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

REPLY TO
ATTENTION OF

CEMP-POD

JUN 0 3 2010

MEMORANDUM FOR COMMANDER, PACIFIC OCEAN DIVISION (CEPOD-PDC)

SUBJECT: Implementation Guidance for Section 5031 of the Water Resources Development Act of 2007 (WRDA 2007) – Barrow, Alaska

1. Section 5031 of WRDA 2007 (121 Stat. 1204 – 1205) directs the Secretary to carry out, under Section 117 of the Energy and Water Development Appropriations Act, 2005 (E&WDAA 2005) (118 Stat. 2944), a nonstructural project for coastal erosion and storm damage prevention and reduction at Barrow, Alaska, including relocation of infrastructure. Subsequently, Section 117 of the E&WDAA 2005 was repealed by Section 117 of the Energy and Water Development and Related Agencies Appropriations Act (E&WDRAA), 2009 (123 Stat. 608). Copies of these provisions of law are enclosed for your information.

2. The repeal of Section 117 of the E&WDAA 2005 divests authority granted under Section 5031 of WRDA 2007 for the Secretary to carry out a project at Barrow, Alaska using Section 117. However, the project described in Section 5031 may be considered for implementation using Section 116 of the E&WDRAA 2010 (123 Stat. 2851) in accordance with current budgetary guidance and the implementation guidance for Section 116 to be issued in the near future.

FOR THE COMMANDER:

Theodore A. Brown

THEODORE A. BROWN, P.E.
Chief, Planning and Policy Division
Directorate of Civil Works

Enclosure

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2007 Water Resources Development Act, P.L. 110-114.
SEC. 5031. Barrow, Alaska, "The Secretary shall carry out, under, section 117 of the Energy and Water Development and Related Agencies Appropriations Act, 2005 (118 Stat. 2944), H. R. 1495-165 a nonstructural project for coastal erosion and storm damage prevention and reduction at Barrow, Alaska, including relocation of infrastructure."

Fiscal Year 2005 Consolidated Appropriations, P.L. 108-447.
SEC. 117. "Notwithstanding any other provision of law, the Secretary of the Army is authorized to carry out, at full Federal expense, structural and non-structural projects for storm damage prevention and reduction, coastal erosion, and ice and glacial damage in Alaska, including relocation of affected communities and construction of replacement facilities."

Fiscal Year 2009 Consolidated Appropriations, P.L. 111-8.
SEC. 117. "Section 117 of the Energy and Water Development and Related Agencies Appropriations Act, 2005, as contained in division C of Public Law 108-447, is hereby repealed."

Energy and Water Development and Related Agencies Appropriations Act, 2010, P.L. 111-85.
Title I, SEC 116. "The Secretary of the Army is authorized to carry out structural and non-structural projects for storm damage prevention and reduction, coastal erosion, and ice and glacial damage in Alaska, including relocation of affected communities and construction of replacement facilities: Provided, That the non-Federal share of any project carried out pursuant to this section shall be no more than 35 percent of the total cost of the project and shall be subject to the ability of the non-Federal interest to pay, as determined in accordance with 33 U.S.C. 2213(m)."