

SECTION 14 – FCA 1946, AS AMENDED

MODEL PROJECT PARTNERSHIP AGREEMENT

FOR

SECTION 14 – CONTINUING AUTHORITY

EMERGENCY STREAMBANK EROSION OR SHORELINE PROTECTION

PROJECTS

MODEL HISTORY:

22 September 2006 - Model originally approved.

4 January 2007 - Model revised to: 1) correct notes to agree with applicability paragraph contained in Amendment #2 of Appendix F, ER 1105-2-100; 2) correct reference in Article II.C.2. of the agreement; and 3) update text in Article VI.D.3. of the agreement.

22 January 2009 - Model revised to: 1) change PCA to PPA in the title and Whereas clauses; 2) change term “flood damage reduction” to “flood risk management” throughout model; 3) increase the Section 215 limit; and 4) increase the per-project limit in the Whereas clauses and Article I.K. of the agreement.

Note: For information regarding the approval authority and signature authority for a project specific agreement developed using the current version of the Section 14 model, go to the Implementation Memo link to see the Section 14 Model Implementation Memo, dated 14 December 2006.

MODEL APPLICABILITY:

The Section 14 model addresses emergency streambank erosion and shoreline protection projects implemented pursuant to Section 14 of the Flood Control Act of 1946, Public Law 79-526, as amended (33 U.S.C. 701r). This model should not be used for implementation of projects under any of the other CAP authorities nor for specifically authorized projects.

Further, this model is structured to address performance of design and construction of a Section 14 project pursuant to one agreement, in accordance with the project implementation procedures outlined in Appendix F, ER 1105-2-100. However, optional language is included that allows this model to be used for Section 14 projects where the planning and design was completed by the Government in accordance with the implementation procedures for Section 14 projects in place prior to 31 January 2006.

1. An agreement using the optional language for performance of both design and construction may be approved and executed prior to compliance with all applicable environmental laws and regulations including, but not necessarily limited to, the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347; hereinafter “NEPA”) and Section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341). Compliance with all applicable environmental laws and regulations can be performed during the design portion of the agreement

but **MUST** be completed prior to initiation of construction.

2. An agreement using the optional language for performance of construction only cannot be approved for execution prior to compliance with all applicable environmental laws and regulations including, but not necessarily limited to, NEPA and Section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341).