



**DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0108**

SACW

**MEMORANDUM FOR COMMANDING GENERAL, U.S. ARMY CORPS OF
ENGINEERS**

SUBJECT: Request for Delegation of Authority - Approval Levels for Section 14, 103, 107, 204, 205, 206, 208 and 1135 Decision Documents; Locally Preferred Plan; and Costs in Excess of Federal Project Limit

1. References:

- a. SACW memorandum (Interim Delegation of Authority - Approval Levels for Section 14, 103, 107, 204, 205, 206, and 1135 Decision Documents; Locally Preferred Plan; and Costs in Excess of Federal Project Limit), 1 August 2023.
- b. SACW memorandum (Delegation of Authority Approval Levels for Section 14 Decision Document, Locally Preferred Plans, and Costs in Excess of Federal Project Limit), 1 April 2020.
- c. SACW memorandum (Delegation of Authority Approval Levels for Section 206 Decision Documents (Section 206)), 29 April 2020.
- d. SACW memorandum (Delegation of Authority/Approval Levels for Section 1135 Decision Documents (Section 1135)), 29 April 2020.
- e. SACW memorandum (Delegation of Authority/Approval Levels for Section 205 Decision Documents (Section 205)), 11 May 2020.
- f. SACW memorandum (Delegation of Authority Approval Levels for Section 204 Decision Documents (Section 204)), 19 May 2020.
- g. SACW memorandum (Delegation of Authority/Approval Levels for Section 103 Decision Documents (Section 103)), 20 May 2020.
- h. SACW memorandum (Delegation of Authority/Approval Levels for Section 107 Decision Documents (Section 107)), 5 June 2020.

2. The Continuing Authorities Program (CAP) consists of a group of nine legislative authorities under which the Secretary of the Army plans, designs, and implements certain types of water resources projects without additional project specific congressional authorizations. Because they are limited in size, cost, scope and

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complexity, CAP projects should be completed in an accelerated manner as compared to specifically authorized projects.

3. In a series of Memoranda (References 1.b-h), the former Assistant Secretary of the Army for Civil Works supported the delegation of approval authority for certain aspects of the program. Those delegations were temporarily extended in August (reference 1.a). Upon examination of how these delegated authorities were exercised, I am renewing the following delegations:

a. Approval authority for Section 14, Flood Control Act of 1946, Emergency Streambank and Shoreline Protection. Historically, Headquarters, U.S. Army Corps of Engineers (HQUSACE) has had the authority to approve decision documents for Section 14 projects with no policy deviations. Headquarters has further delegated approval to the Major Subordinate Command (MSC). I hereby authorize and encourage you to consider delegation of this approval authority down to a level no lower than the District Commander. However, consistent with paragraph 14(f) of EP 1105-2-58, I retain the authority to approve Section 14 decision documents involving a deviation from policy.

b. Locally Preferred Plan Approval Authority. You are hereby delegated the authority to approve policy waivers for the Locally Preferred Plan (LPP) within the CAP. You have my full support to delegate this approval authority down to a level no lower than the Division Commander. Consistent with current policy, for those cases in which the LPP has costs in excess of the NED or NER plan, the decision document shall describe and compare the NED or NER plan and the LPP, highlighting all differences. Additionally, the non-Federal sponsor must pay all costs over the Federal share of the NED or NER plan, and the LPP must have outputs similar in kind, and equal to or greater than the outputs of the Federal plan.

4. Approval authority for CAP Section 103, 107, 204, 205, 206, and 1135 Decision Documents. HQUSACE has the authority to approve decision documents for projects under these seven authorities with no policy deviations. Headquarters may delegate approval authority no lower than the MSC. In addition, I am providing the same approval authority for CAP Section 208.

5. Costs in Excess of Federal Participation Limit. I am retaining approval authority for policy waivers for all CAP projects for which the Federal share would exceed the Federal cost limit. In these cases, the non-Federal sponsor may offer to contribute funds for any costs that would normally be part of the Federal share but are over the per-project limit.

6. As with any delegation of authority, you remain responsible for actions taken

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consistent with these approval authorities. If you elect to delegate your authority consistent with this memorandum, you may further restrict or condition the delegate's exercise of authority. Should conditions warrant, you might suspend the use of or rescind further delegation of the authority, as is appropriate in your judgment. These delegations must be implemented appropriately, and you are directed to develop procedures to validate the qualifications of planning, engineering, legal and other technical staff at Districts and MSCs to perform delegated reviews and approvals. Such procedures may include, but are not limited to, review of qualifications of staff, recordkeeping and reporting requirements. These procedures shall be forwarded to my office no later than 120 days from the date of this memorandum. Moreover, you shall ensure that annual audits are performed to evaluate compliance with established procedures and policies. All audits shall be furnished to my office within 30 days of completion. The Corps did not submit any audits to my office during the last delegation period. Please ensure that all audits are completed and furnished to my office.

7. Within 90 days from the date of this memorandum, you shall amend EP 1105-2-58 and related guidance consistent with the actions herein. These delegations of authority are effective immediately and supersede all previous delegations of this authority without prejudice to any prior actions. These delegations shall remain in effect through 1 June 2027 unless earlier rescinded, cancelled, or reissued in writing.

8. Although not a limitation on the authority as Commanding General, USACE, to act on my behalf, I trust that you will exercise sound judgement in keeping me informed of any action under these specific delegations that will have a significant White House, Congressional, DoD, or public interest or would represent a significant change in Army or Assistant Secretary of the Army for Civil Works precedent or policy. If such a circumstance arises, you will coordinate with my office to ensure that I may provide appropriate guidance.

9. My point of contact for this action is Sharron Harris at 571-278-6547.

MICHAEL L. CONNOR
Assistant Secretary of the Army
(Civil Works)

CF:
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