DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON, D.C. 20314-1000

CECW-P/CECW-I AUG 27 2013

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Continuing Authority Program (CAP) Process Improvements #2 - Changes to procedures for CAP studies and design

1. References:

a. ER 1105-2-100, Appendix F, Amendment #2, dated 31 January 2007.

b. CECW-P memorandum, dated 8 April 2008, subject: Implementation Guidance for Regional Sediment Management - Section 2037 of the Water Resources Development Act (WRDA) of 2007.

2. Effective immediately, the procedures for the CAP Transition described in Table F-1 of the referenced ER are modified as follows:

a. Sections 206 and 1135 feasibility studies:

(1) If the decision document will be approved by the MSC by 30 September 2013, complete the feasibility level work with 100% federal financing of feasibility phase costs and follow the procedures in Appendix F for design/construction of the project. Once authority is provided by CECW-I to proceed with a Project Partnership Agreement (PPA), negotiate and execute the PPA. All feasibility phase costs, except for the costs of the Independent External Peer Review (IEPR) panel, if applicable, will be included in total project costs and shared in accordance with the cost sharing percentage in the PPA.

(2) If the decision document is not approved by the MSC by 30 September 2013, stop all feasibility level work by 30 September 2013 except for negotiation and execution of a Feasibility Cost Share Agreement (FCSA). The FCSA will provide for 50/50 cost sharing of all feasibility phase costs incurred after execution of FCSA, except for the costs of the IEPR panel, if applicable. Upon execution of the FCSA, resume the remaining feasibility level work. Upon approval of the feasibility report, follow the procedures in Appendix F for design/construction of the project. None of the feasibility phase costs will be included in total project costs in the PPA. However, the PPA will include a provision requiring the sponsor to pay their 50 percent share of feasibility phase costs, in excess of $100,000, incurred prior to execution of the FCSA, in four equal payments over a two year period.

b. Section 204 feasibility studies: In accordance with reference 1b. above, any regional sediment plan undertaken pursuant to CAP Section 204 will be limited to a feasibility study to

evaluate implementation of a specific Section 204 beneficial use of dredged material project and such study will be accomplished at full federal expense. With the exception of cost sharing, the study will comply with all requirements for formulation and preparation for a continuing authorities decision document as outlined in Appendix F of ER 1105-2-100. Upon approval of the feasibility report, follow the procedures in Appendix F for design/construction of the project.

c. All CAP Sections - design level work currently being accomplished at full federal expense:

(1) If the first set of plans and specifications will be approved by 30 September 2013, complete the first set of plans and specifications with 100% federal financing. Once authority is provided by CECW-I to proceed with a PPA, negotiate and execute the PPA. All costs of design, including those incurred prior to execution of the PPA, will be included in total project costs and shared in accordance with the cost sharing percentage in the PPA.

(2) If the first set of plans and specifications is not approved by 30 September 2013, stop all design work by 30 September 2013. Once authority is provided by CECW-I to proceed with a PPA, negotiate and execute the PPA. Upon execution of the PPA, resume design level work. All costs of design, including those incurred prior to execution of the PPA, will be included in total project costs and shared in accordance with the cost sharing percentage in the PPA.

d. If the sponsor will not sign a cost sharing agreement as required above, the study or design must be terminated. In addition, the district will update the CAP database to identify the work as terminated.

3. Effective immendiately, F-11.c.(1) of the referenced ER is modified to change both occurrences of "$50,000" to "$100,000". This modification increases the amount of funds for the Design and Implementation phase that may be requested and obligated prior to execution of a PPA from $50,000 to $100,000.

4. The guidance in this memorandum will be incorporated into the permanent guidance of ER 1105-2-100 when Appendix F of the ER is updated.

STEVEN L. STOCKTON, P.E.
Director of Civil Works

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