DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
WASHINGTON DC 20314-1000

REPLY TO
ATTENTION OF:

JUN 29 2010

CECW-PB

MEMORANDUM FOR COMMANDER, GREAT LAKES AND OHIO RIVER DIVISION (CELRD-PDS-O)

SUBJECT: Implementation Guidance for Section 5132 of the Water Resources Development Act of 2007 (WRDA 2007) - J. Percy Priest Dam and Reservoir, Tennessee

1. Section 5132 of WRDA 2007 directs the Secretary to plan, design, and construct a trail system and supporting facilities at J. Percy Priest Lake and adjacent public property. It also provides that in carrying out such improvements, the Secretary is authorized to use funds made available by the State of Tennessee from any Federal or State source, or both. Section 121 of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (P.L. 111-85) provides that notwithstanding the cost sharing requirements of section 103(c)(4) of Public Law 99-662, the work authorized in Section 5132 of WRDA 2007 shall be a Federal cost, the total of which may not exceed $10,300,000. A copy of these provisions of law is enclosed.

2. Nashville District shall prepare a Letter Report and a draft Agreement using funds, not to exceed $300,000, from FY08-FY10 appropriations. The Letter Report will include a detailed description of the improvements to be constructed with the funds currently available, a detailed description of the improvements to be constructed if $10,300,000 of Federal funds are made available, and identify any funds to be made available by the State of Tennessee. The Letter Report will include National Environmental Policy Act compliance documentation, cost estimates for design and construction, and a real estate plan that describes the appropriate real estate interests and the type and term of instruments needed to construct, operate, and maintain the improvements on Federal lands and adjacent publicly-owned lands. Nashville District will submit the Letter Report to HQUSACE (attn: CECW-LRD) for review and approval by the Assistant Secretary of the Army for Civil Works (ASA(CW)). Upon approval of the Letter Report, Nashville District will draft a proposed Agreement that, among other things, will require the non-Federal sponsor to provide, at no cost to the Government, all lands, easements, rights-of-way, relocations, and disposal areas required for the improvements and to perform operation, maintenance, repair, rehabilitation, and replacement. Nashville District will forward the proposed Agreement submittal package to HQUSACE (attn: CECW-LRD) for review and approval by the ASA(CW).

3. Nashville District may execute the Agreement with the non-Federal sponsor upon approval of the Agreement by the ASA(CW). Following execution of the Agreement, Nashville District may

complete any remaining design and construct the improvements using funds specifically provided by Congress for this work.

FOR THE COMMANDER:

Encl

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

WATER RESOURCES AND DEVELOPMENT ACT OF 2007 (P.L. 110-114)

SEC. 5132. J. PERCY PRIEST DAM AND RESERVOIR, TENNESSEE.
The Secretary shall plan, design, and construct a trail system at the J. Percy Priest Dam and Reservoir, Tennessee, authorized by section 4 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved June 28, 1938 (52 Stat. 1217), and adjacent public property, including design and construction of support facilities. In carrying out such improvements, the Secretary is authorized to use funds made available by the State of Tennessee from any Federal or State source, or both.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010 (P.L. 111-85)

SEC.121. Notwithstanding any other provision of law, including section 103(c)(4) of Public Law 99-662 (33 U.S.C. 2213(c)(4)), the cost of any work carried out heretofore or hereafter on construction of the trail system authorized for the J. Percy Priest Dam and Reservoir, Tennessee by section 5132 of P.L. 110-114 (121 Stat. 1249) shall be a Federal cost, the total of which may not exceed $10,300,000.