



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

JUN 29 2016

CECW-SWD

MEMORANDUM FOR COMMANDER SOUTHWESTERN DIVISION

SUBJECT: Implementation Guidance for Section 4004 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014) – Arkansas River

1. Section 4004 of WRRDA 2014 states that the operational goal of the McClellan-Kerr Arkansas River Navigation System shall be to maximize the use of the system in a balanced approach that incorporates advice from representatives from all project purposes to ensure that the full value of the system is realized by the United States. Section 4004 directs the Secretary of the Army to establish a McClellan-Kerr Arkansas River Navigation System (MKARNS) Advisory Committee in accordance with the Federal Advisory Committee Act. It provides that the Advisory Committee will serve in an advisory capacity only and will provide information to the Corps of Engineers relating to the efficiency, reliability and availability of the operations of the MKARNS. Further, Section 4004 provides that the Advisory Committee shall be selected jointly by the Little Rock District Engineer and the Tulsa District Engineer and shall be composed of members that equally represent the MKARNS project purposes. It provides that the Little Rock and Tulsa Districts, under the supervision of the Southwestern Division, shall jointly provide the Advisory Committee with adequate staff assistance, facilities and resources. Finally, it states that the Advisory Committee shall terminate on the date on which the Secretary submits a report to Congress demonstrating increases in the efficiency, reliability and availability of the MKARNS but not less than 2 calendar years after the date on which the Advisory Committee is established. A copy of section 4004 of WRRDA 2014 is enclosed.

2. To date, no funds have been appropriated to establish this committee. This activity may not be initiated unless funds are specifically appropriated for such work. At such times as funds are specifically appropriated for this purpose, the Little Rock and Tulsa Districts will develop recommended procedures and materials for establishing the MKARNS Advisory Committee to obtain information and recommendations for operations and maintenance of the MKARNS. The MKARNS Advisory Committee will be established and managed within the guidelines of the Federal Advisory Committee Act, as amended (5 U.S.C. App. 2) and in compliance with Army Regulation 15-1. The Little Rock and Tulsa Districts will develop a draft charter, a committee member selection process, and committee member recommendations and will submit the package through SWD, HQUSACE, and the Secretary of the Army to the Secretary of Defense and General Services Administration for approval. Nominations for committee membership must be selected through a Federal Register public process. All meetings of the Advisory Committee must be open to the public and announced in the Federal

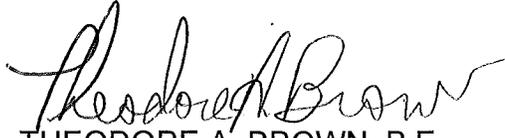
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Register. The Advisory Committee shall be composed of no more than two persons representing each project purpose or interest associated with the navigation system, and a total of no more than 11 members.

3. Once the Advisory Committee is established and has provided advisory recommendations, the Little Rock and Tulsa Districts, subject to the availability of funds, will prepare a draft report that evaluates and determines if any of the Advisory Committee recommendations are feasible and implementable and demonstrate increases in the efficiency, reliability, and availability of operations on the MKARNS. The Districts will submit the draft report through the Division to the HQUSACE which will provide the draft report to the Assistant Secretary of the Army (Civil Works) for review and approval and for transmission of the final report to the Congress.

Encl



THEODORE A. BROWN, P.E.
Chief, Southwestern Division Commander,
Regional Integration Team

Section 4004 ARKANSAS RIVER

(a) *PROJECT GOAL.*—The goal for operation of the McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma, shall be to maximize the use of the system in a balanced approach that incorporates advice from representatives from all project purposes to ensure that the full value of the system is realized by the United States.

(b) *MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM ADVISORY COMMITTEE.*—

(1) *IN GENERAL.*—In accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Secretary shall establish an advisory committee for the McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma project authorized by the first section of the Act of July 24, 1946 (60 Stat. 635, chapter 595).

(2) *DUTIES.*—The advisory committee shall—

(A) serve in an advisory capacity only; and

(B) provide information and recommendations to the Corps of Engineers relating to the efficiency, reliability, and availability of the operations of the McClellan-Kerr Arkansas River navigation system.

(3) *SELECTION AND COMPOSITION.*—The advisory committee shall be—

(A) selected jointly by the Little Rock District Engineer and the Tulsa District Engineer; and

(B) composed of members that equally represent the McClellan-Kerr Arkansas River navigation system project purposes.

(4) *AGENCY RESOURCES.*—The Little Rock District and the Tulsa District of the Corps of Engineers, under the supervision of the Southwestern Division, shall jointly provide the advisory committee with adequate staff assistance, facilities, and resources.

(5) *TERMINATION.*—

(A) *IN GENERAL.*—Subject to subparagraph (B), the advisory committee shall terminate on the date on which the Secretary submits a report to Congress demonstrating increases in the efficiency, reliability, and availability of the McClellan-Kerr Arkansas River navigation system.

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(B) RESTRICTION.—The advisory committee shall terminate not less than 2 calendar years after the date on which the advisory committee is established.