



DEPARTMENT OF THE ARMY
OFFICE OF THE CHIEF OF ENGINEERS
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

29 DEC 2000

CECW-PC (10-1-7a)

SUBJECT: Wolf River, Memphis, Tennessee

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on ecosystem restoration in the vicinity of Wolf River, Memphis, Tennessee. It is accompanied by the report of the Memphis District Engineer and the Mississippi River Commission President. These reports are in final response to a resolution by the Committee on Public Works and Transportation of the House of Representatives, adopted on 24 September 1992. The study resolution requested a review of the "report of the Chief of Engineers on the Mississippi River and Tributaries Project, published as House Document 308, Eighty-eighth Congress, Second Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable at the present time in the interest of flood control, ecosystem restoration, wetlands protection, recreation, and other purposes in the Wolf River corridor in Memphis and Shelby County, Tennessee."

2. Section 101(b)(25) of the Water Resources Development Act of 2000 authorized construction of the Wolf River, Memphis, Tennessee, ecosystem restoration project at a total cost of \$9,118,000 substantially in accordance with the plans and subject to the conditions recommended in a favorable report of the Chief of Engineers completed not later than 31 December 2000. This report constitutes the final report of the Chief of Engineers in response to this legislation. Preconstruction engineering and design activities for the Wolf River, Memphis, Tennessee, project will be continued under the authority provided by Section 101(b).

3. The authorized project described by the reporting officers will provide ecosystem restoration and recreation in the vicinity of Wolf River, Memphis, Tennessee. The purpose of the project is to improve habitat for fish, wildlife and waterfowl, and increase related recreation access. The plan provides for construction of six rock weirs over a 2.5-mile reach of the main river channel, with lengths ranging from about 230 to 400 feet and heights ranging from about 3 to 6 feet; eighteen tributary and overbank grade stabilization weirs ranging from about 24 to 90 feet in width and about 9 to 19 feet in height; two earthen berms on the main channel to prevent additional channel cutoffs; an approximately 7.8-mile-long and 6-foot-wide hiking trail system; a wildlife corridor averaging 3,000 feet wide and encompassing about 2,088 acres in the Wolf River floodway; and three boat ramps. All features are in Tennessee.

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4. The Chickasaw Basin Authority is the non-Federal cost sharing sponsor for all features of the plan. Based on October 1999 price levels, the total first cost of the plan is estimated at \$9,118,000, of which \$8,603,000 is for ecosystem restoration (which is cost shared at 65 percent Federal and 35 percent non-Federal) and \$515,000 for recreation (which is cost shared at 50 percent Federal and 50 percent non-Federal). The total first cost of the plan would be cost shared \$5,849,000 Federal and \$3,269,000 non-Federal. Average annual costs are \$713,000 based on an interest rate of 6.625 percent and a 50-year period of analysis. Average annual benefits are terrestrial benefits of 2,144 annualized habitat unit values (AHUV), aquatic habitat benefits of 32 AHUV, and recreation benefits of \$520,850 based on an interest rate of 6.625 percent and a 50-year period of analysis.

5. Washington level review indicated that the plan recommended by the reporting officers is technically sound, economically justified, and environmentally and socially acceptable. The plan conforms with essential elements of the U.S. Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies and complies with other administration and legislative policies and guidelines. Also, the views of interested parties, including Federal, State and local agencies, have been considered.

6. I concur in the findings, conclusions, and recommendation of the reporting officers. Accordingly, I recommend implementation of the authorized project in accordance with the reporting officers' plan with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to cost sharing, financing, and other applicable requirements of Federal and State laws and policies, including WRDA 1986, as amended by Section 210 of WRDA 1996.

7. Federal implementation of the authorized project would be subject to the non-Federal sponsor agreeing to comply with applicable Federal laws and policies, including the following requirements:

a. Provide 35 percent of the separable project costs allocated to ecosystem restoration and 50 percent of the separable project costs allocated to recreation as further specified below:

(1) Enter into an agreement which provides, prior to execution of a project cooperation agreement, 25 percent of project design costs;

(2) Provide, during construction, any additional funds needed to cover the non-Federal share of project design costs;

(3) Provide all lands, easements, and rights-of-way, including suitable borrow and dredged or excavated material disposal areas, and perform or assure the performance of all

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relocations determined by the Government to be necessary for the construction, operation, and maintenance of the project;

(4) Provide or pay to the Government the cost of providing all retaining dikes, wasteweirs, bulkheads, and embankments, including all monitoring features and stilling basins, that may be required at any dredged or excavated material disposal areas required for the construction, operation, and maintenance of the project; and

(5) Provide, during construction, any additional funds as necessary to make its total contribution equal to 35 percent of the separable project costs allocated to ecosystem restoration and 50 percent of the separable project costs allocated to recreation.

b. For so long as the project remains authorized, operate, maintain, repair, replace, and rehabilitate the completed project, or functional portion of the project, at no cost to the Government, in accordance with applicable Federal and State laws and any specific directions prescribed by the Government.

c. Give the Government a right to enter, at reasonable times and in a reasonable manner, upon land which the local sponsor owns or controls for access to the project for the purpose of inspection, and, if necessary, for the purpose of completing, operating, maintaining, repairing, replacing, or rehabilitating the project.

d. Assume responsibility for operating, maintaining, replacing, repairing, and rehabilitating (OMRR&R) the project or completed functional portions of the project, including mitigation features without cost to the Government, in a manner compatible with the project's authorized purpose and in accordance with applicable Federal and State laws and specific directions prescribed by the Government in the OMRR&R manual and any subsequent amendments thereto.

e. Comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended, and Section 103 of the Water Resources Development Act of 1986, Public Law 99-662, as amended, which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until the non-Federal sponsor has entered into a written agreement to furnish its required cooperation for the project or separable element.

f. Hold and save the Government free from all damages arising from the construction or operation and maintenance of the project and any project-related betterments, except for damages due to the fault or negligence of the Government or the Government's contractors.

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g. Keep and maintain books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to the project to the extent and in such detail as will properly reflect total project costs.

h. Perform, or cause to be performed, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601-9675, that may exist in, on, or under lands, easements or rights-of-way necessary for the construction, operation, and maintenance of the project; except that the non-Federal sponsor shall not perform such investigations on lands, easements, or rights-of-way that the Government determines to be subject to the navigation servitude without prior specific written direction by the Government.

i. Assume complete financial responsibility for all necessary cleanup and response costs of any CERCLA regulated materials located in, on, or under lands, easements, or rights-of-way that the Government determines necessary for the construction, operation, or maintenance of the project.

j. To the maximum extent practicable, operate, maintain, repair, replace, and rehabilitate the project in a manner that will not cause liability to arise under CERCLA.

k. Prevent future encroachments on project lands, easements, and rights-of-way which might interfere with the proper functioning of the project.

l. Comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public law 91-646, as amended by title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17), and the Uniform Regulations contained in 49 CFR part 24, in acquiring lands, easements, and rights-of-way, and performing relocations for construction, operation, and maintenance of the project, and inform all affected persons of applicable benefits, policies, and procedures in connection with said act.

m. Comply with all applicable Federal and State laws and regulations, including Section 601 of the Civil Rights Act of 1964, Public Law 88-352, and Department of Defense Directive 5500.11 issued pursuant thereto, as well as Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army."

n. Provide the non-Federal share of that portion of the costs of mitigation and data recovery activities associated with historic preservation, that are in excess of 1 percent of the total amount authorized to be appropriated for the project, in accordance with the cost sharing provisions of the agreement.

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o. Do not use Federal funds to meet the non-Federal sponsor's share of total project costs unless the Federal granting agency verifies in writing that the expenditure of such funds is authorized.



ROBERT B. FLOWERS
Lieutenant General, U.S. Army
Chief of Engineers