



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

REPLY TO
ATTENTION OF

NOV 24 2014

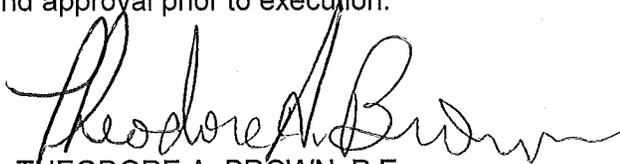
CECW-P

MEMORANDUM FOR COMMANDER, Mississippi Valley Division

SUBJECT: Implementation Guidance for Section 2013 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014) – Operation and Maintenance of Flood Gates on the Fuel Taxed Inland Waterways

1. Section 2013 of WRRDA 2014 provides that the Secretary shall be responsible for the operation and maintenance (O&M), including repair, of any flood gate, as well as any pumping station constructed within the channel as a single unit with that flood gate, that was constructed as of the date of enactment of WRRDA 2014 as a feature of an authorized hurricane and storm damage risk reduction project and crosses an inland or intracoastal waterway as described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804). The non-federal share of the cost of operation, maintenance, repair, rehabilitation, and replacement of any structure pursuant to this authority shall be 35 percent.
2. While section 2013 provides that the Secretary is responsible for the O&M, including repair, of certain flood gates and pumping stations, no funds have been appropriated for this purpose. Further, funds for O&M are provided on an annual basis and, therefore, O&M in any given year would be subject to the availability of funds for this purpose. However, recognizing the potential consequences if these structures are not operated as required for hurricane and storm damage reduction, every consideration will be given in the formulation of future budget requests to include the federal share of the O&M funding.
3. The following flood gates and pumping stations are covered by section 2013: the Inner Harbor Navigation Canal Surge Barrier project (barge and sector gates crossing the Gulf Intracoastal Waterway (GIWW)); West Bank and Vicinity project - GIWW Western Closure Complex sector gates, sluice gates, and pump station; and sector gates and pump station on the Harvey Canal.
4. The project partnership agreements for the projects covered by this section may be amended to recognize that the Secretary will undertake operation and maintenance, including repair, of the covered floodgates and pumping stations to the extent that funds are available for that purpose and the non-Federal sponsor has provided its cost share. The draft amendment must be submitted to HQUSACE for review and approval prior to execution.

Encl


THEODORE A. BROWN, P.E.
Chief, Planning and Policy Division
Directorate of Civil Works

CECW-P

SUBJECT: Implementation Guidance for Section 2013 of the Water Resources Reform and Development Act of 2014 – Operations and Maintenance of Flood Gates on Fuel Taxed Inland Waterways

SEC. 2013. OPERATION AND MAINTENANCE OF FUEL TAXED INLAND WATERWAYS.

Section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212) is amended —

- (1) by redesignating subsection (c) as subsection (d); and*
- (2) by inserting after subsection (b) the following:*

(c) Floodgates on the inland waterways

(1) OPERATION AND MAINTENANCE CARRIED OUT BY THE SECRETARY. - Notwithstanding any other provision of law, the Secretary shall be responsible for the operation and maintenance, including repair, of any flood gate, as well as any pumping station constructed within the channel as a single unit with that flood gate, that —

“(A) was constructed as of the date of enactment of the Water Resources Reform and Development Act of 2014 as a feature of an authorized hurricane and storm damage reduction project; and

“(B) crosses an inland or intracoastal waterway described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804).

(2) NON-FEDERAL COST SHARE

The non-Federal share of the cost of operation, maintenance, repair, rehabilitation, and replacement of any structure under this subsection shall be 35 percent.