DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
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CECW-CO

JUN 17 2016

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Implementation Guidance for Section 1017 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014) – Acceptance of Contributed Funds to Increase Lock Operations

1. Section 1017 of WRRDA 2014 authorizes the Secretary to establish a pilot program for the acceptance and expenditure of funds contributed by non-federal interests to increase the hours of operation of locks at water resources development projects. It requires federal register publication of proposed modifications to lock operation under this authority, with the opportunity for public comment. Section 1017 also provides for the submission of reports to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on cost-savings resulting from reduced lock hours and any economic impacts of modifying lock operations as well as the effectiveness of the pilot program. In addition, it provides that the Secretary is to carry out an annual review of the commercial use of locks and make any necessary adjustments to lock operations based on that review. The authority to accept funds under this section terminates June 10, 2019. A copy of Section 1017 is enclosed.

2. Establishment of the pilot program, and development of reports, under this authority is subject to the specific appropriation of funds for that purpose. Pending specific appropriation of funds for the pilot program, contributed funds may be accepted for increased lock operations pursuant to 33 U.S.C. 701h and in accordance with implementation guidance for Section 1015 of WRRDA 2014.

3. The U.S. Army Corps of Engineers annually reviews use of locks, makes any necessary adjustments to lock operations as a result of that review, and ensures that lock operation adjustments are based on accurate and complete information that has been well coordinated among impacted districts. The establishment of a pilot program under section 1017 will not affect that review or any adjustments of lock operation hours, including those based on increases in commercial traffic.

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Chief, Operations and Regulatory Division
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SEC. 1017. ACCEPTANCE OF CONTRIBUTED FUNDS TO INCREASE LOCK OPERATIONS.

(a) IN GENERAL.—The Secretary, after providing public notice, shall establish a pilot program for the acceptance and expenditure of funds contributed by non-Federal interests to increase the hours of operation of locks at water resources development projects.

(b) APPLICABILITY.—The establishment of the pilot program under this section shall not affect the periodic review and adjustment of hours of operation of locks based on increases in commercial traffic carried out by the Secretary.

(c) PUBLIC COMMENT.—Not later than 180 days before a proposed modification to the operation of a lock at a water resources development project will be carried out, the Secretary shall—

(1) publish the proposed modification in the Federal Register; and

(2) accept public comment on the proposed modification.

(d) REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report that evaluates the cost-savings resulting from reduced lock hours and any economic impacts of modifying lock operations.

(2) REVIEW OF PILOT PROGRAM.—Not later than September 30, 2017, and each year thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the effectiveness of the pilot program under this section.

(e) ANNUAL REVIEW.—The Secretary shall carry out an annual review of the commercial use of locks and make any necessary adjustments to lock operations based on that review.

(f) TERMINATION.—The authority to accept funds under this section shall terminate 5 years after the date of enactment of this Act.