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

CECW-LRD

JUL - 3 2008

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

SUBJECT: Implementation Guidance for Section 3091 of the Water Resources Development Act of 2007 (WRDA 2007) – Sault Sainte Marie, Michigan

1. Section 3091 of WRDA 2007 amends Section 1149 of WRDA 1986 to direct the Secretary to construct, at Federal expense, a new lock at Sault Sainte Marie, Michigan. The dimensions of the new lock shall be a width not less than 110 feet and a length not less than 1,200 feet (the dimensions of the existing Poe Lock) and will be constructed next to the existing lock. The project is authorized at a total cost $341,714,000. The provision also repeals three prior authorizations related to the replacement lock. A copy of the provision is enclosed. Also enclosed are copies of the Conforming Repeals.

2. The benefit-to-cost ratio for the project is below 1.0 and no compelling case has yet been made to justify the project by other means. Consequently, the project is not currently supportable for inclusion in future budget requests and no work can be undertaken to implement construction of the project unless Congress provides construction funds specifically to accomplish the work. Any funds provided by Congress will be utilized in accordance with current Civil Works program execution guidance.

FOR THE COMMANDER:

Encls

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

## Section 3091, Sault Sainte Marie, Michigan, Water Resources Development Act of 2007

The Replacement Lock Project, Sault Sainte Marie, Michigan was authorized by Section 3091 of the Water Resources Development Act of 2007 (PL 110-114). Section 3091 reads as follows:

***SEC. 3091. SAULT SAINTE MARIE, MICHIGAN.***

*(a) IN GENERAL.—The text of section 1149 of the Water Resources Development Act of 1986 (100 Stat. 4254) is amended to read as follows: ''The Secretary shall construct, at Federal expense, a second lock, of a width not less than 110 feet and a length not less than 1,200 feet, adjacent to the existing lock at Sault Sainte Marie, Michigan, generally in accordance with the report of the Board of Engineers for Rivers and Harbors, dated May 19, 1986, and the limited reevaluation report dated February 2004 at a total cost of $341,714,000.''.*

*(b) CONFORMING REPEALS.—The following provisions are repealed:*

*(1) Section 107(a)(8) of the Water Resources Development Act of 1990 (104 Stat. 4620).*
*(2) Section 330 of the Water Resources Development Act of 1996 (110 Stat. 3717).*
*(3) Section 330 of the Water Resources Development Act of 1999 (113 Stat. 305).*

Encl 1

Language of the three Conforming Repealed Sections.

**WRDA 1990**
**107(a)(8) Sault Sainte Marie, Michigan**. --The second lock for Sault Sainte Marie, Michigan, authorized by section 1149 of the Water Resources Development Act of 1986 (100 Stat. 4254-55); except that the Secretary shall conduct, not later than 180 days after the date of the enactment of this Act and after providing an opportunity for notice and comment, an analysis of the projected total tonnage of commercial cargo which will be delivered by vessels using such lock to or from ports in Canada and the States of Minnesota, Wisconsin, Indiana, Illinois, Michigan, Ohio, Pennsylvania, and New York. Such analysis shall be based on the Secretary's estimate, using current traffic statistics.

**WRDA 1996**
**SEC. 330. SAULT SAINTE MARIE, CHIPPEWA COUNTY, MICHIGAN.**
(a) IN GENERAL.—The project for navigation, Sault Sainte Marie, Chippewa County, Michigan, authorized by section 1149 of the Water Resources Development Act of 1986 (100 Stat. 4254–4255), is modified as follows:
(1) PAYMENT OF NON-FEDERAL SHARE.—The non-Federal share of the cost of the project shall be paid as follows:
(A) That portion of the non-Federal share that the Secretary determines is attributable to use of the lock by vessels calling at Canadian ports shall be paid by the United States.
(B) The remaining portion of the non-Federal share shall be paid by the Great Lakes States pursuant to an agreement entered into by such States.
(2) PAYMENT TERM OF ADDITIONAL PERCENTAGE.—The amount to be paid by non-Federal interests pursuant to section 101(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)) and this subsection with respect to the project may be paid over a period of 50 years or the expected life of the project, whichever is shorter.
(b) GREAT LAKES STATES DEFINED.—In this section, the term ''Great Lakes States'' means the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

Encl 2

**WRDA 1999**

**SEC. 330. SAULT SAINTE MARIE, CHIPPEWA COUNTY, MICHIGAN.**

The project for navigation Sault Sainte Marie, Chippewa County, Michigan, authorized by section 1149 of the Water Resources Development Act of 1986 (100 Stat. 4254) and modified by section 330 of the Water Resources Development Act of 1996 (110 Stat. 3717), is further modified to provide that the amount to be paid by non-Federal interests under section 101(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)) and section 330(a) of the Water Resources Development Act of 1996 shall not include any interest payments.