



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

CECW-P/CEMP-CR

MAY 03 2017

MEMORANDUM FOR COMMANDER, MISSISSIPPI VALLEY DIVISION

SUBJECT: Water Resources Development Act of 2016 (WRDA 2016), Implementation Guidance for Section 1321(a), Pearl River, Mississippi and Louisiana

1. This memorandum provides implementation guidance on Section 1321(a) of the WRDA 2016. Section 1321(a) deauthorizes the Pearl River navigation project, effective December 16, 2016, and authorizes the Secretary to convey to a state or local interest, without consideration, all right, title, and interest in and to any land in which the federal government has a property interest for the project and improvements to such land. Section 1321(a) of WRDA 2016 is enclosed.
2. The project, which lies within Washington and St. Tammany parishes, Louisiana, and Pearl River County, Mississippi, was originally authorized by the Rivers and Harbors Act of 1935 and completed in 1956. Since 1995, due to environmental concerns and decreased commercial navigation, funds have only been provided to maintain the project in caretaker status. In Fiscal Year (FY) 2016, the Vicksburg District received funding to initiate a disposition study that would evaluate the project's candidacy for deauthorization and divestiture.
3. If the Secretary determines that any real property conveyed under Section 1321(a) ceases to be owned by the public, all right, title, and interest shall revert, at the discretion of the Secretary, to the United States. This reversionary clause should reflect state law and be in the deed.
4. Utilizing funding made available in FY 2017 for Disposition of Completed Projects, the Vicksburg District shall notify the states of Louisiana and Mississippi, Washington Parish Government, St. Tammany Parish Government, Pearl River County, and the city of Bogalusa, Louisiana of the availability of the real property associated with the project. The notification shall request submittal of a written application identifying the real property of interest and describing the proposed public use, the suitability of the real property for the proposed public use, and the capability of the applicant to operate and maintain the real property for the proposed public use.
5. In accordance with Section 1321(a)(2)(B), transferees shall be responsible for payment of all costs and administrative expenses associated with any transfer carried

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out under Section 1321(a). Once a transferee(s) is identified, the Vicksburg District will enter into a Memorandum of Agreement with the transferee(s) for payment of all estimated funding for all costs and administrative expenses associated with the transfer. This includes the preparation of a Disposal Report. The Disposal Report must include the following documentation: an Environmental Condition of Property Report and other documentation sufficient to satisfy the requirements of the National Environmental Policy Act; the Comprehensive Environmental Response, Compensation, and Liability Act; the National Historic Preservation Act; and other applicable environmental and historic preservation laws; and a title report. The Disposal Report must also identify any terms and conditions necessary to protect the interests of the United States.

6. To carry out a conveyance under Section 1321(a), CEMVD-PD-SP will submit a disposal package to CEMP-CR for review and approval. The disposal package will include a CEMVK-OD disposal approval memorandum, a Determination Approving Disposal of Real Property prepared by Real Estate for the Chief of Operations and Regulatory signature, and a quitclaim deed or quitclaim deeds for disposal tracts executed by the prospective transferee(s) and prepared for the Director of Real Estate signature. The district shall advise prospective transferees that HQUSACE will have final approval of the conveyance documents and terms of disposal. The deed and disposal package shall be reviewed by district and division offices and approved by CEMP-CR, after coordination with CECC-R.

7. In the event real property associated with the project cannot be transferred successfully under Section 1321(a), CEMVK-RE may submit a request through CEMVD-PD-SP to CEMP-CR to the ASA(CW) for a decision on utilizing the provisions of chapter 5 of Subtitle I of Title 40 of the U.S. Code to dispose of the remaining real property.

8. Until the real property associated with the project is finally disposed, the district should continue to budget for Operation and Maintenance funds to maintain the Pearl River, Mississippi and Louisiana project in caretaker status, as necessary for public safety.

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9. Questions regarding policy issues of this implementation guidance should be directed to Ada Benavides, Senior Policy Advisor, Planning and Policy Division, at (202) 761-0415, Ada.Benavides@usace.army.mil. Specific Real Estate questions should be directed to Theodore Nettles at (202) 761-5542, Theodore.L.Nettles@usace.army.mil.



Encl BREND A M. JOHNSON-TURNER
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JAMES C. DALTON, P.E.
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SEC. 1321. CONVEYANCES.

(a) PEARL RIVER, MISSISSIPPI AND LOUISIANA.—

(1) IN GENERAL.—The project for navigation, Pearl River, Mississippi and Louisiana, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1033, chapter 831), and section 101 of the River and Harbor Act of 1966 (Public Law 89–789; 80 Stat. 1405), is no longer authorized as a Federal project beginning on the date of enactment of this Act.

(2) TRANSFER.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Secretary is authorized to convey to a State or local interest, without consideration, all right, title, and interest of the United States in and to—

(i) any land in which the Federal Government has a property interest for the project described in paragraph (1); and

(ii) improvements to the land described in clause (i).

(B) RESPONSIBILITY FOR COSTS.—The transferee shall be responsible for the payment of all costs and administrative expenses associated with any transfer carried out pursuant to subparagraph (A), including costs associated with any land survey required to determine the exact acreage and legal description of the land and improvements to be transferred.

(C) OTHER TERMS AND CONDITIONS.—A transfer under subparagraph (A) shall be subject to such other terms and conditions as the Secretary determines to be necessary and appropriate to protect the interests of the United States.

(3) REVERSION.—If the Secretary determines that the land and improvements conveyed under paragraph (2) cease to be owned by the public, all right, title, and interest in and to the land and improvements shall revert, at the discretion of the Secretary, to the United States.