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

CECW-LRD

AUG 12 2008

MEMORANDUM FOR COMMANDER, GREAT LAKES AND OHIO RIVER DIVISION (CELRD- PDS-P)

SUBJECT: Implementation Guidance for Section 3065 of the Water Resources Development Act of 2007 (WRDA 2007) – Cedar Lake, Indiana

1. Section 3065 of WRDA 2007 authorizes the Secretary to plan, design, and construct an aquatic ecosystem restoration project at Cedar Lake, Indiana. The provision further directs the Secretary to expedite completion of the feasibility report that was initiated under Section 206 of WRDA 1996, and authorizes the use of funds previously appropriated under the Section 206 program. Finally, the provision authorizes to be appropriated $11,050,000 to carry out the activities authorized by this section. A copy of the provision is enclosed for information.

2. The Chicago District should complete the feasibility report using existing funds provided in the FY 2008 Consolidated Appropriations Act (P.L. 110-161), and following report guidelines for projects authorized without a report in Appendix H of ER 1105-2-100. The District will review the schedule for the project to identify all opportunities to expedite study completion.

3. Following completion of a feasibility report containing a positive recommendation, and using the balance of the available funds, the District may enter into a Preconstruction Engineering and Design (PED) agreement and initiate PED activities. The design agreement will include a provision to recoup the non-Federal share of the feasibility study cost. Upon approval by the Secretary, the project may be considered for implementation in accordance with existing budgetary policies and procedures. However, no project construction may be initiated until funds are specifically appropriated to accomplish the work. Any additional funds provided by Congress will be utilized in accordance with current Civil Works program execution guidance.

FOR THE COMMANDER:

Encl

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

SEC. 3065. CEDAR LAKE, INDIANA.

(a) IN GENERAL.—The Secretary is authorized to plan, design, and construct an aquatic ecosystem restoration project at Cedar Lake, Indiana.

(b) COMPLETE FEASIBILITY REPORT.—In planning the project authorized by subsection (a), the Secretary shall expedite completion of the feasibility report for the project for aquatic ecosystem restoration and protection, Cedar Lake, Indiana, initiated pursuant to section 206 of the Water Resources Development Act 1996 (33 U.S.C. 2330).

(c) AUTHORIZATION.—

(1) IN GENERAL.—There is authorized to be appropriated $11,050,000 to carry out the activities authorized by this section.

(2) OTHER.—The Secretary is authorized to use funds previously appropriated for the project for aquatic ecosystem restoration and protection, Cedar Lake, Indiana, under section 206 of the Water Resources Development Act 1996 (33 U.S.C. 2330) to carry out the activities authorized by this section.