

Appendix H
Section 1319 of WRDA 2016
Implementation Guidance



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

CECW-SAD

MAY 25 2017

MEMORANDUM FOR COMMANDER SOUTH ATLANTIC DIVISION

SUBJECT: Implementation Guidance for Section 1319 of the Water Resources Development Act of 2016 (WRDA 2016), New Savannah Bluff Lock and Dam, Georgia and South Carolina

1. References:

- a. Water Resources Development Act of 2016, Section 1319 (enclosed);
- b. Water Resources Reform and Development Act of 2014 (Public Law 113–121), Section 7002(1);
- c. ER 1165-2-502, subject: Delegation of Review and Approval Authority for Post Authorization Decision Documents, dated 31 March 2014; and
- d. EC 1165-2-214, subject: Civil Works Review, dated 15 December 2012.

2. Section 1319 of the WRDA of 2016 provides in general the following:

a. Deauthorizes the New Savannah Bluff Lock and Dam, Savannah River, Georgia and South Carolina;

b. Repeals the conveyance of the New Savannah Bluff Lock and Dam to the City of North Augusta and Aiken County, South Carolina, or any other non-federal entity, notwithstanding Section 348(l)(2)(B) of the Water Resources Development Act of 2000 (Public Law 106–541), as amended;

c. Modifies the Savannah Harbor Expansion Navigation Project (SHEP), Georgia and South Carolina, authorized by Section 7002(1) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121), to include either of the following alternatives, as the Secretary may determine is necessary:

(l). Alternative 1. Repair of the lock wall of the New Savannah Bluff Lock and Dam and modification of the structure such that the structure is able;

(a) To maintain the pool for navigation, water supply, and recreational activities, as in existence on the date of enactment of this Act; and

(b) To allow safe passage over the structure to historic spawning grounds of

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shortnose sturgeon, Atlantic sturgeon, and other migratory fish; or

(2) Alternative 2. (1) Construction at an appropriate location across the Savannah River of a structure that is able to maintain the pool for water supply and recreational activities, as in existence on the date of enactment of this Act;

(3) Removal of the New Savannah Bluff Lock and Dam on completion of construction of the structure; and

(4). Conveyance by the Secretary to Augusta-Richmond County, Georgia, of the park and recreation area adjacent to the New Savannah Bluff Lock and Dam, without consideration.

3. In carrying out Section 1319, the Savannah District Commander through the South Atlantic Division Commander shall undertake a post authorization analysis as part of SHEP, evaluating the two alternatives described in paragraph 2.c. above. When performing the analysis, the district will follow reporting requirements outlined in ER 1165-2-502, reference 1.c. above, providing the required post authorization checklist, conduct appropriate design, cost and environmental analyses and prepare a report documenting the findings, conclusion and recommendation of which alternative to implement. The report must also identify the specific adjacent park and recreation area acreage to be conveyed and document the reasons why any other land that is part of the New Savannah Bluff Lock and Dam should also be conveyed under this authorization. Review of post authorization document will be in accordance with EC 1165-2-214. In addition, the review and approval of the post authorization document will be delegated to the South Atlantic Division Commander if policy compliant.

4. It is important to note that Section 1319(c) stipulates that the federal share of the cost of either alternative shall be not greater than the share as provided by Section 7002(1) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121) for the most cost-effective fish passage structure. Therefore, the post-authorization document must also detail what would have been the cost of such fish passage structure. Additionally, the respective federal and non-federal shares of post-construction costs of the recommended alternative, consistent with the cost sharing of SHEP, will be as follows: (i) If Alternative 1 is chosen, the federal share of post-construction costs, including the costs of monitoring, adaptive management, and operation and maintenance, will be 100 percent; (ii) if Alternative 2 is chosen, the respective shares for post-construction costs will be based on the purpose of those costs, the federal share will consist of 100 percent of the costs of monitoring, adaptive management, and operation and maintenance solely for the purpose of maintaining fish passage; and the non-federal share will consist of 100 percent of the costs of operation and maintenance of the structure for any other purpose, including maintenance of the pool for water

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supply and recreation, after notification by the district engineer of completion of construction. The amendment to the Project Partnership Agreement of October 8, 2014, required to incorporate the modification and its cost sharing into SHEP will be prepared at the same time as the report. (The amendment should also include cost sharing changes to the general navigation features of SHEP in accordance with Section 1111 of WRDA 2016).

5. The preparation of disposal documentation (i.e., disposal report, disposal package) will be managed by the Real Estate Directorate and will be worked concurrently with the post authorization process. This conveyance to Augusta-Richmond County, Georgia, will be without consideration, consistent with Section 1319. In accordance with 10 U.S.C. 2695, the Augusta-Richmond County shall be responsible for the administrative expenses incurred by the Secretary for the conveyance. Augusta-Richmond County shall be advised that the Corps of Engineers will have final approval of the conveyance documents and terms of the disposal. The analysis and decision on acreage of land to be conveyed are to be included in the post authorization document.

6. Although the legislation deauthorized the New Savannah Bluff Lock and Dam project, for health and safety reasons and in order to maintain the current pool, as required by the legislation, the district will maintain the NSBL&D in a caretaker status until the SHEP features authorized by Section 1319(c) have been completed.

7. Specific questions regarding the New Savannah Bluff Lock and Dam project can be directed to Stacey E. Brown, Deputy Chief, South Atlantic Division Regional Integration Team, at (202) 761-4106, Stacey.E.Brown@usace.army.mil.

Encl



JAMES C. DALTON, P.E.
Director of Civil Works

SEC. 1319. NEW SAVANNAH BLUFF LOCK AND DAM, GEORGIA AND SOUTH CAROLINA.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) NEW SAVANNAH BLUFF LOCK AND DAM.—

The term “New Savannah Bluff Lock and Dam” means—

(A) the lock and dam at New Savannah Bluff, Savannah River, Georgia and South Carolina; and

(B) the appurtenant features to the lock and dam, including—

(i) the adjacent approximately 50-acre park and recreation area with improvements made under the project for navigation, Savannah River below Augusta, Georgia, authorized by the first section of the Act of July 3, 1930 (46 Stat. 924), and the first section of the Act of August 30, 1935 (49 Stat. 1032); and

(ii) other land that is part of the project and that the Secretary determines to be appropriate for conveyance under this section.

(2) PROJECT.—The term “Project” means the project for navigation, Savannah Harbor expansion, Georgia, authorized by section 7002(1) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1364).

(b) DEAUTHORIZATION.—

(1) IN GENERAL.—Effective beginning on the date of enactment of this Act—

(A) the New Savannah Bluff Lock and Dam is deauthorized; and

(B) notwithstanding section 348(l)(2)(B) of the Water Resources Development Act of 2000 (Public Law 106–541; 114 Stat. 2630; 114 Stat. 2763A–228) (as in effect on the day before the date of enactment of this Act) or any other provision of law, the New Savannah Bluff Lock and Dam shall not be conveyed to the city of North Augusta and Aiken County, South Carolina, or any other non-Federal entity.

(2) REPEAL.—Section 348 of the Water Resources Development Act of 2000 (Public Law 106- 541; 114 Stat. 2630; 114 Stat. 2763A–228) amended—

(A) by striking subsection (l); and

(B) by redesignating subsections (m) and (n) as subsections (l) and (m), respectively.

(c) PROJECT MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Project is modified to include, as the Secretary determines to be necessary—

(A)(i) repair of the lock wall of the New Savannah Bluff Lock and Dam and modification of the structure such that the structure is able—

(I) to maintain the pool for navigation, water supply, and recreational activities, as in existence on the date of enactment of this Act; and

(II) to allow safe passage over the structure to historic spawning grounds of shortnose sturgeon, Atlantic sturgeon, and other migratory fish; or

(ii)(I) construction at an appropriate location across the Savannah River of a structure that is able to maintain the pool for water supply and recreational activities, as in existence on the date of enactment of this Act; and

(II) removal of the New Savannah Bluff Lock and Dam on completion of construction of the structure; and

(B) conveyance by the Secretary to Augusta-Richmond County, Georgia, of

the park and recreation area adjacent to the New Savannah Bluff Lock and Dam, without consideration.

(2) NON-FEDERAL COST SHARE.—The Federal share of the cost of any Project feature constructed pursuant to paragraph (1) shall be not greater than the share as provided by section 7002(1) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1364) for the most cost-effective fish passage structure.

(3) OPERATION AND MAINTENANCE COSTS.—The Federal share of the costs of operation and maintenance of any Project feature constructed pursuant to paragraph (1) shall be consistent with the cost sharing of the Project as provided by law.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SOUTH ATLANTIC DIVISION
60 FORSYTH STREET SW, ROOM 10M15
ATLANTA, GA 30303-8801

CESAD-PDP

6 JUN 2017

MEMORANDUM FOR COMMANDER Savannah District

SUBJECT: Implementation Guidance for Section 1319 of the Water Resources Development Act of 2016 (WRDA 2016), New Savannah Bluff Lock and Dam, Georgia and South Carolina

1. Reference memorandum, CECW-SAD, 27 May 2017, subject as above.
2. CESAD is endorsing implementation guidance issued for Section 1319 of WRDA 2016 (enclosure). Section 1319 of the WRDA of 2016, in general, deauthorizes the New Savannah Bluff Lock and Dam, Savannah River, Georgia and South Carolina; repeals the conveyance of the New Savannah Bluff Lock and Dam to the City of North Augusta and Aiken County, South Carolina; and modifies the Savannah Harbor Expansion Navigation Project (SHEP), Georgia and South Carolina, authorized by Section 7002(1) of the Water Resources Reform and Development Act of 2014(Public Law 113-121). Details and stipulations pertaining to carrying out Section 1319 are provided in CECW-SAD's endorsement memo (Reference 1. above).
3. Complete WRDA 2016 information is available at the following link:
<http://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/wrda2016/>.
4. My WRDA point of contact is Ms. Karen Dove Odumosu, telephone 404-562-5225.

Encl
as

ERIC L. BUSH
Chief, Planning and Policy Division



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MAY 25 2017

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