DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON, DC 20314-1000

REPLY TO
ATTENTION OF

MAY 12 2009

CECW-MVD

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

SUBJECT: Implementation Guidance for Section 3084 of the Water Resources Development Act of 2007 (WRDA 2007) – WEST BANK OF THE MISSISSIPPI RIVER (EAST OF HARVEY CANAL), LOUISIANA.

1. Section 3084 amends Section 328 of WRDA 1999 for West Bank of the Mississippi River (East of Harvey Canal), Louisiana to direct the Secretary of the Army to continue Federal operation, maintenance, rehabilitation, repair, and replacement (OMRR&R) of the portion of the project included in the report of the Chief of Engineers dated 1 May 1995, referred to as Algiers Canal Levees. Section 3084 also provides that the non-Federal share is 35 percent for the West Bank and Vicinity (WBV), New Orleans, Louisiana, Hurricane Protection Project, which per section 328(b) of WRDA 1999 includes the East of Harvey Canal project. A copy of Section 328 of WRDA 1999 as amended by Section 3084 is enclosed for your information.

2. Construction of the Algiers Canal Levees work, which was included in the report of the Chief of Engineers, dated 1 May 1995, and is part of the larger WBV project, is currently being completed. In accordance with section 3084, OMRR&R of this work is currently a Federal responsibility.

3. However, following Hurricane Katrina, in Public Law 109-234, Public Law 110-114, and Public Law 110-252, Congress authorized the Secretary of the Army to raise levee heights where necessary and otherwise enhance the WBV project to provide the level of protection necessary to achieve certification required for a 100-year level of flood protection in accordance with the National Flood Insurance Program under the base flood elevations current at the time of construction (hereinafter referred to as the enhanced WBV project). OMRR&R of the enhanced WBV project is a non-Federal responsibility.

4. To implement the enhanced WBV project, in lieu of raising the Algiers Canal Levees to the 100-year level of protection, works along the Algiers Canal and construction of a closure structure complex south of the confluence of the Algiers and Harvey Canals will provide the necessary level of protection. The Algiers Canal Levees will remain in place as an integral part of the enhanced WBV project, and as such, will serve necessary functions of the hurricane and storm damage risk reduction system. In accordance with the authorization for the enhanced WBV project, OMRR&R of the Algiers Canal Levees

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becomes a non-Federal responsibility upon completion of the enhanced WBV project, or applicable functional portion thereof.

FOR THE COMMANDER:

Encl

THEODORE A. BROWN, P.E.
Chief, MVD Regional Integration Team
Directorate of Civil Works

SEC. 328. WEST BANK OF THE MISSISSIPPI RIVER (EAST OF HARVEY CANAL), LOUISIANA, as amended by Section 3084 of WRDA 2007.

(a) IN GENERAL.—The project to prevent flood damage and for hurricane damage reduction, west bank of the Mississippi River (east of Harvey Canal), Louisiana, authorized by section 401(b)of the Water Resources Development Act of 1986 (100 Stat. 4128) PUBLIC LAW 106–53—AUG. 17, 1999 113 STAT. 305 and section 101(a)(17) of the Water Resources Development Act of 1996 (110 Stat. 3665), is modified to direct the Secretary to continue Federal operation, maintenance, rehabilitation, repair, and replacement of the portion of the project included in the report of the Chief of Engineers dated May 1, 1995, referred to as "Algiers Canal Levees".

(b) COMBINATION OF PROJECTS.—The Secretary shall carry out work authorized as part of the Westwego to Harvey Canal project, the East of Harvey Canal project, and the Lake Cataouatche modifications as a single project, to be known as the ''West Bank and Vicinity, New Orleans, Louisiana, Hurricane Protection Project'', with a combined total cost of $280,300,000.

(c) Cost Sharing. – The non-Federal share of the cost of the project shall be 35-percent.