



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

REPLY TO
ATTENTION OF

CECW-MVD

OCT - 6 2014

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

SUBJECT: Implementation Guidance for Section 2010 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014) – Upper Mississippi River Protection

1. Section 2010 directs the Secretary to close the Upper St. Anthony Falls Lock and Dam located on the Mississippi River at river mile 853.9 no later than 1 year after the enactment date of WRRDA 2014. The provision specifically allows the Corps to continue to carry out emergency lock operations necessary to mitigate flood damage. It does not deauthorize the project nor direct a future disposition of the facility. A copy of Section 2010 of WRRDA 2014 is enclosed.
2. The district shall publish in the Federal Register a notice of the intent to close the lock to navigation operations within 1 year of enactment of WRRDA 2014, as specified in the legislation. The Federal Register notice will state that the final closure date, within the statutory deadline, will be determined once the environmental analysis is complete. Using existing O&M funds, the district shall complete any required environmental compliance analysis and publish the appropriate draft National Environmental Policy Act documentation for public comment, addressing the impacts of the directed action, lock closure, while allowing the Corps to continue to carry out emergency lock operations necessary to mitigate flood damage. A draft of the Federal Register Notice is enclosed.
3. As of the final closure date, operation of the lock will be suspended except as necessary for emergency lock operation necessary to mitigate flood damage in accordance with the approved operations and water control manual.

Encls

JAMES R. HANNON
Chief, Operations and Regulatory Division
Directorate of Civil Works

SEC. 2010. UPPER MISSISSIPPI RIVER PROTECTION.

(a) DEFINITION OF UPPER ST. ANTHONY FALLS LOCK AND DAM.-In this section, the term "Upper St. Anthony Falls Lock and Dam" means the lock and dam located on Mississippi River Mile 853.9 in Minneapolis, Minnesota.

(b) MANDATORY CLOSURE.-Not later than 1 year after the date of enactment of this Act, the Secretary shall close the Upper St. Anthony Falls Lock and Dam.

(c) EMERGENCY OPERATIONS.-Nothing in this section prevents the Secretary from carrying out emergency lock operations necessary to mitigate flood damage.

BILLING CODE: 3720-58

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Closing Upper St. Anthony Falls Lock to Navigation, Located in Minneapolis, MN

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent

SUMMARY: Section 2010 of the Water Resources Reform and Development Act of 2014 (WRRDA) directed the Secretary of the Army to close the Upper St. Anthony Falls Lock and Dam located on the Mississippi River at river mile 853.9 no later than 1 year after the enactment date of WRRDA 2014. The provision specifically allows the U.S. Army Corps of Engineers to continue to carry out emergency lock operations necessary to mitigate flood damage. The WRRDA was enacted on June 10, 2014. To comply with WRRDA, the Corps will close Upper St. Anthony Falls Lock to navigation by June 10, 2015. The final closure date will be determined, within the statutory deadline, after the environmental analysis required by the National Environmental Policy Act is complete.

DATES: Submit written comments concerning this notice by October 20, 2014, to Mr. Kevin Baumgard, Deputy Chief, Operations Division, U.S. Army Corps of Engineers, 180 Fifth Street East, Suite 700, St. Paul, MN 55101-1678, or by email at kevin.l.baumgard@usace.army.mil.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Kidby at Corps of Engineers Headquarters in Washington, DC, by phone at 202-761-0250.

SUPPLEMENTARY INFORMATION:

The legal authority for the regulation governing the use, administration, and navigation of the Twin Cities locks is Section 4 of the River and Harbor Act of August 18, 1894 (28 Stat. 362), as amended, which is codified at 33 U.S.C. Section 1. This statute requires the Secretary of the Army to "prescribe such regulations for the use, administration, and navigation of the navigable waters of the United States" as the Secretary determines may be required by public necessity. Reference 33 C.F.R. 207.300, Mississippi River below mouth of Ohio River, including South and Southwest Passes; use, administration, and navigation.

Brenda S. Bowen
Army Federal Liaison Officer