

United States Senate

WASHINGTON, DC 20510

May 19, 2010

The Honorable Barbara Boxer
Chairman
Committee on Environment & Public Works
410 Dirksen Senate Office Bldg.
Washington, DC 20510

The Honorable James M. Inhofe
Ranking Member
Committee on Environment & Public Works
456 Dirksen Senate Office Bldg.
Washington, DC 20510

Dear Chairman Boxer and Ranking Member Inhofe:

We are writing to request the following provisions be included in the Water Resources Development Act (WRDA) of 2010 to provide assistance to Michigan's communities:

- **Au Sable River Harbor, Oscoda Township, Michigan.** We request a modification of the authorization for the Au Sable Harbor in Oscoda Township, Michigan to include the areas to the west side of the current US 23 Bridge boundary. This modification would also include extending the northwest boundary to approximately 50 feet past the Oscoda Yacht Club/River View Marina. The extension would enable boaters to navigate an area that has been too shallow for boating activity for the last 15 years. Also, because this harbor is a Harbor of Refuge, its enlargement would improve public safety.
- **Bay City - Saginaw River Restoration, Bay City, Michigan.** We ask the committee to authorize the Army Corps of Engineers to study, design, engineer, and construct restoration of the Saginaw River Shoreline in downtown Bay City. This authorization would include bank stabilization and enhanced navigational access. The current shoreline was built decades ago and is composed of a haphazardly assembled mix of waste concrete, a short steel wall, and intermittent concrete slabs. The shoreline structure is deteriorating, provides minimal protection from erosion, and hinders large-vessel access to Bay City. Assistance from the Army Corps of Engineers would allow Bay City to clear the debris and restore this stretch of shoreline along the Saginaw River.
- **Caseville Harbor, Caseville, Michigan.** We request a modification of the authorization for Caseville Harbor, Michigan. The Army Corps of Engineers currently has authorization to dredge 4,000 feet of the channel at Caseville Harbor. Due to a change in existing conditions in the harbor, additional footage needs to be dredged. Specifically, the upstream limit of the Federal dredging project needs to be expanded to the upstream side of the Caseville Municipal Harbor launch ramp, beyond the 90 degree bend in the river past the launch ramp where silt has built up. The Army Corps of Engineers has

already mapped out this area. This project serves as an important Harbor of Refuge, and also supports charter fishing and recreational boating which contribute greatly to the economy of Caseville. The local community has established significant infrastructure around the harbor facilities that generate income from harbor users and tourists visiting the area. The consequences of not expanding the existing authorization could result in public safety threats, loss of jobs locally and a decrease in recreational boating and charter fishing.

- **Cass River Flood Control Project, Frankenmuth, Michigan.** We request modification of the Cass River Flood Control Project and authorization to move to construction. The Frankenmuth Flood Reduction Project was authorized under Public Law 85-500. This project needs to be modified to reflect the change in the base flood elevation (i.e., the area subject to a one percent annual chance of a flood). We ask for authorization for the Corps to modify and construct this flood control project, including the levee system, along the Cass River to protect lives and property in Frankenmuth, Michigan.
- **Chicago Sanitary and Ship Canal Dispersal Barriers Project.** We urge that the Committee authorize the Corps of Engineers to implement measures recommended in the Efficacy Study, authorized under section 3061 of WRDA 2007; authorize a study to separate watersheds; extend the Corps' emergency authority as provided in the Fiscal Year 2010 Energy and Water Appropriation Act; and authorize measures to prevent the movement of aquatic nuisance species, purchase real estate, and provide improvements to making Barrier I a permanent barrier. *(This request is also included in the Great Lakes Task Force WRDA request letter.)*
- **Clinton River Environmental Restoration, Mt. Clemons, Michigan.** We request construction authorization for the Clinton River Spillway and Watershed Restoration Project subject to a favorable feasibility report. There is existing authority (section 4047, WRDA 2007; P.L. 110-114) to conduct a study to determine the feasibility of carrying out a restoration project on the Clinton River. Macomb County is prepared to provide the necessary non-federal match for this project. This drainage district of 780 square miles covers 54 communities in four counties. This construction project would provide substantial water quality benefits throughout the Macomb County Region.
- **Detroit - East Riverfront Environmental Infrastructure, Detroit, Michigan.** We request a \$6.5 million authorization to design and construct water mains, storm and sanitary sewers in the East Riverfront area in Detroit, Michigan. While the State of Michigan has a statewide authorization provided in WRDA 2007 to correct combined sewer overflows (CSOs) in Michigan, this project also involves the construction of water mains which is currently not allowed under the existing statewide authority and therefore a separate authorization is needed. The East Riverfront District is one of the City of Detroit's highest economic development priorities, and has recently started experiencing the first new public and private investments that are expected to create new mixed use opportunities, provide waterfront public spaces and access, provide additional tax bases, and create a dynamic new residential neighborhood to attract and keep residents in

Detroit. Before the East Riverfront District can be successfully redeveloped, improvements must be made to update the City's failing and old (60 to 100 year old) water and wastewater system in the area. The Detroit Brownfields Redevelopment Authority has identified a targeted site in the East Riverfront District, the Belleview Project, where the environmental infrastructure investments would significantly help with redevelopment. Dominating an underutilized and now blighted waterfront, redevelopment of the East Riverfront would reclaim a significant section of the City adjacent to Downtown.

- **Detroit – Jefferson Village Flood Control, Detroit, Michigan.** We request a \$3 million authorization under the Section 205 Continuing Authorities Program to conduct a study and, if feasible, to construct a new seawall system for the Harding Canal to prevent flood damage to Jefferson Village and other Detroit River shoreline neighborhoods. Eastern Detroit River shoreline neighborhoods, including Jefferson Village, are transected by several canals that provide access to the Detroit River. The Federal Emergency Management Agency (FEMA) has determined that current flood protection is insufficient for protecting the community from a 100-year floodplain (i.e., a one percent chance of a flood). The eastern Detroit River shoreline neighborhoods could be subject to a potential breach in water levels at the Harding Canal. We request the Army Corps of Engineers to survey the area and, if feasible, to construct and maintain a new seawall system for the Harding Canal to protect residential and commercial development in the area, including the Detroit Marina/Yacht Harbor directly to the south. Jefferson Village is currently the site of a concerted effort to revitalize this neighborhood, including the development of new public infrastructure, shopping facilities, and residential development. A new seawall system and flood protection is crucial to the continuation of these city improvements.
- **Ecorse Creek Flood Control Project Modification, Wayne County, Michigan.** We request a modification to the Ecorse Creek Flood Control Project that would increase the authorization of appropriations for this project, subject to the completion of the General Reevaluation Report (GRR) and in accordance with the updated project scope and cost estimate included in the report. The Ecorse Creek Flood Control Project was authorized in WRDA 1990, along with a continuation provided in Section 3179 of WRDA 2007. A feasibility report was completed in 1989. However, in recent years, as a result of significant urban growth along Ecorse Creek and several major flood events, Wayne County, Michigan re-analyzed the project and recommended alternatives. The Army Corps is currently reviewing the Wayne County study to determine feasibility and total project cost for a recommended alternative. The GRR is expected to be completed in September 2010, and following the External Peer Review process, submitted to Army Corps Headquarters by September 2011. The North Branch of Ecorse Creek has a long history of flooding, and it is important to provide protection for this western part of the Detroit area that is predominantly residential and continues to grow.
- **Estral Beach Flood Control Structures, Estral Beach, Michigan.** We ask the committee to waive the cost-share requirement associated with a Section 205 study to

address the deterioration of flood control structures that threaten this community. Pending completion of this study, we also ask the committee to authorize the Corps to construct this project, also waiving the cost share requirements for construction activities identified by this study. In the 1950s and again in 1986, the Corps was involved with installing flood control measures in the Village of Estral Beach, Michigan. The flood control structures installed were a combination of clay dikes around the low lying areas, rip-rap and rock-filled gabions along the Lake Erie shoreline, and two pump stations to move water from the low lying areas. The 25-year maintenance agreement with the Village expires at the year end of this. Over that 25 year period, the USACE has performed yearly inspections to identify any maintenance issues that need attention. Due to the lack of available funds from the small tax base to address some of the larger maintenance issues identified, the Village is unable to implement any of these recommendations unless the cost share requirements are waived.

- **Flint River and Swartz Creek Project Modification, Flint Michigan.** We request a modification of the Section 216 Flint River and Swartz Creek project authorization to include the Hamilton Dam, also located in Flint, Michigan, in the overall project definition of the Flint River Project.
- **Flint River Construction Authorization, Flint, Michigan.** We request a modification to the Flint River Flood Control Project that allows the Army Corps of Engineers to proceed with construction on the project (including the Hamilton Dam project) contingent upon a favorable Corps Chief's Report.
- **Grand River Restoration Project, Lansing, Michigan.** We request authorization for engineering and construction of elements identified in the master plan prepared for the Grand River, which includes measures for flood control, shoreline protection, environmental restoration and protection, recreation and associated purposes at and in the vicinity of Lansing, Michigan. A Study Resolution was authorized in 2002 for this project, and we request a construction authorization, subject to a favorable report of the Chief of Engineers. This project is crucial for the Grand River ecosystem as well as Lansing's economic recovery.
- **Great Lakes Coastal Infrastructure Study.** At many cities and towns along the Great Lakes, critical infrastructure and property is protected from coastal flooding, storm and ice damage by breakwaters and other structures. Most of these structures are 50 to 100 years old and have received only limited maintenance during the last 30 years due to other budget priorities. We request an authorization for the Corps to conduct, at federal expense, a detailed investigation of the risks and reliabilities of public infrastructure (including land- and water-based transportation, power supply, water and wastewater treatment, boating and recreation) along the Great Lakes shorelines under a wide range of lake levels and tributary flow conditions, and provide a report to Congress on this study. *(This request is also included in the Great Lakes Task Force WRDA request letter.)*

- **Great Lakes Fisheries & Ecosystem Restoration Program Cost Share Changes.** We ask you to amend the Great Lakes Fishery & Ecosystem Restoration program, authorized under subsection 506(f) of WRDA 2000, to allow in-kind contributions up to 100% of the non-Federal share for planning, design, and construction and to clarify cost-sharing arrangements. Fishery resources of the Great Lakes Basin region will benefit greatly from the implementation of projects to remove fish passage barriers, sea lamprey control measures, and habitat restoration. We urge you to amend this authority to allow the non-federal sponsor in a GLFER project to have in-kind contributions made before a project agreement is signed count towards the local match requirements during the reconnaissance, feasibility, design and construction phases. Current Army Corps of Engineer guidance, under Circular No. 1165-2-208, does not allow in-kind contributions made during the planning stage to count towards the local match. Allowing the local non-federal sponsor to count in-kind contributions made during all stages of a project would only further encourage these partnerships and the overall success of the Great Lakes Fisheries and Ecosystem Restoration program. *(This request is also included in the Great Lakes Task Force WRDA request letter.)*
- **Great Lakes Recreational Boating Safety Study.** We request the Committee to authorize the Corps of Engineers to conduct a Great Lakes Recreational Boating Safety Study. Recreational boating is growing in popularity throughout the Great Lakes. There are 4.3 million recreational boats registered in the eight Great Lakes states which generate nearly \$16 billion in spending on boats and boating activities in a single year. That spending directly supports 107,000 jobs, a figure that grows to nearly a quarter million jobs when secondary impacts are taken into consideration. Weather on the lakes can change quickly—sometimes within a matter of minutes—and create unsafe conditions for boaters. Therefore, it is important that safe harbors exist throughout the Great Lakes. Unfortunately, many of these small, shallow-draft harbors have not been adequately maintained over the past several years. Because navigation safety is so important, we urge the Committee to authorize the Corps of Engineers to study the risks to boaters associated with poorly maintained federal harbors in the Great Lakes. *(This request is also included in the Great Lakes Task Force WRDA request letter.)*
- **Hamilton Dam - Modification, Flint Michigan.** Section 5003 of WRDA 2007 authorized the Army Corps to provide assistance to enhance dam safety at Hamilton Dam in Flint, Michigan, along with 14 other dam projects. A total of \$12,000,000 was authorized to be appropriated to carry out these projects. We request that \$10,000,000 be specifically set aside for the Hamilton Dam, Flint River project. The Corps is currently preparing reports concerning Probable Failure Mode Analysis (PFMA) and Interim Risk Reduction Measures (IRRM). The Michigan Department of Environmental Quality has concluded that there is a possibility the dam could fail, and a study conducted in 2000 by the Army Corps of Engineers recommended that the dam be replaced. Failure of this dam would be potentially devastating to residents of Flint. The dam is located in downtown Flint, where there are significant infrastructure investments that are threatened by the potential failure of this dam.

- **Harbor Maintenance Trust Fund.** We urge the Committee to include language from the Harbor Maintenance Act (S. 3213) in WRDA, which would help ensure that funds deposited into the Harbor Maintenance Trust Fund (HMTF) would be used for their intended purposes: to properly maintain and operate our federal harbors and ports. Every year, hundreds of millions of dollars are collected into the Harbor Maintenance Trust Fund (HMTF) but never spent. Currently, the HMTF has a surplus of about \$5 billion. This under-spending has resulted in a considerable backlog of harbor maintenance work throughout the country including the Great Lakes. To ensure that backlogs do not continue to grow, we urge the Committee to require that expenditures from the HMTF in the future equal the amount of money received into the HMTF. *(This request is also included in the Great Lakes Task Force WRDA request letter.)*
- **St. Marys Falls Hydro Plant Funds Retention.** The Army Corps of Engineers owns and operates a hydropower plant at the St. Marys Falls Canal, which is over 50 years old. While some of the plant equipment has undergone repairs over the last 15 years, significant additional repairs are required to ensure the continued operation and structural integrity of the plant, as well as to maintain power generation for the future. The power generated by this facility is used to operate the St. Marys Falls Canal and the Soo Area Office facilities. The excess power, which is about 95 percent of the power produced, is sold directly to the local electric utility company at Sault Ste. Marie, Michigan. We request language in WRDA that would authorize the Secretary of Defense to retain any and all funds collected from the sale of excess power generated. Funds retained by the Secretary would be used to operate, maintain, repair and improve the Soo Hydropower Plants, including associated federal water control structures at the Soo Locks; and all equipment and required facilities associated with the generation and transmission of power. We also request authority for the Secretary to accept advance payments from the local electric utility company or its successor necessary to make required repairs and improvements to the Government hydropower facility.
- **Soo Lock Replacement - Modification, Sault Ste. Marie, Michigan.** We request a technical modification of the authorization for the Replacement Lock in Sault Ste Marie, Michigan (authorized in WRDA 2007, Section 3091) to authorize \$600 million in appropriations for this project, which is the most recent Army Corps of Engineers cost estimate. Current construction efforts include contracts for coffer dams and downstream channel excavation. Shipping on the Great Lakes is critical to the economic vitality of the region and the nation. Two-thirds of the carrying capacity of the US Great Lakes fleet is now limited to the one large lock (the Poe Lock) at the Soo complex. More than 70 percent of the raw materials needed by the steel industry, as well as low-sulfur coal and grain exports, rely on transportation through the Soo Locks. If the Poe Lock should fail, shipping between Lake Superior and Lake Huron would essentially cease, and the steel industry, along with steel and coal-reliant industries, would be crippled. Agricultural industries dependent on farm exports would also be severely harmed. We also request a waiver of the cost-benefit analysis for this project since the Soo Locks is a Project of National Significance, which could be a target for a terrorist attack. The current cost-benefit analysis does not consider the national security component of this project and the

need to ensure the quick and efficient movement of the raw materials that are shipped through the Poe Lock.

- **South Haven Harbor, South Haven, Michigan.** We request the committee to authorize South Haven Harbor Extension of Dredging Area, South Haven, Michigan. We ask the committee to provide authorization to allow the Army Corps of Engineers to extend dredging of the South Haven Harbor to include the former Turning Basin. This will ensure that large vessels can safely navigate to the Michigan Maritime Museum dock. Extension area 1 includes 6,000 square yards; extension area 2, includes 1,400 square yards. The City of South Haven is working to promote tourism and additional navigation in the South Haven Harbor. The Friends of Goodwill replica warship from 1812, currently based at the South haven Maritime Museum, has experienced a number of groundings in the harbor. This project would also allow the Great Lakes Tall Ships Challenge participants safe use of the harbor.
- **Upper Peninsula Flood Recovery.** We request the committee extend the authorization provided in P.L. 107-206 regarding the flood recovery project in the Upper Peninsula of Michigan. An authorization of \$22 million was provided for a number of geographic areas, including Western Illinois, Southern Indiana, Eastern Missouri, and the Upper Peninsula of Michigan. Appropriations of \$22 million have been provided for these areas but certain projects in the Upper Peninsula, including the restoration of a storm sewer in the Village of Lake Linden, Michigan, remain unfinished. We request an additional \$1 million in authorized funds for the flood recovery efforts in the Upper Peninsula of Michigan to enable the Corps to restore public infrastructure including sewer and water facilities, and to undertake other flood recovery efforts deemed necessary.

We urge the Committee to give full consideration to our requests and thank you for your attention to this important matter. If your staff has any questions, they may direct their inquiries to Alice Yates (Senator Levin) at 224-6221 or Chris Adamo (Senator Stabenow) at 224-4822.

Sincerely,



Debbie Stabenow
United States Senator



Carl Levin
United States Senator

I certify that neither I nor my immediate family has a pecuniary interest in any of the congressionally directed spending item(s) that I have requested, consistent with the requirement of paragraph 9 of Rule XLIV of the Standing Rules of the Senate. I further certify that I have posted a description of the items requested on my official website, along with the accompanying justification.



Carl Levin
United States Senator

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United States Senator