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

REPLY TO
ATTENTION OF

CECW-MVD

31 MAR 2011

MEMORANDUM FOR COMMANDER, Mississippi Valley Division (CEMVD-PD)

SUBJECT: Implementation Guidance for Section 3175 of the Water Resources Development Act (WRDA) of 2007 – MISSISSIPPI RIVER HEADWATERS RESERVOIRS

1. Section 3175 (1) of WRDA 2007 amends Section 21 of WRDA 1988 for Mississippi River Headwaters Reservoirs to adjust the maximum water levels at the headwater reservoir Pokegama from 1276.42 feet 1278.42 feet, headwater reservoir Sandy from 1218.31 to 1221.31 feet and headwater reservoir Pine from 1234.82 to 1235.30 feet. Such water levels shall be measured using the National Geodetic Vertical Datum. Section 3175(2) also amends Section 21(b) of WRDA 1988 to clarify the process for developing the water control manuals, including required coordination; and eliminated the 14-day Congressional notification requirement for operations necessary to prevent the loss of life or to ensure the safety of the dam or if the drawdown of lake levels is in anticipation of flood control operations. A copy of Section 21 of WRDA 1988 as amended by Section 3175 of WRDA 2007 is enclosed.

2. In accordance with Section 3175, after consultation with the Governor of Minnesota, affected tribal governments, landowners, and commercial and recreational users, the District will revise the water control manuals to implement the adjusted maximum water levels in the Pokegama, Sandy and Pine headwater reservoirs. Funding for these revisions may be considered as part of the normal budgeting process. The water control manuals will be approved by the MSC Commander per delegated authority in existing regulations and then transmitted to the MVD-RIT for processing to the Assistant Secretary of the Army (Civil Works) (ASA(CW)) for transmittal to Congress. The water control manuals shall be effective upon ASA(CW) transmittal of the approved water control manuals to Congress.

3. The Congress shall be notified of operations below the minimum or above the maximum water level at least14 days in advance unless the operations are necessary to prevent the loss of life or to ensure the safety of the dam or if the drawdown of lake levels is in anticipation of flood control operations. Draft Congressional notification letters are to be provided to the MVD-RIT to allow processing to ASA(CW) and coordination with Congress within the required timeframe.

FOR THE COMMANDER:

Theodore A. Brown

Encl

THEODORE A. BROWN, P.E.
Chief, Planning and Policy Division
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SEC. 3175 MISSISSIPPI RIVER HEADWATERS RESERVOIRS.

(Section 21 of WRDA 1988, as amended by Section 3175 of WRDA 2007.)

Sec. 21. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.

(a) General Rule. – Notwithstanding any other provision of law, the Secretary is directed to maintain water levels in the Mississippi River headwaters reservoirs within the following operating limits: Winnibigoshish 1296.94 feet—1303.14 feet; Leech 1293.20 feet—1297.94 feet; Pokegama 1270.42 feet—1278.42 feet; Sandy 1214.31 feet—1221.31 feet; Pine 1227.32 feet—1235.30 feet; and Gull 1192.75 feet—1194.75 feet. Such water levels shall be measured using the National Geodetic Vertical Datum.

(b) Exception.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established in subsection (a) in accordance with water control regulation manuals (or revisions thereto) developed by the Secretary, after consultation with the Governor of Minnesota and affected tribal governments, landowners, and commercial and recreational users. The water control regulation manuals (and any revisions thereto) shall be effective when the Secretary transmits them to Congress. The Secretary shall report to Congress at least 14 days before operating any such headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a); except that notification is not required for operations necessary to prevent the loss of life or to ensure the safety of the dam or if the drawdown of lake levels is in anticipation of flood control operations.