for any one fiscal year." (Project size is not limited; see c. below.)

b. Applicability.

(1) The purpose of work under this authority is to prevent flood or erosion damage to endangered highways, highway bridge approaches, and similar, essential and important public works, or non-profit public facilities. (Not to prevent loss of land per se.) In addition to major highways systems of national importance, eligible highways include principal highways, streets, and roads of significant importance to the community, such as arterial streets, important access routes to other communities and adjacent settlements, as well as roads designated as primary farm to market roads. "Public Works" means those essential facilities which serve the general public and are owned and operated by the Federal, state or local government, such as municipal water supply systems, and sewage treatment plants. "Non-profit public services" are structures or related services fully open and available to the general public such as churches, and public and private non-profit hospitals, and schools. (ER 1105-2-100) Also eligible are known cultural resources whose significance has been demonstrated by a determination of eligibility for listing on, or

actual listing on, the National Register of Historic Places and/or equivalent State register. The cultural resource must be open to all on equal terms, and meet all other Section 14 eligibility criteria.

(2) Work under this authority does not encompass repair, restoration or modification of the facility to be protected--needed because of damages already sustained by reason of progressive erosion. That kind of work, and the related costs therefor, remain the responsibility of the owner of such facility. Work designed solely to prevent land loss or the protection of non-essential, temporary or mobile facilities is not eligible for implementation under the Section 14 authority.

c. Project Cooperation. The flood control cost sharing established in Section 103(a) of the Water Resources Development Act (WRDA) of 1986 (Public Law 99-662), as amended by Section 202(a) of WRDA 1996 (Public Law 104-303), is applicable to projects under this authority. The project sponsor/beneficiary must provide needed lands, easements or rights-of-way for construction and subsequent maintenance of the project works and, to the extent these are new costs therefor (the values of lands already owned for purposes associated with the facilities to be protected are excluded), these are included in project costs and count toward the sponsor's minimum 25 percent cost sharing responsibility (35 percent for those Section 14 projects which are approved for construction by the division commander after 12 October 1996 unless these projects have been specifically authorized in or prior to WRDA 1996). The project sponsor must agree to maintain the completed project works. In addition to the general cost sharing requirements, the non-Federal sponsor must agree to bear all other project costs exceeding the \$1 million limit on Federal expenditures.

15-4. Specific Project Authority. Other single-purpose stream bank erosion control projects are potentially possible, if specifically considered and authorized by the Congress. Section 14 of the 1946 Flood Control Act, as amended, provides clear indication of Federal interest in one form of control measures--those required to prevent damages to public works and non-profit public service facilities. The \$1 million limitation set by Section 14 is considered to be not so much a limitation of that interest as it is of the extent to which Congress is willing to have the Corps of Engineers proceed without detailed Congressional oversight. Hence, where Federal costs in connection with a project to address Section 14 kinds of problems would exceed \$1 million (and the sponsor could not accept the excess costs), the Corps could appropriately address a recommendation to Congress for specific authorization. Corps studies may not proceed on this basis, however, unless there is specific Congressional direction for such study. There may be other kinds of problems (other than endangered public or public-use facilities) where unchecked stream bank erosion could be construed as having potentially serious consequences affecting the general public welfare. Corps consideration of these would also be dependent upon specific Congressional authorizations.

15-5. Project Implementation. Responses to local requests for assistance under the Section 14 program (i.e., initial site inspection, coordination with local interests, identification of a potential Federal interest, and decision to initiate a study) are completed entirely at Federal expense using funds from the Section 14

Coordination Account. The study and design of Section 14 projects are conducted in a single stage, the Planning and Design Analysis (PDA), and are cost shared. The PDA consists of all planning and design activities required to demonstrate that Federal participation in a project is warranted, and completes all activities to award the construction contract. The PDA begins with issuance of funds for initial analysis and ends (within a 12 month target time) with the division request for construction funds. HQUSACE role during the implementation process is limited to assessing the financial impact of funding requests on the Section 14 program, and the routine acknowledgement of construction funding commitment. HQUSACE monitors policy compliance and technical adequacy by way of audits at periodic program review meetings (i.e., there is no HQUSACE policy or technical review or approval during the implementation process). (ER 1105-2-100)

15-6. Technical and Engineering Assistance on Streambank Erosion. Section 55 of Public Law 93-251 authorizes the Secretary of the Army, acting through the Chief of Engineers, to provide technical and engineering assistance to non-Federal public interests in developing structural and non-structural methods of preventing damages attributable to shore and streambank erosion.

15-7. Streambank Erosion Resulting from Project Construction and Operation. See paragraph 11-8.