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

03 JUN 2010

CECW-NWD

MEMORANDUM FOR COMMANDER, Northwestern Division (CENWD-PDD)

SUBJECT: Implementation Guidance for Section 3057 of the Water Resources Development Act of 2007 (WRDA 2007) – Little Wood River, Gooding, Idaho

1. Section 3057 of WRDA 2007 directs the Secretary to rehabilitate the Gooding Channel project for the purposes of flood control and ecosystem restoration if the Secretary determines that such rehabilitation is not required as a result of improper operation and maintenance of the project by the non-Federal interest and that the rehabilitation and ecosystem restoration is feasible. The Secretary is directed to plan, design, and construct the project at a total cost of $9,000,000. In addition, Section 3057 provides that the costs for reconstruction of the project under this authority shall be shared by the Secretary and the non-Federal interest in the same percentages as the costs of construction of the original project were shared and that economic justification is not required. A copy of Section 3057 is enclosed for your information.

2. Using funds appropriated in the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85), the Walla Walla District shall prepare a Project Management Plan (PMP) to define the scope of the evaluation needed to determine that the project is feasible, and to execute a Feasibility Cost-Sharing Agreement (FCSA) for preparation of a feasibility report to determine whether the rehabilitation is required as a result of improper operation and maintenance of the project by the non-Federal interest, and whether the rehabilitation and ecosystem restoration is feasible. Up to $100,000 may be expended at full Federal expense for development of the PMP and execution of the FCSA. No FCSA is required if the feasibility phase can be completed for $100,000 or less. Any feasibility costs in excess of $100,000 will be cost shared with the non-Federal sponsor at 50 percent Federal and 50 percent non-Federal expense. Existing information should be used to the maximum extent possible during the preparation of the feasibility study. If the rehabilitation is not required as a result of improper operation and maintenance of the project by the non-Federal interest, and if the rehabilitation is feasible, the decision document will then identify Federal interest, investigate alternatives, recommend the most cost effective solution, and include the appropriate environmental compliance and NEPA documentation. Economic justification of reconstruction efforts carried out under this provision is not required.

The feasibility report must be submitted to HQUSACE through the NWD RIT for review and approval in accordance with Appendix H of ER 1105-2-100.

3. At such time that the feasibility report is approved and funds are appropriated, the design and construction phase will be conducted under the provisions of a Project Partnership Agreement (PPA) and will be cost-shared in the same percentage as the construction of the original project. As in the original project, the costs of lands, easements, rights-of-way, relocations, and disposal areas, and operation, maintenance, repair, and rehabilitation of a project carried out under this section shall be a non-Federal responsibility. The NWD RIT will coordinate the necessary HQ level review and submit the PPA to the ASA(CW) for approval.

FOR THE COMMANDER:

Theodore A. Brown

Encl

THEODORE A. BROWN, P.E.
Chief, Planning and Policy Division
Directorate of Civil Works

SEC. 3057. LITTLE WOOD RIVER, GOODING, IDAHO.

(a) IN GENERAL.—The project for flood control, Gooding, Idaho, constructed under the emergency conservation work program established under the Act of March 31, 1933 (16 U.S.C. 585 et seq.), is modified—

(1) to direct the Secretary to rehabilitate the Gooding Channel project for the purposes of flood control and ecosystem restoration if the Secretary determines that such rehabilitation is not required as a result of improper operation and maintenance of the project by the non-Federal interest and that the rehabilitation and ecosystem restoration is feasible; and

(2) to direct the Secretary to plan, design, and construct the project at a total cost of $9,000,000.

(b) COST SHARING.—

(1) IN GENERAL.—Costs for reconstruction of a project under this section shall be shared by the Secretary and the non-Federal interest in the same percentages as the costs of construction of the original project were shared.

(2) OPERATION, MAINTENANCE, AND REPAIR COSTS.—The costs of operation, maintenance, repair, and rehabilitation of a project carried out under this section shall be a non-Federal responsibility.

(c) ECONOMIC JUSTIFICATION.—Reconstruction efforts and activities carried out under this section shall not require economic justification.

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