



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-P

1 6 JUL 2008

MEMORANDUM FOR

Commander, Great Lakes and Ohio Division
Commander, Mississippi Valley Division

SUBJECT: Implementation Guidance for Section 5070 of the Water Resources Development Act of 2007 (WRDA 2007) – Reconstruction of Illinois and Missouri Flood Protection Projects

1. Section 5070 provides the Secretary discretionary authority to participate in a program for the reconstruction of ten (10) eligible flood control projects in Illinois and Missouri. The provision provides a definition of reconstruction, identifies eligible projects, specifies the non-Federal cost share for reconstruction, clarifies that reconstruction of a project authorized by this section is not to be considered a separable element of that project, and authorizes to be appropriated \$50,000,000 to carry out the reconstruction program. A copy of the act language is enclosed.
2. Guidance for reconstruction of structural flood damage reduction projects is provided in the Memorandum for Commanders, Major Subordinate Commands dated 16 August 2005, **SUBJECT:** Reconstruction of U.S. Army Corps of Engineers Structural Flood Damage Reduction Projects for which Non-Federal Interests are Responsible for Operation, Maintenance, Repair, Rehabilitation and Replacement.
3. No study, design, or construction work may be initiated under the section 5070 authority unless funds are specifically appropriated by Congress for such work. In the event funds are appropriated for work under this authority, eligible projects will be evaluated in accordance with the existing reconstruction guidance dated 16 August 2005, except that the non-Federal sponsor's cost share for reconstruction will be the same as applicable to the original project construction. In addition, the non-Federal sponsor will be responsible for 100 percent of the operation, maintenance, repair, rehabilitation, and replacement for the completed reconstructed project. Decision documents prepared under this authority will require approval by the Secretary of the Army and will be processed following the procedures for post authorization decision documents as detailed in Appendix H of ER 1105-2-100.
4. Work accomplished under this authority will be limited to examination of the reconstruction of the existing project with no change in its scope, function, or purpose. Studies under this authority should follow the limited scope of analysis discussed in paragraph 3.g. of the 16 August 2005 guidance. However, if at any time during conduct of a study under this authority, work is proposed that would include extension or expansion of the existing flood damage reduction project, a cost shared feasibility study will be required leading to a Chief of Engineers Report, ASA(CW) and OMB review, and transmittal to Congress for authorization.

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These studies would be identical in scope to any other flood damage reduction feasibility study and include a full range of alternatives and economic evaluation to identify the plan that maximizes net benefits as well as compliance with all environmental laws and regulations. In addition, costs for the new project will be shared in accordance with the provisions of Section 103 of WRDA 86, as amended.

FOR THE COMMANDER:



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

Encl

SEC. 5070. RECONSTRUCTION OF ILLINOIS AND MISSOURI FLOOD PROTECTION PROJECTS.

(a) **IN GENERAL.**—The Secretary may participate in the reconstruction of an eligible flood control project if the Secretary determines that such reconstruction is not required as a result of improper operation and maintenance of the project by the non-Federal interest.

(b) **COST SHARING.**—The non-Federal share of the costs for the reconstruction of a flood control project authorized by this section shall be the same non-Federal share that was applicable to construction of the project. The non-Federal interest shall be responsible for operation and maintenance and repair of a project for which reconstruction is undertaken under this section.

(c) **RECONSTRUCTION DEFINED.**—In this section, the term “reconstruction”, as used with respect to a project, means addressing major project deficiencies caused by long-term degradation of the foundation, construction materials, or engineering systems or components of the project, the results of which render the project at risk of not performing in compliance with its authorized project purposes. In addressing such deficiencies, the Secretary may incorporate current design standards and efficiency improvements, including the replacement of obsolete mechanical and electrical components at pumping stations, if such incorporation does not significantly change the scope, function, and purpose of the project as authorized.

(d) **ELIGIBLE PROJECTS.**—The following flood control projects are eligible for reconstruction under this section:

- (1) Clear Creek Drainage and Levee District, Illinois.
- (2) Fort Chartres and Ivy Landing Drainage District, Illinois.
- (3) Prairie Du Pont Levee and Sanitary District, including Fish Lake Drainage and Levee District, Illinois.
- (4) Cairo, Illinois Mainline Levee, Cairo, Illinois.
- (5) Goose Pond Pump Station, Cairo, Illinois.
- (6) Cottonwood Slough Pump Station, Alexander County, Illinois.
- (7) 10th and 28th Street Pump Stations, Cairo, Illinois.
- (8) Flood control levee projects in Brookport, Shawneetown, Old Shawneetown, Golconda, Rosiclare, Harrisburg, and Reevesville, Illinois.
- (9) City of St. Louis, Missouri.
- (10) Missouri River Levee Drainage District, Missouri.

(e) **JUSTIFICATION.**—The reconstruction of a project authorized by this section shall not be considered a separable element of the project.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$50,000,000 to carry out this section.

End