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

REPLY TO
ATTENTION OF:

CECW-PG

12 DEC 2001

MEMORANDUM FOR COMMANDER, GREAT LAKES AND OHIO RIVER DIVISION

SUBJECT: Implementation of Section 336 of the Water Resources Development Act of 2000 – Buchanan and Dickenson Counties, Virginia

1. The purpose of this memorandum is to provide implementation guidance on Section 336 of the Water Resources Development Act (WRDA) of 2000. Section 336 modifies the Levisa and Tug Forks flood control project of the Big Sandy River and Upper Cumberland River authorized by Section 202 of the Energy and Water Development Appropriation Act of 1981 and Section 352 of the Water Resources Development Act of 1996. Section 336 modifies the project by directing the Secretary to determine the ability of Buchanan and Dickenson Counties, Virginia, to pay the non-Federal share of the cost of the project solely on the criterion specified in Section 103(m)(3)(A)(i) of WRDA 1986. That criterion is county per capita income data.

2. Under the existing ability to pay rule that was published in 1995, application of this section would eliminate the use of state per capita income in determining any ability to pay reductions for the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River flood control project. However, a new rule is being promulgated in response to Section 204 of WRDA 2000. If a new rule is developed prior to a Project Cooperation Agreement being signed for construction of the project, the cost share reductions for this project under a new ability to pay rule will likewise be restricted solely to the portion associated with the per capita income criterion.

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