

SECTION 206 – WRDA 96, AS AMENDED

MODEL PROJECT PARTNERSHIP AGREEMENT

FOR

SECTION 206 - CONTINUING AUTHORITY

AQUATIC ECOSYSTEM RESTORATION

PROJECTS

MODEL HISTORY:

22 December 2006 - Model originally approved.

22 January 2009 - Model revised to: 1) change PCA to PPA in the title and Whereas clauses; and 2) increase the Section 206 annual program limit in the Whereas clauses and Article I.L. 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 206 model, go to the Implementation Memo link to see the Section 206 Model Implementation Memo, dated 9 January 2007.

MODEL APPLICABILITY:

The Section 206 model is one of two models developed for implementing aquatic ecosystem restoration projects pursuant to Section 206 of the Water Resources Development Act of 1996, Public Law 104-303, as amended (33 U.S.C. 2330). The other model addresses Section 206 projects (and separable elements thereof) with added features for recreation.

This model should be used only for Section 206 projects (and separable elements thereof) that do not include any other project purposes. It should not be used for implementation of projects under any of the other CAP authorities, any other ecosystem restoration authority, nor for specifically authorized projects.

Further, this model is structured to address performance of design and construction of a Section 206 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 206 projects where the planning and design was completed by the Government in accordance with the implementation procedures for Section 206 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).