DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
WASHINGTON, D.C. 20314-1000

MAY 15 2009

CEMP-POD

MEMORANDUM FOR COMMANDER, Pacific Ocean Division (CEPOD-PDC)

SUBJECT: Implementation Guidance for Section 3005 of the Water Resources Development Act of 2007 (WRDA 2007) – Sitka, Alaska

1. Section 3005 directs the Secretary to take such action as is necessary to correct design deficiencies in the Sitka Harbor Breakwater at Federal expense. The estimated cost of such work is $6,300,000. A copy of Section 3005 is enclosed for information.

2. The Sitka, Alaska project was authorized in Section 101(1) of WRDA 1992, Public Law 102-580. A Project Cooperation Agreement (PCA) between the Department of the Army and the City and Borough of Sitka, Alaska was executed 7 December 1993 to construct general navigation features consisting of three breakwaters with lengths of 480 feet, 1,200 feet, and 320 feet. Construction was completed in 1995. In May 2002, HQUSACE approved a Section 905(b) report that directed the district to proceed with pre-construction engineering and design work to prepare a deficiency correction evaluation report. The Consolidated Appropriations Act, 2005, provided funding of $1,000,000 that was used to perform hydraulic modeling to better understand the problem and for the evaluation report preparation at Federal expense.

3. At such time as funds are appropriated for such work, the Alaska District will complete the deficiency correction evaluation report in accordance with current policies, budgetary guidance, and ER 1165-2-119, Modifications to Completed Projects, except that the deficiency correction evaluation report will be completed at Federal expense. The deficiency correction evaluation report will include, at a minimum, a discussion of existing conditions; identification of the problem; the recommended corrective action; impacts of such corrective action on prior environmental concerns and commitments; documentation of any mitigation requirements resulting from implementing the corrective action; and documentation of coordination of the corrective action with applicable Federal and State agencies. The evaluation report will be submitted to the POD RIT for policy compliance review and approval by HQUSACE, located in Washington. Final plans and specifications for the corrective action should be prepared, at Federal expense, in accordance with requirements in ER 1110-2-1150, reviewed in accordance with ER 1110-1-12, and subject to the applicable peer review guidance.

4. Upon approval of the deficiency correction evaluation report, approval of the plans and specifications, and appropriation of funds for construction of the corrective action, the district will prepare an amendment to the December 1993 PCA that modifies the description of the general navigation features to include the approved corrective action. In addition, the amendment should separate the prior (cost shared) work and the new (Federal expense) work. The sponsor will provide any lands, easements, rights-of-way, and relocations required for the

corrective action, at no cost to the Government. The amendment will be submitted through POD to the POD RIT for review and approval following current Corps procedures for processing amendments. Construction of the corrective action will be accomplished at Federal expense. Close coordination with the Vertical Team should be maintained during development of the amendment.

FOR THE COMMANDER:

Encl

LLOYD D. PIKE
Chief, Pacific Ocean Division
Regional Integration Team
Directorate of Military Programs

SEC. 3005. SITKA, ALASKA

The Sitka, Alaska, element of the project for navigation, Southeast Alaska Harbors of Refuge, Alaska, authorized by section 101(1) of the Water Resources Development Act of 1992 (106 Stat. 4801), is modified to direct the Secretary to take such action as is necessary to correct design deficiencies in the Sitka Harbor Breakwater at Federal expense. The estimated cost is $6,300,000.

Encl