DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CECW-PG

12 JUN 2001

MEMORANDUM FOR COMMANDER, North Atlantic Division

SUBJECT: Implementation Guidance for Section 318 of the Water Resources Development Act of 2000 (WRDA 2000) – Poplar Island, Maryland

1. Section 318(a) of WRDA 2000 amends Section 537 of WRDA 96 (P. L. 104-303), as amended, authorizing the project for beneficial use of dredged material at Poplar Island, Maryland. Section 318(a)(1) of WRDA 2000 states that the non-Federal share of the costs of the project may be provided in cash or in the form of in-kind services or materials. Section 318(a)(2) of WRDA 2000 directs the Secretary of the Army to credit toward the non-Federal share the costs of the project costs of design and construction work carried out by the non-Federal interest before the date of execution of a cooperation agreement for the Poplar Island, Maryland project if the Secretary determines that the work is integral to the project. Section 318(b) of WRDA 2000 requires that the private sector performance goals for engineering work in the Baltimore District of the Corps of Engineers shall be reduced by the amount of the credit under subsection (a)(2). A copy of section 318 is enclosed for your information.

2. In order to allow in-kind services or materials to be provided in lieu of cash and to afford such credit, a supplement to the decision document to support an amendment to the Project Cooperation Agreement (PCA) for this project should be prepared by Baltimore District. The supplement report must include a section titled Crediting Documentation. This section will include an estimate of the costs claimed by the non-Federal sponsor for in-kind services or materials, design and construction work that preceded the PCA. Likewise, this section should support credit requests for future work, and the mechanisms for providing the credit. The report should be forwarded to HQUSACE for approval by the Assistant Secretary of the Army (Civil Works). Upon ASA (CW) approval of this supplement to the decision document, an amendment to the PCA should be prepared and forwarded for HQUSACE and ASA (CW) approval.

3. The credit for prior work may be afforded during the first year after the PCA amendment is executed or after the work is completed and the costs are audited, whichever occurs later. Credit for prospective work must be coordinated with the District Commander prior to its initiation. Credit for this work will be afforded only after the work has been completed and approved by the District Commander and the costs are audited. Credit will be based on reasonableness, allocability and allowability of costs. The total amount of credit shall not exceed the non-Federal share.

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4. There are no longer private sector performance goals for Districts. Consequently, no action is required under Section 318(b) of WRDA 2000.

FOR THE COMMANDER:

Encl

JAMES E. JOHNSON
Chief, Planning and Policy Division
Directorate of Civil Works

SEC. 318. POPLAR ISLAND, MARYLAND.

(a) IN GENERAL- The project for the beneficial use of dredged material at Poplar Island, Maryland, authorized by section 537 of the Water Resources Development Act of 1996 (110 Stat. 3776), is modified--

(1) to provide that the non-Federal share of the cost of the project may be provided in cash or in the form of in-kind services or materials; and

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

(b) REDUCTION- The private sector performance goals for engineering work of the Baltimore District of the Corps of Engineers shall be reduced by the amount of the credit under subsection (a)(2).

ENCL