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

REPLY TO
ATTENTION OF:

NOV 23 2009

CECW-SAD

MEMORANDUM FOR COMMANDER, SOUTH ATLANTIC DIVISION (CESAD-PM)

SUBJECT: Implementation Guidance for Section 3045 (a) of the Water Resources Development Act of 2007 (WRDA 2007) – BREVARD COUNTY, FLORIDA

1. Section 3045 (a) of WRDA 2007 conditionally authorizes inclusion of the Mid-Reach segment (from Florida Department of Environmental Protection (FDEP) monuments 75.4 to 118.3, a distance of approximately 7.6 miles) in the Brevard County, Florida shore protection project, provided that the Assistant Secretary of the Army (Civil Works) (ASA(CW)) determines that the shoreline protection is feasible. A copy of Section 3045 (a) is enclosed. Implementation guidance for Section 3045(b) is contained in the May 15, 2009 ASA(CW) memorandum for Deputy Commanding General for Civil and Emergency Operations, Subject: Letter Report for Brevard County, Florida, Section 310 Independent Coastal Expert Study Report (January 2009).

2. The Brevard County Florida shoreline protection project authorized by section 101(b)(7) of the Water Resources Development Act (WRDA) of 1996 (110 Stat. 3667) includes North and South Reach project segments as later described in a Chief of Engineers Report dated 23 December 1996. Section 418 of WRDA 2000 (114 Stat. 2637) authorized preparation of a General Reevaluation Report (GRR) to evaluate the feasibility of including the Mid-Reach segment into the authorized project. Jacksonville District is currently completing the Brevard Mid-Reach GRR.

3. Using funding provided in Energy and Water Development Appropriations for Fiscal Year 2009 and the American Recovery and Reinvestment Act (ARRA), the Jacksonville District shall complete the Brevard County Mid-Reach GRR report in accordance with applicable policies and procedures. Following completion of final policy review, the report and the HQUSACE recommendation(s) will be forwarded to the Assistant Secretary of the Army (Civil Works) for review and approval.

4. Subject to completion and approval of a favorable report and using the balance of available funds, the District may enter into a design agreement to initiate preconstruction engineering and

design activities. Upon approval by the Secretary, the project may be considered for implementation in accordance with existing budgetary policies and procedures.

FOR THE COMMANDER:

Encl

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

SEC.3045. BREVARD COUNTY, FLORIDA

(a) SHORELINE.—The project for shoreline protection, Brevard County, Florida, authorized by section 101(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3667), is modified to authorize the Secretary to include the mid-reach as an element of the project from the Florida department of environmental protection monuments 75.4 to 118.3, a distance of approximately 7.6 miles. The restoration work shall only be undertaken upon a determination by the Secretary, following completion of the general reevaluation report authorized by section 418 of the Water Resources Development Act of 2000 (114 Stat. 2637), that the shoreline protection is feasible.

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0108

MAY 1 5 2009

Michael J. Temple MG, USA
21 May 09

MEMORANDUM FOR DEPUTY COMMANDING GENERAL FOR CIVIL AND EMERGENCY OPERATIONS

SUBJECT: Letter Report for Brevard County, Florida, Section 310 Independent Coastal Expert Study Report (January 2009)

I am responding to your February 13, 2009 memorandum requesting approval of the Independent Coastal Expert (ICE) report and the Jacksonville District's letter report on cost sharing for beach erosion associated with the Canaveral Harbor jetties. Both reports concluded that an estimated 6.6 million cubic yards of sand was lost to the north reach of Brevard County, Florida, Shore Protection project as a result of the Canaveral Harbor jetties. The ICE report documented that the Canaveral Harbor, Florida, Federal Navigation Project caused erosion damages. The reports were prepared in response to Section 310 of the Water Resources Development Act (WRDA) of 1999.

The 6.6 million cubic yards of sand is a conservative approximation of the net volume that the ICE report identified as being lost to the down drift beach from the early 1950s, when the Canaveral Harbor jetties were constructed, until 2001. Since 2001, the Canaveral Harbor Sand Bypass project has mitigated the erosion caused by the harbor by transferring about 0.9 million cubic yards beyond the Canaveral Harbor jetties about every six years.

Initial construction of the shore protection project was completed in 2001 when about 2.8 million cubic yards of sand were placed in the north reach of the Brevard County project for about $22.6 million, with about 62 percent Federal funds (about $14.1 million) and 38 percent non-Federal funds (about $8.6 million). Thus, in order to replace the remaining sand losses attributable to the navigation project, approximately 3.8 million additional cubic yards of sand would need to be provided to the north reach. I concur with the conclusions of the ICE report and the Corps' letter report regarding the need for, and the estimate of the approximately 3.8 million cubic yards of mitigation remaining to compensate for navigation impacts to the Brevard County project.

Section 310(c) of WRDA 1999 directs the Corps to mitigate the damage to the Brevard County shore protection project that is a result of the Federal navigation project. Further, Section 310(c) requires that the costs of the mitigation be allocated to the Federal navigation project as operation and maintenance costs. As a means of accomplishing the remaining mitigation, the Corps proposes to complete the remaining 43 years of the Brevard County shore protection project's authorized renourishment in

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the north shore area at full Federal expense. The district estimates in the letter report that the six remaining renourishment cycles would utilize sand from an offshore borrow area.

The letter report also recommends that a credit be afforded to the non-Federal sponsor of $8,576,176 for the non-Federal share which was paid towards the 2000-2001 renourishment of the north reach. Authorization of the credit is based on Section 310 of WRDA 1999, as amended by Section 3045(b) of WRDA 2007. I concur with the district's recommendation that the credit be applied to the non-Federal sponsor's portion of south reach or any other work that may be funded for the Brevard County Shore Protection Project, subject to the appropriation of both Federal and non-Federal shares by Congress. Section 310(c) provides that the allocation of the costs of renourishment shall be the same as the allocation of costs for the operation and maintenance of the Canaveral Harbor navigation project, which is currently 100 percent Federal cost.

Based upon the information provided by the Corps, I approve the ICE report, dated September 2002, and the district's letter report, dated January 2009, as well as the revised cost sharing and the crediting to be provided to the Brevard County, Florida, Shore Protection Project. The Project Partnership Agreement will require modification. The Corps should prepare, in accordance with current policies and procedures, an amendment to the project partnership agreement for the Brevard County, Florida, Shore Protection project to address the changes discussed above. The amendment will require approval by this office.

Terrence C. Salt
Acting Assistant Secretary of the Army
(Civil Works)