DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
441 G Street N.W.
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CECW-PC

19 DEC 2008

MEMORANDUM FOR

COMMANDER, MISSISSIPPI VALLEY DIVISION (CEMVD-PD)
COMMANDER, NORTH ATLANTIC DIVISION (CENAD-PSD-P)
COMMANDER, PACIFIC OCEAN DIVISION (CEPOD-PDC)
COMMANDER, SOUTH ATLANTIC DIVISION (CESAD-PM)
COMMANDER, SOUTH PACIFIC DIVISION (CESPD-DE)

SUBJECT: Implementation Guidance for Section 5007 of the Water Resources Development Act of 2007 (WRDA 2007) – Expedited Completion of Reports and Construction for Certain Projects

1. Section 5007 directs the Secretary to expedite completion of reports for 14 named studies (six General Investigations (GI) studies and eight Continuing Authorities Program (CAP) studies). If the Secretary determines a project is feasible, the project construction shall be expedited. A copy of Section 5007 is provided in Enclosure 1. A brief status of each of the studies/projects is provided in Enclosure 2.

2. The six GI studies are currently in or about to initiate the feasibility phase of the proposed project. As funds are made available, the respective Districts should complete the feasibility report following report guidelines for projects authorized without a report as specified in Appendix H of ER 1105-2-100. The Districts will review the schedule for the proposed project to identify all opportunities to expedite study completion. Following completion of a feasibility report containing a positive recommendation, and using available funds, the District may enter into a Design Agreement and initiate Preconstruction Engineering and Design (PED) activities. Upon determination that the proposed project is feasible and 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.

3. The proposed CAP projects identified in this section are currently in various stages of the feasibility phase or the design and implementation phase. The proposed projects for Moyer Creek and Oriskany Wildlife Management Area are experiencing difficulties confirming an appropriate cost sharing sponsor. The Chenango Lake study has determined there is no Federal interest. Within available funds and subject to confirmation of an appropriate non-federal cost sharing sponsor and a Federal interest, as appropriate, these proposed projects may be considered for implementation in accordance with the current CAP policy and procedural guidance.

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Division Commanders will consider the initiation, continuation, or implementation of any of the listed activities based on the availability of funds, compliance with CAP guidance, and their priority relative to other work.

FOR THE COMMANDER:

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

2 Encls
1. Section 5007 Language
2. Project Status

SEC. 5007. EXPEDITED COMPLETION OF REPORTS AND CONSTRUCTION FOR CERTAIN PROJECTS.

The Secretary shall expedite completion of the reports and, if the Secretary determines that the project is feasible, shall expedite completion of construction for the following projects:

(1) Project for navigation, Whittier, Alaska.
(2) Laguna Creek watershed flood damage reduction project, California.
(3) Daytona Beach shore protection project, Florida.
(4) Flagler Beach shore protection project, Florida.
(5) St. Johns County shore protection project, Florida.
(6) Chenier Plain environmental restoration project, Louisiana.
(7) False River, Louisiana, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).
(8) North River, Peabody, Massachusetts, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).
(9) Fulmer Creek, Village of Mohawk, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).
(10) Moyer Creek, Village of Frankfort, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).
(11) Steele Creek, Village of Ilion, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).
(12) Oriskany Wildlife Management Area, Rome, New York, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).
(13) Whitney Point Lake, Otselic River, Whitney Point, New York, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).
(14) Chenango Lake, Chenango County, New York, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

SECTION 5007 OF THE WATER RESOURCES DEVELOPMENT ACT OF 2007 (WRDA 2007) - EXPEDITED COMPLETION OF REPORTS AND CONSTRUCTION FOR CERTAIN PROJECTS.

The following paragraphs summarize the status of the fourteen projects identified in Section 5007 of WRDA 2007.

(1) Whittier, Alaska, Navigation Project.

A section 905(b) report was approved in August 2001 with a recommendation to proceed to a feasibility study. A feasibility cost sharing agreement (FCSA) was executed in June 2007. The purpose of the feasibility study is to conduct a detailed evaluation of harbor improvements and identify the National Economic Development (NED) plan. The Energy and Water Development Appropriations Act, 2008, identifies $172,000 for this study.

(2) Laguna Creek Watershed, California, Flood Damage Reduction Project.

Section 411 of WRDA 2000 authorized a study of flood damage reduction in the Laguna Creek watershed. South Pacific Division (SPD) approved a reconnaissance cost increase to $135K on 30 October 2006. Currently waiting for the sponsor, Alameda County Flood Control and Water Conservation District, to approve draft FCSA (drafted nearly a year ago).

(3) Daytona Beach, Florida, Shore Protection Project.

A section 905(b) report was completed in June 2004 and approved in September 2004. The District initiated the project management plan (PMP) and the FCSA in FY 2004. The project sponsor, Volusia County, did not sign the FCSA until May 2006 and feasibility phase efforts were initiated in June 2006. The sponsor has recently informed the District that there is no longer local interest in this project and our efforts should be suspended.

(4) Flagler Beach, Florida, Shore Protection Project.

A FCSA was executed on September 2, 2004. The non-Federal sponsor is the City of Flagler Beach Board of City Commissioners. FY 2008 Funding will be used to continue the feasibility phase of this project.

(5) St. Johns County, Florida, Shore Protection Project.

An FCSA was executed in FY 2004. The feasibility study was initiated in 2005. Since then, funding including FY 08 funds is being used to continue the study efforts. The non-Federal sponsor is the St. Johns County Board of County Commissioners.

Encl 2

(6) Chenier Plain, Louisiana, Environmental Restoration Project.

The coastal restoration concepts proposed as part of the Louisiana Coastal Area (LCA) Chenier Plain study will be evaluated as part of the Southwest Coastal Louisiana feasibility study. The Southwest reconnaissance study was certified by the Mississippi Valley Division (MVD) in August 2007. The PMP is under negotiations with the local sponsor, Louisiana Coastal Protection and Restoration Authority (CPRA). The CPRA indicates an urgency to sign the FCSA. Anticipate execution of FCSA by December 2008.

(7) False River, Louisiana - Section 206 of the Water Resources Development Act of 1996.

A preliminary restoration plan was completed on 18 August 2002. Federal funds in the amount of $263,000 are required to complete the feasibility study. Anticipate continuing feasibility in March 2009, pending execution of an FCSA and Federal funding.

(8) North River, Peabody, Massachusetts - Section 205 of the Flood Control Act of 1948.

The Corps has initiated a Section 205 feasibility study to improve drainage for the only section of North River (upstream of Howley Street to downstream of Grove Street) that meets the minimum flow requirement for Corps' participation in flood damage reduction.

(9) Fulmer Creek, Village of Mohawk, New York - Section 205 of the Flood Control Act of 1948.

A feasibility study was completed in Fiscal Year 2005. Plans and specifications (P&S) are currently underway and are at the 90% point. They are expected to be at 100% with concurrence by all involved parties by the end of the calendar year 2008. The New York State Department of Environmental Conservation (NYSDEC) is the non-Federal partner and supports the project. No additional Federal funds are needed for this project as all Federal funds for construction are in hand.

(10) Moyer Creek, Village of Frankfort, New York - Section 205 of the Flood Control Act of 1948.

The local non-federal sponsors, the Town of Frankfort and the Village of Frankfort, have concerns about operation and maintenance costs (they don't think they can afford) and so the project has been temporarily deferred until a final letter requesting final deferment has been submitted to the Corps by the State sponsor, NYSDEC. District has done quite a bit of work trying to find a solution but have not identified one. Congressional interests and State are fully aware of issue.

(11) Steele Creek, Village of Ilion, New York - Section 205 of the Flood Control Act of 1948.

A feasibility study was complete in FY 05. P&S were initiated, but due to concerns regarding the location of the proposed Ice Control Structure (ICS), study efforts have been halted. The

District and non-Federal partner, NYSDEC, are currently discussing how best to handle the analysis of the ICS location issue. No additional Federal funds are needed for this project at this time.

(12) Oriskany Wildlife Management Area, Rome, New York - Section 206 of the Water Resources Development Act of 1996.

Currently in the feasibility phase; topography and geotechnical surveys have been completed for this study, and preliminary hydraulics and hydrology and cultural resource assessment were initiated, until funding ran out. In addition, the non-Federal partner, NYSDEC, has indicated that they may not be able to serve as the partner due to changes in the CAP guidance. The District is waiting for a letter from the sponsor confirming its support on this effort. No funds are anticipated to be needed for this project.

(13) Whitney Point Lake, Otselic River, Whitney Point, New York - Section 1135 of the Water Resources Development Act of 1986.

Construction of the project is underway to modify recreation features and wetlands to accommodate changes in flow releases from the reservoir. Construction is expected to be completed in FY 2009.

(14) Chenango Lake, Chenango County, New York - Section 206 of the Water Resources Development Act of 1996.

Study has concluded there is no Federal interest in this project. Project became inactive in FY 2007.