



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

CECW-SAD

27 OCT 2008

MEMORANDUM FOR COMMANDER, South Atlantic Division (CESAD-PM)

SUBJECT: Implementation Guidance for Section 5127 of the Water Resources Development Act of 2007 (WRDA 2007) – CANO MARTIN PENA, SAN JUAN, PUERTO RICO

1. Section 5127 directs the Secretary to review a report prepared by the non-Federal interest concerning flood protection and environmental restoration for Caño Martin Peña, San Juan, Puerto Rico, and if the Secretary determines that the report meets the evaluation and design standards of the Corps of Engineers and that the project is feasible, the Secretary may carry out the project at a total cost of \$150,000,000. A copy of section 5127 is enclosed for your information.
2. According to information provided by the Jacksonville District (CESAJ), there is no one specific report prepared by the non-Federal interest that addresses flood damage reduction and ecosystem restoration, but rather there are a large number of technical studies addressing the many problems in the vicinity of the Caño Martin Peña. CESAJ has been working with the potential sponsor, the Puerto Rico Department of Transportation and Public Works on several issues. Two CESAJ reports are particularly relevant: (1) the March 2001 Caño Martin Peña Project Design Report conducted under the Support for Others Program and (2) the July 2004 Section 905(b) Analysis for Caño Martin Peña, Puerto Rico, Ecosystem Restoration prepared under the authority of a 25 September 2002 House of Representatives study resolution.
3. If funds are appropriated for this project, CESAJ should negotiate a feasibility cost sharing agreement (FCSA) with a non-Federal interest to complete a feasibility level investigation of flood damage reduction and ecosystem restoration at Caño Martin Peña as identified in the 905(b) Analysis approved in July 2004. The feasibility study will be cost-shared 50/50 with a non-Federal interest and should be scoped to take advantage of the work already accomplished and to concentrate on those actions needed for the completion of the feasibility study. The study will follow the requirements set forth in Appendix H of ER 1105-2-100 for projects authorized without a report and be submitted for approval by the Assistant Secretary of the Army (Civil Works).

FOR THE COMMANDER:

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

Encl

SEC. 5127. CANO MARTIN PENA, SAN JUAN, PUERTO RICO.

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