



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

JAN 22 2009

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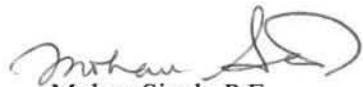
MEMORANDUM FOR COMMANDER, North Atlantic Division (CENAD-PSD-P)

SUBJECT: Implementation Guidance for Section 5087 of the Water Resources Development Act of 2007 (WRDA 2007) – Charlestown, Maryland

1. Section 5087 of WRDA 2007 provides the Secretary discretionary authority to carry out a project for non-structural flood damage reduction and ecosystem restoration at Charlestown, Maryland. The flood damage reduction component of the project may include the acquisition of private property from willing sellers. Any resulting conversion of property to use for ecosystem restoration and wildlife habitat shall be justified based on national ecosystem restoration benefits and the properties are to be maintained in public ownership. Further, an ability to pay analysis will be conducted. Section 5087 also authorizes to be appropriated \$2,000,000 to carry out this section. A copy of Section 5087 is enclosed.
2. Using funds provided by the FY2008 Omnibus Appropriations Act and following normal budgetary procedures, the District will conduct a reconnaissance study to determine if there is a Federal interest for the project. If a Federal interest is identified, the District may execute a Feasibility Cost Sharing Agreement with the non-Federal sponsor, cost-shared at 50 percent Federal and 50 percent non-Federal, and initiate preparation of a feasibility report with any remaining funds. However, no additional work may be undertaken until funds are appropriated for such work. Upon completion of the feasibility study, additional guidance will be provided on the appropriate ability to pay analysis. If the feasibility study identifies a project other than non-structural flood damage reduction and ecosystem restoration, or would require appropriations that exceed \$2,000,000, additional authorization would be required.

FOR THE COMMANDER:

Encl

  
Mohan Singh, P.E.  
Chief, North Atlantic Division  
Regional Integration Team  
Directorate of Military Programs

**SEC. 5087. CHARLESTOWN, MARYLAND.**

(a) IN GENERAL.—The Secretary may carry out a project for nonstructural flood damage reduction and ecosystem restoration at Charlestown, Maryland.

(b) LAND ACQUISITION.—The flood damage reduction component of the project may include the acquisition of private property from willing sellers.

(c) JUSTIFICATION.—Any nonstructural flood damage reduction project to be carried out under this section that will result in the conversion of property to use for ecosystem restoration and wildlife habitat shall be justified based on national ecosystem restoration benefits.

(d) USE OF ACQUIRED PROPERTY.—Property acquired under this section shall be maintained in public ownership for ecosystem restoration and wildlife habitat.

(e) ABILITY TO PAY.—In determining the appropriate non-Federal cost share for the project, the Secretary shall determine the ability of Cecil County, Maryland, to participate as a cost-sharing non-Federal interest in accordance with section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$2,000,000 to carry out this section.

*Encl.*