

SECTION 105(a) – WRDA 86, AS AMENDED

MODEL AGREEMENT FOR COST SHARED FEASIBILITY STUDIES OF PROPOSED PROJECTS UNDER THE CONTINUING AUTHORITIES PROGRAM (CAP) AND COST SHARED FEASIBILITY STUDIES OF PROPOSED PROJECTS UNDER OTHER PROGRAM AUTHORITIES THAT DO NOT REQUIRE ADDITIONAL AUTHORIZATION TO IMPLEMENT PROJECTS

MODEL HISTORY:

24 July 2007 - Model originally approved.

22 August 2012 - Model revised to: 1) correct notes 4, 7, 8, 13, 22, and 28; 2) update text in options addressing the CAP authorities in Whereas clauses and Article I.J.; 3) update text in Articles II.B.3.d., II.E., III.D., IX.B., and XIII.A.; and 4) delete old note 15 and the optional paragraph in Article II.A. allowing for deferral in the event total study costs exceeds a specified amount.

26 September 2012 - Model revised to: 1) correct notes 7, 10, and 22; 2) add new note 8 plus optional Whereas clause to address Federally recognized Indian tribe as sponsor for study; and 3) update text in Articles I.B., II.A., III.C., IV.B.1., and VI.

15 October 2014 - Model revised to: 1) correct note 32.E.; 2) revise text and amount for Section 1156 waiver in note 11, the applicable Whereas clause, and Article II.G.; 3) increase the annual and per-project limits, as needed, in the applicable Whereas clause and Article I.J.; 4) revise text in note 20 and IV.B.1. (both options) to delete letter of credit; 5) replace text of Article VII; and 6) update text in Articles II.B.3.e., IV.C.1., and X.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 CAP FCSA model, go to the Implementation Memo link to see the CAP FCSA Model Implementation Memo, dated 1 August 2007.

MODEL APPLICABILITY:

The CAP FCSA is one of two models developed for cost shared feasibility studies undertaken in accordance with Section 105(a) of the Water Resources Development Act of 1986, Public Law 99-662, as amended (33 U.S.C. 2215(a)). The other model addresses feasibility studies for projects that will require specific authorization from Congress.

This model should be used only for cost shared feasibility studies of projects implemented under CAP and any other program authorities that do not require additional authorization to implement

a project - such as Section 544 of the Water Resources Development Act of 2000 - Puget Sound and Adjacent Waters Restoration. It should not be used for cost shared feasibility studies of projects that will require specific authorization from Congress nor for studies conducted under a feasibility authority other than Section 105(a) (such as Section 729 of the Water Resources Development Act of 1986 - Watershed and River Basin Assessments).

Further, this model contains optional language that allows it to be applicable for each CAP authority.