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

Reply to
Attention of:

27 FEB 2009

CEMP-SWD

MEMORANDUM FOR COMMANDER, Southwestern Division (CESWD-PDP)

SUBJECT: Implementation Guidance for Section 3133 of the Water Resources Development Act of 2007 (WRDA 2007) – Lake Eufaula, Oklahoma

1. Section 3133 provides that the operational goal of Lake Eufaula is to maximize the use of available storage in a balanced approach that represents all authorized project purposes and reaffirms that recreation is a project purpose, pursuant to Section 4 of the Flood Control Act of December 22, 1944 (58 Stat. 889). The section directs the Secretary of the Army to establish a Lake Eufaula Advisory Committee in accordance with the Federal Advisory Committee Act and specifies the duties, composition, and purpose of the committee. In addition, the Secretary is directed, subject to the appropriation of funds, to conduct a reallocation study, at Federal expense, and to develop recommendations to optimize the current and future use of the reservoir. Finally, subject to the completion of the reallocation study and taking into consideration of the recommendations of the Lake Eufaula Advisory Committee, to the extent feasible within existing project funds, the Tulsa District Engineer is to develop an interim pool management plan that accommodates all project purposes. A copy of Section 3133 is enclosed.

2. Using existing operation and maintenance funds for the project, the Tulsa District will establish the Lake Eufaula Advisory Committee (LEAC) to obtain information and recommendations for operations of Lake Eufaula to balance uses of the lake. The LEAC will be managed within the guidelines of the Federal Advisory Committee Act, as amended (5 U.S.C. App. 2) and in compliance with Army Regulation 15-1. The Committee shall be composed of no more than two persons representing each authorized project purpose or interest associated with the lake, and a total of no more than 12 members.

3. In accordance with Section 3133(c) and subject to receipt of funds, the Tulsa District will conduct a full reallocation study to develop and present recommendations concerning the best value of the current and future uses of the Lake Eufaula storage capacity, while minimizing ecological damages, and shall take into consideration the recommendations of LEAC. As required by Section 3133, this study will be accomplished at Federal expense. However, no work on the reallocation study will be initiated until funds are provided by Congress for this study. When funded, the study will follow the framework of the Principles and Guidelines and ER 1105-2-100 and will be submitted through appropriate channels to the Assistant Secretary of the Army (Civil Works) for approval and, if required, to Congress for additional authorization.

4. Currently, funding is not available to conduct the reallocation study directed by section 3133(c), with completion and approval of that study required prior to development of the interim management plan required by section 3133(d). However, the Tulsa district engineer may implement seasonal pool changes to the current reservoir operations manual as long as such changes are within the district engineer's existing discretionary authority. The district engineer should consider consulting with the LEAC prior to implementing any such changes.

FOR THE COMMANDER

Theodore A. Brown

Encl.

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Water Resources Development Act of 2007, Section. 3133. Lake Eufaula, Oklahoma.

(a) PROJECT GOAL.—

(1) IN GENERAL.— The goal for operation of Lake Eufaula, Oklahoma, shall be to maximize the use of available storage in a balanced approach that incorporates advice from representatives from all the project purposes to ensure that the full value of the reservoir is realized by the United States.

(2) RECOGNITION OF PURPOSE.— To achieve the goal described in paragraph (1), recreation is recognized as a project purpose at Lake Eufaula, pursuant to section 4 of the Flood Control Act of December 22, 1944 (58 Stat. 889).

(b) LAKE EUFAULA ADVISORY COMMITTEE.—

(1) IN GENERAL.— In accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Secretary shall establish an advisory committee for the Lake Eufaula, Canadian River, Oklahoma project authorized by the first section of the River and Harbor Act of July 24, 1946 (60 Stat. 635).

(2) PURPOSE.— The purpose of the committee shall be advisory only.

(3) DUTIES.— The committee shall provide information and recommendations to the Corps of Engineers regarding the operations of Lake Eufaula for the project purposes for Lake Eufaula.

(4) COMPOSITION.— The Committee shall be composed of members that equally represent the project purposes for Lake Eufaula.

(c) REALLOCATION STUDY.—

(1) IN GENERAL.— Subject to the appropriation of funds, the Secretary shall perform a reallocation study, at Federal expense, to develop and present recommendations concerning the best value, while minimizing ecological damages, for current
and future use of the Lake Eufaula storage capacity for the authorized project purposes of flood control, water supply, hydroelectric power, navigation, fish and wildlife, and recreation.

(2) FACTORS FOR CONSIDERATION.— The reallocation study shall take into consideration the recommendations of the Lake Eufaula Advisory Committee.

(d) POOL MANAGEMENT PLAN.—

(1) IN GENERAL.— Not later than one year after the date of enactment of this Act, to the extent feasible within available project funds and subject to the completion and approval of the reallocation study under subsection (c), the Tulsa district engineer, taking into consideration recommendations of the Lake Eufaula Advisory Committee, shall develop an interim management plan that accommodates all project purposes for
Lake Eufaula.

(2) MODIFICATIONS.—A modification of the plan under paragraph (1) shall not cause significant adverse impacts on any existing permit, lease, license, contract, public law, or project purpose, including flood control operation, relating to Lake Eufaula.

Enclosure