DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
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WASHINGTON DC 20310-0108

JUL 06 2010

MEMORANDUM FOR THE DIRECTOR OF CIVIL WORKS

SUBJECT: Implementation Guidance for Sections 6002, 6003, 6005, and 6006 of the Water Resources Development Act of 2007 (WRDA 2007) – FLORIDA EVERGLADES

1. Sections 6002, 6003, and 6005 of WRDA 2007 amend Section 601 of WRDA 2000 and Section 6006 of WRDA 2007 amends Section 528 of WRDA 1996 to increase and clarify project costs as discussed in the following paragraphs. A copy of each modified provision is enclosed.

2. Section 6002 of WRDA 2007 amends Section 601(b)(2)(B), the Florida Everglades Pilot Program, by increasing total cost limits from $69,000,000 to $71,200,000. In addition, the total cost of the Caloosahatchee River (C–43) Basin ASR Pilot Project is increased to $8,200,000 and the total Federal and non-Federal costs are increased to $4,100,000 each. Consequently, the USACE is authorized to budget up to $71,200,000 for the Pilot Project Program, and up to $8,200,000 for the Callosahatchee River (C-43) Basin ASR Pilot Project.

3. Section 6003 of WRDA 2007:

a. Section 6003 of WRDA 2007 amends Section 601(b)(2)(E), Maximum Costs of Projects, to state that Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to the individual projects authorized by subsections 601(b) and 601(d) of WRDA 2000.

b. Section 6003 further amends Section 601(c) of WRDA 2000 to add that Section 902 shall apply to the individual project funding limits authorized in 601(c)(3)(A) as well as the aggregate cost of all projects authorized in Section 601(b)(3)(B) for the projects carried out under Section 601(c) of WRDA 2000.

c. For projects to be implemented pursuant to Section 601(c) of WRDA 2000, in addition to the individual project and aggregate limits discussed above, a Corps Project Limit shall be established and implemented as discussed below. Upon approval of the Project Implementation Report (PIR) by the Assistant Secretary of the Army (Civil Works) (ASA(CW)), the costs approved (both design and construction) in the PIR shall be designated as the Corps Baseline Amount. The Corps Project Limit shall be determined by starting with the Corps Baseline Amount and applying an allowance for inflation through the construction period plus 20 percent of the Corps Baseline Amount. Prior to approval of a Project Partnership Agreement (PPA) for the project or prior to award of any contract or prior to continuation of construction using the Government's own forces, whichever is

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applicable, the district shall determine the current Corps Project Limit for the project. If prior to execution of the PPA or prior to award of any contract or continuation of construction using the Government's own forces, it is determined that the estimate of total costs for design and construction of the project exceeds the current Corps Project Limit, the district shall not proceed with such action until an addendum has been processed and approved as described below and a new Corps Baseline Amount has been established. The district shall prepare an addendum to the approved PIR providing justification for the cost increases and changes in scope, if any. The addendum will be forwarded through the South Atlantic Division for review by HQUSACE located in Washington, including the Office of Water Project Review. Any addendums addressing scope changes must be approved by the ASA(CW). Approval of any addendums addressing only cost increases is delegated to the Director of Civil Works, and may not be further delegated. In no event will the Corps Project Limit exceed the individual project funding limits authorized in 601(c)(3)(A) of WRDA 2000, as amended.

4. Section 6005 of WRDA 2007 amends Section 601(k) of WRDA 2000, the Outreach and Assistance Program, by providing that the Secretary may expend up to $3 million per fiscal year for fiscal years beginning after September 30, 2004. Therefore, the district may consider budgeting up to $3,000,000 per fiscal year for this program.

5. Section 6006 of WRDA 2007 amends Section 528(b)(3)(C) of WRDA 1996, Critical Restoration Projects, as follows:

a. The Federal share of the cost of carrying out the Critical Projects Program under paragraph 528(b)(3)(A) of WRDA 96 is increased to $95,000,000. Consequently, the district is authorized to budget up to $95,000,000 for this program.

b. The Federal share of carrying out any single project under paragraph 528(b)(3)(A) of WRDA 96, Critical Restoration Projects, shall not exceed $25,000,000, except that the Federal share of the cost of carrying out the Seminole Water Conservation Plan shall not exceed $30,000,000. Therefore, the district may budget up to $25,000,000 for each critical project cost and up to $30,000,000 for the Seminole Water Conservation Plan.

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