

February 20, 2014

Lieutenant Colonel Owen J. Beaudoin
District Commander
U.S. Army Engineer District, Buffalo
1776 Niagara Street
Buffalo, NY 14207

ATTN: Planning Branch

Dear LTC Beaudoin:

On January 11, 2014, residents of the Town of West Seneca, NY experienced a damaging ice-jam flood resulting from waters of the Buffalo Creek overtopping its levees.

In accordance with the provisions of Section 205 of the Flood Control Act of 1948, as amended, the Town of West Seneca, NY is requesting U.S. Army Corps of Engineers assistance in addressing a flooding problem at Buffalo Creek adjacent to the Lexington Green development.

We are fully aware of the following non-Federal requirements associated with projects under the Section 205 Authority.

Feasibility Phase: Is funded by the Federal government for the first \$100,000. All feasibility study costs over \$100,000 are cost-shared 50% Federal and 50% non-Federal.

Implementation Phase: Is cost-shared 65% Federal and 35% non-Federal.

The non-Federal sponsor is responsible for costs of all lands, easements, relocations and disposal areas, plus a cash contribution of at least 5% of the total project cost.

We are aware that this letter serves as an expression of non-Federal intent to cooperate on this project and is not a contract obligation. Either party may discontinue this effort at any point prior to construction.

Sheila Meegan
Town Supervisor
Town of West Seneca, NY



Program Fact Sheet
FLOOD DAMAGE REDUCTION
Section 205 of the 1948 Flood Control Act, as amended

Authority and Scope: Section 205 of the 1948 Flood Control Act, as amended, authorizes the U.S. Army Corps of Engineers to develop and construct small flood damage reduction projects. Each project is limited to a Federal cost of \$7,000,000, and must be economically justified, environmentally sound, and engineeringly feasible.

Project Phases and Funding: Section 205 projects have two phases: Feasibility (study phase) and Design and Implementation Phase (detailed project design and construction). The first \$100,000 of Feasibility Phase costs are financed at 100% Federal costs. All Feasibility phase costs above \$100,000 are cost-shared 50% Federal and 50% non-Federal in accordance with a Feasibility Cost-Sharing Agreement (FCSA). If the project advances to the Implementation Phase all costs are shared 65% Federal and 35% non-Federal in accordance with a Project Partnership Agreement (PPA) prepared for the project.

The sponsor must contribute in cash a minimum of 5 percent of the total project cost. The sponsor must also pay for and obtain all lands, easements, rights of way and relocations (LERR) for the project. If the value of LERR plus the cash contribution does not equal or exceed 35 percent of the project cost, the sponsor must pay the additional amount necessary so that the sponsor's total contribution equals 35 percent of the project cost. Total Federal project funding is limited to \$7,000,000. All project costs above this limit are 100% non-Federal.

Non-Federal Responsibilities: Formal assurance of local cooperation must be furnished by a local sponsoring agency. The local sponsor must be a tribe, municipality or public agency, fully authorized under applicable laws to give such assurances and must be financially capable of fulfilling all measures of local cooperation. In New York State, if a state or local governmental body wants to pursue a Section 205 Project, by state law, the New York State Department of Environmental Conservation acts as the non-Federal sponsor. The sponsoring agency must normally agree to:

- a. Provide without cost to the United States all necessary lands, easements, rights-of-way, access routes and relocation of utilities necessary for project construction and subsequent operation and maintenance of the project. Costs associated with these items may be creditable towards the non-Federal cash contribution for the project.
- b. Provide cash contribution of not less than 5 percent of the project cost.
- c. Assume the full responsibility for all project costs in excess of the Federal cost limitation of \$7,000,000.
- d. Hold and save the United States free from claims for damages which may result from construction and subsequent maintenance of the project, except damages due to the fault or negligence of the United States or its contractors.
- e. Assume all responsibilities and costs for operation and maintenance of the project.

How to Request Assistance: A study of a prospective small flood damage reduction project under Section 205 will be initiated after receipt of a written request (see sample below), from an authorized sponsoring agency (see Non-Federal Responsibilities above), and provided Federal funds are available.

For Further Information, Contact:

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