



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

MAY 20 2016

CECW-CO

MEMORANDUM FOR COMMANDER, Great Lakes and Ohio River Division

SUBJECT: Implementation Guidance for Section 2012 of WRRDA 2014 OGC

1. Reference is made to CECG memorandum dated 9 July 2013 subject: Restricted Area Operations and Associated Control Measures at Nashville District Cumberland River Projects.
2. Section 2012 of WRRDA 2014 amends the Freedom to Fish Act (PL 113-13), to extend the time period for ceasing implementation of restrictions to four years after the enactment of WRRDA 2014. In addition, it expands the requirements for restricted areas to modified as well as new restricted areas. A copy of section 2012 of WRRDA 2014 and PL 113-13 as amended by section 2012 are enclosed.
3. The District will advise interested parties that the Freedom to Fish Act has been extended until 10 June 2018. The District will continue to follow guidance provided in CECG memorandum dated 9 July 2013 referenced above.

A handwritten signature in black ink, appearing to read "Edward E. Belk, Jr.", written in a cursive style.

- 2 Encls
1. CECG Memorandum
 2. Section 2012 of WRRDA and PL 113-13

EDWARD E. BELK, JR., P.E.
Chief, Operations and Regulatory Division
Directorate of Civil Works

RECEIVED
7 July 13



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

CECG

JUL 09 2013

MEMORANDUM THRU Commander, U.S. Army Corps of Engineers, Great Lakes and Ohio River Division

FOR Commander, U.S. Army Corps of Engineers, Nashville District

SUBJECT: Restricted Area Operations and Associated Control Measures at Nashville District Cumberland River Projects

1. References:

- a. Public Law 113-13 (2013), Freedom to Fish Act, dated 3 June 2013 (Enclosure 1).
- b. Nashville District Commander letter, dated 24 May 2013, Subject: Concurrence of Proposed Recommendations on Restricted Area Operations and Associated Control Measures at Nashville District Projects (Enclosure 2).
- c. Meeting between Senator Alexander and LTG Bostick re: Freedom to Fish Act Implementation, 12 June 2013.

2. The purpose of this memorandum is to document immediate actions, while preparing long-term plans, required by the Nashville District regarding operations, control measures and enforcement of restricted areas for the locks and dams, flood control dams, and multi-purpose projects within the Cumberland River Basin IAW Public Law 113-13 enacted on 3 June 2013.

The Nashville District will:

- a. Cease implementation of full-time (24 hour) restrictions and revert to pre-August 2012 event-driven operations and restricted area boundaries on the Cumberland River system. This includes the removal of buoys that were not in place prior to 1 August 2012.
- b. Initiate discussions with the state of Tennessee and Commonwealth of Kentucky regarding how the Corps and the states will jointly implement the law.
- c. Continue to take measures to inform, warn, and attempt to evacuate those in a restricted area prior to releasing any water through the hydropower units, spillway, sluice gates, and/or lock chamber.

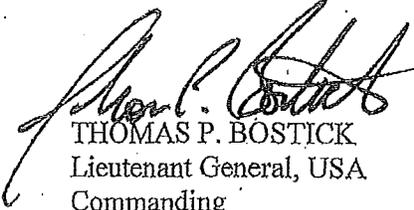
Encl 1

CECG

SUBJECT: Implementation Guidance on Restricted Area Operations and Associated Control Measures at Nashville District Cumberland River Projects

3. Any establishment of new restricted areas at dams and other civil works structures in the Cumberland River basin will comply with subsection 2(c) of Public Law 113-13. Be prepared to discuss/provide copy of the proposed long-term implementation plans NLT 30 July 2013.

Encl



THOMAS P. BOSTICK
Lieutenant General, USA
Commanding



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1070
NASHVILLE, TENNESSEE 37202-1070

24 MAY 2013

REPLY TO
ATTENTION OF

CELRN-DE

MEMORANDUM THRU Commander, U.S. Army Corps of Engineers, Great Lakes and Ohio River Division, 550 Main Street, Cincinnati, OH 45202

FOR Commander, Headquarters, U.S. Army Corps of Engineers, 441 G Street NW, Washington, DC 20314

SUBJECT: Concurrence of Proposed Recommendations on Restricted Area Operations and Associated Control Measures at Nashville District Projects

1. References - Enclosures.

- a. Enclosure 1. S.982, 113th Cong. (2013) -- Freedom to Fish Act
- b. Enclosure 2. Hazardous Water Conditions and Restricted Areas Control Measures Plan, dated 24 May 2013.

2. The purpose of this memorandum is to provide the Nashville District's recommendation on how to proceed with operations, control measures and enforcement of restricted areas for the locks and dams, flood control dams, and multi-purpose projects within the Cumberland River Basin in the event that S. 982, 113th Cong. (2013) (Enclosure 1) is signed into law by the President. Based upon the preamble of the proposed law, we assume this applies only to restricted areas prohibiting public access to waters downstream of the dam. These recommendations may change based upon the exact language in the final version of S.982, 113th Cong. (2013) and other policy considerations. This document is pre-decisional and should not be released under FOIA.

3. The Nashville District will cease implementing of full-time (24 hr) restrictions and revert to pre-August 1st, 2012 event-driven operations and restricted area boundaries on the Cumberland River system. Prior to August 1, 2012 the District operated under event-driven restrictions which prohibit public waterborne access to hazardous waters during water releases from hydroelectric power generation (only during generation start-up), lockages, spilling and sluicing. Public waterborne access was allowed when there were no water releases. Subject to headquarters guidance should the proposed bill be enacted, the District intends to operate under the pre-August 1, 2012, restricted area guidance except for the enforcement prohibition provided for by Law, should this bill become enacted.

CELRN-DE

SUBJECT: Concurrence of Proposed Recommendations on Restricted Area Operations and Associated Control Measures at Nashville District Projects

4. There is no plan to install physical barriers at this time. We recommend that we continue to install buoys and signs as shown in Enclosure 2, to properly demarcate the hazardous water conditions and restricted areas upstream and downstream of the dams and warn the public of the hazards associated with the water discharged from these multi-purpose projects, per paragraph D in S. 982. Installation of these control measures is complete at the following lake projects: Center Hill, Cordell Hull, Dale Hollow, J. Percy Priest, Laurel and Martins Fork. All danger and warning signs installed on the dams prior to August 1, 2012, will remain on the dams.

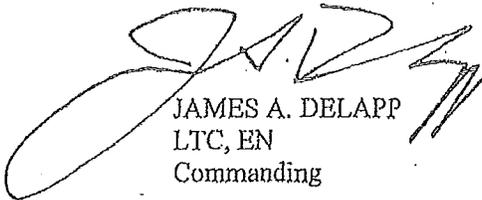
5. Upon signature of the law by the President, we will immediately cease issuing "restricted area" Federal violation notices. The Secretary of the Army is prohibited from issuing penalties "for entrance into a restricted area" per S. 982, 113th Cong. (2013), paragraph E. (2). We can still issue citations for other purposes than entering restricted areas. We can also still warn the public when hazardous conditions are about to occur.

6. In the near future, we will coordinate with the State of Tennessee and the Commonwealth of Kentucky. This will be initiated in a letter written from me to the Governors of both states that will acknowledge the transfer of the sole responsibility of enforcement of restricted areas within their respective jurisdictions. While Kentucky has laws in place that will require enforcement of designated restricted areas, Tennessee has informed us they do not and will need to enact state law to enforce any new restricted area. In addition, my staff will immediately start rewriting the restricted area chapters contained in project Operational Management Plans to reflect event-driven operations and control measures and the States sole responsibility to enforce restricted areas.

7. Any future proposed changes to restricted areas at dams and other civil works structures in the Cumberland River basin will follow the guidance contained in paragraph C. of S. 982, 113th Cong. (2013).

Encls

1. Freedom to Fish Act
2. Control Measures Plan



JAMES A. DELAPP
LTC, EN
Commanding

**Hazardous Water Conditions and Restricted Area Control Measures Plan
J. Percy Priest**



DRAFT
as of
May 24th 2013

LEGEND

- Dayboard
- Fishing Access Point
- Parking Area
- Buoy

WDA-21: *Only at Navigation Projects*

Danger
Strong Currents
and Undertow
No Swimming

WDA-31:

Danger
Water Subject
to Sudden Rise
and Turbulence

WDA-37:

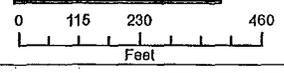
Danger
Water Subject
to Sudden Rise
and Turbulence
No Swimming, Wading
or Boating

WRE-01:

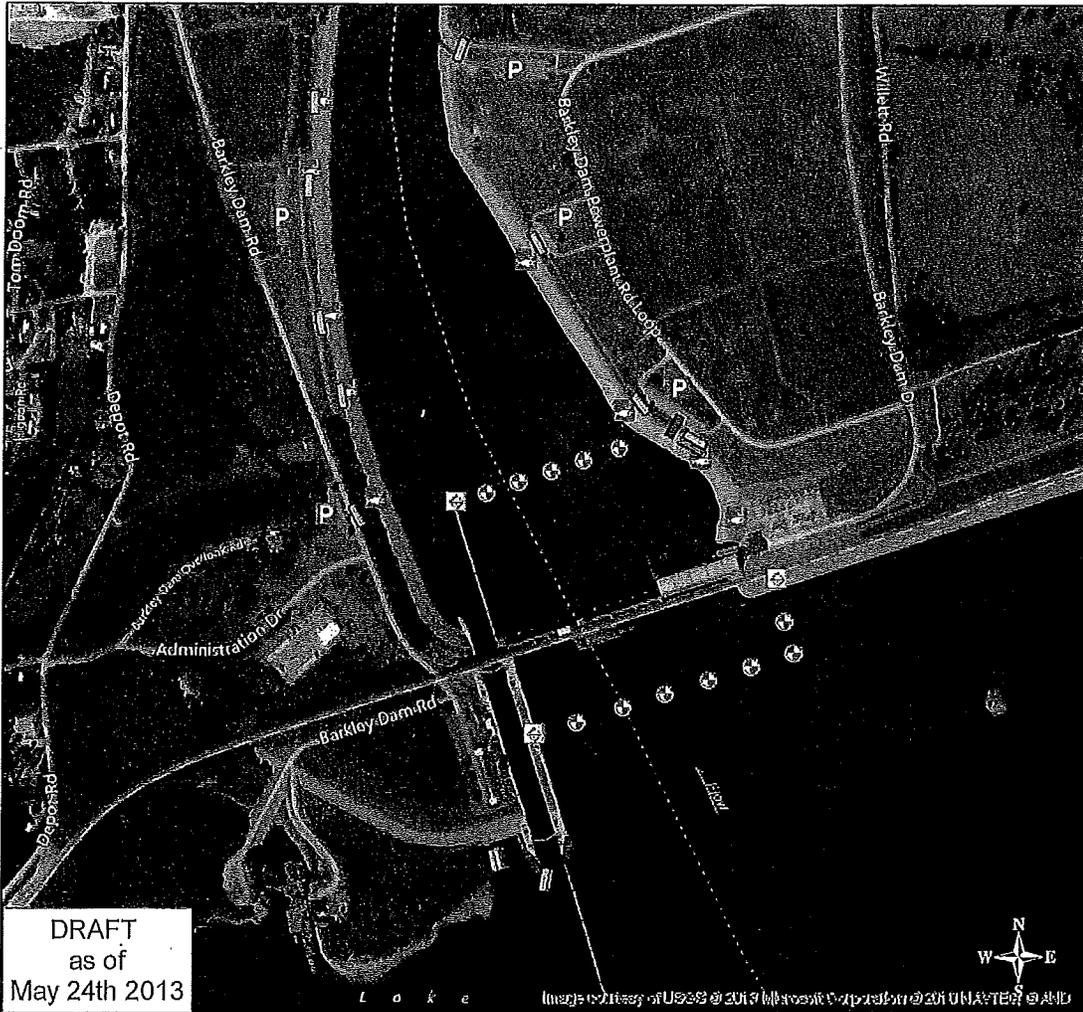
Restricted
No Boats
Here to Dam
When Releasing
Water

WDA-32:

Danger
When Horn Sounds
Beware of Rapid
Rise in Water Level



Hazardous Water Conditions and Restricted Area Control Measures Plan Lake Barkley



DRAFT
as of
May 24th 2013

LEGEND

-  Dayboard
-  Fishing Access Point
-  Parking Area
-  Buoys

 **WDA-21:** *Only at Navigation Projects*

Danger

Strong Currents
and Undertow
No Swimming

 **WDA-31:**

Danger

Water Subject
to Sudden Rise
and Turbulence

 **WDA-37:**

Danger

Water Subject
to Sudden Rise
and Turbulence
No Swimming, Wading
or Boating

 **WRE-01:**

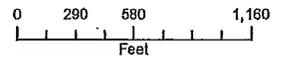
Restricted

No Boats
Here to Dam
When Releasing
Water

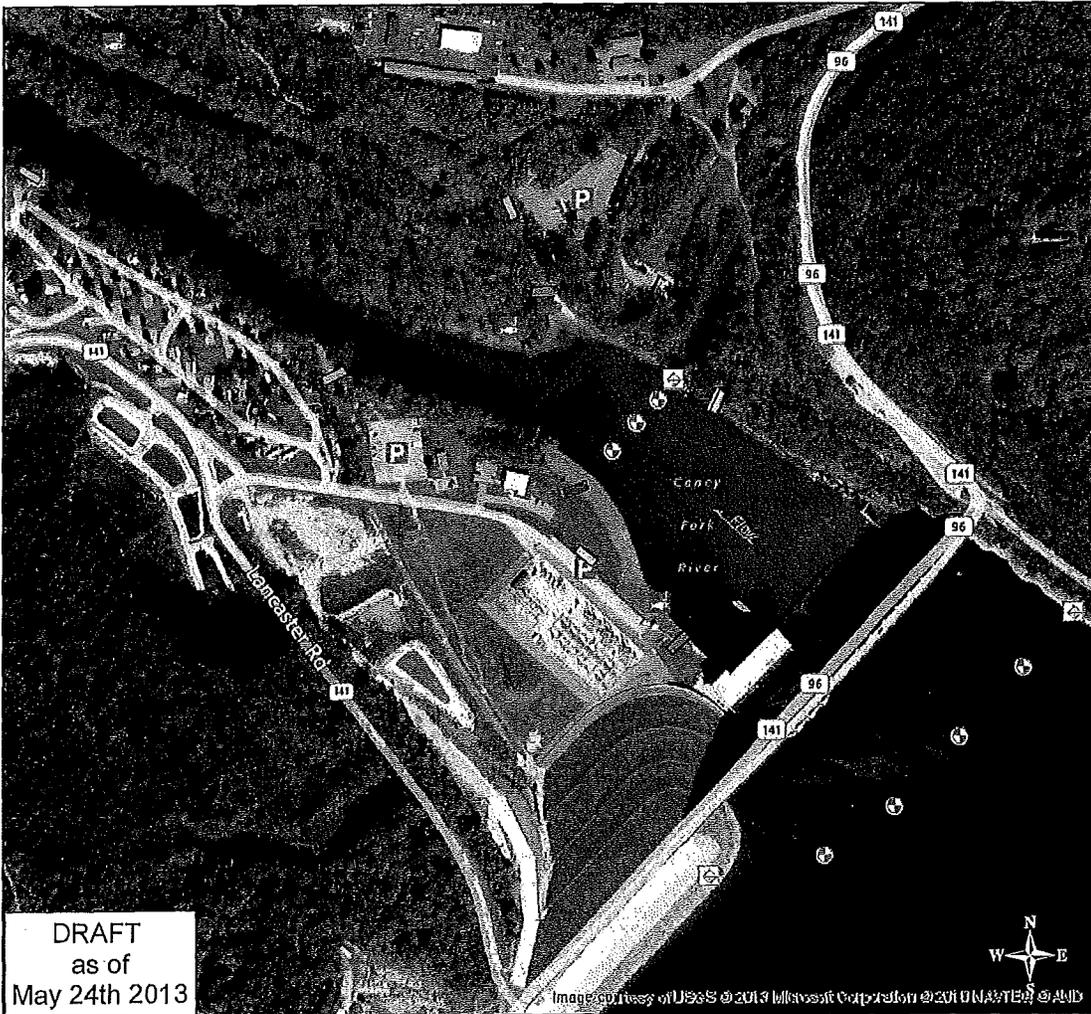
 **WDA-32:**

Danger

When Horn Sounds
Beware of Rapid
Rise in Water Level



Hazardous Water Conditions and Restricted Area Control Measures Plan Center Hill Lake



DRAFT
as of
May 24th 2013

Image courtesy of USGS © 2013 Missouri Corporation of Public Water & Light

LEGEND

- Dayboard
- Fishing Access Point
- Parking Area
- Buoy

WDA-21: Only at Navigation Projects

Danger

Strong Currents
and Undertow
No Swimming

WDA-31:

Danger

Water Subject
to Sudden Rise
and Turbulance

WDA-37:

Danger

Water Subject
to Sudden Rise
and Turbulance
No Swimming, Wading
or Boating

WRE-01:

Restricted

No Boats
Here to Dam
When Releasing
Water

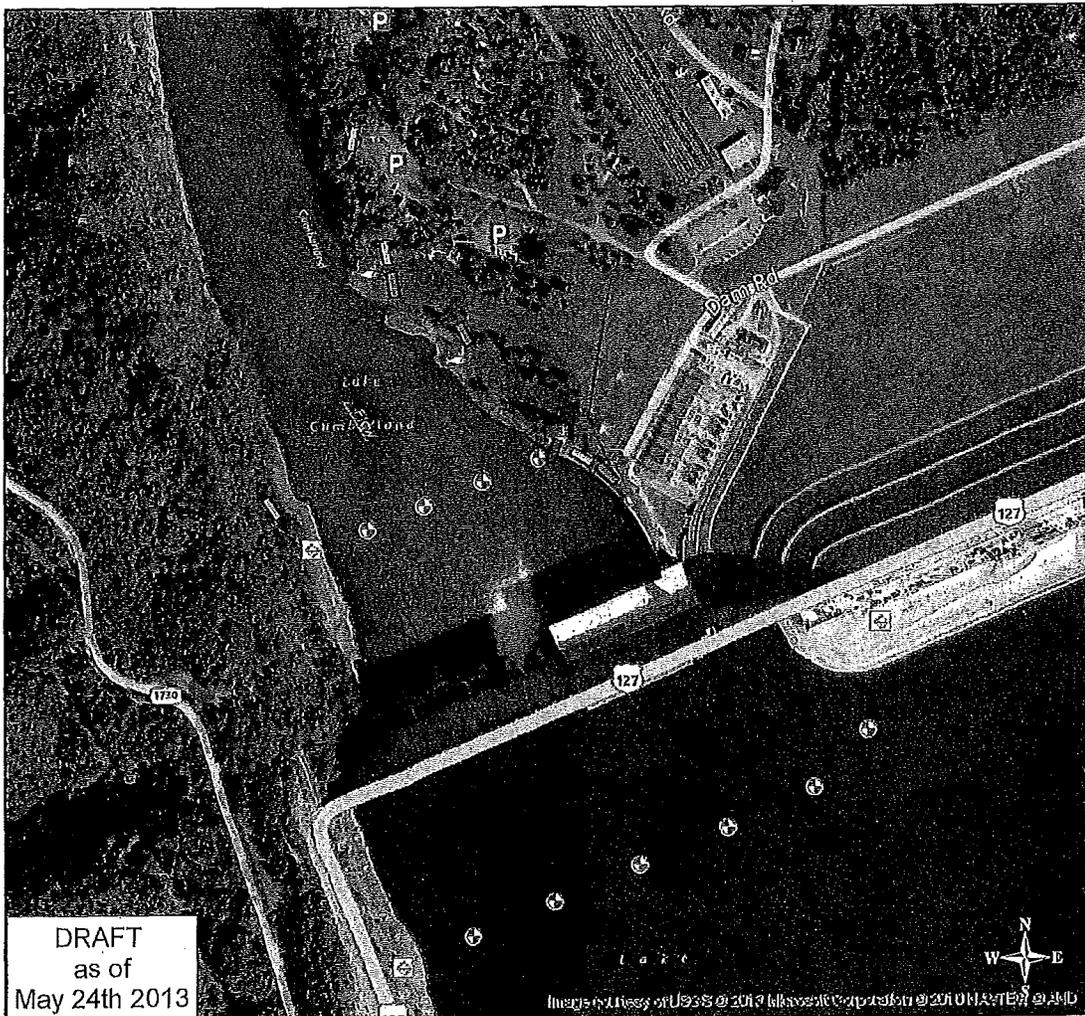
WDA-32:

Danger

When Horn Sounds
Beware of Rapid
Rise in Water Level



**Hazardous Water Conditions and Restricted Area Control Measures Plan
Wolf Creek Dam**



DRAFT
as of
May 24th 2013

Image courtesy of USGS © 2012 Microsoft Corporation © 2011 UNAVCO/ASD

LEGEND

- Dayboard
- Fishing Access Point
- Parking Area
- Buoy

WDA-21: Only at Navigation Projects

Danger

Strong Currents
and Undertow
No Swimming

WDA-31:

Danger

Water Subject
to Sudden Rise
and Turbulence

WDA-37:

Danger

Water Subject
to Sudden Rise
and Turbulence
No Swimming, Wading
or Boating

WRE-01:

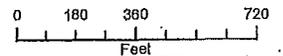
Restricted

No Boats
Here to Dam
When Releasing
Water

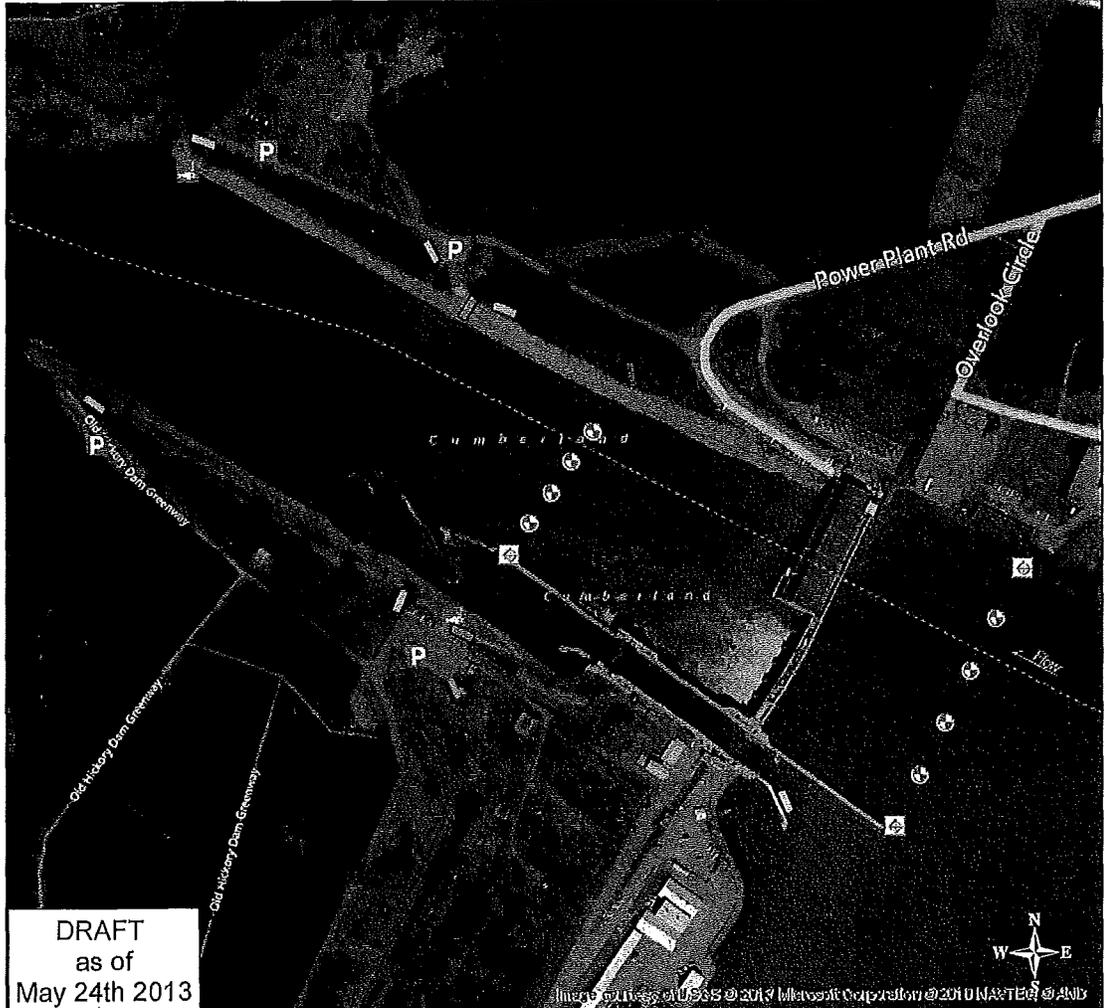
WDA-32:

Danger

When Horn Sounds
Beware of Rapid
Rise in Water Level



Hazardous Water Conditions and Restricted Area Control Measures Plan Old Hickory



DRAFT
as of
May 24th 2013

LEGEND

- Dayboard
- Fishing Access Point
- Parking Area
- Buoy

WDA-21: Only at Navigation Projects

Danger
Strong Currents
and Undertow
No Swimming

WDA-31:

Danger
Water Subject
to Sudden Rise
and Turbulence

WDA-37:

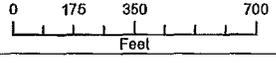
Danger
Water Subject
to Sudden Rise
and Turbulence
No Swimming, Wading
or Boating

WRE-01:

Restricted
No Boats
Here to Dam
When Releasing
Water

WDA-32:

Danger
When Horn Sounds
Beware of Rapid
Rise in Water Level



Hazardous Water Conditions and Restricted Area Control Measures Plan Martins Fork



DRAFT
as of
May 24th 2013

LEGEND

-  Dayboard
-  Fishing Access Point
-  Parking Area
-  Buoy

 **WDA-21:** *Only at Navigation Projects*

Danger
Strong Currents
and Undertow
No Swimming

 **WDA-31:**

Danger
Water Subject
to Sudden Rise
and Turbulance

 **WDA-37:**

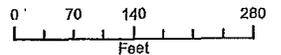
Danger
Water Subject
to Sudden Rise
and Turbulance
No Swimming, Wading
or Boating

 **WRE-01:**

Restricted
No Boats
Here to Dam
When Releasing
Water

 **WDA-32:**

Danger
When Horn Sounds
Beware of Rapid
Rise in Water Level



Hazardous Water Conditions and Restricted Area Control Measures Plan
Dale Hollow

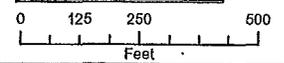


DRAFT
as of
May 24th 2013

Map prepared by USACE District 66, Dale Hollow Reservoir, 2010 UNASSISTED AND

LEGEND

- Dayboard
- Fishing Access Point
- Parking Area
- Buoy
- WDA-21: Only at Navigation Projects**
- Danger**
Strong Currents and Undertow
No Swimming
- WDA-31:**
- Danger**
Water Subject to Sudden Rise and Turbulance
- WDA-37:**
- Danger**
Water Subject to Sudden Rise and Turbulance
No Swimming, Wading or Boating
- WRE-01:**
- Restricted**
No Boats Here to Dam When Releasing Water
- WDA-32:**
- Danger**
When Horn Sounds Beware of Rapid Rise in Water Level



Hazardous Water Conditions and Restricted Area Control Measures Plan Cheatham



DRAFT
as of
May 24th 2013

LEGEND

- Dayboard
- Fishing Access Point
- Parking Area
- Buoy
- WDA-21: Only at Navigation Projects**

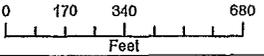
Danger
Strong Currents
and Undertow
No Swimming

WDA-31:
Danger
Water Subject
to Sudden Rise
and Turbulance

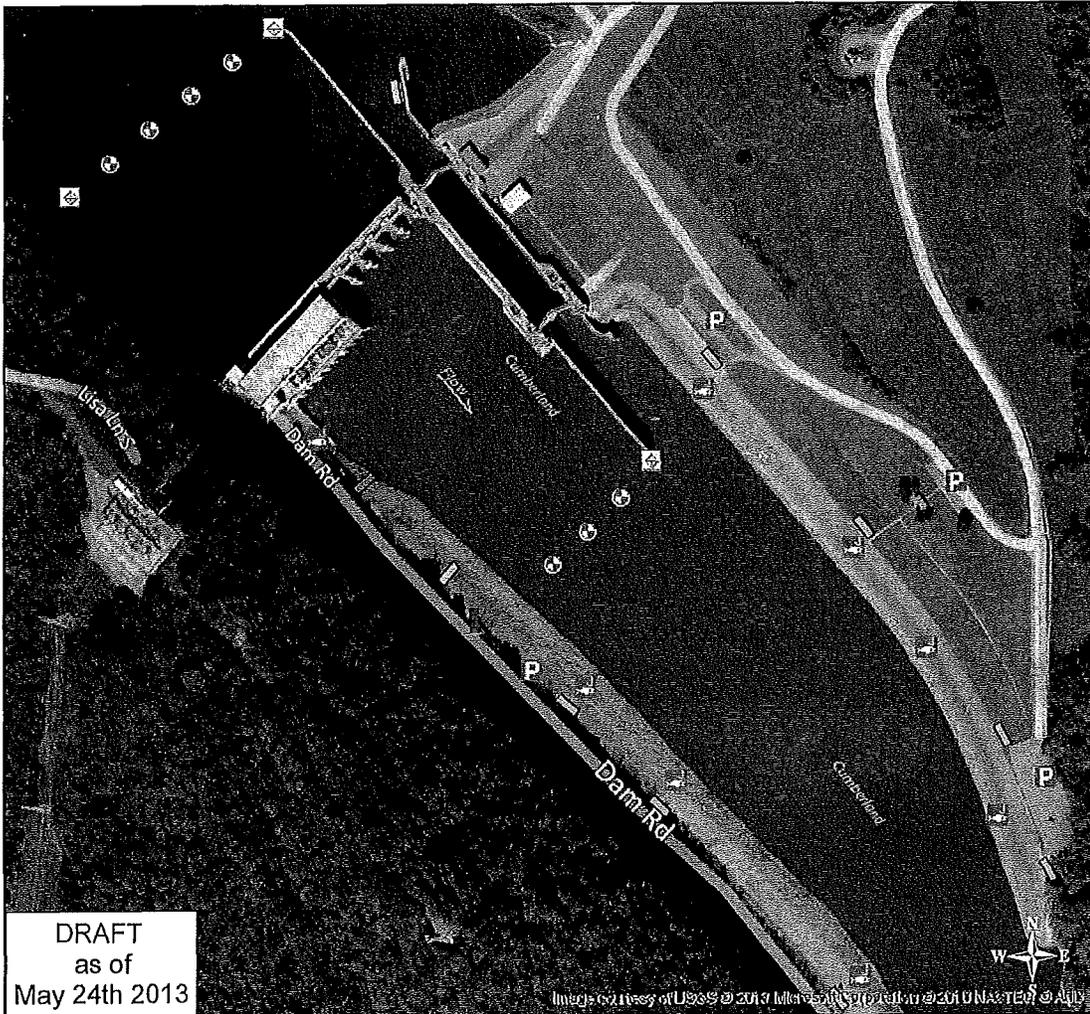
WDA-37:
Danger
Water Subject
to Sudden Rise
and Turbulance
No Swimming, Wading
or Boating

WRE-01:
Restricted
No Boats
Here to Dam
When Releasing
Water

WDA-32:
Danger
When Horn Sounds
Beware of Rapid
Rise in Water Level



Hazardous Water Conditions and Restricted Area Control Measures Plan Cordell Hull



DRAFT
as of
May 24th 2013

Image courtesy of USGS © 2012. Modified by USACE © 2013. UNCLASSIFIED

LEGEND

- Dayboard
- Fishing Access Point
- Parking Area
- Buoys

WDA-21: Only at Navigation Projects

Danger

Strong Currents
and Undertow
No Swimming

WDA-31:

Danger

Water Subject
to Sudden Rise
and Turbulence

WDA-37:

Danger

Water Subject
to Sudden Rise
and Turbulence
No Swimming, Wading
or Boating

WRE-01:

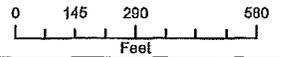
Restricted

No Boats
Here to Dam
When Releasing
Water

WDA-32:

Danger

When Horn Sounds
Beware of Rapid
Rise in Water Level



Hazardous Water Conditions and Restricted Area Control Measures Plan Laurel



DRAFT
as of
May 24th 2013

LEGEND

- Dayboard
- Fishing Access Point
- Parking Area
- Buoy

WDA-21: Only at Navigation Projects

Danger

Strong Currents
and Undertow
No Swimming

WDA-31:

Danger

Water Subject
to Sudden Rise
and Turbulance

WDA-37:

Danger

Water Subject
to Sudden Rise
and Turbulance
No Swimming, Wading
or Boating

WRE-01:

Restricted

No Boats
Here to Dam
When Releasing
Water

WDA-32:

Danger

When Horn Sounds
Beware of Rapid
Rise in Water Level



S. 982

One Hundred Thirteenth Congress
of the
United States of America

AT THE FIRST SESSION

*Began and held at the City of Washington on Thursday,
the third day of January, two thousand and thirteen*

An Act

To prohibit the Corps of Engineers from taking certain actions to establish a restricted area prohibiting public access to waters downstream of a dam, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom to Fish Act".

SEC. 2. RESTRICTED AREAS AT CORPS OF ENGINEERS DAMS.

(a) DEFINITIONS.—In this Act:

(1) RESTRICTED AREA.—The term "restricted area" means a restricted area for hazardous waters at dams and other civil works structures in the Cumberland River basin established in accordance with chapter 10 of the regulation entitled "Project Operations: Navigation and Dredging Operations and Maintenance Policies", published by the Corps of Engineers on November 29, 1996, and any related regulations or guidance.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

(b) EXISTING RESTRICTED AREA.—If the Secretary has established a restricted area or modified an existing restricted area during the period beginning on August 1, 2012, and ending on the day before the date of enactment of this Act, the Secretary shall—

(1) cease implementing and enforcing the restricted area until the date that is 2 years after the date of enactment of this Act; and

(2) remove any permanent physical barriers constructed in connection with the restricted area.

(c) ESTABLISHING NEW RESTRICTED AREA.—If, on or after the date of enactment of this Act, the Secretary establishes any restricted area, the Secretary shall—

(1) ensure that any restrictions are based on operational conditions that create hazardous waters;

(2) publish a draft describing the restricted area and seek and consider public comment on that draft prior to establishing the restricted area;

(3) not implement or enforce the restricted area until the date that is 2 years after the date of enactment of this Act; and

(4) not take any action to establish a permanent physical barrier in connection with the restricted area.

S. 982—2

(d) EXCLUSIONS.—For purposes of this section, the installation and maintenance of measures for alerting the public of hazardous water conditions and restricted areas, including sirens, strobe lights, and signage, shall not be considered to be a permanent physical barrier.

(e) ENFORCEMENT.—

(1) IN GENERAL.—Enforcement of a restricted area shall be the sole responsibility of the State in which the restricted area is located.

(2) EXISTING AUTHORITIES.—The Secretary shall not assess any penalty for entrance into a restricted area under 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 December 22, 1944 (16 U.S.C. 460d).

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*