



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

REPLY TO
ATTENTION OF

MAR 20 2009

CECW-MVD

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

SUBJECT: Implementation Guidance for Section 3013 of the Water Resources Development Act (WRDA) of 2007 – RED-OUACHITA RIVER BASIN LEVEES, ARKANSAS AND LOUISIANA

1. Section 3013 (a) of WRDA 2007 amends Section 204 of the Flood Control Act of 1950 (64 Stat. 173) for Red-Ouachita River Basin to link the authorization for the comprehensive Ouachita River and Tributaries Project to an existing project at Calion, Arkansas. Section 3013 (b) reinstates as a component of the Mississippi River and Tributaries Project features of the Ouachita River Levees, Louisiana authorized by the first section of the Mississippi River Flood Control Act of May 15, 1928 (45 Stat.534), and restores major maintenance responsibilities to the Corps of Engineers as provided under Section 3 of that Act (45 Stat.534). These levees were abandoned by the Flood Control Act of 1941 and subsequently incorporated into the Ouachita River and Tributaries Project by the River and Harbor Act of 17 May 1950 that are currently features of the Ouachita River Levees. A copy of section 3013 and previous legislation amended by section 3013 are provided as enclosures 1 and 2 respectively.
2. In accordance with section 3013(a), Section 204 of the Flood Control Act of 1950 for Red-Ouachita River Basin is amended as shown on the enclosure 2. The district will perform a legal review of Section 204 of the Flood Control Act of 1950 for Red-Ouachita River Basin as amended to determine what impacts, if any, there are on implementation of the affected projects and, within 90 days of receipt of this memorandum, report back to this office to the attention of CECW-MVD.
3. In accordance with section 3013(b) all features currently within the Ouachita River Levees that were originally authorized by Section 1 of the Flood Control Act of 15 May 1928 are restored as features of the Mississippi River and Tributaries project, with major maintenance responsibilities restored to the U. S. Army Corps of Engineers consistent with Section 3 of the Mississippi River Flood Control Act of May 15, 1928. This includes approximately 43 miles of levees and associated drainage features on the east bank of the Ouachita River and Bayou Bartholomew from Bastrop, LA, to below Monroe, LA, approximately 1.9 miles of floodwall in Monroe, LA, and approximately 7.2 miles of levees and associated drainage features on the west bank of the Ouachita River at West Monroe. Minor maintenance (such as cutting grass, removal of weeds, local drainage, and minor repairs of main river levees) for these items will remain the responsibility of the project sponsor. Section 3013(b) does not reinstate the approximately 62.8

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miles of the Ouachita River Levees feature that was authorized by Section 6 of the Flood Control Act of 15 May 1928 that is located below Monroe, LA. Existing agreements between the Corps and the non-Federal sponsor affected by this provision shall be amended to address the changes in responsibility for the operation, maintenance, repair, replacement, and rehabilitation activities.

3. Future budgeting and funding for major maintenance of the features affected by section 3013(b) should be included in the Mississippi River and Tributaries account. No major maintenance work may be undertaken until funds have been appropriated for such work.

FOR THE COMMANDER:

Encls



THEODORE A. BROWN, P.E.
Chief, MVD Regional Integration Team
Directorate of Civil Works

**WRDA 2007, Section 3013. RED-OUACHITA RIVER BASIN LEVEES,
ARKANSAS AND LOUISIANA**

(a) IN GENERAL.—Section 204 of the Flood Control Act of 1950 (64 Stat. 173) is amended in the matter under the heading “RED-OUACHITA RIVER BASIN” by striking “improvements at Calion, Arkansas” and inserting “improvements at Calion, Arkansas (including authorization for the comprehensive flood-control project for Ouachita River and tributaries, incorporating in the project all flood control, drainage, and power improvements in the basin above the lower end of the left bank Ouachita River levee)”.

(b) MODIFICATION.—Section 3 of the Flood Control Act of August 18, 1941 (55 Stat. 642), is amended in the second sentence of subsection (a) in the matter under the heading “LOWER MISSISSIPPI RIVER” by inserting before the period at the end the following: “; except that the Ouachita River Levees, Louisiana, authorized by the first section of the Mississippi River Flood Control Act of May 15, 1928 (45 Stat. 534), shall remain as a component of the Mississippi River and Tributaries Project and afforded operation and maintenance responsibilities as provided under section 3 of that Act (45 Stat. 535)”.

Section 204 of the Flood Control Act of 1950 (64 Stat. 173), as amended by Section 3013 (a) of WRDA 2007:

RED-OUACHITA RIVER BASIN

The project for flood protection at Calion, Arkansas, authorized by the Act of August 18, 1941, in accordance with the recommendations of the Chief of Engineers in House Document Numbered 427, Seventy-sixth Congress, first session is hereby modified to include additional improvements at Calion, Arkansas (including authorization for the comprehensive flood-control project for Ouachita River and tributaries, incorporating in the project all flood control, drainage, and power improvements in the basin above the lower end of the left bank Ouachita River levee) improvements at Calion, Arkansas, in accordance with plans on file in the office of the Chief of Engineers, at an estimated cost of \$430,000.

Section 3 of the Flood Control Act of August 18, 1941 (55 Stat. 642), as amended by Section 3013 (b) of WRDA 2007:

SEC. 3. That the following works of improvement for the benefit of navigation and the control of destructive floodwaters and other purposes are hereby adopted and authorized . . .

LOWER MISSISSIPPI RIVER

The project for flood control of the Lower Mississippi River adopted by the Act of May 15, 1928, as amended by the Act of June 15, 1936, as amended by the Acts of August 28, 1937, and June 28, 1938, is hereby modified and, as modified, is hereby authorized and adopted, and the Flood Control Act of June 15, 1936, as amended, is amended as follows:

(a) The existing engineering plan for flood control in the alluvial valley of the Mississippi River is hereby modified . . . heights. The Boeuf Floodway in the project adopted by the Act of May 15, 1928, and the Eudora Floodway as well as the Northward Extension and the back protection levee extending from the head of the said Eudora Floodway north to the Arkansas River in the project adopted by the Act of June 15, 1936, as amended, are hereby abandoned, and the provisions of said Acts relating to the prosecution of work on said floodways and extension are hereby repealed; except that the Ouachita River Levees, Louisiana, authorized by the first section of the Mississippi River Flood Control Act of May 15, 1928 (45 Stat. 534), shall remain as a component of the Mississippi River and Tributaries Project and afforded operation and maintenance responsibilities as provided under section 3 of that Act (45 Stat. 535).