

# USACE-NON-FEDERAL SPONSOR PROJECT MANAGEMENT PLAN

## MINNESOTA POINT CAP SECTION 111 STUDY

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U.S. ARMY



US Army Corps  
of Engineers®



Source: Google Earth



# CAP SECTION 111 AUTHORITY OVERVIEW

**Authority and Scope:** Section 111 of the 1968 River and Harbor Act, as amended, provides authority for the Corps of Engineers to develop and construct small projects for the purpose of mitigation of shoreline erosion or accretion problems directly influenced by the construction of a Federal navigation project. The amount of mitigation is limited to the level that would have existed without the influence of the navigation project. Each project is limited to a Federal cost of \$12,500,000 and must be economically justified, environmentally sound and engineeringly feasible.

**Phases and Funding:** Section 111 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 100% Federal funded and remaining costs above \$100,000 are cost-shared at the same proportion of the original project. The structures at Duluth-Superior Harbor were modified or acquired by the Federal Government without a Local Cooperation Agreement. Hence, no Federal Cost Share Agreement (FCSA) is required.

If the project advances to the Design & Implementation phase, the non-Federal sponsors cash contribution is variable based on the rate at which the Federal navigation structure caused the shore damage. Work beyond that directly attributed to the Federal navigation project is 100% non-Federal.



# CAP SECTION 111 AUTHORITY OVERVIEW

**Non-Federal Responsibilities:** The non-Federal sponsor must normally agree to:

- a. Provide without cost to the United States all necessary lands, easements, rights-of-way, access routes, relocation of utilities and disposal areas (LERRDS) 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. Contribute in-cash the local share of project construction cost, determined in accordance with existing policies.
- c. Assume full responsibility for all project costs more than the Federal cost limitation of \$12,500,000.
- d. Hold and save the United States free from claims for damages resulting 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, maintenance, repair, rehabilitation, and replacement (OMRR&R) of the project.



# CAP SECTION 111 AUTHORITY OVERVIEW

**This authority may not be used for the following purposes:**

1. To construct works for prevention or mitigation of shore damage caused by riverbank erosion or vessel-generated wave wash.
2. To prevent or mitigate shore damage caused by non-Federal navigation projects.

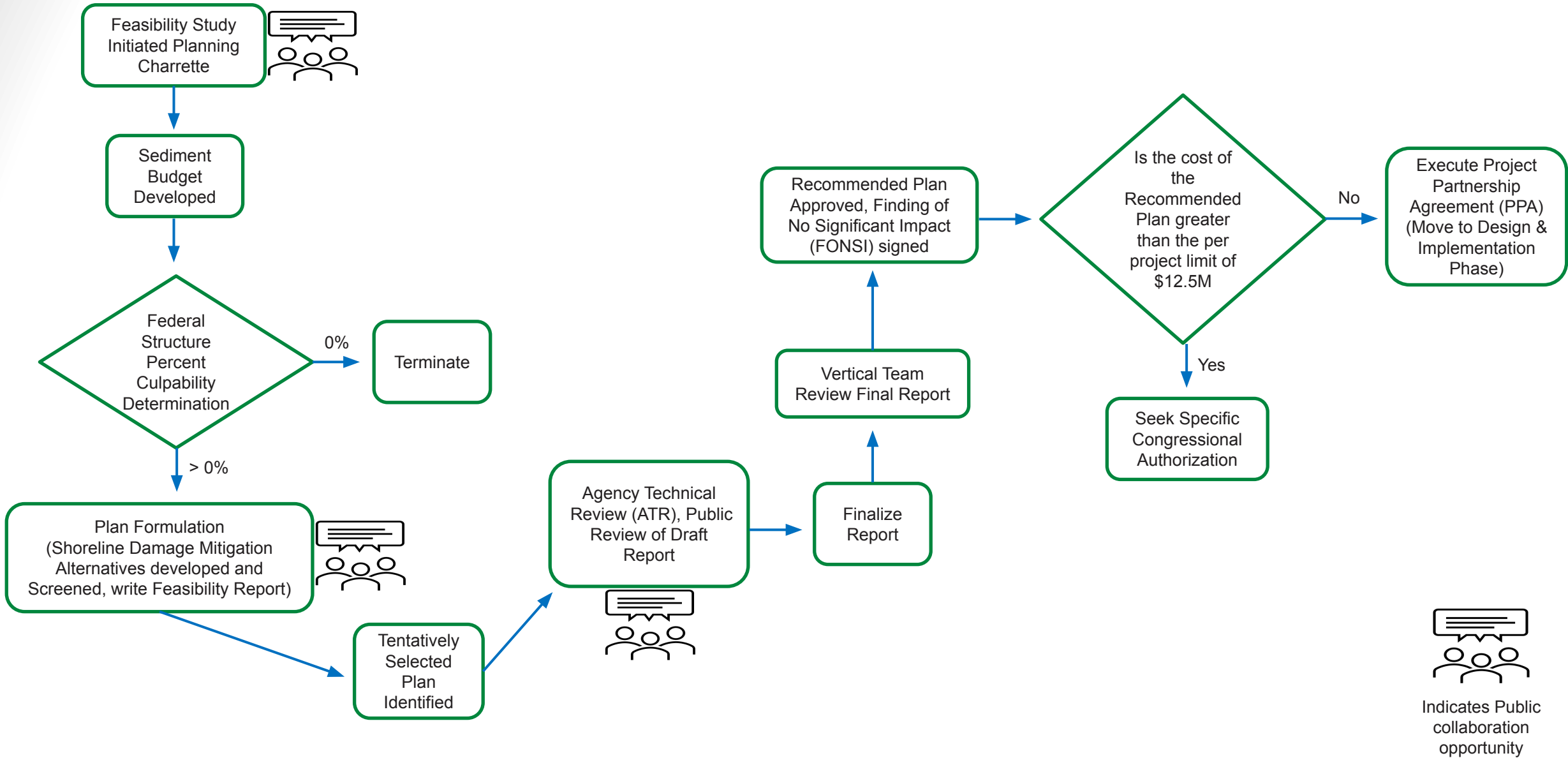
**A recommendation to construct a project to prevent or mitigate shore damage attributable to a Federal navigation project may be considered when both of the following conditions exist:**

1. The navigation project has been determined to be the cause of the damage, and abandonment of the navigation project is not the most viable solution.
2. Analysis based on sound engineering and economic principles clearly demonstrates the feasibility of the proposed work.

**Construction Requirements for Federal cost sharing are as follows:**

1. If the work recommended is confined to mitigation work where erosion is totally attributable to the Federal navigation works, costs are shared in the same manner as the project causing the erosion or shoaling.
2. If the work recommended is a combination of mitigation and restoration of beaches eroded due to other causes, mitigation work will be shared in the same manner as the project causing the erosion or shoaling and the remaining work will be 100 percent local, unless it qualifies as a Federal beach erosion control project.

# SECTION 111 FEASIBILITY STUDY PROCESS



# MINNESOTA POINT 111: STUDY LOCATION

Minnesota Point, Minnesota is a bay-mouth bar (long strip of land) separating Duluth-Superior Harbor from Lake Superior.

It is located on the south shore of Lake Superior at Duluth, Minnesota and is delineated by two navigation entrances to the harbor:

- Duluth Entry at the western limit and Superior Entry at the eastern limit.
- Duluth Harbor is a deep draft commercial harbor that is about 726 nautical miles (or 540 as the crow flies) from Detroit, Michigan.

The Minnesota Point provides a natural barrier for Duluth-Superior Harbor against the wave climate of Lake Superior.



Map produced by Barr



# MINNESOTA POINT 111: PROBLEM AND STUDY PURPOSE SUMMARY

**Problem Statement:** Shoreline erosion driven by water level fluctuations, the perturbation of the natural sediment, flooding induced by the density and proximity of development, the loss dune complexes, the loss historical forest, and the reduced recreational opportunities on the Minnesota Point Shoreline.

The erosion has increased the threat of wave-induced flooding of residential properties and a historic pine forest, as well as threatening municipal infrastructure.

**Study Purpose:** The purpose of the Minnesota Point Section 111 Feasibility study is to:

- 1) Determine if, and to what percentage, the federal navigation structures at Duluth and Superior Entries are contributing to the erosion damage on the shoreline of Minnesota Point; and
- 2) Develop a feasible, economically-justified, and environmentally sustainable solution that will prevent or mitigate further shore damage cause by the federal structures.



# MINNESOTA POINT 111: STUDY MILESTONES

Milestone Name	Date Presented at last outreach meeting (June 2024)	Current Scheduled Date (Oct 2024)
Federal Interest Determination Approval	15-Mar-2022 (A)	15-Mar-2022 (A)
<b>FEASIBILITY PHASE</b>		
Feasibility Scoping Meeting	10-Mar-2023 (A)	10-Mar-2023 (A)
Modeling effort kick-off - <i>Public Meeting</i>		03-Jun-2024 (A)
50% Model Complete - <i>Public Meeting</i>		Oct-24
Presentation of Sediment Budget - <i>Public Meeting</i>		Spring 2025
Alternatives Screening and <i>Public Meeting/Town Hall</i>		Early Summer 2025
Prepare Feasibility Report		Summer 2025-Spring 2026
Tentatively Selected Plan Meeting (for USACE Division approval)	Apr-26	Spring 2026
USACE Reviews (ATR/Legal)/Public Review/Public Meeting		Summer-early Fall 2026
USACE Division Approval of Final CAP Decision Document	Oct-26	Winter 2026
Project Partnership Agreement Execution	Feb-27	Winter/Spring 2027
<b>IMPLEMENTATION PHASE<sup>1, 2</sup></b>		
Start Design Plans and Specifications (P&S)	TBD	Spring 2027
Certified BCOES Review (Final P&S)	TBD	Spring 2028
Construction Contract Award	TBD	Summer 2028
Project Physically Complete	TBD	Fall 2029

(A) = indicates actual date (milestone completed)

<sup>1</sup> Dependent on the approved selected plan, approval of plan, execution of Partnership Agreement, and receipt of funding for this phase.

<sup>2</sup> There is a risk that the solution will be beyond authority limit of \$12.5M for Implementation (design & construction). If the solution exceeds, need to revisit solution, or require the project to be specifically authorized by Congress to continue. This will be considered during alternative screening and analysis conducted during preparation of Feasibility Report.





# MINNESOTA POINT 111: BUDGET OVERVIEW

**FEASIBILITY BUDGET PRESENTED IN FID (Mar 2022): \$600k to \$1M**

**TOTAL FEASIBILITY BUDGET AT FSM (Mar 2023): \$1.662M**

**CHANGE IN BUDGET: +\$662,000**

## Cost Share Breakdown:

Project Phase	Cost Category	CFY	CFY+1	CFY+2	CFY+3	CFY+4	Totals
Feasibility Phase	Total Feasibility Study Costs	\$112K	\$878K	\$200K	\$130K	\$40K	\$1.360M*
	Federal Share	\$112K	\$878K	\$200K	\$130K	\$40K	\$1.360M*
	Non-Federal Share	0	0	0	0	0	0

Remaining Federal Funding Needs	
Federal Funding Provided to Date**	\$1.746M
Remaining Need	\$0
<b>Total Federal Funding (Feasibility)</b>	<b>\$1.746M</b>

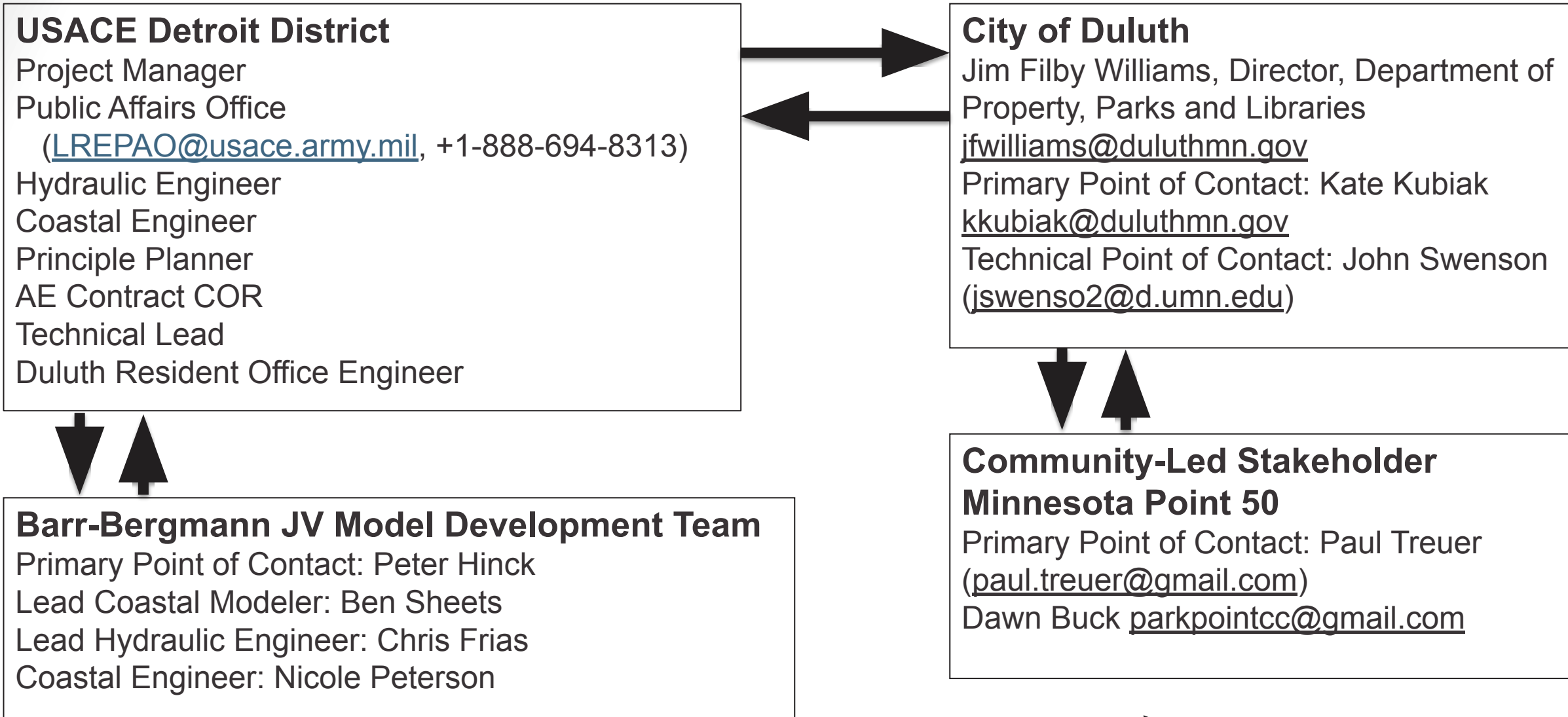
Non-Federal Share Breakdown	
Cash	0
In-Kind Credit	0
<b>Total Non-Federal Funding (Feasibility)</b>	<b>0</b>

\* Totals do not include contingency costs and are subject to change

\*\* As of Oct. 2024



# MINNESOTA POINT 111: TEAM CHART



 Lines of Communication



# ACRONYMS AND TERMS

Acronym/Term	Definition
<b>ATR</b>	<i>Agency Technical Review.</i> USACE subject matter experts review for compliance with USACE policies.
<b>BCOES</b>	USACE review for <i>Biddability, Constructability, Operability, Environmental, and Sustainability.</i>
<b>CAP</b>	<i>Continuing Authorities Program.</i> The U.S. Army Corps of Engineers (USACE) Continuing Authorities Program (CAP) is a group of nine legislative authorities under which USACE can plan, design, and implement certain types of water resources projects without additional project specific congressional authorization.
<b>Design and Implementation Phase</b>	Involves developing a detailed project design (plans and specifications) and construction.
<b>Feasibility Phase</b>	Study phase.
<b>FID</b>	<i>Federal Interest Determination.</i> The FID refers the document that USACE uses to verify that the water resources problem meets the requirements of Federal Interest and USACE responsibility as set forth in one of the CAP Authorities. A District drafts a FID presenting a determination that there is a Federal interest in pursuing a feasibility study to determine a viable solution to the appropriate CAP authority. The FID is transmitted to the Major Subordinate Command (MSC) for review and approval.
<b>FSM</b>	<i>Feasibility Scoping Meeting.</i> Meeting with the Major Subordinate Command (MSC) to present and receive approval for the scoping plan for a Feasibility Study.
<b>LERRDS</b>	<i>Lands, Easements, Rights-of-way, Access Routes, Relocation of utilities, and Disposal areas.</i>
<b>OMRR&amp;R</b>	<i>Operation, Maintenance, Repair, Rehabilitation, and Replacement.</i>
<b>Model</b>	A representation in physical, mathematical or logical terms to investigate an engineering problem.
<b>Plans &amp; Specs (P&amp;S)</b>	<i>The design</i> plans (drawings) and specifications (narrative requirements) information in package form used as the basis to solicit a construction contract.
<b>Project Management Plan (PMP)</b>	A plan that summarizes the tasks and associated costs to be accomplished during a project or study. (When there is a non-federal sponsor, it is negotiated between the USACE and sponsor.)
<b>Sediment Budget</b>	A tool used to analyze and predict the long-term change to a coastline by measuring the balance of sediment entering and leaving a coastal system.