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

JAN 15 2015

CECW-SWD

MEMORANDUM FOR COMMANDER, Southwestern Division (CESWD-PD)

SUBJECT: Implementation Guidance for Section 4013(d) of the Water Resources Reform and Development Act of 2014 (WRRDA 2014) - Dallas Floodway, Dallas, Texas

1. References:

a. CEMP-SWD memorandum, 7 December 2009, subject: Implementation Guidance for Section 5141 of the Water Resources Development Act of 2007 (WRDA 2007) -Dallas Floodway, Dallas, Texas.

b. CEMP-SWD Memorandum, 19 October 2010, subject: Implementation Guidance for Section 405(a) of the FY2010 Supplemental Disaster Relief and Summer Jobs Act (Public Law 111-212).

2. Section 4013(d) of WRRDA 2014 includes, as a technical correction, an amendment of Section 5141(a) (2) of WRDA of 2007 (121 Stat. 1253) to insert "and the Interior Levee Drainage Study Phase–II Report, Dallas, Texas, dated January 2009", after "September 2006" . A copy of Section 5141 of WRDA 2007, as amended, is enclosed. In addition, the guidance provided in Reference 1.b. related to Public Law-212, which was enacted in July 2010, is applicable to USACE actions that may impact features covered in the January 2009 report.

3. The Interior Drainage Study Phase-II Report prepared by the non-Federal interest includes a review of the Interior Drainage Plan (IDP) along the west levee of the Dallas Floodway system for improvements to the existing Pavaho, Delta, and Charlie Pump Stations, and proposed construction of the new Trinity-Portland Pump Station; restoration of sump capacity to provide protection against the one percent chance (100-year) event; and gravity and pressure storm sewers. The IDP will be evaluated in the Dallas Floodway, Dallas, Texas Final Feasibility Report (final feasibility report) to ensure the proposed alterations and modifications meet USACE engineering and safety standards, and will not have significant adverse affects on the functioning of the Dallas Floodway Levee System. Economic analysis and recommendation of the NED plan are not required for these features; however, these elements will be formulated using sound judgment, prudent analytical approaches and Corps engineering standards.

4. The final feasibility report will describe and document the plan formulation criteria and the priorities that will be used to identify what features will ultimately be included in the Modified Dallas Floodway Project. In addition, the features of the Interior Drainage Study Phase-II Report must be evaluated in the Environmental Impact Statement (EIS) accompanying the Dallas Floodway, Dallas Texas Final Feasibility Report. In addition, the final feasibility report will ensure that the costs of the recommended features are within the authorized project cost (section 902 cost limit). If these features are not within the authorized project cost, new authorization will be required.

5. If it is determined that they have independent utility and do not adversely affect the functioning of the Modified Dallas Floodway Project, features of the IDP may be initiated by

non-Federal interests prior to completion of the Dallas Floodway, Dallas, Texas Final Feasibility Report. For those features of the IDP that the non-Federal interests plan to construct separately from the Federal project, i.e., the recreation features, the Pavaho Pump Station, and the Able Pump Station, the non-Federal interests must submit a Section 408 permission request that will be evaluated in accordance with EC 1165-2-216, Policy And Procedural Guidance for Processing Requests to Alter US Army Corps of Engineers Civil Works Projects Pursuant to 33 USC 408. For those features of the Federal project that the non-Federal interests plan to construct, eligibility for in-kind contribution credit will be considered in accordance with ER 1165-2-208 and paragraph 9 of the implementation guidance for Section 5141 of WRDA 2007, dated 7 December 2009, memorandum.

5. Given the complexity and sensitivity of this study, the Project Delivery Team should conduct vertical team checkpoint meetings throughout project implementation to coordinate all phases of the comprehensive, system-wide analysis required for the Modified Dallas Floodway Project.

Theodore A. Brown

Encl

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

Enclosure
Section 5141 of WRDA 2007, as amended

**SEC. 5141. DALLAS FLOODWAY, DALLAS, TEXAS.**

(a) IN GENERAL.—The project for flood control, Trinity River and tributaries, Texas, authorized by section 2 of the Act entitled, "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 18), is modified to—

(1) direct the Secretary to review the Balanced Vision Plan for the Trinity River Corridor, Dallas, Texas, dated December 2003 and amended in March 2004, prepared by the non-Federal interest for the project;

(2) direct the Secretary to review the Interior Levee Drainage Study Phase-I report, Dallas, Texas, dated September 2006, and the Interior Levee Drainage Study Phase–II report, Dallas, Texas, dated January 2009, prepared by the non-Federal interest; and

(3) if the Secretary determines that the project is technically sound and environmentally acceptable, authorize the Secretary to construct the project at a total cost of $459,000,000, with an estimated Federal cost of $298,000,000 and an estimated non-Federal cost of $161,000,000.

(b) CREDIT.—

(1) IN-KIND CONTRIBUTIONS.—The Secretary shall 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 planning, design, and construction work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(2) CASH CONTRIBUTIONS.—The Secretary shall accept funds provided by the non-Federal interest for use in carrying out planning, engineering, and design for the project. The Federal share of such planning, engineering, and design carried out with non-Federal contributions shall be credited against the non-Federal share of the cost of the project.