

SECTION 206 – WRDA 96, AS AMENDED

MODEL PROJECT PARTNERSHIP AGREEMENT

FOR

SECTION 206 - CONTINUING AUTHORITY

AQUATIC ECOSYSTEM RESTORATION

AND

RECREATION

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.P. of the agreement.

21 August 2012 - Model revised to: 1) correct note 43; 2) update text in Articles II.I., II.P.5., IV.A., V.D., VI.A.1., VI.A.2., XIII.A., and XIX.A.; and 3) delete old note 21 and the optional paragraph in Article II.A. allowing for deferral in the event total project costs exceeds a specified amount.

25 February 2014 - Model revised to: 1) update text of notes 10, 13, and 34; 2) update text of Articles I.B., I.T., II.T, VI.A.1., and VI.A.2.; and 3) add an optional Whereas clause, optional Article II.S., and optional Article VI.E. to the model.

15 October 2014 - Model revised to: 1) correct note 48.E.; 2) revise text and amount for Section 1156 waiver in note 10, the applicable Whereas clause, and Article II.T.; 3) increase the per-project limit in notes 22.A. and 41.B., the applicable Whereas clause, and Article I.O.; 4) revise text in note 32 and VI.B.1. (both options) to delete letter of credit; 5) replace text of Article XI and revise text referring to labor laws in Articles II.P.7., IV.F. and V.C.; and 6) update text in Articles II.A.2. (options 1 & 2 only), II.I., II.P.5., II.P.6., IV.A., IV.C.1., VI.C.1., VI.D.3.a., and XV.B. 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 and Recreation model, go to the Implementation Memo link to see the Section 206 and Recreation Model Implementation Memo, dated 9 January 2007.

MODEL APPLICABILITY:

The Section 206 and Recreation 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 no other purposes.

This model should be used only for Section 206 projects (and separable elements thereof) with costs allocable to aquatic ecosystem restoration and to recreation. 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 and recreation 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 and recreation 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).