



**DEPARTMENT OF THE ARMY**

U.S. Army Corps of Engineers  
WASHINGTON, D.C. 20314-1000

REPLY TO  
ATTENTION OF:

CECW-PG

02 JUL 2001

MEMORANDUM FOR COMMANDER, Mississippi Valley Division

SUBJECT: Implementation Guidance for Section 456 of the Water Resources Development Act of 2000 (WRDA 2000) – Germantown, Tennessee

1. Section 456(a) of WRDA 2000 states that the Secretary of the Army shall conduct a feasibility study for flood control and related purposes along Miller Farms Ditch, Howard Road Drainage, and Wolf River Lateral D in Germantown, Tennessee. Section 456(b) of WRDA 2000 states that the Secretary of the Army shall include environmental and water quality benefits in the justification analysis for the project. Section 456(c)(1) of WRDA 2000 states that the Secretary of the Army shall credit toward the non-Federal sponsor's share of the cost of the feasibility study, the value of the in-kind services provided by the non-Federal interests relating to planning, engineering and design of the project, whether carried out before, on, or after execution of the feasibility study cost-sharing agreement (FCSA). Section 456(c)(2) of WRDA 2000 states that the Secretary of the Army shall consider, for purposes of crediting, the feasibility study to be conducted as part of the Memphis Metro Tennessee and Mississippi Study. Section 456(d) of WRDA 2000 states that the Secretary of the Army may not reject the project under the feasibility study based solely on a minimum amount of stream runoff. A copy of section 456 is enclosed for your information.

2. This study shall be considered for budgeting in accordance with the current annual Civil Works Program Development Engineering Circular. In compliance with Section 456 (d) of WRDA 2000, the Secretary of the Army may not reject the project under the feasibility study based solely on a minimum amount of stream runoff, i.e., the Army Corps policy for urban flood control as it relates to stream flow discharges. Any project resulting from the feasibility study should follow the normal review and approval process. The Secretary will address requirements in section 456(d), if a project is submitted for approval.

3. To afford credit to the non-Federal sponsor for in-kind services for the feasibility study, the Project Management Plan (PMP) must explicitly document the work already performed by the non-Federal interests or to be performed by the non-Federal sponsor. The Germantown study is the only feasibility study to be recommended under the Memphis Metro Tennessee and Mississippi reconnaissance study referenced in Section 456(c)(2) of WRDA 2000. Consequently, credit for non-Federal in-kind services can only be given to the sponsor provided these are directly applicable to the Germantown feasibility study. The PMP must include a section entitled "Crediting Documentation"

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to allow determination of creditable work. For in-kind services that have already been completed by non-Federal interests prior to execution of the FCSA, the crediting documentation section must contain an estimate and audit of all costs to determine which costs are creditable. The approval of this documentation is delegated to the Division Engineer. This section must present the information necessary for the Division Engineer to determine reasonableness, allocability and allowability of the materials provided and the in-kind services performed by the non-Federal interests. The total amount of credits to be afforded under the FCSA for the Germantown, Tennessee, study may not exceed the total non-Federal share of the feasibility study effort.

FOR THE COMMANDER:



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

Encl

SEC. 456. GERMANTOWN, TENNESSEE  
114 STAT. 2716 PUBLIC LAW 106-541—DEC. 11, 2000

(a) IN GENERAL—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood control and related purposes along Miller Farms Ditch, Howard Road Drainage, and Wolf River Lateral D, Germantown, Tennessee.

(b) JUSTIFICATION ANALYSIS—The Secretary shall include environmental and water quality benefits in the justification analysis for the project.

(c) CREDIT—The Secretary—

(1) shall credit toward the non-Federal share of the cost of the feasibility study the value of the in-kind services provided by the non-Federal interests relating to the planning, engineering, and design of the project, whether carried out before, on, or after the date of execution of the feasibility study cost-sharing agreement; and

(2) shall consider, for the purposes of paragraph (1), the feasibility study to be conducted as part of the Memphis Metro Tennessee and Mississippi study authorized by resolution of the Committee on Transportation and Infrastructure of the House of Representatives, dated March 7, 1996.

(d) LIMITATION—The Secretary may not reject the project under the feasibility study based solely on a minimum amount of stream runoff.

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