



DEPARTMENT OF THE ARMY
OFFICE OF THE CHIEF OF ENGINEERS
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CECW-PE (10-1-7a)

August 23, 1996

SUBJECT: Cedar Hammock (Wares Creek), Manatee County, Florida

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on flood damage reduction measures for the Cedar Hammock and Wares Creek area of Manatee County, Florida. It is accompanied by the report of the district and division engineers. These reports are being submitted in accordance with Section 205 of the Flood Control Act of 1948, as amended (Public Law 80-858) which authorized the Secretary of the Army, acting through the Chief of Engineers, to allot from any appropriations made for flood control for the construction of small projects. At the time this cost shared feasibility study was initiated, the project cost was within the Federal limitation of section 205.
2. The reporting officers recommend a flood damage reduction plan which consists of a channel modification project for the Cedar Hammock (Wares Creek) basin. The recommended plan of improvement consists of clearing and snagging 4600 feet of channel at the northern extreme of the study area, transitioning to an improved, grass-lined, 26-foot-wide trapezoidal channel extending for about 2000 feet. A 3000-foot-long, 40-foot-wide section of vertical sheet piling would follow the grass lined channel. The sheet piling would be located in a section of dense residential development. Improved grass-lined channel would resume following the sheet piling for an additional 5000 feet.
3. No environmental mitigation is required for the recommended plan. A finding of no significant impact statement was signed on April 13, 1995.
4. The recommended plan is the national economic development plan. Based on October 1995 price levels, a 50-year economic project life, and an interest rate of 7-5/8 percent, the project has a first cost of \$13,846,000, average annual benefits of \$3,861,000, an average annual cost of \$1,179,000 (including interest during construction), and a benefit-cost ratio of 3.3.
5. Washington level review indicates that the proposed plan conforms to applicable Federal laws and regulatory requirements, is a complete and functionally adequate project, and is in compliance with other relevant Federal and U.S. Army Corps of Engineers regulations. The report has been coordinated with appropriate Federal, State, local, and public interests. All substantive issues raised during the comment period have been adequately addressed.

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6. The Administration has initiated the development of a new cost sharing policy for flood damage reduction projects. I recommend that improvements for flood damage reduction in the Cedar Hammock and Wares Creek area of Manatee County, Florida be authorized subject to cost sharing that is consistent with Administration policy. This recommendation is also subject to the non-Federal sponsor agreeing to comply with applicable Federal laws and policies, including the following requirements:

a. Provide all lands, easements, and rights-of-way, including suitable borrow and dredged or excavated material disposal areas, and perform or assure the performance of all relocations determined by the Government to be necessary for the construction, operation, and maintenance of the project;

b. Provide or pay to the Government the cost of providing all retaining dikes, wasteweirs, bulkheads, and embankments, including all monitoring features and stilling basins, that may be required at any dredged or excavated material disposal areas required for the construction, operation, and maintenance of the project;

c. For so long as the project remains authorized, operate, maintain, repair, replace, and rehabilitate the completed project, or functional portion of the project, at no cost to the Government, in accordance with applicable Federal and State laws and any specific directions prescribed by the Government;

d. Grant the Government a right to enter, at reasonable times and in a reasonable manner, upon land which the local sponsor owns or controls for access to the project for the purpose of inspection, and, if necessary, for the purpose of completing, operating, maintaining, repairing, replacing, or rehabilitating the project;

e. Hold and save the Government free from all damages arising from the construction, operation, maintenance, repair, replacement, and rehabilitation of the project and any project-related betterments, except for damages due to the fault or negligence of the Government or the Government's contractors;

f. Keep and maintain books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to the project to the extent and in such detail as will properly reflect total project costs;

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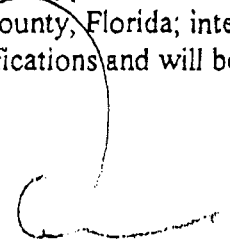
- g. Perform, or cause to be performed, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601-9675, that may exist in, on, or under lands, easements or rights-of-way necessary for the construction, operation, and maintenance of the project; except that the non-Federal sponsor shall not perform such investigations on lands, easements, or rights-of-way that the Government determines to be subject to the navigation servitude without prior specific written direction by the Government;
- h. Assume complete financial responsibility for all necessary cleanup and response costs of any CERCLA regulated materials located in, on, or under lands, easements, or rights-of-way that the Government determines necessary for the construction, operation, or maintenance of the project;
- i. To the maximum extent practicable, operate, maintain, repair, replace, and rehabilitate the project in a manner that will not cause liability to arise under CERCLA;
- j. Participate in and comply with applicable Federal floodplain management and flood insurance programs in accordance with Section 402 of Public Law 99-662;
- k. Prevent future encroachments on project lands, easements, and rights-of-way which might interfere with the proper functioning of the project;
- l. Not less than once each year, inform affected interests of the limitations of the protection afforded by the project;
- m. Publicize floodplain information in the area concerned and provide this information to zoning and other regulatory agencies for their use in preventing unwise future development in the floodplain, and in adopting such regulations as may be necessary to prevent unwise future development and to ensure compatibility with protection levels provided by the project;
- n. Comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended by Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17), and the Uniform Regulations contained in 49 CFR Part 24, in acquiring lands, easements, and rights-of-way, and performing relocations for construction, operation, and maintenance of the project, and inform all affected persons of applicable benefits, policies, and procedures in connection with said act; and

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o. Comply with all applicable Federal and State laws and regulations, including Section 601 of the Civil Rights Act of 1964, Public Law 88-352, and Department of Defense Directive 5500.11 issued pursuant thereto, as well as Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army."

8. The recommendations contained herein reflect the information available at this time and current departmental policies governing formulation of individual projects. They do not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program nor the perspective of higher review levels within the Executive Branch. Consequently, the recommendations may be modified before they are transmitted to the Congress as a proposal for authorization and/or implementation funding. However, prior to transmittal to Congress, the sponsor, the Manatee County Government, Manatee County, Florida; interested local and Federal agencies; and other parties will be advised of any modifications and will be afforded an opportunity to comment further.



PAT M. STEVENS IV
Major General, USA
Acting Chief of Engineers