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

CECW-P

2 5 JUN 2008

MEMORANDUM FOR COMMANDER, Mississippi Valley Division (CEMVD-PD)

SUBJECT: Implementation Guidance for Section 3064 of the Water Resources Development Act of 2007 (WRDA 2007) – SPUNKY BOTTOMS, ILLINOIS

1. Section 3064(a) modifies the Spunky Bottoms, Illinois, project authorized by section 5 of the Flood Control Act of 22 June 1936 (49 Stat. 1583) to include environmental restoration as a project purpose. A copy of section 3064 is enclosed for your information.

2. Section 3064 (b) increases the statutory limitation on the Federal Government's financial participation in the planning, design, and construction of the section 1135 project at Spunky Bottoms, Illinois, from $5,000,000 to $7,500,000. Of that amount, not less than $500,000 in Federal funds shall be available for 5-years of post-construction monitoring and adaptive management, as required by section 3064 (d). The monitoring and adaptive management should be cost shared as part of construction of the project and should be performed in accordance with the monitoring plan generally described in the decision document for the project.

3. At such time that section 1135 funds are available, planning, design, and implementation (including monitoring and adaptive management) for the section 1135 project may proceed in accordance with ER 1105-2-100, Appendix F, except the authorized $7,500,000 Federal participation limit for this project supersedes the statutory per project limit of $5,000,000 shown for section 1135 projects. In the event a Project Partnership Agreement (PPA) is executed for the section 1135 project, the revisions to the model agreement needed to reflect the increase in the Federal participation limit can be approved by the Commander, Mississippi Valley Division.

4. Section 3064 (c) states that nothing in Section 3064 of WRDA 2007 affects the eligibility of the project for emergency repair assistance under 33 U.S.C. 701n (commonly referred to as PL 84-99). Eligibility for emergency assistance under PL 84-99 authority will be determined in accordance with ER 500-1-1. Rehabilitation assistance projects must have a favorable benefit-cost ratio and meet the categorical requirements of ER 500-1-1.

FOR THE COMMANDER:

Encl

ROBYN S. COLOSIMO, P.E.
Acting Chief, Planning and Policy Division
Directorate of Civil Works

SEC. 3064. SPUNKY BOTTOMS, ILLINOIS.

(a) PROJECT PURPOSE.—The project for flood control, Spunky Bottoms, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1583), is modified to add environmental restoration as a project purpose.
(b) MAXIMUM AMOUNT.—The maximum amount of Federal funds that may be expended for the project for improvement of the quality of the environment, Spunky Bottoms, Illinois, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), shall be $7,500,000.
(c) LIMITATION.—Nothing in this section shall affect the eligibility of the project for emergency repair assistance under section 5 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n).
(d) POST CONSTRUCTION MONITORING AND MANAGEMENT.—Of the Federal funds expended under subsection (b), not less than $500,000 shall remain available for a period of 5 years after the date of completion of construction of the modifications for use in carrying out post construction monitoring and adaptive management.