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

CECW-P

12 MAY 2008

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

SUBJECT: Implementation Guidance for Section 3104 of the Water Resources Development Act (WRDA) of 2007 – PEARL RIVER BASIN, MISSISSIPPI

1. Section 3104 of WRDA 2007 modifies the Pearl River Basin project authorized by Section 401(e)(3) of WRDA 1986 to authorize the Secretary to implement a flood damage reduction project at a total cost of $205,800,000, with an estimated Federal cost of $133,770,000 and an estimated non-Federal cost of $72,030,000. Further, section 3104 provides that the Secretary may construct the national economic development (NED) plan, the locally preferred plan (LPP) or some combination thereof, subject to a determination by the Secretary that the LPP provides the same level of flood protection as the NED plan and that the LPP is environmentally acceptable and technically feasible. A copy of section 3104 is enclosed for your information.

2. At such time that funds are appropriated, a decision document should be prepared in accordance with ER 1105-2-100 that identifies the NED plan as well as any LPP, determines whether the LPP is environmentally acceptable and technically feasible and compares the level of flood damage reduction provided by the LPP to that provided by the NED plan. The report shall also document all features that would not produce NED benefits greater than costs in accordance with Section 903 (c) of WRDA 86 although use of this provision is not permitted under current Corps policy. In the event the LPP is recommended for construction, the Federal share of the cost of the project will be limited to the Federal share of the NED plan in accordance with the cost sharing provisions of WRDA 1986, as amended. Subject to approval by the Secretary and congressional notification, the non-Federal sponsor may carry out the project under Section 211 of WRDA 86 in accordance with Policy Guidance Letter No. 53.

3. No work shall be undertaken to implement this provision until funds are appropriated for such work.

FOR THE COMMANDER:

Theodore A. Brown

Encl

THEODORE A. BROWN, P.E.
Acting Chief, Planning and Policy Division
Directorate of Civil Works

3104. PEARL RIVER BASIN, MISSISSIPPI

(a) In General- The project for flood damage reduction, Pearl River Basin, including Shoccoe, Mississippi, authorized by section 401(e)(3) of the Water Resources Development Act of 1986 (100 Stat. 4132), is modified to authorize the Secretary, subject to subsection (c), to construct the project generally in accordance with the plan described in the `Pearl River Watershed, Mississippi, Feasibility Study Main Report, Preliminary Draft', dated February 2007, at a total cost of $205,800,000, with an estimated Federal cost of $133,770,000 and an estimated non-Federal cost of $72,030,000.

(b) Comparison of Alternatives- Before initiating construction of the project, the Secretary shall compare the level of flood damage reduction provided by the plan that maximizes national economic development benefits of the project and the locally preferred plan, referred to as the LeFleur Lakes plan, to that portion of Jackson, Mississippi and vicinity, located below the Ross Barnett Reservoir Dam.

(c) Implementation of Plan-

(1) IN GENERAL- If the Secretary determines under subsection (b) that the locally preferred plan provides a level of flood damage reduction that is equal to or greater than the level of flood damage reduction provided by the national economic development plan and that the locally preferred plan is environmentally acceptable and technically feasible, the Secretary may construct the project identified as the national economic development plan, or the locally preferred plan, or some combination thereof.

(2) CONSTRUCTION BY NON-FEDERAL INTERESTS- The non-Federal interest may carry out the project under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b-13).

(d) Project Financing- In evaluating and implementing the project under this section, the Secretary shall allow the non-Federal interests to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) if the detailed project report evaluation indicates that applying such section is necessary to implement the project.

(e) Non-Federal Cost Share- If the locally preferred plan is selected for construction of the project, the Federal share of the cost of the project shall be limited to the share as provided by law for the elements of the national economic development plan.