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

AUG 12 2008

REPLY TO
ATTENTION OF:

CECW-NWD

MEMORANDUM FOR COMMANDER, Northwestern Division (CENWD-PDD)

SUBJECT: Implementation Guidance for Section 1001(46) of the Water Resources Development Act of 2007 (WRDA 2007) – Centralia, Chehalis River, Lewis County, Washington

1. Section 1001(46) of WRDA 2007 authorizes the project for flood damage reduction, Centralia, Chehalis River, Lewis County, Washington. In addition, it directs the Secretary to credit toward the non-Federal share of the cost of the project up to $6,500,000 for the cost of planning and design work carried out by the non-Federal interest in accordance with the project study plan (PSP) dated November 28, 1999. Finally, the Section directs the Secretary to credit toward the non-Federal share of the cost of the project the cost of design and construction carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project. A copy of Section 1001(46) is enclosed for your information.

2. The project identified in this section may be considered for implementation in accordance with the existing budgetary policy and procedural guidance. Nevertheless, no work may be undertaken until funds are appropriated for this project.

3. The crediting provisions of Section 1001(46) will be implemented as follows:

a. Section 1001(46)(B)(i) provides direction to credit toward the non-Federal share of the cost of the project up to $6,500,000 for the cost of planning and design work carried out by the non-Federal interest in accordance with the PSP dated November 28, 1999. The guidance and procedures contained in Engineering Circular No. 1165-2-208 In-Kind Contribution Provisions of Section 221 should be used to determine eligibility of credit for such planning and design work. The letter report required for the integral determination should clearly document if the work carried out by the non-Federal interest was in accordance with the PSP dated November 28, 1999. The actual value of the eligible planning and design work and amount of credit afforded, up to $6,500,000, will be determined in accordance with the terms and conditions of the project partnership agreement for the project.

b. Section 1001(46)(B)(ii) provides direction to afford credit toward the non-Federal share of the cost of the project for the cost of design and construction work for the project carried out by the non-Federal interest before the date of execution of the project partnership agreement. The guidance and procedures contained in Engineering Circular No. 1165-2-208 In-Kind

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Contribution Provisions of Section 221 should be used to determine eligibility of credit for such design and construction work. The actual value of the eligible design and construction work and amount of credit afforded will be determined in accordance with the terms and conditions of the project partnership agreement for the project.

c. Section 1001(46)(B) does not provide authority to afford credit for work carried out by the non-Federal interest after the date of execution of the project partnership agreement.

FOR THE COMMANDER:

Encl

EDWARD J. HECKER
Chief, NWD Regional Integration Team
Directorate of Civil Works

Water Resource Development Act of 2007

PUBLIC LAW 110–114—NOV. 8, 2007 121 STAT. 1041

TITLE I—WATER RESOURCES PROJECTS

SEC. 1001. PROJECT AUTHORIZATIONS.

Except as otherwise provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(46) CENTRALIA, CHEHALIS RIVER, LEWIS COUNTY, WASHINGTON.—

(A) IN GENERAL.—The project for flood damage reduction, Centralia, Chehalis River, Lewis County, Washington: Report of the Chief of Engineers dated September 27, 2004, at a total cost of $123,770,000, with an estimated Federal cost of $74,740,000 and an estimated non-Federal cost of $49,030,000.

(B) CREDIT.—The Secretary shall—

(i) credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project up to $6,500,000 for the cost of planning and design work carried out by the non-Federal interest in accordance with the project study plan dated November 28, 1999; and

(ii) credit toward the non-Federal share of the cost of the project the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.