



DEPARTMENT OF THE ARMY

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

REPLY TO
ATTENTION OF:

06 FEB 2009

CECW-P

MEMORANDUM FOR

Commander, Great Lakes and Ohio River Division
Commander, North Atlantic Division
Commander, Pacific Ocean Division
Commander, South Pacific Division

SUBJECT: Implementation Guidance for Section 3179 of the Water Resources Development Act of 2007 (WRDA 2007)—Continuation of Project Authorizations

1. Section 3179 identifies five projects which are to remain authorized to be carried out by the Secretary. If no funds are obligated for construction (including planning and design) of these projects in the five year period beginning on the date of enactment of this act, the projects will no longer be authorized. Section 3179 also modifies a portion of the project for navigation, Fall River Harbor, Massachusetts, limiting a portion of the channel to a depth not to exceed 35 feet. A copy of Section 3179 is enclosed for information.
2. Of the five projects identified in Section 3179, the Agana River, Guam, flood control project and Fall River Harbor, Massachusetts, navigation project were administratively deauthorized on 16 April 2002 in accordance with section 1001(b)(2) of WRDA 1986, as amended. Also in accordance with Section 1001(b)(2) of WRDA 1986, the Ecorse Creek, Wayne County, Michigan, flood control project was listed for deauthorization on 29 September 2006 and was eligible to have been administratively deauthorized in March 2009. Construction funds were recently provided to continue construction on the Baltimore Harbor and Channels navigation project in Maryland and Virginia. Funding was also provided to initiate a General Reevaluation Report for the Sacramento Deep Water Ship Channel in California.
3. The Agana River, Fall River Harbor, and Ecorse Creek projects continue to be authorized in accordance with their respective decision documents and may be considered for inclusion in the budget as new starts if requested by appropriate non-Federal sponsors and if consistent with current program and budget priorities, including policies and procedures in effect at the time of consideration. Nevertheless, for each project, no work may be undertaken until funds are appropriated for that project. If funds are appropriated for any of these projects, the funds will be utilized in accordance with current Civil Works program execution guidance including conducting any necessary reevaluation studies to reaffirm the project remains justified.

CECW-P

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4. Per Section 3179(b), for any one of these three projects, if no funds are obligated for construction (including planning and design) of the project during the five year period starting on 8 November 2007 and ending on 7 November 2012, the project will not be authorized and no further work may proceed without new authorization by Congress.

5. The five projects described in Section 3179 are no longer subject to the requirements of Section 1001(b)(2) of WRDA 1986, as amended.

6. Per Section 3179(a)(4) the authorized project for Fall River Harbor, Massachusetts, is modified to limit that portion of the project extending riverward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts, to a 35-foot depth.

FOR THE COMMANDER:

A handwritten signature in black ink, appearing to read 'S. L. Stockton', written in a cursive style.

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

Encl

SEC. 3179. CONTINUATION OF PROJECT AUTHORIZATIONS.

(a) **IN GENERAL.**—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the following projects shall remain authorized to be carried out by the Secretary:

(1) The project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092).

(2) The project for flood control, Agana River, Guam, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4127).

(3) The project for navigation, Baltimore Harbor and Channels, Maryland and Virginia, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818).

(4) The project for navigation, Fall River Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731); except that the authorized depth of that portion of the project extending riverward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts, shall not exceed 35 feet.

(5) The project for flood control, Ecorse Creek, Wayne County, Michigan, authorized by section 101(a)(14) of the Water Resources Development Act of 1990 (104 Stat. 4607).

(b) **LIMITATION.**—A project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period beginning on the date of enactment of this Act, unless, during such period, funds have been obligated for the construction (including planning and design) of the project.