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

REPLY TO
ATTENTION OF

APR 13 2010

CECW-P

MEMORANDUM FOR COMMANDER, Mississippi Valley Division (CEMVD-PD)

SUBJECT: Implementation Guidance for Section 3074 of the Water Resources Development Act of 2007 – AMITE RIVER AND TRIBUTARIES, LOUISIANA, EAST BATON ROUGE PARISH WATERSHED

1. Section 3074 of the Water Resources Development Act (WRDA) of 2007 modifies the project for Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed authorized by Section 101(a) (21) of WRDA 1999 to direct the Secretary to: carry out the project with the cost sharing for the project determined in accordance with section 103(a) of the WRDA 1986, as in effect on October 11, 1996; construct the project at a total cost of $187,000,000; and to 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 the cost of work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project. A copy of Section 3074 is enclosed.

2. In accordance with Section 3074, the authorized total cost for the Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed project is $187,000,000. Section 3074 also changed the cost sharing for costs assigned to flood damage reduction for the project to a minimum 25 percent non-Federal share.

3. Section 3074 provides authority to afford credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for the project before the date of execution of the project partnership agreement (PPA), in accordance with section 221 of the Flood Control Act, as amended. In order to afford credit for work accomplished by the non-Federal Sponsor prior to execution of the PPA, such work must be determined to be integral to the project. The guidance and procedures contained in Engineering Circular No. 1165-2-208, In-Kind Contribution Provisions of Section 221, shall be used to determine eligibility of credit for such work. The integral determination must be approved by the Assistant Secretary of the Army (Civil Works). The actual value of eligible construction work and amount of credit afforded will be determined in accordance with the terms and conditions of the PPA. Section 3074 does not provide authority to afford credit for work carried out by the non-Federal interest after the date of execution of the PPA. Further, the total amount of credit afforded for construction work undertaken by the non-Federal interest shall not exceed the non-Federal cash requirement of the project.

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4. Continuation of work on the project is subject to funds specifically appropriated for such work.

FOR THE COMMANDER:

Encl

THEODORE A. BROWN, P.E.
Chief, Mississippi Valley Division
Regional Integration Team
Civil Works Directorate

SEC. 3074. AMITE RIVER AND TRIBUTARIES, LOUISIANA, EAST BATON ROUGE PARISH WATERSHED.

The project for flood damage reduction and recreation, Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed, authorized by section 101(a) (21) of the Water Resources Development Act of 1999 (113 Stat. 277) and modified by section 116 of division D of Public Law 108–7 (117 Stat. 140), is further modified—

(1) to direct the Secretary to carry out the project with the cost sharing for the project determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)), as in effect on October 11, 1996;

(2) to authorize the Secretary to construct the project at a total cost of $187,000,000; and

(3) to direct the Secretary to 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 the cost of work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.