

SECTION 205 – FCA 48, AS AMENDED

MODEL PROJECT PARTNERSHIP AGREEMENT FOR SECTION 205 - CONTINUING AUTHORITY STRUCTURAL FLOOD RISK MANAGEMENT PROJECTS

MODEL HISTORY:

4 October 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 Section 205 annual program limit in the Whereas clauses and Article I.L. of the agreement.

21 August 2012 - Model revised to: 1) correct note 37; 2) update text in Articles II.B.5.e., II.G., IV.A., V.D., VI.A.1., VI.A.2., XIII.A., and XIX.A.; and 3) delete old note 17 and the optional paragraph in Article II.A. allowing for deferral in the event total project costs exceeds a specified amount.

Note: For information regarding the approval authority and signature authority for a project specific agreement developed using the current version of the Section 205 (Structural) model, go to the Implementation Memo link to see the Section 205 (Structural) Model Implementation Memo, dated 14 December 2006.

MODEL APPLICABILITY:

The Section 205 (Structural) model is one of eight models to be developed for implementing structural flood risk management projects pursuant to Section 205 of the Flood Control Act of 1948, Public Law 80-858, as amended (33 U.S.C. 701s). The other models will address different combinations of structural Section 205 projects (and separable elements thereof) with added features for non-structural flood risk management, ecosystem restoration, or recreation.

This model should be used only for structural Section 205 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 flood risk management authority, nor for specifically authorized projects.

Further, this model is structured to address performance of design and construction of a structural

Section 205 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 structural Section 205 projects where the planning and design was completed by the Government in accordance with the implementation procedures for Section 205 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).