



US Army Corps  
of Engineers®  
Walla Walla District

## SECTION 204

### Authority for: ENVIRONMENTAL RESTORATION PROJECTS IN CONNECTION WITH DREDGING

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**WHAT CAN THE CORPS DO?** Section 204 of the Water Resources Development Act of 1992, provides authority for the Corps to restore, protect, and create aquatic and wetland habitats in connection with construction or maintenance dredging of an authorized project. The project costs are identified as those in excess of the least costly plan that accomplishes the disposal of dredged material from a navigation project, consistent with sound engineering practices and environmental standards. There is no per project limit on federal expenditures, however there is an annual appropriation limit of \$15 million nationwide. Project costs are shared 75% federal, 25% non-federal. Costs of lands, easements, and rights-of-way are non-federal and are creditable towards the 25% non-federal cost share. The non-federal sponsor must assume responsibility for operation and maintenance of the project upon completion.

The Corps does restoration projects in areas that affect water, such as rivers, lakes, and wetlands. We evaluate projects that benefit the environment through restoring, improving, or protecting aquatic habitat for plants, fish and wildlife.

After a State or local agency requests a potential project, the Corps will conduct a preliminary study to determine if the problem may have a federal interest. If the Corps' headquarters office approves this effort, a feasibility study begins at federal expense. In the feasibility study the problem is defined, potential solutions are identified, the costs, benefits, and environmental impacts of the alternatives are analyzed, and a plan is chosen. In addition to the study, a draft project cooperation agreement (PCA) is drawn up by which the federal government and the sponsor agree to share project costs.

**WHAT ARE THE LOCAL RESPONSIBILITIES?** Costs for Section 204 projects are shared between the federal government (75%) and a non-federal sponsor (25%) in accordance with the Water Resources Development Act of 1992. Sponsors include public agencies such as cities, local improvement districts, and watershed groups, private interests if no future operation and maintenance is required, and large national non-profit organizations if they can commit to future operation and maintenance. The sponsor generally must agree to the following:

- Provide all lands, easements, rights-of-way, relocations, and dredged material disposal areas not available from existing project.
- Provide any additional cash contributions needed to make the local sponsor's share of the cost 25 percent.

- Hold and save the United States free from damages due to the construction and maintenance of the project, except damages due to fault or negligence of the United States or its contractors;
- Provide all access routes and relocations of utilities necessary for project construction and subsequent operation and maintenance;
- Comply with provisions of pertinent federal acts in carrying out the specified nonfederal responsibilities of the project;
- Contribute in cash the local share of project planning and construction cost;
- Maintain and operate all the non-federal works after completion in accordance with regulations prescribed by the Secretary of the Army;

**HOW CAN A STUDY BE REQUESTED?** We may begin a Section 204 study after we receive a written request from the prospective sponsor. A sample letter is offered below.

*U.S. Army Corps of Engineers, Walla Walla District  
ATTN: Planning  
201 North 3<sup>rd</sup> Street  
Walla Walla, WA 99362*

*Dear Sir:*

*This letter is to request the U.S. Army Corps of Engineers to conduct a study under Section 204 of the Water Resources Development Act of 1992 to determine the feasibility of an aquatic ecosystem restoration project at (location).*

*(Briefly describe the nature of the aquatic ecosystem restoration and any issues that might affect the acceptability of any recommended solutions, from the perspective of local government and/or the public.)*

*It is understood that, if it is found feasible and advisable to develop an aquatic ecosystem restoration project at (location), the (non-federal sponsor) would be required to provide the local cooperation and cost sharing prescribed by the Secretary of the Army.*

*Sincerely,  
(Name and title of public official authorized to request study)*

For more information, contact Plan Formulation, at 509-527-7296 or Email:  
[cenww-pd-ec@usace.army.mil](mailto:cenww-pd-ec@usace.army.mil)