transmitted through the Division Engineer for review and to HQDA (DAEN-CWE) WASH DC 20314 for review and approval. For structures incurring no damage a simple statement to this effect will be all that is required in the report, unless seismic instrumentation at the project is activated. (See paragraph (h)(4) of this section.)

(g) Training. The dam safety training program covered by paragraph 6 of ER 1130–2–419 should include post-earthquake inspections and the types of damage operations personnel should look for.

(h) Responsibilities. (1) The Engineering Divisions of the District offices will formulate the inspection program, conduct the post-earthquake inspections, process and analyze the data of instrumental and other observations, evaluate the resulting condition of the structures, and prepare the inspection reports. The Engineering division is also responsible for planning special instrumentation felt necessary in selected structures under this program. Engineering Division is responsible for providing the training discussed in paragraph (g) of this section.

(2) The Construction Divisions of the District offices will be responsible for the installation of the earthquake instrumentation devices and for data collection if an earthquake occurs during the construction period.

(3) The Operations Division of the District offices will be responsible for the immediate assessment of earthquake damage and notifying the Chief, Engineering Division as discussed in paragraphs (f)(1) and (2). The Operations Division will also be responsible for earthquake data collection after the construction period in accordance with the instrumental observation programs, and will assist and participate in the post-earthquake inspections.

(4) The U.S. Geological Survey has the responsibility for servicing and collecting all data from strong motion instrumentation at Corps of Engineers dam projects following an earthquake occurrence. However, the U.S. Army Waterways Experiment Station (WES) is assigned the responsibility for analyzing and interpreting these earthquake data. Whenever a recordable earthquake record is obtained from seismic instrumentation at a Corps project, the Division will send a report of all pertinent instrumentation data to the Waterways Experiment Station, ATTN: WESGH, P.O. Box 631, Vicksburg, Mississippi 39180. The report on each project should include a complete description of the locations and types of instruments and a copy of the instrumental records from each of the strong motion machines activated. (Except from requirements control under paragraph 7–2v, AR 335–15).

(5) The Engineering Divisions of the Division offices will select structures for special instrumentation for earthquake effects, and will review and monitor the data collection, processing, evaluating, and inspecting activities. They will also be specifically responsible for promptly informing HQDA (DAEN-CWE) WASH DC 20314, when evaluation of the condition of the structure or analyses of the instrumentation data indicate the stability of a structure is questionable. (Except for requirements control under paragraph 7–2o, AR 335–15.)

(6) Division Engineers are responsible for issuing any supplementary regulations necessary to adapt the policies and instructions herein to the specific conditions within their Division.

(i) Funding. Funding for the evaluation and inspection program will be under the Appropriation 96X3123, Operations and Maintenance, General. Funds required for the inspections, including Travel and Per Diem costs incurred by personnel of the Division office or the Office, Chief of Engineers, will be from allocations made to the various projects for the fiscal year in which the inspection occurs.

[44 FR 43469, July 25, 1979. Redesignated at 60 FR 19851, Apr. 21, 1995]

§ 222.5 Water control management (ER 1110–2–240).

(a) Purpose. This regulation prescribes policies and procedures to be followed by the U.S. Army Corps of Engineers in carrying out water control management activities, including establishment of water control plans for Corps and non-Corps projects, as required by Federal laws and directives.
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(b) Applicability. This regulation is applicable to all field operating activities having civil works responsibilities.

c) References. Appendix A lists U.S. Army Corps of Engineers publications and sections of Federal statutes and regulations that are referenced herein.

d) Authorities—(1) U.S. Army Corps of Engineers projects. Authorities for allocation of storage and regulation of projects owned and operated by the Corps of Engineers are contained in legislative authorization acts and referenced project documents. These public laws and project documents usually contain provisions for development of water control plans, and appropriate revisions thereto, under the discretionary authority of the Chief of Engineers. Some modifications in project operation are permitted under congressional enactments subsequent to original project authorization. Questions that require interpretations of authorizations affecting regulation of specific reservoirs will be referred to CDR USACE (DAEN-CWE-HW), WASH DC 20314, with appropriate background information and analysis, for resolution.

(2) Non-Corps projects. The Corps of Engineers is responsible for prescribing flood control and navigation regulations for certain reservoir projects constructed or operated by other Federal, non-Federal or private agencies. There are several classes of such projects: Those authorized by special acts of Congress; those for which licenses issued by the Federal Energy Regulatory Commission (formerly Federal Power Commission) provide that operation shall be in accordance with instructions of the Secretary of the Army; those covered by agreements between the operating agency and the Corps of Engineers; and those that fall under the terms of general legislative and administrative provisions. These authorities, of illustrative examples, are described briefly in Appendix B.

(e) Terminology: Water control plans and reservoir regulation schedules. (1) Water control plans include coordinated regulation schedules for project/system regulation and such additional provisions as may be required to collect, analyze and disseminate basic data, prepare detailed operating instructions, assure project safety and carry out regulation of projects in an appropriate manner.

(2) The term “reservoir regulation schedule” refers to a compilation of operating criteria, guidelines, rule curves and specifications that govern basically the storage and release functions of a reservoir. In general, schedules indicate limiting rates of reservoir releases required during various seasons of the year to meet all functional objectives of the particular project, acting separately or in combination with other projects in a system. Schedules are usually expressed in the form of graphs and tabulations, supplemented by concise specifications.

(1) General policies. (1) Water control plans will be developed for reservoirs, locks and dams, regulation and major control structures and interrelated systems to conform with objectives and specific provisions of authorizing legislation and applicable Corps of Engineers reports. They will include any applicable authorities established after project construction. The water control plans will be prepared giving appropriate consideration to all applicable Congressional Acts relating to operation of Federal facilities, i.e., Fish and Wildlife Coordination Act (Pub. L. 85–624), Federal Water Project Recreation Act-Uniform Policies (Pub. L. 89–72), National Environmental Policy Act of 1969 (Pub. L. 91–190), and Clean Water Act of 1977 (Pub. L. 95–217). Thorough analysis and testing studies will be made as necessary to establish the optimum water control plans possible within prevailing constraints.

(2) Necessary actions will be taken to keep approved water control plans up-to-date. For this purpose, plans will be subject to continuing and progressive study by personnel in field offices of the Corps of Engineers. These personnel will be professionally qualified in technical areas involved and familiar with comprehensive project objectives and other factors affecting water control. Organizational requirements for water control management are further discussed in ER 1110–2–1400.

(3) Water control plans developed for specific projects and reservoir systems will be clearly documented in appropriate water control manuals. These
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manuals will be prepared to meet initial requirements when storage in the reservoir begins. They will be revised as necessary to conform with changing requirements resulting from developments in the project area and downstream, improvements in technology, new legislation and other relevant factors, provided such revisions comply with existing Federal regulations and established Corps of Engineers policy.

(4) Development and execution of water control plans will include appropriate consideration for efficient water management in conformance with the emphasis on water conservation as a national priority. The objectives of efficient water control management are to produce beneficial water savings and improvements in the availability and quality of water resulting from project regulation/operation. Balanced resource use through improved regulation should be developed to conserve as much water as possible and maximize all project functions consistent with project/system management. Continuous examination should be made of regulation schedules, possible need for storage reallocation (within existing authority and constraints) and to identify needed changes in normal regulation. Emphasis should be placed on evaluating conditions that could require deviation from normal release schedules as part of drought contingency plans (ER 1110–2–1941).

(5) Adequate provisions for collection, analysis and dissemination of basic data, the formulation of specific project regulation directives, and the performance of project regulation will be established at field level.

(6) Appropriate provisions will be made for monitoring project operations, formulating advisories to higher authorities, and disseminating information to others concerned. These actions are required to facilitate proper regulation of systems and to keep the public fully informed regarding all pertinent water control matters.

(7) In development and execution of water control plans, appropriate attention will be given to project safety in accordance with ER 1130–2–417 and ER 1130–2–419 so as to insure that all water impounding structures are operated for the safety of users of the facilities and the general public. Care will be exercised in the development of reservoir regulation schedules to assure that controlled releases minimize project impacts and do not jeopardize the safety of persons engaged in activities downstream of the facility. Water control plans will include provisions for issuing adequate warnings or otherwise alerting all affected interests to possible hazards from project regulation activities.

(8) In carrying out water control activities, Corps of Engineers personnel must recognize and observe the legal responsibility of the National Weather Service (NWS), National Oceanic and Atmospheric Administration (NOAA), for issuing weather forecasts and flood warnings, including river discharges and stages. River forecasts prepared by the Corps of Engineers in the execution of its responsibilities should not be released to the general public, unless the NWS is willing to make the release or agrees to such dissemination. However, release to interested parties of factual information on current storms or river conditions and properly quoted NWS forecasts is permissible. District offices are encouraged to provide assistance to communities and individuals regarding the impact of forecasted floods. Typical advice would be to provide approximate water surface elevations at locations upstream and downstream of the NWS forecasting stream gages. Announcement of anticipated changes in reservoir release rates as far in advance as possible to the general public is the responsibility of Corps of Engineers water control managers for projects under their jurisdiction.

(9) Water control plans will be developed in concert with all basin interests which are or could be impacted by or have an influence on project regulation. Close coordination will be maintained with all appropriate international, Federal, State, regional and local agencies in the development and execution of water control plans. Effective public information programs will be developed and maintained so as to inform and educate the public regarding Corps of Engineers water control management activities.

(10) Fiscal year budget requests for water control management activities
will be prepared and submitted to the Office of the Chief of Engineers in accordance with requirements established in Engineer Circular on Annual Budget Requests for Civil Works Activities. The total annual costs of all activities and facilities that support the water control functions, (excluding physical operation of projects, but including flood control and navigation regulation of projects subject to 33 CFR 208.11) are to be reported. Information on the Water Control Data Systems and associated Communications Category of the Plant Replacement and Improvement Program will be submitted with the annual budget. Reporting will be in accordance with the annual Engineer Circular on Civil Works Operations and Maintenance, General Program.

(g) Responsibilities: US Army Corps of Engineers projects—(1) Preparation of water control plans and manuals. Normally, district commanders are primarily responsible for background studies and for developing plans and manuals required for reservoirs, locks and dams, reeregulation and major control structures and interrelated systems in their respective district areas. Policies and general guidelines are prescribed by OCE engineer regulations while specific requirements to implement OCE guidance are established by the division commanders concerned. Master Water Control Manuals for river basins that include more than one district are usually prepared by or under direct supervision of division representatives. Division commanders are responsible for providing such management and technical assistance as may be required to assure that plans and manuals are prepared on a timely and adequate basis to meet water control requirements in the division area, and for pertinent coordination among districts, divisions, and other appropriate entities.

(2) Public involvement and information—(i) Public meeting and public involvement. The Corps of Engineers will sponsor public involvement activities, as appropriate, to appraise the general public of the water control plan. In developing or modifying water control manuals, the following criteria is applicable. (A) Conditions that require public involvement and public meetings include: Development of a new water control manual that includes a water control plan; or revision or update of a water control manual that changes the water control plan. (B) Revisions to water control manuals that are administratively or informational in nature and that do not change the water control plan do not require public meetings. (C) For those conditions described in paragraph (g)(2)(i)(A) of this section, the Corps will provide information to the public concerning proposed water control management decisions at least 30 days in advance of a public meeting. In so doing, a separate document(s) should be prepared that explains the recommended water control plan or change, and provides technical information explaining the basis for the recommendation. It should include a description of its impacts (both monetary and nonmonetary) for various purposes, and the comparisons with alternative plans or changes and their effects. The plan or manual will be prepared only after the public involvement process associated with its development or change is complete.

(D) For those conditions described in paragraph (g)(2)(i)(A) of this section, the responsible division office will send each proposed water control manual to the Army Corps of Engineers Headquarters, Attn: CECW-EH-W for review and comments prior to approval by the responsible division office.

(ii) Information availability. The water control manual will be made available for examination by the general public upon request at the appropriate office of the Corps of Engineers. Public notice shall be given in the event of occurring or anticipated significant changes in reservoir storage or flow releases. The method of conveying this information shall be commensurate with the urgency of the situation and the lead time available.

(3) Authority for approval of plans and manuals. Division commanders are delegated authority for approval of water control plans and manuals, and associated activities.
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(4) OCE role in water control activities. OCE will establish policies and guidelines applicable to all field offices and for such actions as are necessary to assure a reasonable degree of consistency in basic policies and practices in all Division areas. Assistance will be provided to field offices during emergencies and upon special request.

(5) Methods improvement and staff training. Division and district commanders are responsible for conducting appropriate programs for improving technical methods applicable to water control activities in their respective areas. Suitable training programs should be maintained to assure a satisfactory performance capability in water control activities. Appropriate coordination of such programs with similar activities in other areas will be accomplished to avoid duplication of effort, and to foster desirable exchange of ideas and developments. Initiative in re-evaluating methods and guidelines previously established in official documents referred to in paragraph (e) of this section is encouraged where needs are evident. However, proposals for major deviations from basic concepts, policies and general practices reflected in official publications will be submitted to CDR USACE (DAEN-CWE) WASH DC 20314 for concurrence or comment before being adopted for substantial application in actual project regulation at field level.

(h) Directives and technical instruction manuals. (1) Directives issued through OCE Engineer Regulations will be used to foster consistency in policies and basic practices. They will be supplemented as needed by other forms of communication.

(2) Engineering Manuals (EM) and Engineer Technical Letters (ETL) are issued by OCE to serve as general guidelines and technical aids in developing water control plans and manuals for individual projects or systems.

(3) EM 1110–2–3600 discusses principles and concepts involved in developing water control plans. Instructions relating to preparation of “Water Control Manuals for specific projects” are included. EM 1110–2–3600 should be used as a general guide to water control activities. The instructions are sufficiently flexible to permit adaptation to specific regions. Supplemental information regarding technical methods is provided in numerous documents distributed to field offices as “hydrologic references.”

(4) Special assistance in technical studies is available from the Hydrologic Engineering Center, Corps of Engineers, 609 Second Street, Davis, California 95616 and DAEN-CWE-HW.

(i) Water control manuals for US Army Corps of Engineers projects. (1) As used herein, the term “water control manual” refers to manuals that relate primarily to the functional regulation of an individual project or system of projects. Although such manuals normally include background information concerning physical features of projects, they do not prescribe rules or methods for physical maintenance or care of facilities, which are covered in other documents. (References 15 and 23, appendix A.)

(2) Water control manuals prepared in substantially the detail and format specified in instructions referred to in paragraph 8 are required for all reservoirs under the supervision of the Corps of Engineers, regardless of the purpose or size of the project. Water Control manuals are also required for lock and dam, reregulation and major control structure projects that are physically regulated by the Corps of Engineers. Where there are several projects in a drainage basin with interrelated purposes, a “Master Manual” shall be prepared. The effects of non-Corps projects will be considered in appropriate detail, including an indication of provisions for interagency coordination.

(3) “Preliminary water control manuals,” for projects regulated by the Corps of Engineers should contain regulation schedules in sufficient detail to establish the basic plan of initial project regulation.

(4) As a general rule, preliminary manuals should be superseded by more detailed interim or “final” manuals within approximately one year after the project is placed in operation.

(5) Each water control manual will contain a section on special regulations to be conducted during emergency situations, including droughts.
Preplanned operations and coordination are essential to effective relief or assistance.

(6) One copy of all water control manuals and subsequent revisions shall be forwarded to DAEN-CWE-HW for file purposes as soon as practicable after completion, preferably within 30 days from date of approval at the division level.

(j) Policies and requirements for preparing regulations for non-Corps projects.

(1) Division and district commanders will develop water control plans as required by section 7 of the 1944 Flood Control Act, the Federal Power Act and section 9 of Pub. L. 436–83 for all projects located within their areas, in conformance with ER 1110–2–241, 33 CFR part 208. That regulation prescribes the policy and general procedures for regulating reservoir projects capable of regulation for flood control or navigation, except projects owned and operated by the Corps of Engineers; the International Boundary and Water Commission, United States and Mexico; those under the jurisdiction of the International Joint Commission, United States and Canada, and the Columbia River Treaty. ER 1110–2–241, 33 CFR part 208 permits the promulgation of specific regulations for a project in compliance with the authorizing acts, when agreement on acceptable regulations cannot be reached between the Corps Engineers and the owners. Appendix B provides a summary of the Corps of Engineers responsibilities for prescribing regulations for non-Corps reservoir projects.

(2) Water control plans will be developed and processed as soon as possible for applicable projects already completed and being operated by other entities, including projects built by the Corps of Engineers and turned over to others for operation.

(3) In so far as practicable, water control plans for non-Corps projects should be developed in cooperation with owning/operating agencies involved during project planning stages. Thus, tentative agreements on contents, including pertinent regulation schedules and diagrams, can be accomplished prior to completion of the project.

(4) The magnitude and nature of storage allocations for flood control or navigation purposes in non-Corps projects are governed basically by conditions of project authorizations or other legislative provisions and may include any or all of the following types of storage assignments:

(i) Year-round allocations: Storage remains the same all year.

(ii) Seasonal allocations: Storage varies on a fixed seasonal basis.

(iii) Variable allocations of flood control from year to year, depending on hydrologic parameters, such as snow cover.

(5) Water control plans should be developed to attain maximum flood control or navigation benefits, consistent with other project requirements, from the storage space provided for these purposes. When reservoir storage capacity of the category referred to in paragraph (j)(4)(iii) is utilized for flood control or navigation, jointly with other objectives, the hydrologic parameters and related rules developed under provisions of ER 1110–2–241, 33 CFR part 208 should conform as equitably as possible with the multiple-purpose objectives established in project authorizations and other pertinent legislation.

(6) Storage allocations made for flood control or navigation purposes in non-Corps projects are not subject to modifications by the Corps of Engineers as a prerequisite for prescribing 33 CFR 208.11 regulations. However, regulations developed for use of such storage should be predicated on a mutual understanding between representatives of the Corps and the operating agency concerning the conditions of the allocations in order to assure reasonable achievement of basic objectives intended. In the event field representatives of the Corps of Engineers, and the operating agency are unable to reach necessary agreements after all reasonable possibilities have been explored, appropriate background explanations and recommendations should be submitted to DAEN-CWE-HW for consideration.

(7) The Chief of Engineers is responsible for prescribing regulations for use of flood control or navigation storage and/or project operation under the provisions of the referenced legislative acts. Accordingly, any regulations established should designate the division/
district commander who is responsible to the Chief of Engineers as the representative to issue any special instructions required under the regulation. However, to the extent practicable, project regulations should be written to permit operation of the project by the owner without interpretations of the regulations by the designated representative of the Commander during operating periods.

(8) Responsibility for compliance with 33 CFR 208.11 regulations rests with the operating agency. The division or district commander of the area in which the project is located will be kept informed regarding project operations to verify reasonable conformance with the regulations. The Chief of Engineers or his designated representative may authorize or direct deviation from the established water control plan when conditions warrant such deviation. In the event unapproved deviations from the prescribed regulations seem evident, the division or district commander concerned will bring the matter to the attention of the operating agency by appropriate means. If corrective actions are not taken promptly, the operating agency should be notified of the apparent deviation in writing as a matter of record. Should an impasse arise, in that the project owner or the designated operating entity persists in noncompliance with regulations prescribed by the Corps of Engineers, the Office of Chief Counsel should be advised through normal channels and requested to take necessary measures to assure compliance.

(9) Regulations should contain information regarding the required exchange of basic data between the representative of the operating agency and the U.S. Army Corps of Engineers, that are pertinent to regulation and coordination of interrelated projects in the region.

(10) All 33 CFR 208.11 regulations shall contain provisions authorizing the operating agency to temporarily deviate from the regulations in the event that it is necessary for emergency reasons to protect the safety of the dam, to avoid health hazards, and to alleviate other critical situations.

(k) Developing and processing regulations for non-Corps projects. Guidelines concerning technical studies and development of regulations are contained in ER 1110–2–241, 33 CFR part 208 and EM 1110–2–3600. Appendix C of this regulation summarizes steps normally followed in developing and processing regulations for non-Corps projects.

(1) Water control during project construction stage. Water control plans discussed in preceding paragraphs are intended primarily for application after the dam, spillway and outlet structures; major relocations; land acquisitions, administrative arrangements and other project requirements have reached stages that permit relatively normal project regulation. With respect to non-Corps projects, regulations normally become applicable when water control agreements have been signed by the designated signatories, subject to special provisions in specific cases. In some instances, implementation of regulations has been delayed by legal provisions, contract limitations, or other considerations. These delays can result in loss of potential project benefits and possible hazards. Accordingly, it is essential that appropriate water control and contingency plans be established for use from the date any storage may accumulate behind a partially completed dam until the project is formally accepted for normal operations. Division commanders shall make certain that construction-stage regulation plans are established and maintained in a timely and adequate manner for projects under the supervision of the Corps of Engineers. In addition, the problems referred to should be discussed with authorities who are responsible for non-Corps projects, with the objective of assuring that such projects operate as safely and effectively as possible during the critical construction stage and any period that may elapse before regular operating arrangements have been established. These special regulation plans should include consideration for protection of construction operations; safety of downstream interests that might be jeopardized by failure of partially completed embankments; requirements for minimizing adverse effects on partially completed relocations or incomplete land acquisition; and the need for obtaining benefits from project storage.
that can be safely achieved during the construction and early operation period.

(m) Advisories to OCE regarding water control activities—(1) General. Division commanders will keep the Chief of Engineers currently informed of any unusual problems or activities associated with water control that impact on his responsibilities.

(2) Annual division water control management report (RCS DAEN-CWE-16(R1)). Division commanders will submit an annual report on water control management activities within their division. The annual report will be submitted to (DAEN-CWE-HW) by 1 February each year and cover significant activities of the previous water year and a description of activities to be accomplished for the current year. Funding information for water control activities will be provided in the letter of transmittal for in-house use only. The primary objective of this summary is to keep the Chief of Engineers informed regarding overall water management activities Corps-wide, thus providing a basis to carry out OCE responsibilities set forth in paragraph (g)(4) of this section.

(3) Status of water control manuals. A brief discussion shall be prepared annually by each division commander, as a separate section of the annual report on water control management activities discussed in paragraph (m)(2) of this section listing all projects currently in operation in his area, or expected to begin operation within one year, with a designation of the status of water control manuals. The report should also list projects for which the Corps of Engineers is responsible for prescribing regulations, as defined in ER 1110–2–241, 33 CFR part 208.

(4) Monthly water control charts (RCS DAEN-CWE-6 (R1)). A monthly record of reservoirs/lakes operated by the Corps of Engineers and other agencies, in accordance with 33 CFR 208.11, will be promptly prepared and maintained by district/division commanders in a form readily available for transmittal to the Chief of Engineers, or others, upon request. Record data may be prepared in either graphical form as shown in EM 1110–2–3600, or tabular form as shown in the sample tabulation in Appendix D.

(5) Annual division water quality reports (RCS DAEN-CWE-15). By Executive Order 12088, the President ordered the head of each Executive Agency to be responsible for ensuring that all necessary actions are taken for prevention, control, and abatement of environmental pollution with respect to Federal facilities and activities under control of the agency. General guidance is provided in references 24 and 25, Appendix A, for carrying out this agency’s responsibility. Annual division water quality reports are required by reference 24, Appendix A. The report is submitted in two parts. The first part addresses the division Water quality management plan while the second part presents specific project information. A major objective of this report is to summarize information pertinent to water quality aspects of overall water management responsibilities. The annual division water quality report may be submitted along with the annual report on water control management activities discussed in paragraph 13b above.

(6) Master plans for water control data systems (RCS DAEN-CWE-21). (i) A water control data system is all of the equipment within a division which is used to acquire, process, display and distribute information for real-time project regulation and associated interagency coordination. A subsystem is all equipment as defined previously within a district. A network is all equipment as defined previously which is used to regulate a single project or a group of projects which must be regulated interdependently.

(ii) Master plans for water control data systems and significant revisions thereto will be prepared by division water control managers and submitted to DAEN-CWE-HW by 1 February each year for review and approval of engineering aspects. Engineering approval does not constitute funding approval. After engineering approval is obtained, equipment in the master plan is eligible for consideration in the funding processes described in ER 1125–2–301
and engineering circulars on the annual budget request for civil works activities. Master plans will be maintained current and will:

(A) Outline the system performance requirements, including those resulting from any expected expansions of Corps missions.

(B) Describe the extent to which existing facilities fulfill performance requirements.

(C) Describe alternative approaches which will upgrade the system to meet the requirements not fulfilled by existing facilities, or are more cost effective than the existing system.

(D) Justify and recommend a system considering timeliness, reliability, economics and other factors deemed important.

(E) Delineate system scope, implementation schedules, proposed annual capital expenditures by district, total costs, and sources of funding.

(iii) Modified master plans should be submitted to DAEN-CWE-HW by 1 February, whenever revisions are required, to include equipment not previously approved or changes in scope or approach. Submittal by the February date will allow adequate time for OCE review and approval prior to annual budget submittals.

(iv) Division commanders are delegated authority to approve detailed plans for subsystems and networks of approved master plans. Plans approved by the division commander should meet the following conditions:

(A) The plan conforms to an approved master plan.

(B) The equipment is capable of functioning independently.

(C) An evaluation of alternatives has been completed considering reliability, cost and other important factors.

(D) The plan is economically justified, except in special cases where legal requirements dictate performance standards which cannot be economically justified.

(v) Copies of plans approved by the division commander shall be forwarded to appropriate elements in OCE in support of funding requests and to obtain approval of Automatic Data Processing Equipment (ADPE), when applicable.

(vi) Water control data systems may be funded from Plant Revolving Fund; O&M General; Flood Control, MR&T, and Construction, General. Funding for water control equipment that serves two or more projects will be from Plant Revolving Fund in accordance with ER 1125–2–301. District and division water control managers will coordinate plant revolving fund requests with their respective Plant Replacement and Improvement Program (PRIP) representatives following guidance provided in ER 1125–2–301. Budget funding requests under the proper appropriation title should be submitted only if the equipment is identified in an approved master plan.

(vii) Justification for the Automatic Data Processing Equipment (ADPE) aspects of water control data systems must conform to AR 18–1, Appendix I or J as required. The “Funding for ADPE” paragraph in Appendixes I and J must cite the source of funds and reference relevant information in the approved master plan and detailed plan.

(viii) Division water control managers will submit annual letter summaries of the status of their respective water control systems and five-year plan for improvements. These summaries will be submitted to DAEN-CWE by 1 June for coordination with DAEN-CWO, CWB and DSZ-A, prior to the annual budget request. Summaries should not be used to obtain approval of significant changes in master plans. Sources of funding for all items for each district and for the division should be delineated so that total system expenditures and funding requests are identified. Changes in the master plan submitted 1 February should be documented in this letter summary if the changes were approved.

(7) Summary of runoff potentials in current season (RCS DAEN-CWO–2). (i) The Chief of Engineers and staff require information to respond to inquiries from members of Congress and others regarding runoff potentials. Therefore, the division commander will submit a snowmelt runoff and flood potential letter report covering the snow accumulation and runoff period, beginning generally in February and continuing monthly, until the potential no longer exist. Dispatch of supplemental reports will be determined by the urgency of situations as they occur. The reports

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will be forwarded as soon as hydrologic data are available, but not later than the 10th of the month. For further information on reporting refer to ER 500–1–1, 33 CFR part 203.

(ii) During major drought situations or low-flow conditions, narrative summaries of the situation should be furnished to alert the Chief of Engineers regarding the possibility of serious runoff deficiencies that are likely to call for actions associated with Corps of Engineers reservoirs.

(iii) The reports referred to in paragraphs (m)(7)(i) and (ii) of this section will include general summaries regarding the status of reservoir storage, existing and forecasted at the time of the reports.

(8) Reports on project operations during flood emergencies. Information on project regulations to be included in reports submitted to the Chief of Engineers during flood emergencies in accordance with ER 500–1–1 include rate of inflow and outflow in CFS, reservoir levels, predicted maximum level and anticipated date, and percent of flood control storage utilized to date. Maximum use should be made of computerized communication facilities in reporting project status to DAEN-CWO-E/CWE-HW in accordance with the requirements of ER 500–1–1, 33 CFR part 203.

(9) Post-flood summaries of project regulation. Project regulation effects including evaluation of the stage reductions at key stations and estimates of damages prevented by projects will be included in the post-flood reports required by ER 500–1–1, 33 CFR part 203.

(n) Water Control Management Boards.

(1) The Columbia River Treaty Permanent Engineering Board was formed in accordance with the Columbia River Treaty with Canada. This board, composed of U.S. and Canadian members, oversees the implementation of the Treaty as carried out by the U.S. and Canadian Entities.

(2) The Mississippi River Water Control Management Board was established by ER 15–2–13. It consists of the Division Commanders from LMVD, MRD, NCD, ORD, and SWD with the Director of Civil Works serving as chairman. The purposes of the Board are:

(i) To provide oversight and guidance during the development of basin-wide management plans for Mississippi River Basin projects for which the US Army Corps of Engineers has operation/regulation responsibilities.

(ii) To serve as a forum for resolution of water control problems among US Army Corps of Engineers Divisions within the Mississippi River Basin when agreement is otherwise unobtainable.

(o) List of projects. Projects owned and operated by the Corps of Engineers subject to this regulation are listed with pertinent data in Appendix E. This list will be updated periodically to include Corps projects completed in the future. Federal legislation, Federal regulations and local agreements have given the Corps of Engineers wide responsibilities for operating projects which it does not own. Non-Corps projects subject to this regulation are included in Appendix A of ER 1110–2–241.

APPENDIX A TO § 222.5—REFERENCES

2. Section 3 of the Flood Control Act approved 22 June 1936, as amended (49 Stat. 1571; 33 U.S.C. 701(c))
3. Section 9(b) of Reclamation Project Act of 1939, approved 4 August 1939 (53 Stat. 1167; 43 U.S.C. 485)
5. Section 5 of Small Reclamation Projects Act of 6 August 1956, as amended (70 Stat. 1046; 43 U.S.C. 422(e))
11. Executive Order 12088, Federal Compliance with Pollution Control Standards, 13 October 1978
12. 33 CFR 208.10, Local flood protection works; maintenance and operation of structures and facilities (9 FR 9996; 9 FR 10203)
13. 33 CFR 208.11, Regulations for use of Storage Allocated for Flood Control or Navigation and/or Project Operation at Reservoirs
subject to Prescription of Rules and Regulations by the Secretary of the Army in
the Interest of Flood Control and Navigation (43 FR 47184)
14. ER 11–2–101
15. ER 15–2–13
17. ER 509–1–1, 33 CFR part 303
18. ER 1110–2–241. 33 CFR part 308
19. ER 1110–2–1400
20. ER 1110–2–1402
21. ER 1110–2–2141
22. ER 1125–2–301
23. ER 1130–2–303
24. ER 1130–2–334
25. ER 1130–2–413
26. ER 1130–2–417
27. ER 1130–2–419
28. EM 1110–2–3600
APPENDIX B TO § 222.5—SUMMARY OF CORPS OF
ENGINEERS RESPONSIBILITIES FOR PRE-
SCRIBING REGULATIONS FOR NON-CORPS RES-
ERVOIR PROJECTS

Summary

1. (a) "Regulations for Use of Storage Allo-
cated for Flood Control or Navigation and/or
Project Operation at Reservoirs subject to
Prescription of Rules and Regulations by the
Secretary of the Army in the Interest of
Flood Control and Navigation" (33 CFR
208.11) prescribe the responsibilities and gen-
eral procedures for regulating reservoir
projects capable of regulation for flood con-
trol or navigation and the use of storage allo-
cated for such purposes and provided on
the basis of flood control and navigation, ex-
cept projects owned and operated by the
Corps of Engineers; the International Bound-
ary and Water Commission, United States
and Mexico; and those under the jurisdiction
of the International Joint Commission, United
States and Canada, and the Columbia
River Treaty.

(b) Pertinent information on projects for
which regulations are prescribed under Sec-
tion 7 of the 1944 Flood Control Act, (Pub. L.
78–58 Stat. 890 (33 U.S.C. 709)) the Federal
and Section 9 of Pub. L. 88–534 Congress (88
Stat. 503) is published in the FEDERAL RE-
ISTER in accordance with 33 CFR 208.11.
Publication in the FEDERAL REGISTER es-
establishes the fact and the date of a project's
regulation plan promulgation.

2. Section 7 of Act of Congress approved
22 December 1944 (58 Stat. 909; 33 U.S.C. 709),
reads as follows:

"Hereafter, it shall be the duty of the Sec-
retary of War to prescribe regulations for the
use of storage allocated for flood control or
navigation at all reservoirs constructed
wholly or in part with Federal funds pro-
vided on the basis of such purposes, and the
operation of any such project shall be in ac-
cordance with such regulations: Provided,

That this section shall not apply to the Ten-
nessee Valley Authority, except that in case
of danger from floods on the Lower Ohio and
Mississippi Rivers the Tennessee Valley Au-
thority is directed to regulate the release of
water from the Tennessee River into the
Ohio River in accordance with such instruc-
tions as may be issued by the War Depar-
tment."

3. Section 9(b) of the Reclamation Project
Act of 1939, approved 4 August 1939 (53 Stat.
1189, 43 U.S.C. 485), provides that the Sec-
retary of the Interior may allocate to flood
control or navigation as part of the cost of
new projects or supplemental works; and
that in connection therewith he shall con-
sult with the Chief of Engineers and may
perform any necessary investigations under
a cooperative agreement with the Secretary
of the Army. These projects are subject to 33
CFR 208.11 regulations.

4. Several dams have been constructed by
State agencies under provisions of legisla-
tive acts wherein the Secretary of the Army
is directed to prescribe rules and regulations
for project operation in the interest of flood
control and navigation. These projects are
subject to 33 CFR 208.11 regulations.

5. There are few dams constructed under
Emergency Conservation work authority or
similar programs, where the Corps of Engi-
neers has performed major repairs or reha-
bilitation, that are operated and maintained
by local agencies which are subject to 33
CFR 208.11 regulations.

6. The Federal Power Act, approved 10
June 1920, as amended (41 Stat. 1063, 16 U.S.C.
791 (A)), established the Federal Power Com-
mision, now Federal Energy Regulatory
Commission (FERC), with authority to issue
licenses for constructing, operating, and
maintaining dams or other project works for
the development of navigation, for utiliza-
tion of water power and for other beneficial
public uses in any streams over which Con-
gress has jurisdiction. The Chief of Engineers
is called upon for advice and assistance as
needed in formulating reservoir regulation
requirements somewhat as follows:

a. In response to requests from the FERC,
opinions and technical appraisals are fur-
nished by the Corps of Engineers for consid-
eration prior to issuance of licenses by the
FERC. Such assistance may be limited to
general presentations, or may include rel-
atively detailed proposals for water control
plans, depending upon the nature and scope
of projects under consideration. The infor-
mation furnished is subject to such consider-
ation and use as the Chairman, FERC, deems
appropriate. This may result in inclusion of
simple provisions in licenses without elabo-
ration, or relatively detailed requirements
for reservoir regulation schedules and plans.

b. Some special acts of Congress provide
for construction of dams and reservoirs by
non-Federal agencies or private firms under

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licenses issued by the FERC, subject to stipulation that the operation and maintenance of the dams shall be subject to reasonable rules and regulations of the Secretary of the Army in the interest of flood control and navigation. Ordinarily no Federal funds are involved, thus Section 7 of the 1944 Flood Control Act does not apply. However, if issuance of regulations by the Secretary of the Army is required by the authority under which flood control or navigation provisions are included as functions of the specific project or otherwise specified in the FERC license, regulation plans will be prescribed in accordance with 33 CFR 208.11 regulations.

7. Projects constructed by the Corps of Engineers for local flood protection purposes are subject to conditions of local cooperation as approved in Section 3 of the Flood Control Act approved 22 June 1936, as amended. One of those conditions is that a responsible local agency will maintain and operate all works after completion in accordance with regulations prescribed by the Secretary of the Army. Most such projects consist mainly of levees and flood walls with appurtenant drainage structures. Regulations for operation and maintenance of these projects has been prescribed by the Secretary of the Army in 33 CFR 208.10. When a reservoir is included in such a project, it may be appropriate to apply 33 CFR 208.10 in establishing regulations for operation, without requiring their publication in the Federal Register. For example, if the reservoir controls a small drainage area, has an uncontrolled flood control outlet with automatic operation or contains less than 12,500 acre-feet of flood control or navigation storage, 33 CFR 208.10 may be suitable. However, 33 CFR 208.11 regulations normally would be applicable in prescribing flood control regulations for the individual reservoir, if the project has a gated flood control outlet by which the local agency can regulate floods.

8. Regulation plans for projects owned by the Corps of Engineers are not prescribed in accordance with 33 CFR 208.11. However, regulation plans for projects constructed by the Corps of Engineers and turned over to other agencies or local interests for operation may be prescribed in accordance with 33 CFR 208.11.

9. The Small Reclamation Projects Act of 8 August 1956 provides that the Secretary of the Interior may make loans or grants to local agencies for the construction of reclamation projects. Section 5 of the Act provides in part that the contract covering any such grant shall set forth that operation be in accordance with regulations prescribed by the head of the Federal department or agency primarily concerned. Normally, 33 CFR 208.11 is not applicable to these projects.
Corps of Engineers, Dept. of the Army, DoD § 222.5

The Regional Director also will be responsible for obtaining the signature of the designated operating agency on these documents where such is required. Regarding internal coordination within the Bureau of Reclamation, the Regional Directors will obtain the review and approval of this office and at appropriate offices with our Engineering and Research Center, Denver, Colorado, prior to signing water control documents."

f. In accordance with the delegation cited in paragraph e, 33 CFR 208.11 regulations pertaining to Bureau of Reclamation projects will be processed as follows:

(1) After regulation documents submitted by District Commanders are reviewed and approved by the Division Commander they are transmitted to the respective Regional Director of the Bureau of Reclamation for concurrence of comment, with a request that tracings of regulation diagrams be signed and returned to the Division Commander.

(2) If any questions arise at this stage appropriate actions are taken to resolve differences. Otherwise, the duplicate tracings of the regulation diagram are signed by the Division Commander and transmitted to the office of the project owner for filing.

(3) After full agreement has been reached in steps (1) and (2), the text of proposed regulations is prepared in final form. Copies of any diagrams involved are included for information only.

(4) A letter announcing completion of action on processing the regulations, with pertinent project data as specified in paragraph 208.11(d)(11) of 33 CFR 208.11, and one copy of the signed tracings of diagrams are forwarded to HQDA (DAEN-CWE-HW) WASH DC 20314 for promulgation and filing. The office of the Chief of Engineers will forward the pertinent project data to the Liaison Officer with the Federal Register, requesting publication in the Federal Register.

g. Regulations developed in accordance with 33 CFR 208.11 and applicable to projects that are not under supervision of the Bureau of Reclamation are processed in substantially the manner described above. All coordination required between the Corps of Engineers and the operating agency will be accomplished at field level.

h. Upon completion of actions listed above, Division Commanders are responsible for informing the operating agencies at field level that regulations have been promulgated.

2. Signature blocks: Some 33 CFR 208.11 regulations contain diagrams of parameter curves that cannot be published in the Federal Register, but are made a part thereof by appropriate reference. Each diagram bears a title block with spaces for the signature of authenticating officials of the Corps of Engineers and the owner-operating agency of the project involved.

3. Designation of Corps of Engineers Representatives. Division Commanders are designated representatives of the Chief of Engineers in matters relating to development and processing of 33 CFR 208.11 regulations for eventual promulgation through publication of selected data specified in paragraph (d)(11) 33 CFR 208.11. Division Commanders are designated as the Corps of Engineers signee on all letters of understanding, water control agreements and other documents which may become part of prescribed regulations for projects located in their respective geographic areas, and which are subject to the provisions of 33 CFR 208.11.

APPENDIX D TO § 222.5—SAMPLE TABULATION

<table>
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<th>Day</th>
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<th>Evap</th>
<th>Inflow</th>
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### Appendix D to §222.5—Sample Tabulation—Continued

**Bardwell Lake, Monthly Lake Report, May 1975**

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<td>Tenesas-Coodie PS ................................ MS Issaquena ................ Steele Bayou ................. F 0.0 37.0 23.0 0 0 FCA Oct 65.</td>
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**Mississippi River Division**

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<td>Bear Creak Dam &amp; Res .............................. CO Jefferson ................ Bear Cr ......................... F 28.8 5,635.5 5,558.0 718 109 PL 90–483.</td>
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<td>Big Bend Dam &amp; Lk Sharpe ............................ SD Lyman Buffalo .............. Missouri R ..................... F 61.0 1,423.0 1,422.0 61,000 60,000 PL 78–534.</td>
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<td>Blue Springs Dam &amp; Lk ............................. MO Jackson ....................... Little Blue R ...................... F 117.0 1,422.0 1,420.0 60,000 57,000 PL 247–78.</td>
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<td>Blue Stem Lake &amp; Dam 4 ........................... NE Lancaster .................... Olive Br. Salt Creek F 7.2 1,325.2 1,307.4 660 315 PL 85–500.</td>
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<td>Bowman-Haley Dam &amp; Res .......................... ND Bowman ..................... No Flk Grand River ......................................... F 7.27 2,777.0 2,754.8 5,131 1,732 PL 87–874.</td>
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<td>Cedar Canyon Dam ................................. SD Pennington .................. Deadman’s Gulch ...................... F 6.5 2,593.0 2,540.0 283 0 PL 78–534.</td>
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<td>Chatter Dam &amp; Res ................................. CO Douglas ..................... S Platte ......................................... F 0.1 3,545.0 3,526.0 11 2 PL 90–858.</td>
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<td>Cherry Cr Dam &amp; Res ............................. CO Anapahoe ..................... Cherry Cr ......................................... F 204.7 5,900.0 5,432.0 4,742 1,412 PL 81–516.</td>
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<td>Wehrspann Lk &amp; Dam 20</td>
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<td>Wilson Lk</td>
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<td>Yankee Hill Lk &amp; Dam 10</td>
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**North Atlantic Division**

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<th>Lake Name</th>
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<th>River Name</th>
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<th>FM</th>
<th>FMC</th>
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<th>Volume</th>
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<td>Alleghany, Bath</td>
<td>Jackson R</td>
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Note: The data includes various lake and dam names, their state, county, river names, and additional identifying information such as FRC, FNP, FM, FMC, area, volume, and notes related to their construction and management. The data is organized in a table format for easy readability and analysis.
### APPENDIX E TO § 222.5—LIST OF PROJECTS—Continued

<table>
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<tr>
<th>Project name</th>
<th>State/county</th>
<th>Stream ¹</th>
<th>Project purpose ²</th>
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<th>Elev limits (ft)</th>
<th>Area in acres</th>
<th>Auth legis ³</th>
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<td>W Br Lackawaxen R</td>
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<td>Crooked Cr</td>
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<td>Sheyenne R</td>
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³ The 22nd CFR edition includes additional notes not present in this table.
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<td>Lock</td>
<td>Will</td>
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**New England Division**

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### APPENDIX E TO § 222.5—LIST OF PROJECTS—Continued

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#### North Pacific Division

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<td>Stage</td>
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### APPENDIX E TO § 222.5—LIST OF PROJECTS—Continued

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<td>Smith</td>
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<td>Stream</td>
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<td>Area in acres</td>
<td>Auth legis</td>
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<td>Martins Fk Lk</td>
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<td>RHA 1902.</td>
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<td>Beaver</td>
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# APPENDIX E TO § 222.5—LIST OF PROJECTS—Continued

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<th>Area in acres</th>
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**South Atlantic Division**

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<th>Area in acres</th>
<th>Auth legis</th>
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**APPENDIX E TO § 222.5—LIST OF PROJECTS**
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### APPENDIX E TO §222.5—LIST OF PROJECTS—Continued

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<td>Little R</td>
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<td>Auth legis</td>
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1 Res—Reservoir; Lk—Lake; Div—Direction; R—River; Cr—Creek; Fk—Fork; L&D—Lock & Dam; GIWW—Gulf Intercoastal Waterway; FG—Floodgate; CS—Control Structure; DS—Drainage Structure; PS—Pump Station.
2 F—Flood Control; N—Navigation; P—Hydropower; I—Irrigation; M—Municipal and/or Industrial Water/Supply; C—Fish and Wildlife Conservation; R—Recreation; A—Low Flow Augmentation or Pollution Abatement; Q—Quality or Silt Control.