DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
WASHINGTON DC 20314-1000

CECW-LRD

JUN 11 2009

MEMORANDUM FOR COMMANDER, GREAT LAKES AND OHIO RIVER DIVISION

SUBJECT: Implementation Guidance for Section 5077 of the Water Resources Development Act of 2007 (WRDA 2007) - Paducah, Kentucky.

1. Section 5077 of WRDA 2007 authorizes the Secretary of the Army to complete a feasibility report for rehabilitation of the project for flood damage reduction at Paducah, Kentucky, authorized by section 4 of the Flood Control Act of 1938 (P.L. 75-761) and may carry out the project at a total cost of $3,000,000 if the Secretary determines that the project is feasible. A copy of Section 5077 is enclosed for information.

2. This study may be undertaken in accordance with existing budgetary policy and procedures. At such time that funds are provided, the Louisville District should negotiate and execute a Feasibility Cost Sharing Agreement with the non-Federal sponsor to initiate the feasibility study for the project consistent with the CECW-PB Memorandum dated 16 August 2005, Subject: Reconstruction of U.S. Army Corps of Engineers Structural Flood Damage Reduction Projects for which Non-Federal Interests are Responsible for Operations, Maintenance, Repair, Rehabilitation and Replacement. If the feasibility phase does not recommend a feasible project, no additional design or construction work shall be undertaken unless funds are specifically appropriated for such work. If a feasible project is recommended and approved, the project may be considered for implementation in accordance with current policy and budgetary guidance. However, if the total project cost of the recommended project exceeds $3M, additional authority will be required before a Project Partnership Agreement (PPA) can be executed and construction can be initiated.

3. In accordance with the In-Kind Memorandum of Understanding (MOU) executed between the non-Federal Sponsor and the Federal Government on November 11, 2008, Engineering Circular No. 1165-2-208, and the ASA(CW) memorandum dated November 14, 2008, Subject: Paducah, Kentucky, Flood Damage Reduction Project, Request for Exception to Policy on Timing of Execution of In-Kind Memorandum of Understanding (MOU), work completed prior to completion of the feasibility study may be eligible for credit toward the non-Federal sponsor's share of total project costs pursuant to the PPA. The feasibility report shall include the appropriate information to make the determination if the design and construction work performed pursuant to the In-Kind MOU is integral to the project. The integral determination will be reviewed and approved by the Secretary as part of the decision document review and

approval process. 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 PPA for the project.

FOR THE COMMANDER:

Encl

MICHAEL G. ENSCH
Chief, Regional Integration Team
Great Lakes and Ohio River Division
Civil Works Directorate

WATER RESOURCES DEVELOPMENT ACT OF 2007

SEC. 5077. PADUKAH, KENTUCKY.

The Secretary shall complete a feasibility report for rehabilitation of the project for flood damage reduction, Paducah, Kentucky, authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1217), and, if the Secretary determines that the project is feasible, the Secretary may carry out the project at a total cost of $3,000,000.