



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

CECW-SWD

JUL 11 2017

MEMORANDUM FOR COMMANDER, SOUTHWESTERN DIVISION

SUBJECT: Implementation Guidance for Section 1311 of the Water Resources Development Act of 2016 (WRDA 2016), Salt Creek, Graham, Texas

1. Section 1311(a) of WRDA 2016 de-authorizes the project for flood control, environmental restoration, and recreation, at Salt Creek, Graham, Texas, originally authorized under Section 101(a)(30) of the Water Resources Development Act of 1999, as of the date of enactment of WRDA 2016, which was 14 December 2016. Section 1311 is enclosed.
2. The non-federal sponsor of the Salt Creek project is the Brazos River Authority (BRA). The project is a nonstructural flood risk management and ecosystem restoration project located in Graham, Young County, Texas. The project included a buy-out of 113 structures within the 10-year floodplain; installation of a flood warning system designed to provide a 12-hour warning time to protect residents above the buy-out zone; construction of a local recreational trail system; and ecosystem restoration of 129 acres. As of the enactment of WRDA 2016, project construction was substantially complete, except for the recreational trail system.
3. In accordance with Section 1311(a), the Fort Worth District (SWF) shall initiate project closeout to clear any outstanding obligations or commitments and complete the balancing of construction cost-shares. The SWF Commander shall provide a letter notifying the non-federal sponsor, BRA, that the project is deauthorized, along with an invoice for any final costs due.
4. In accordance with Section 1311(b) and Article IX of the Project Cooperation Agreement, the BRA is required to hold the United States Government harmless from any claim that has arisen or may arise, in connection with the project, except damages due to the fault or negligence of the Government or its contractors. All project lands acquired in the name of the United States Government on behalf of the non-federal interest were conveyed to the BRA prior to enactment of Section 1311 of WRDA 2016. No further action is required to comply with Sections 1311(c) and (d).

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5. Questions regarding this implementation guidance should be directed to Kathleen Williams, Deputy Chief, Southwestern Division Regional Integration Team, at 202-761-0315 or Kathleen.A.Williams@usace.army.mil.

A handwritten signature in black ink, appearing to read 'J. Dalton', with a long horizontal stroke extending to the right.

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

Encl

Section 1311. Salt Creek, Graham, Texas.

(a) IN GENERAL.—The project for flood control, environmental restoration, and recreation, Salt Creek, Graham, Texas, authorized by section 101(a)(30) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 278), is no longer authorized as a Federal project beginning on the date of enactment of this Act.

(b) CERTAIN PROJECT-RELATED CLAIMS.—The non-Federal interest for the project shall hold and save the United States harmless from any claim that has arisen, or that may arise, in connection with the project.

(c) TRANSFER.—The Secretary is authorized to transfer any land acquired by the Federal Government for the project on behalf of the non-Federal interest that remains in Federal ownership on or after the date of enactment of this Act to the non-Federal interest.

(d) REVERSION.—If the Secretary determines that land transferred under subsection (c) ceases to be owned by the public, all right, title, and interest in and to the land and improvements thereon shall revert, at the discretion of the Secretary, to the United States.