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

REPLY TO
ATTENTION OF:

CECW-PM

29 JAN 2003

MEMORANDUM FOR Commander, Northwestern Division

SUBJECT: Implementation of Section 536 of the Water Resources Development Act of 2000

1. Purpose. The purpose of this memorandum is to provide implementation guidance for Section 536 of the Water Resources Development Act of 2000, PL 106-541 (WRDA 2000).

2. Section 536 of WRDA 2000 directs the Secretary to conduct studies and implement ecosystem restoration projects for the lower Columbia River and Tillamook Bay estuaries in Oregon and Washington. The projects will be for the protection, monitoring, and restoration of fish and wildlife habitat and are to have no adverse effect on specified water related needs or private property rights. Section 536 directs that the Secretary shall use the comprehensive conservation and management plans developed for the Lower Columbia River estuary program and the Tillamook Bay national estuary project as a guide, and that the Secretary shall consult with local, state, Federal, and tribal agencies in identifying and developing projects and in establishing priorities for implementation. The authorized appropriation for section 536 is $30,000,000.

3. Studies under section 536 are subject to the cost sharing requirements of Section 105 of WRDA 1986, as amended, including studies on Federal lands. Projects implemented under section 536 will be cost shared 65 percent Federal and 35 percent non-Federal, and up to 50 percent of the non-Federal share of project implementation costs can be in in-kind services. Operation and maintenance of projects is a non-Federal responsibility. Implementation costs of projects on Federal lands will be cost shared by the appropriate Federal agency through their specific budgetary procedures and include costs of operation and maintenance.

4. Section 536 may be considered for implementation, if requested by an appropriate non-Federal sponsor, and if funds have been appropriated to do so. No action should be initiated to implement this provision until Congress provides funds. In the event that funds are appropriated and allocated for studies and projects under this section, projects with a Federal cost of less than or equal to $10 million may be implemented in accordance with the general procedures for the Continuing Authorities Program as described in Appendix F of ER 1105-2-100 for projects under Section 206 of WRDA 96. Projects with Federal costs in excess of $10 million shall follow procedures contained in ER 1105-2-100 for specifically authorized projects and shall be provided

to HQUSACE for review and approval. The District should work closely with local, regional, tribal, and state agencies and programs and with other Federal agencies in establishing programmatic priorities. The district shall provide to Headquarters annual reports indicating accomplishments under this authority.

FOR THE COMMANDER:

JAMES F. JOHNSON
Chief, Planning and Policy Division
Directorate of Civil Works