



**DEPARTMENT OF THE ARMY**

U.S. Army Corps of Engineers  
441 G Street N.W.  
WASHINGTON, D.C. 20314-1000

MAR 24 2008

REPLY TO  
ATTENTION OF:

CECW-P

MEMORANDUM FOR Commanders, Major Subordinate Commands

SUBJECT: WRDA 2007 Implementation Guidance on Project Authorizations in Section 1001.

1. Purpose: The purpose of this memorandum is to provide guidance on project authorizations Section 1001 of the Water Resources development Act of 2007.
2. Section 1001(1) – (5), (7) – (11), (13), (15) – (16), (18) – (22), (26) – (30), (32) – (36), (38) – (39), and (41) – (44). In general, these provisions contain standard authorizing language. Projects identified in these sections may be considered for implementation in accordance with the existing budgetary policy and procedural guidance. Nevertheless, no work may be undertaken until funds are appropriated for these projects.
3. Section 1001(23) Bayou Sorrel Lock, Louisiana. Although this provision contains standard authorization language, updated analyses show that the currently estimated total project cost exceeds the maximum allowable total project cost for the Bayou Sorrel project pursuant to Section 902 of WRDA 1986. Additional implementation guidance is being provided under separate cover.
4. Section 1001(6), (12), (14), (17), (24) – (25), (31), (37), (40), and (45) – (46). These provisions of Section 1001 include non-standard language which requires specific additional actions or analyses. Guidance on these provisions is provided below.
  - a. Section 1001(6) and (14). These provisions contain additional directive language that is straight forward. Section 1001(6) directs the Secretary to coordinate with the Bureau of Reclamation and any operating agent for any Federal reclamation project in the Salt River Basin to avoid adversely affecting existing Federal reclamation facilities in the Salt River Basin. Section 1001(14) includes the deauthorization of uncompleted portions of three authorized projects in the Central and Southern Florida vicinity. The specific directive language in these provisions would not result in any increased project costs. The projects identified in these provisions, including the additional directive language, may be considered for implementation in accordance with the existing budgetary policy and procedural guidance. Nevertheless, no work shall be undertaken until funds are appropriated for these projects.
  - b. Section 1001(17), (24), (25), (45), and (46). These provisions contain additional directive language which will be addressed under separate cover.

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c. Section 1001(12) Napa River Salt Marsh Restoration, California. Section 1001(12) authorizes a project for environmental restoration as described by the report of the Chief of Engineers dated December 22, 2004, at a total cost of \$134,500,000, with an estimated Federal cost of \$87,500,000 and an estimated non-Federal cost of \$47,000,000. It further directs the Secretary to construct several additional features that were not recommended in the Chief of Engineers Report, including a recycled water pipeline and restoration or enhancement of Salt Ponds 1, 1A, 2, and 3 (lower ponds).

These additional features were analyzed during the feasibility investigations; however, they were not recommended for inclusion in the Federal project. The project costs identified in Section 1001(12) are the costs associated with the combination of the recommended Federal project and the additional features. The project recommended in the Chief of Engineers Report may be considered for implementation in accordance with the existing budgetary policy and procedural guidance. However, no work shall be conducted on the additional features unless funds are specifically appropriated for those features.

d. Section 1001(31) Hudson Raritan Estuary, Liberty State Park, New Jersey. Section 1001(31) authorizes a project for environmental restoration as described by the report of the Chief of Engineers dated August 25, 2006, at a total cost of \$34,100,000, with an estimated Federal cost of \$22,200,000 and an estimated non-Federal cost of \$11,900,000. It further directs the Secretary to utilize watershed restoration teams composed of estuary restoration experts from the Corps of Engineers, the New Jersey Department of Environmental Protection, and the Port Authority of New York and New Jersey and other experts designated by the Secretary for the purpose of developing habitat restoration and water quality enhancement.

The project may be considered for implementation in accordance with the existing budgetary policy and procedural guidance. Nevertheless, no work shall be undertaken until funds are appropriated for the project. In general, the coordination directed in this provision is similar to activities which would ordinarily be carried out in implementing a restoration project. CENAN will conduct any coordination that may be required to implement the project within traditional practices.

e. Section 1001(37) Hocking River Basin, Monday Creek, Ohio. Section 1001(37) authorizes a project for ecosystem restoration as described in the report of the Chief of Engineers dated August 24, 2006, at a total cost of \$20,980,000, with an estimated Federal cost of \$13,440,000 and an estimated non-Federal cost of \$7,540,000. It further provides that the Secretary, in cooperation with the Secretary of Agriculture, may construct other project features on property that is located in the Wayne National Forest, Ohio, owned by the United States and managed by the Forest Service as described in the report of the Corps of Engineers. Additionally, it provides that each project feature to be carried out on Federal land shall be designed, constructed, operated, and maintained at Federal expense and authorizes \$1,270,000 to be appropriated to the Secretary of Agriculture to carry out this provision.

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The project and additional features may be considered for implementation in accordance with the existing budgetary policy and procedural guidance. However, no work shall be conducted on lands in the Wayne National Forest unless the Department of Agriculture provides funds for such work.

f. Section 1001(40) Corpus Christi Ship Channel, Corpus Christi, Texas. Section 1001(40) authorizes the project for navigation and ecosystem restoration in the Corpus Christi Ship Channel, Texas, as recommended in the Chief of Engineers Report dated June 2, 2003, at a total cost of \$188,110,000, with an estimated Federal cost of \$87,810,000 and an estimated non-Federal cost of \$100,300,000. It further directs the Secretary to enforce navigational servitude in the Corpus Christi Ship Channel (including the removal or relocation of any facility obstructing the project) consistent with the cost sharing requirements of section 101 of WRDA 1986 (33 U.S.C. 2211).

The project may be considered for implementation in accordance with the existing budgetary policy and procedural guidance. As required by this provision, the Secretary, acting through the Corps of Engineers, shall exercise the navigation servitude to compel removal of the utilities and facilities in question without the need for a request by the non-Federal sponsor or State of Texas as would otherwise be required under existing Corps policy. Also in accordance with this provision, the Secretary, acting through the Corps of Engineers, may compel deep draft utility relocations to facilitate project construction if confronted with reluctant utility owners. However, the non-Federal sponsor will remain responsible for payment of 50 percent of the costs of deep draft utility relocations in accordance with Section 101 of WRDA 86, as amended, (33 U.S.C. 2211) and existing policy. Administrative and any legal costs incurred by the Corps to compel deep draft utility relocations would be shared 50/50 between the non-Federal sponsor and the utility owner. CESWG shall undertake the necessary actions to enforce the navigation servitude in the Corpus Christi Ship Channel Project as required by this provision after execution of a Project Partnership Agreement containing these provisions. Nevertheless, no work may be undertaken until funds are appropriated for this project.

FOR THE COMMANDER:



STEVEN L. STOCKTON, P.E.  
Deputy Director of Civil Works

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