DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON, DC 20314-1000

REPLY TO
ATTENTION OF

CEMP-CR

OCT 2 6 2012

MEMORANDUM FOR CESAD-PDS-R and CECC-SAD

SUBJECT: Implementation Guidance for Section 3001 of WRDA 2007-Black Warrior-Tombigbee Rivers, Alabama

1. Section 3001 of WRDA 2007 amends Section III of Title I of Provision C of the Consolidated Appropriations Act, 2005, to provide for the acquisition and conveyance of land at the Black Warrior-Tombigbee Rivers, Alabama, project, as follows. A copy of Section 3001 of WRDA 2007 is enclosed.

a. The Corps is authorized, at full Federal expense, to purchase land for construction of a new maintenance facility for Black Warrior-Tombigbee Rivers, Alabama ("the project"), provided the site for the new facility is in a different location from the existing facility and in the vicinity of the city of Tuscaloosa, Alabama. As defined in the section, existing facility means the administrative and maintenance facility for the project which was authorized by the first section of the River and Harbor Appropriations Act of July 5, 1884 (24 Stat. 141) and in existence on November 8, 2007.

b. The Corps is also authorized at full Federal expense to demolish the existing facility at any time during or upon completion of construction (and relocation of) of the new maintenance facility.

c. A new administrative facility for the project may be constructed on land currently owned by the Corps ("the Parcel" - the land owned by the Corps of Engineers serving as the operations and maintenance facility of the Corps in the city of Tuscaloosa, Alabama in existence on November 8, 2007). However, if any portion of the Parcel is not required for the construction of the new maintenance facility, the Corps shall convey fee simple title to the City of Tuscaloosa through sale at fair market value, exchange for city of Tuscaloosa owned land on an acre-for-acre basis, or any combination of the two.

d. Funds in the amount of $32,000,000 are authorized to carry out this section.

2. For each acquisition and conveyance, the Engineer Regulations/Circulars shall be complied with (EC 405-1-11 and ER 405-1-12, Chapter 11). An appraisal report should be prepared to establish value and exact acreage should be determined by survey. A Disposal Report must be completed with appropriate environmental documentation to support the National Environmental Policy Act (NEPA), the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and other applicable laws. Screening for further federal use of any of the tracts

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to be conveyed is not required. All conveyances will be by quitclaim deed and currently require the signature and approval of the Director of Real Estate, HQUSACE.

3. Funds in the amount of $23,757,000 have been allocated towards this project through FY 2010. No work shall be undertaken in accordance with this provision until such time as funds are appropriated for such work.

4. Any questions regarding this guidance should be addressed to Brenda Johnson-Turner, CEMP-CR, at 202-761-5222.

FOR THE COMMANDER:

Enclosure

SCOTT L. WHITEFORD
Chief, Real Estate Division
Directorate of Military Programs

SEC. 3001. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.

Section 111 of title I of division C of the Consolidated Appropriations Act, 2005 (118 Stat. 2944) is amended to read as follows:

`SEC. 111. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.

`(a) Construction of New Facilities-

`(1) DEFINITIONS- In this subsection, the following definitions apply:

`(A) EXISTING FACILITY- The term `existing facility' means the administrative and maintenance facility for the project for Black Warrior-Tombigbee Rivers, Alabama, authorized by the first section of the River and Harbor Appropriations Act of July 5, 1884 (24 Stat. 141), in existence on the date of enactment of the Water Resources Development Act of 2007.

`(B) PARCEL- The term `Parcel' means the land owned by the Corps of Engineers serving as the operations and maintenance facility of the Corps of Engineers in the city of Tuscaloosa, Alabama, in existence on the date of enactment of the Water Resources Development Act of 2007.

`(2) AUTHORIZATION- In carrying out the project for Black Warrior-Tombigbee Rivers, Alabama, the Secretary is authorized, at Federal expense--

`(A) to purchase land on which the Secretary may construct a new maintenance facility for the project, to be located--

`(i) at a different location from the existing facility; and

`(ii) in the vicinity of the city of Tuscaloosa, Alabama;

`(B) at any time during or after the completion of (and relocation to) the new maintenance facility, to demolish the existing facility; and

`(C) to construct on the Parcel a new administrative facility for the project.

`(b) Acquisition and Disposition of Property- The Secretary--

`(1) may acquire any real property necessary for the construction of the new maintenance facility under subsection (a)(2)(A); and

`(2) shall convey to the city of Tuscaloosa fee simple title in and to any portion of the Parcel not required for construction of the new administrative facility under subsection (a)(2)(C) through--

`(A) sale at fair market value;

`(B) exchange for city of Tuscaloosa owned land on an acre-for-acre basis; or

`(C) any combination of a sale under subparagraph (A) and an exchange under subparagraph (B).

`(c) Authorization of Appropriations- There is authorized to be appropriated to carry out this section $32,000,000.'.