



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

MAY 18 2017

CECW-P/CEMP-CR

MEMORANDUM FOR COMMANDER, GREAT LAKES AND OHIO RIVERS DIVISION

SUBJECT: Water Resources Development Act of 2016 (WRDA 2016), Implementation Guidance for Section 1315, Green River and Barren River, Kentucky

1. This memorandum provides implementation guidance on Section 1315 of the Water Resources Development Act (WRDA) of 2016. Section 1315 deauthorizes the Green River Locks and Dams 3, 4, 5, and 6 and Barren River Lock and Dam 1, effective December 16, 2016, and directs the Secretary to convey to the Commonwealth of Kentucky and other identified entities, all right, title, and interest in and to certain lands and improvements associated with the locks and dams. Additionally, the Secretary is directed to transfer to the Secretary of the Interior administrative jurisdiction over a portion of the land associated with Green River Lock and Dam 6. Section 1315 of WRDA 2016 is enclosed.
2. If the Army determines that any real property conveyed under Section 1315 ceases to be used by a non-federal entity for a purpose that is consistent with the purpose of the conveyance, all right, title, and interest shall revert, at the discretion of the Army, to the United States. This reversionary clause should reflect state law and be in the quitclaim deed.
3. For all conveyance and transfers listed in Section 1315, CELRL-RE shall complete 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.
4. To carry out a conveyance under Section 1315(b)(1), (2), (3), (4)(B), and (5), CELRD-PDS-R will submit a disposal package to CEMP-CR for review and approval. The disposal package will include a survey in accordance with Section 1315(c)(1), a CELRD-OD disposal approval memorandum, a Determination Approving Disposal of Real Property prepared by Real Estate for the Chief of Operations and Regulatory signature, and quitclaim deeds, in accordance with Section 1315(c)(2), for disposal

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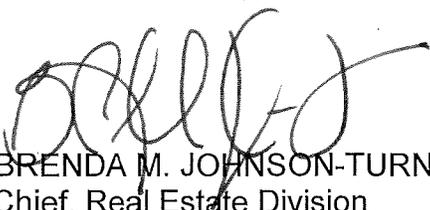
tracts executed by the prospective transferee(s) and prepared for the Director of Real Estate signature. The district shall advise prospective transferees that HQUSACE will have final approval of the conveyance documents and terms of disposal. The deed and disposal package shall be reviewed by district and division offices and approved by CEMP-CR, which will further coordinate with CECC-R.

5. To carry out a conveyance under Section 1315(b)(4)(A), CELRD-PDS-R will submit a transfer package to CEMP-CR for review and submission to the DASA(IH&P), coordinated through the ASA(CW), for approval. The transfer package will include the Disposal Report and a Letter of Transfer (LOT) for tracts having administrative jurisdiction transfer to the Department of the Interior. The LOT will be prepared for DASA(IH&P) signature. CEMP-CR will provide an example LOT to CELRD-PDS-R. The transfer package shall be reviewed by district and division offices and coordinated with CEMP-CR, which will further coordinate with CECC-R.

6. In accordance with Section 1315(c)(3), the Secretary shall be responsible for all administrative expenses associated with any transfer or conveyance carried out under Section 1315. No reimbursement or consideration shall be required for any transfer or conveyance of real property under the section.

7. Until the real property associated with the project is finally disposed, the district should continue to request Operation and Maintenance funds to maintain the Green and Barren Rivers, KY project in caretaker status as necessary for public safety, and request the necessary funds to carry out disposition activities.

8. Questions regarding 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. If questions are specific to real estate in this implementation guidance, these can be directed to Theodore Nettles, Realty Specialist, Real Estate Division, at (202) 761-5542, Theodore.L.Nettles@usace.army.mil.

  
Encl BRENDA M. JOHNSON-TURNER  
Chief, Real Estate Division  
Directorate of Military Programs

  
JAMES C. DALTON, P.E.  
Director of Civil Works

**SEC. 1315. GREEN RIVER AND BARREN RIVER, KENTUCKY.**

(a) **IN GENERAL.**—Beginning on the date of enactment of this Act, commercial navigation at the locks and dams identified in the report of the Chief of Engineers entitled “Green River Locks and Dams 3, 4, 5, and 6 and Barren River Lock and Dam 1, Kentucky” and dated April 30, 2015, shall no longer be authorized, and the land and improvements associated with the locks and dams shall be disposed of—

- (1) consistent with this section; and
- (2) subject to such terms and conditions as the Secretary determines to be necessary and appropriate in the public interest.

(b) **DISPOSITION.**—

(1) **GREEN RIVER LOCK AND DAM 3.**—The Secretary shall convey to the Rochester Dam Regional Water Commission all right, title, and interest of the United States in and to the land associated with Green River Lock and Dam 3, located in Ohio County and Muhlenberg County, Kentucky, together with any improvements on the land.

(2) **GREEN RIVER LOCK AND DAM 4.**—The Secretary shall convey to Butler County, Kentucky, all right, title, and interest of the United States in and to the land associated with Green River Lock and Dam 4, located in Butler County, Kentucky, together with any improvements on the land.

(3) **GREEN RIVER LOCK AND DAM 5.**—The Secretary shall convey to the State of Kentucky, a political subdivision of the State of Kentucky, or a nonprofit, nongovernmental organization all right, title, and interest of the United States in and to the land associated with Green River Lock and Dam 5, located in Edmonson County, Kentucky, together with any improvements on the land, for the purposes of—

- (A) removing Lock and Dam 5 from the river at the earliest feasible time; and
- (B) making the land available for conservation and public recreation, including river access.

(4) **GREEN RIVER LOCK AND DAM 6.**—

(A) **IN GENERAL.**—The Secretary shall transfer to the Secretary of the Interior administrative jurisdiction over the portion of the land associated with Green River Lock and Dam 6, Edmonson County, Kentucky, that is located on the left descending bank of the Green River, together with any improvements on the land, for inclusion in Mammoth Cave National Park.

(B) **TRANSFER TO THE STATE OF KENTUCKY.**—The Secretary shall convey to the State of Kentucky all right, title, and interest of the United States in and to the portion of the land associated with Green River Lock and Dam 6, Edmonson County, Kentucky, that is located on the right descending bank of the Green River, together with any improvements on the land, for use by the Department of Fish and Wildlife Resources of the State of Kentucky for the purposes of—

- (i) removing Lock and Dam 6 from the river at the earliest feasible time; and
- (ii) making the land available for conservation and public recreation, including river access.

(5) BARREN RIVER LOCK AND DAM 1.—The Secretary shall convey to the State of Kentucky, all right, title, and interest of the United States in and to the land associated with Barren River Lock and Dam 1, located in Warren County, Kentucky, together with any improvements on the land, for use by the Department of Fish and Wildlife Resources of the State of Kentucky for the purposes of—

(A) removing Lock and Dam 1 from the river at the earliest feasible time;

and

(B) making the land available for conservation and public recreation, including river access.

(c) CONDITIONS.—

(1) IN GENERAL.—The exact acreage and legal description of any land to be disposed of, transferred, or conveyed under this section shall be determined by a survey satisfactory to the Secretary.

(2) QUITCLAIM DEED.—A conveyance under paragraph (1), (2), (4), or (5) of subsection (b) shall be accomplished by quitclaim deed and without consideration.

(3) ADMINISTRATIVE COSTS.—The Secretary shall be responsible for all administrative costs associated with a transfer or conveyance under this section, including the costs of a survey carried out under paragraph (1).

(4) REVERSION.—If the Secretary determines that the land conveyed under this section is not used by a non-Federal entity for a purpose that is consistent with the purpose of the conveyance, all right, title, and interest in and to the land, including any improvements on the land, shall revert, at the discretion of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the land.