

**BOCC AGENDA ITEM**

Item Title: Discuss and approve the Chairman to sign Continuing Authorities Program (CAP) Study Request letter asking for U.S. Army Corps of Engineers to investigate Thomas Creek flooding problems.

Date: 12/11/2017

Department: OMB/County Manager

Background:

On November 2nd, Commissioner Taylor & County staff met with U.S. Army Corps of Engineers staff, Representative Byrd's office, and Senator Bean's office to discuss possible solutions to prevent future flooding issues with Thomas Creek. It was discovered that there are several Federally Assisted programs available to Nassau County under the U.S. Army Corps of Engineers Continuing Authorities Program (CAP). The first step of the potential funding process is for the Board to request an investigation of flooding problems under the authority of Section 205 of the Flood Control Act of 1948, as amended.

Request:

Discuss and approve the Chairman to sign Continuing Authorities Program (CAP) Study Request letter asking for U.S. Army Corps of Engineers to investigate Thomas Creek flooding problems.

Financial/Economic Impact to Future Years Budgeting Process or Effect on Citizens:

The first \$100,000 of the initial investigation is completely federally financed. The remaining cost of the Study Initiation Report (SIR) over this amount would be split 50/50 between Nassau County and the Federal Government. Estimated cost is approximately \$750,000, however the County would have to execute a feasibility cost share agreement at that time if we would like to proceed before any local dollars would be obligated.

In addition once the investigation and SIR is completed (approximately 12-24 months) the County would be responsible for a 35% match of estimated construction cost. The match can be a combination of in-kinds such as lands, easements, right-of-ways, relocations, and disposal areas, however, at least 5% must be cash. If in-kinds are not sufficient to meet the local match, cash must be used to make up the difference.

Action Requested and Recommendation:

Discuss and approve the Chairman to sign Continuing Authorities Program (CAP) Study Request letter asking for U.S. Army Corps of Engineers to investigate Thomas Creek flooding problems.

Is this action consistent with the Nassau County Comprehensive Land Use Plan?**Funding Source:**

Any local commitment after the initial \$100,000 federally financed portion of the investigation will have to be funded by Reserves.

Additional Information Needed for Contracts/Agreements (If Applicable)**Contract Number assigned by Contracts Management:**

N/A

For non-governmental agencies, has the document been sent to the vendor for signature?

N/A

Does the document need to be recorded? If so, who will pay the recordation fee?

N/A

Are there any special mailing instructions? (Include contact name, address, deadline for submittal, how to mail such as express mail, FedEx, etc):

None.

How many originals are needed?

One

ATTACHMENTS:

Description	Upload Date	Type
U.S. Army Corps of Engineers PowerPoint Presentation	11/22/2017	Cover Memo
CAP Study Request Letter	11/22/2017	Cover Memo

REVIEWERS:

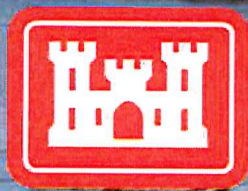
Department	Reviewer	Action	Date
OMB	Stankiewicz, Justin	Approved	11/22/2017 - 10:46 AM
OMB	Robertson, Sabrina	Approved	11/27/2017 - 11:12 AM
County Manager	Jones, Shanea	Approved	12/2/2017 - 7:31 PM

CONTINUING AUTHORITIES PROGRAM (CAP) OVERVIEW

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U.S. ARMY



**US Army Corps of Engineers
BUILDING STRONG**



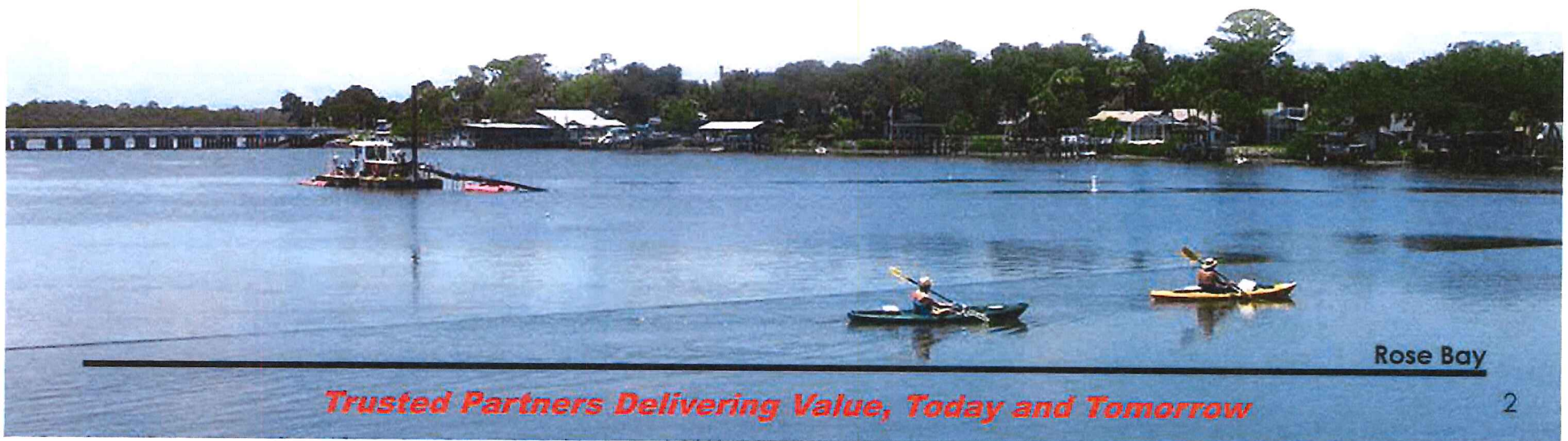


CONTINUING AUTHORITIES PROGRAM (CAP) OVERVIEW



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- 9 legislative authorities under which the Corps, is authorized to plan, design, and construct certain water resources projects
- These authorities are targeted at small to mid size projects specifically developed to aid municipalities, counties and non-federal agencies
- Local sponsor cost share amount varies per authority and work in kind is available



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U.S. ARMY

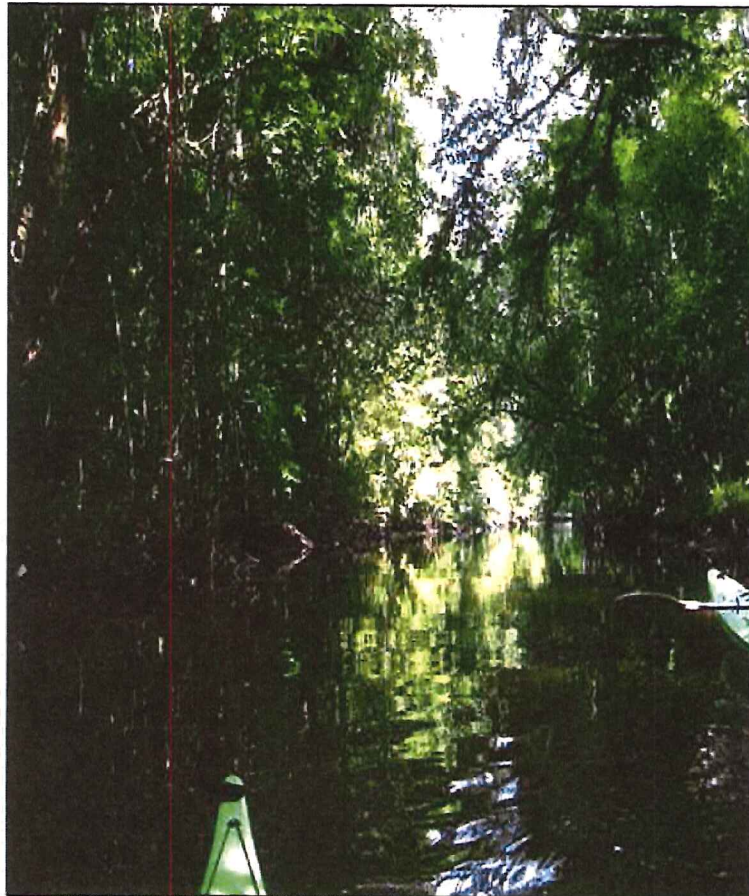
CAP AUTHORITIES



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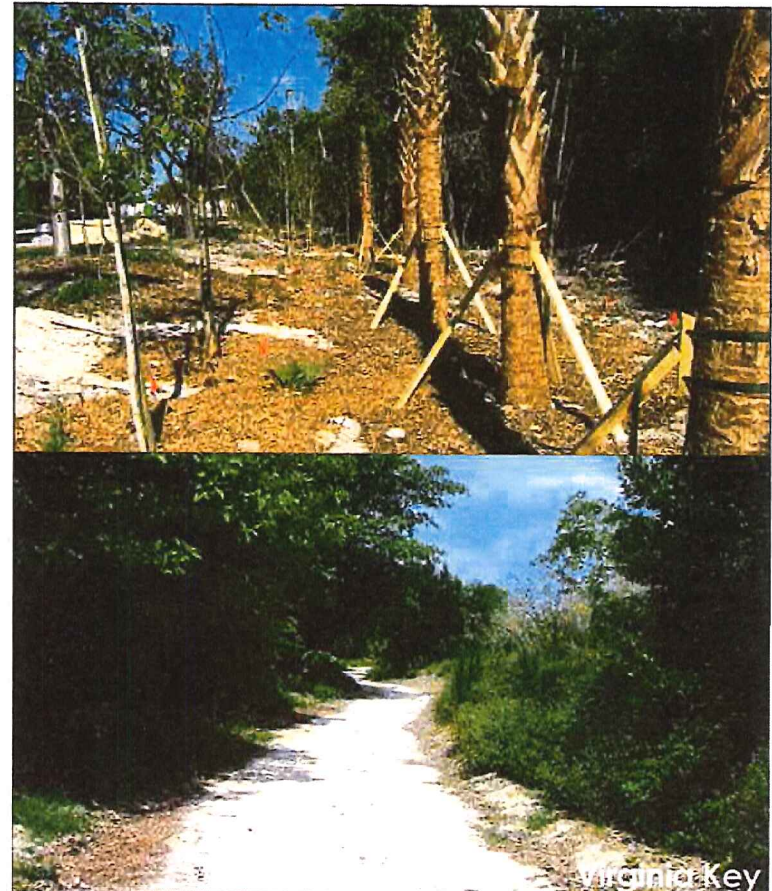
Section 206

Aquatic Ecosystem
Restoration



Section 1135

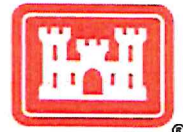
Project Modifications for
Improvement of the Environment



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CAP AUTHORITIES



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Section 14

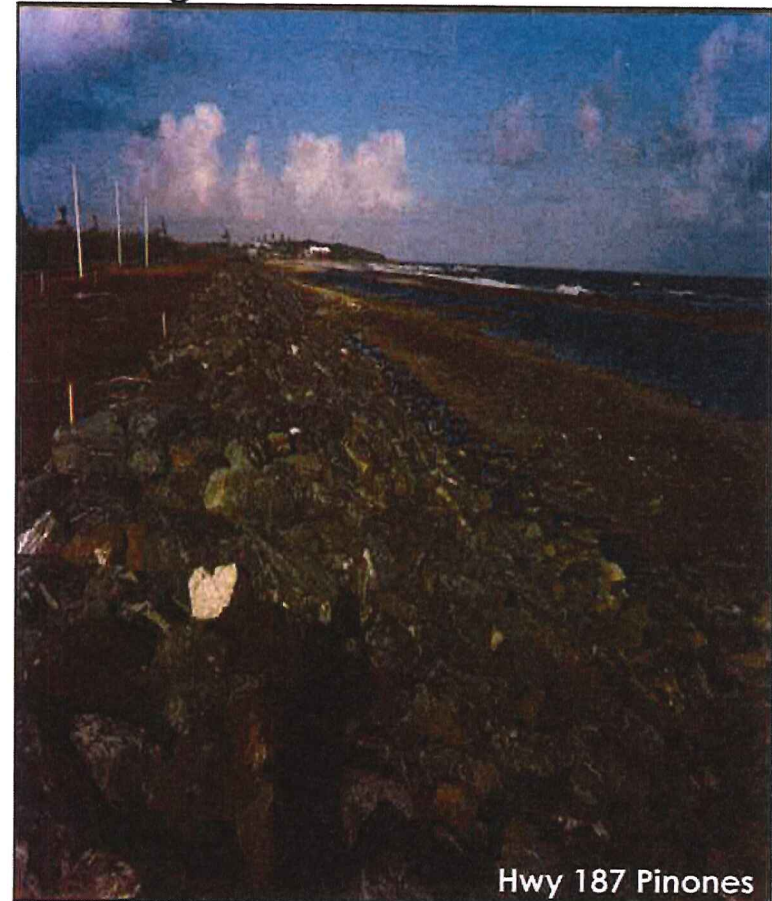
Emergency Streambank
& Shoreline Erosion



Police Station, Trujillo Alto

Section 103

Hurricane & Storm
Damage Reduction



Hwy 187 Pinones

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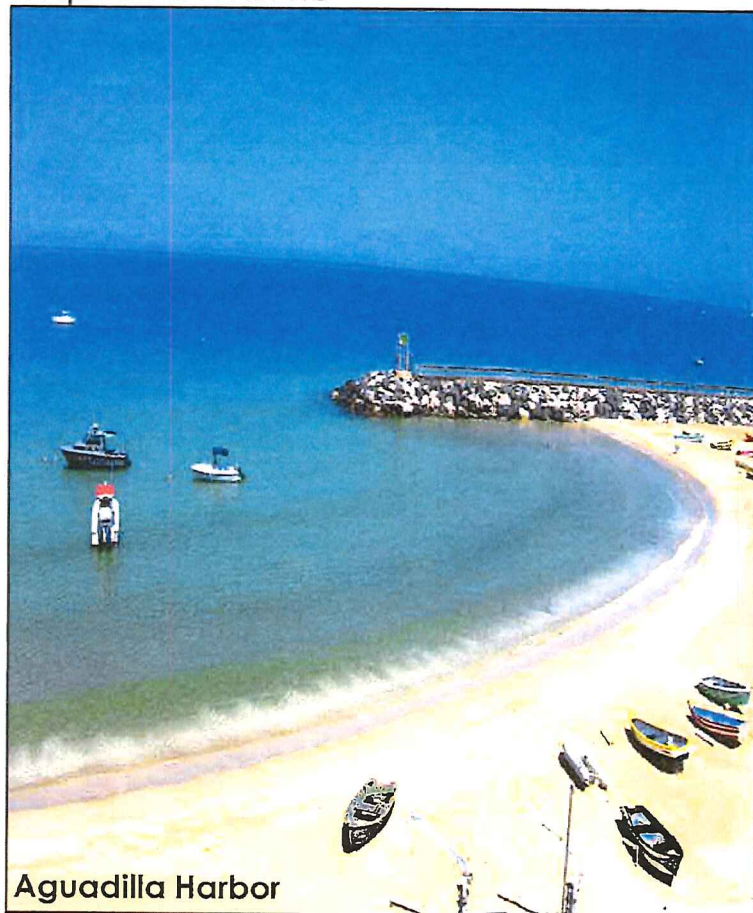
CAP AUTHORITIES



BUILDING STRONG

Section 107

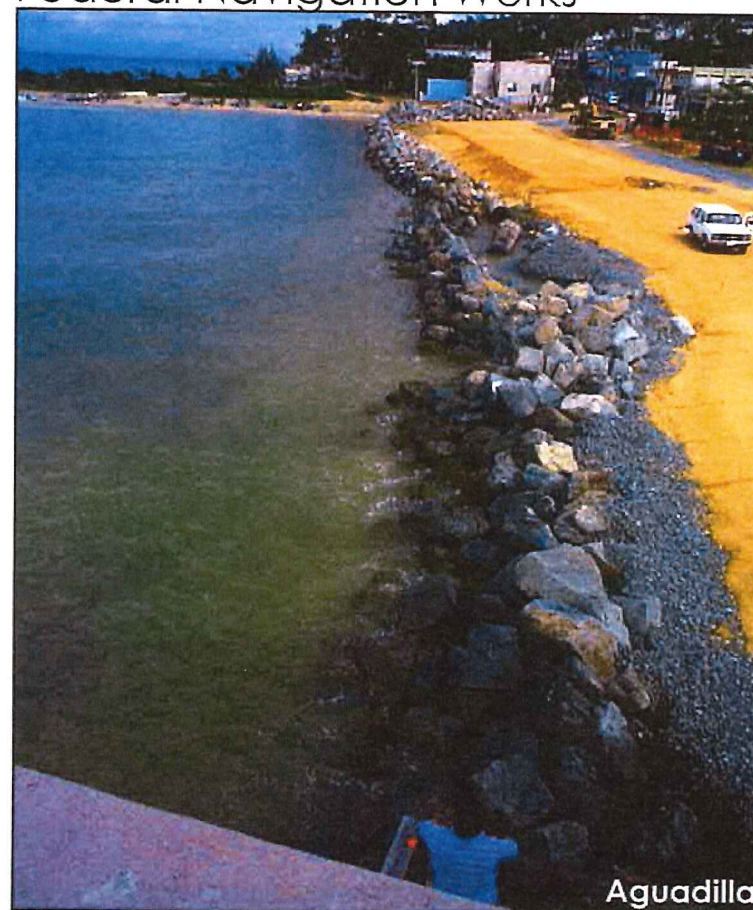
Small Navigation Improvements



Aguadilla Harbor

Section 111

Shore Damage Attributable to Federal Navigation Works



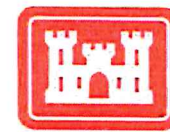
Aguadilla

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U.S. ARMY

CAP AUTHORITIES



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Section 204

Beneficial Uses of
Dredged Material



Section 205

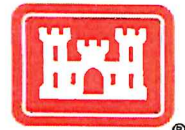
Small Flood Damage
Reduction Projects



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CAP AUTHORITIES



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Section 208
Snagging
& Clearing
for Flood Control

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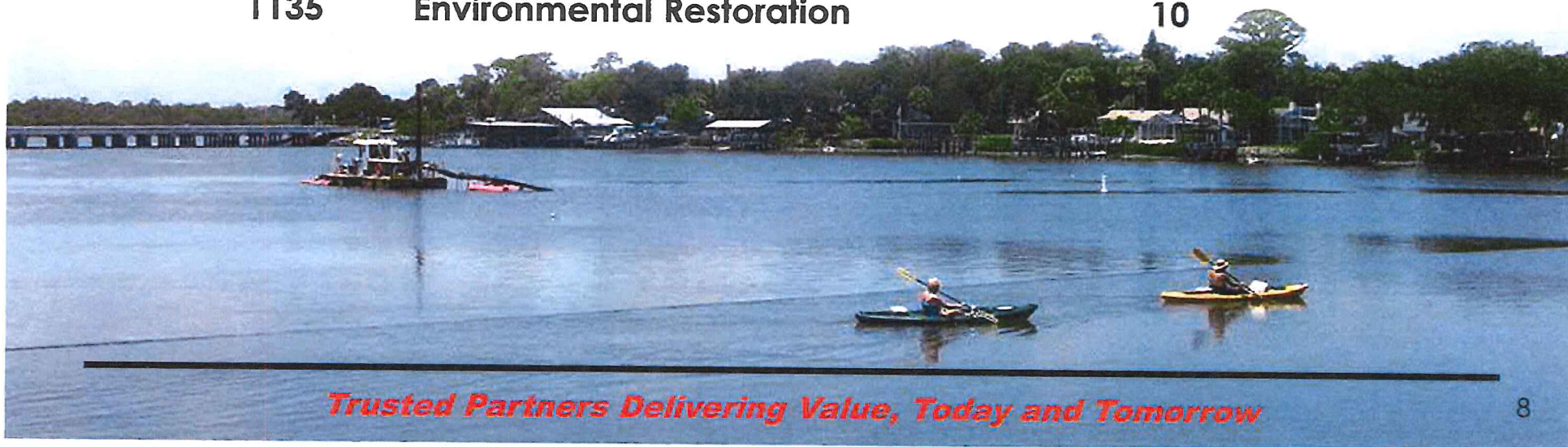


CURRENT CAP FUNDING LIMITS



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<u>Section</u>	<u>Description</u>	<u>Project (\$ million)</u>
14	Streambank/Shore Protection	5
103	Hurricane/Storm Damage Reduction	10
107	Navigation	10
111	Mitigation of Shore Damage	10
204	Beneficial Uses - Dredge Material	10
205	Flood Damage Reduction	10
206	Aquatic Ecosystem Restoration	10
208	Snagging/Clearing - Flood	0.5
1135	Environmental Restoration	10



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CAP PROCESS

HOW TO TAKE ADVANTAGE



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1. Have a conversation about what you would like to do and we will help identify the authority which is most applicable and can be most competitive
2. Formal letter to the Jacksonville District requesting assistance under one of the CAP authorities, (we have a template)
3. Conduct initial site visit and discussions
4. Prepare a Study Initiation Report (SIR)
5. SIR approval will place the potential project in the National CAP database as a new start and qualify the project for \$15K (Fed) to make a Federal Interest Determination (FID). The FID process will not begin until Congress releases a new start list. New start lists are being released once a year.
6. A positive FID qualifies the project for the remaining \$85K (Fed) to conduct further analysis, prepare and execute a Feasibility Cost Study.

with sponsor



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CAP PROCESS

3.5 yrs
construction

\$16 million



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7. Prepare feasibility report for approval...
(approval is at our Division office) \$ 750,000
 8. Feasibility report approval
 9. Initiate Design & Implementation (DI) phase 18-24 months
 10. Prepare and execute Project Partnership Agreement (PPA) ←
 11. Construct project
 12. Project turnover to sponsor
 13. Sponsor assumes O&M responsibilities
- Fed 65 / 35 - Local
must make up difference { 88 - Cash
308 - Real Estate



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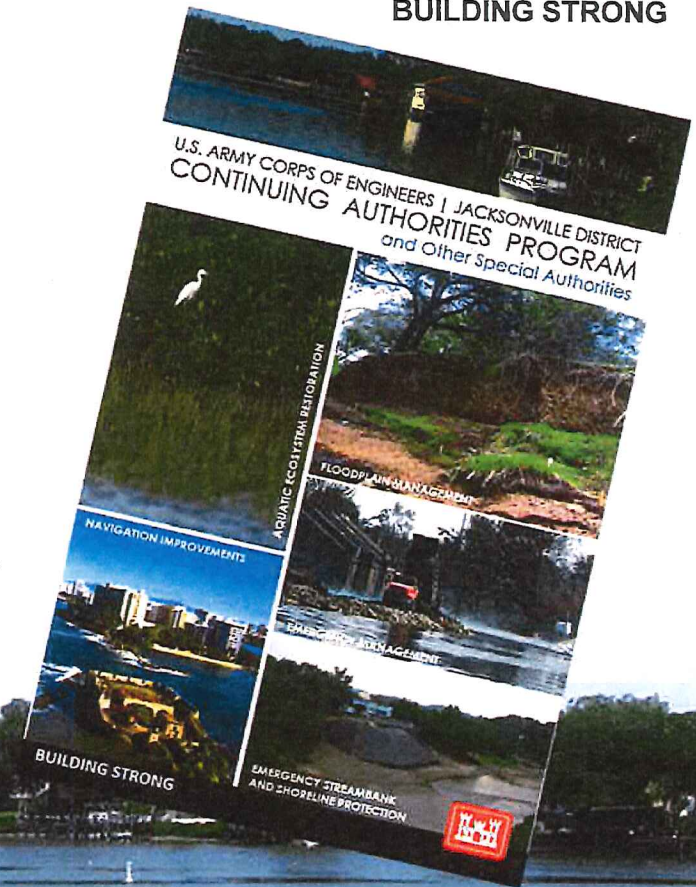
CAP PROJECT COST SHARING REQUIREMENTS



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- Site Visit, SIR Approval, FID & Draft FCSEA: First \$100K – all FED
- Feasibility Phase: 50/50 cost share of total study cost...(NEPA and 33% design)
- All authorities, except Section 1135, 111 and 107, have a 65/35* cost share of design and construction costs

* For structural flood damage reduction efforts, the non-Federal cost share can increase to 50% based on the cost of Real Estate contributions, 5% must be in cash. For non-structural measures, the non-Federal cost share is limited to 35% with no 5% cash requirement.



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CAP PROJECT TIMELINE



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- **Prepare SIR:** approximately 1 month
- **FID:** within 4 months of being granted a new start by Congress
- **Feasibility Cost Share Agreement (FCSA):** within 6 months of the FID approval
- **Feasibility Study:** within 18 months of the execution of the FCSA
- **DI:** varies depending on complexity of the design and construction



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QUESTIONS?



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Point of Contact:

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