



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
WASHINGTON, D.C. 20314-1000

Reply to
Attention of:

CEMP-SWD

AUG 11 2008

MEMORANDUM FOR Commander, Southwestern Division

SUBJECT: Implementation Guidance for Section 3012 of the Water Resources Development Act of 2007 (WRDA 2007) – Pine Mountain Dam, Arkansas

1. Section 3012 of WRDA 2007 modifies the project authorized by section 204 of the Flood Control Act of 1965 for the Pine Mountain Dam on Lee Creek, Arkansas & Oklahoma, to add environmental restoration as a project purpose. It further directs the Secretary of the Army to finance the non-Federal shared cost of the project, including treatment and distributions components, over a 30-year period in accordance with section 103(k) of the Water Resource Development Act of 1986. A copy of Section 3012 is attached for information.
2. The Pine Mountain Dam project, originally authorized in 1965, has not yet been constructed because the original sponsor, the City of Fort Smith, terminated the project in 1980. A new sponsor, the River Valley Regional Water District was formed in June 2000 and new investigations initiated in 2002. Using funds provided by Congress, Little Rock District is preparing a general reevaluation report at 100 percent Federal expense as directed by the Consolidated Appropriations Act, 2008. In accordance with section 3012 of WRDA 2007, environmental restoration opportunities should be incorporated into the ongoing GRR and environmental studies. No additional work to complete the GRR should be conducted unless funds are specifically provided by Congress for this study. Any funds provided by Congress will be used consistent with overall Civil Works program execution guidance.
3. If the GRR determines there is still an implementable project that is consistent with Corps policy and compatible with State requirements relating to the Extraordinary Resource Water stream designation, and a non-Federal cost sharing sponsor is confirmed the project may be considered for implementation in accordance with existing budgetary policy and procedural guidance, subject to appropriation of funds for design and construction. In accordance with section 3012, non-Federal treatment and distribution features are to be incorporated into the project construction and the non-Federal share of the project costs, including 100 percent of the treatment and distribution components are to be financed over a 30-year period from the date of completion of the project in accordance with Section 103(k) of WRDA 1986, as amended. Since treatment and distribution facilities are a non-Federal responsibility, construction of these features may not be initiated as part of the project unless Congress appropriates funds specifically for their construction.

FOR THE COMMANDER

A handwritten signature in black ink, appearing to read "S. L. Stockton", written over a horizontal line.

STEVEN L. STOCKTON, P.E.
Director of Civil Works

Encl

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Enclosure

Water Resources Development Act of 2007

Sec. 3012. Pine Mountain Dam, Arkansas.

The Pine Mountain Dam feature of the project for flood protection, Lee Creek, Arkansas and Oklahoma, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1078), is modified –

- (1) to add environmental restoration as a project purpose;
- and
- (2) to direct the Secretary to finance the non-Federal share of the cost of the project, including treatment and distributions components, over a 30-year period in accordance with section 103(k) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(k)).