



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

CECW-P (25-50a)

21 AUG 2024

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Reissuance of Delegation of Approval and Execution Authority for Water Supply Storage Reallocation Reports, Water Supply Storage Agreements, and Surplus Water Determinations and Reports

1. References:

a. Office of the Assistant Secretary of the Army for Civil Works (OASA(CW)), SACW memorandum, Reissuance of Delegation of Approval and Execution Authority for Water Supply Reallocation Reports and Agreements, 15 September 2023 (Enclosure 1)

b. Office of the Assistant Secretary of the Army for Civil Works (OASA(CW)), SACW memorandum Delegation of Approval and Execution Authority for Water Supply Reallocation Reports and Agreements, 07 April 2020 (Enclosure 2)

c. Office of the Assistant Secretary of the Army for Civil Works (OASA(CW)), SACW memorandum, Missouri River Mainstem Reservoirs - Surplus Water Reports and Environmental Assessments, 07 April 2020 (Enclosure 3)

2. Reference 1.a. reissues the delegations of authority contained in reference 1.b. and reference 1.c., subject to advance notice to the Office of the Assistant Secretary of the Army for Civil Works (OASA(CW)) as further described in paragraph 9. Specifically, the referenced memoranda delegate to me the authority to approve the following, and include provision for the re-delegation in different cases to the Director of Civil Works, Division Commanders, or District Commanders:

a. Reallocation study reports under the Water Supply Act of 1958, as amended (43 U.S.C. § 390(b) if the reports are in accordance with paragraphs 1 and 2 of Reference 1.b.

b. Water supply storage agreements associated with reallocation study reports under the Water Supply Act approved in accordance with paragraphs 1 and 2 of Reference 1.b.

c. Surplus water determination letters, reports, and agreements under Section 6 of the Flood Control Act of 1944 (33 U.S.C. § 708) (Section 6).

CECW-P

SUBJECT: Reissuance of Delegation of Approval and Execution Authority for Water Supply Storage Reallocation Reports, Water Supply Storage Agreements, and Surplus Water Determinations and Reports

3. Re-delegations to the Director of Civil Works Under Reference 1.b. Related to the Water Supply Act. I hereby re-delegate to the Director of Civil Works the following authorities:

a. Approval of reallocation study reports under the Water Supply Act that are in accordance with paragraphs 1 and 2 of reference 1.b. (i.e., a study report that recommends a reallocation of storage of less than a cumulative volume of 50,000 acre-feet or 20 percent of the total storage volume, that would not seriously affect any authorized purpose, that would not involve any major structural or operational change, and that would not change the volume or elevation of an established flood risk management pool).

b. Approval and execution of water supply storage agreements that contain substantive deviations from the approved water supply storage models, to include at the discretion of the Director of Civil Works the authority to delegate execution authority for such agreements to Division or District Commanders.

4. Re-delegations to Division Commanders Under Reference 1.b. Related to the Water Supply Act. I hereby re-delegate to Division Commanders the authority to approve and execute water supply storage agreements that do not deviate from the approved models, or that contain only non-substantive deviations from the approved models, to include at the discretion of Division Commanders' authority to delegate execution authority for such agreements to District Commanders.

5. Re-delegations to the Director of Civil Works Under Reference 1.b. Related to Section 6 (Excluding the Missouri Mainstem Reservoirs). I hereby re-delegate to the Director of Civil Works the following authorities: (a) approval of surplus water determinations or reports under Section 6; (b) approval of a surplus water agreement template under Section 6; and (c) approval and execution of surplus water agreements under Section 6 that contain substantive deviations from the approved surplus water agreement template, to include at the discretion of the Director of Civil Works the authority to delegate execution authority for such agreements to Division or District Commanders.

6. Re-delegations to Division Commanders Under Reference 1.b. Related to Section 6 (Excluding the Missouri Mainstem Reservoirs). I hereby re-delegate to Division Commanders the approval authority for surplus water agreements under Section 6 that do not deviate from the approved template, or that contain only non-substantive deviations from the approved template, to include at the discretion of the Division Commanders' authority to delegate execution authority for such agreements to the District Commanders.

CECW-P

SUBJECT: Reissuance of Delegation of Approval and Execution Authority for Water Supply Storage Reallocation Reports, Water Supply Storage Agreements, and Surplus Water Determinations and Reports

7. Re-delegations to the Director of Civil Works Under Reference 1.c. Related to Section 6 and the Missouri Mainstem Reservoirs. I hereby re-delegate to the Director of Civil Works following authorities: (a) approval of a surplus water agreement template for the Missouri Mainstem Reservoirs; and (b) approval and execution of surplus water agreements for the Missouri Mainstem Reservoirs that contain substantive deviations from the approved template, to include at the discretion of the Director of Civil Works the authority to delegate execution authority for such agreements to Division or District Commanders.
8. Re-delegations to the Northwestern Division Commander Under Reference 1.c. Related to Section 6 and the Missouri Mainstem Reservoirs. I hereby re-delegate to the Northwestern Division Commander the following authorities: (a) approval of surplus water determinations or reports for the Missouri Mainstem Reservoirs that are in accordance with paragraphs 3 and 4 of Reference 1.c.; and (b) approval and execution of surplus water agreements for the Missouri Mainstem Reservoirs that do not deviate from the approved template, or that contain only non-substantive deviations from the approved template, to include at the discretion of the Northwestern Division Commander authority to delegate execution authority for such agreements to the Omaha District Commander.
9. Prior to approval of a water supply reallocation study report, approval of a water supply storage agreement, approval of a surplus water determination or report, or approval of a surplus water agreement, the approving office will provide notification to the Director of Policy and Legislation in the Office of the Assistant Secretary of the Army for Civil Works (usarmy.pentagon.hqda-asa-cw.mbx.asa-cw-reporting@army.mil) with carbon copies to Ms. Lauren Leuck, e-mail at lauren.d.leuck.civ@army.mil, Mr. Gregory Miller, e-mail at gregory.b.miller@usace.army.mil, and to the appropriate Regional Integration Team. The notification will provide a summary level detail of the action and any potential impact to the project or its authorized purposes. The notification will also include references to the primary relevant documents, including the Water Supply Reallocation Report, the Original Contract (if applicable), the Sponsor Request Letter, the Water Supply Agreement, the Certificate of Legal Sufficiency, the Certificate of District Quality Control Completion, and documentation of any other applicable reviews (Agency Technical Review, Policy and Legal Compliance Review, and Independent External Peer Review (if applicable)).
10. If after 30 days following the acknowledgement of receipt of the email by the Office of the Assistant Secretary of the Army for Civil Works no issues have been raised by that office, the approving office may proceed with the action.
11. Please ensure wide dissemination and immediate adherence to this guidance. This guidance supersedes all prior guidance regarding delegated authority to undertake actions described in this memorandum. The headquarters point of contact for this

CECW-P

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guidance is Mr. Eric Bush, Planning and Policy Division, at Eric.L.Bush@usace.army.mil or (904) 571-3716.



SCOTT A. SPELLMON
Lieutenant General, USA
Commanding

Encls

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

SACW

15 September 2023

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

SUBJECT: Reissuance of Delegation of Approval and Execution Authority for Water
Supply Reallocation Reports and Agreements

1. Purpose. The onset of extreme drought nationwide has been a growing trend over the past several decades, a situation grounded in and exacerbated by a changing climate affecting temperature, precipitation, hydrology, vegetation, and the overall availability of water. As a consequence, reservoirs, including reservoirs owned, operated and/or maintained by the U.S. Army Corps of Engineers (USACE), across the nation are increasingly called upon to provide water to address a diverse set of community needs, including water supply. In this regard, it is important that USACE expeditiously consider requests for reallocation from USACE reservoirs to address community water resilience needs.

With these factors in mind, the delegations of authority stipulated in the April 7, 2020, memorandums entitled "Delegation of Approval and Execution Authority for Water Supply Reallocation Reports and Agreements" and "Missouri River Mainstem Reservoirs – Surplus Water Reports and Environmental Assessments" are reissued with the conditions explained below.

2. References:

- a. Water Supply Act of 1958, as amended (43 U.S.C. 390b).
- b. Executive Order 13990, Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, January 20, 2021.
- c. Executive Order 14008, Tackling the Climate Crisis at Home and Abroad, January 27, 2021.
- d. Delegation of Approval and Execution Authority for Water Supply Reallocation Reports and Agreements, April 7, 2020, issued by the Assistant Secretary of the Army (Civil Works).
- e. Missouri River Mainstem Reservoirs – Surplus Water Reports and Environmental Assessments, April 7, 2020, issued by the Assistant Secretary of the Army (Civil Works).

SACW

SUBJECT: Reissuance of Delegation of Approval and Execution Authority for Water Supply Reallocation Reports and Agreements

f. Army Civil Works Supporting Drought Resilience in America's Communities, July 28, 2022, issued by the Assistant Secretary of the Army (Civil Works).

3. Conditions related to delegations of authority:

a. In order for delegations of authority for reallocation studies, water supply storage agreements, and surplus water determination letters or reports previously allowed under the memorandums named in paragraph 1 to proceed, notifications of the actions must be sent to the Director of Policy and Legislation in the Office of the Assistant Secretary of the Army for Civil Works (OASA(CW)) via email. The notification shall provide a summary level detail of the action and any potential impact to the USACE project and/or authorized purpose(s). If after 30 days following the acknowledgement of receipt of the email no issues have been raised from this office, you may proceed with the action as described.

b. Authority to approve all other reallocation studies and water supply actions is retained by the Assistant Secretary of the Army for Civil Works (ASA(CW)).

c. All other reporting requirements previously required in reference 2.d. and 2.e. are hereby rescinded.

d. If the notifications required by this memorandum do not occur, the delegated authority is not valid. Repeated failure to submit the notifications required by this memorandum will result in rescission of this delegation. You will be notified in writing of rescission of this delegated authority and approval authority will be at the Assistant Secretary of the Army of Civil Works level.

4. The outlined delegations shall remain in effect from the date of this memorandum until rescinded, cancelled, or reissued in writing by the ASA(CW).

5. If there are any questions, please contact Ms. Lauren Leuck at (703) 839-0383.



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

CF:
DCG-CEO, USACE
DCW, USACE



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SACW

7 April 2020

MEMORANDUM FOR Commanding General, U.S. Army Corps of Engineers

SUBJECT: Delegation of Approval and Execution Authority for Water Supply Reallocation Reports and Agreements

1. You are hereby delegated the authority to approve reallocation studies prepared in accordance with the Water Supply Act of 1958, 43 U.S.C. § 390b, whereby reallocation of existing conservation storage to water supply is contemplated without changes to flood risk management storage or project operations. At your discretion, you may further delegate this authority to the Director of Civil Works. Authority to approve all other reallocation studies is retained by the Assistant Secretary of the Army for Civil Works (ASA(CW)).
2. You are delegated the authority to approve studies that recommend reallocation less than a cumulative volume of 50,000 acre feet or 20% of the total storage volume, and do not significantly affect other authorized purposes or significantly affect structural or operational changes. At your discretion, you may further delegate this authority to the Director of Civil Works. Studies that recommend modifications to water supply storage involving major structural or operational changes, a change in the volume or elevation of an established flood risk management pool, or that seriously affect authorized purposes for which Congressional approval is required, shall be forwarded through you (or, if delegated, the Director of Civil Works) to the ASA(CW) for action.
3. Subject to an approved reallocation study in accordance with paragraph 1, you are also delegated the authority to approve water supply storage agreements with authority to further delegate agreement approval and execution authority to the Division Commander provided that such agreements do not deviate from the approved models, or contain only non-substantive deviations from the approved models. Such re-delegation to the Division Commander may include the authority to further delegate authority to the District Commander to execute water supply agreements. The approval authority for water supply storage agreements that contain substantive deviations from the approved models shall be retained by you or, in your discretion, the Director of Civil Works, although the authority to execute the agreement may, in your discretion, be delegated to the Division Commander or the District Commander.
4. You are further authorized to approve surplus water determination letters or reports as required by Section 6 of the Flood Control Act of 1944, 33 U.S.C. § 708. At your discretion, you may further delegate this authority to the Director of Civil Works.

SUBJECT: Delegation of Water Supply Reallocation Reports and Agreements Approval Levels

5. Subject to approved surplus water determination letters or reports in accordance with paragraph 4, you are delegated the authority to approve all surplus water agreements. You may, in your discretion, further delegate agreement approval and execution authority to the Division Commander for agreements that either do not deviate from a template approved by Director of Civil Works, or that contain only non-substantive deviations from such template. In your discretion or the discretion of the Division Commander, agreement execution authority may be further delegated to the District Commander. The approval authority for surplus water agreements that contain substantive deviations from the approved template must remain with you or, in your discretion, the Director of Civil Works, although the authority to execute the agreement may, in your discretion, be further delegated to the Division Commander or the District Commander.

6. This memorandum rescinds the memorandum dated 18 November 2018, Subject: Rescission of Water Supply Delegation, and supersedes all earlier guidance addressing delegation of authority to undertake the actions described in this memorandum.

7. A notification letter will be provided to my office within 30 days of the approval of a reallocation study. The letter will provide a summary level detail of the reallocation and any potential impact to the project. An annual report will be provided by 1 November of each year summarizing the reallocation reports and agreements along with impacts and changes to the USACE water supply portfolio.

8. These delegations shall remain in effect for three (3) years from the date of this memorandum unless earlier rescinded, cancelled, or reissued in writing.

9. If there are any questions, please contact Mr. David Leach, Deputy Assistant Secretary, Project Planning and Review, at (202) 761-0016.

R. D. JAMES
Assistant Secretary of the Army
(Civil Works)

CF:
DCG-CEO, USACE
DCW, USACE

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
108 ARMY PENTAGON
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SACW

7 April 2020

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

SUBJECT: Missouri River Mainstem Reservoirs – Surplus Water Reports and
Environmental Assessments

1. References:

a. Memorandum, CECW-ZB, 23 SEP 2014, subject: Five Missouri River Mainstem Reservoir Surplus Water Reports and Environmental Assessments.

b. Assistant Secretary of the Army (Civil Works) (ASA (CW)) memorandum dated 17 February 2012, subject: Lake Sakakawea Surplus Water Reports and Pending Irrigation Use Applications.

2. I am responding to your request for approval of five Missouri River Mainstem Reservoir Surplus Water Reports and Environmental Assessments. These reports are being returned without action, but with additional direction and delegation of authority to review and respond to requests for water withdrawals from the Missouri River Mainstem Reservoirs.

3. You are hereby authorized to review and approve on a case-by-case basis such requests for withdrawals that would not affect flood risk management or other authorized project purposes, subject to any additional analysis required. Analysis that indicates any impact to flood risk management or other authorized project purposes requires ASA (CW) approval.

4. In order to implement these policies, the approval authority for surplus water determinations for withdrawal requests from the Missouri River Mainstem Reservoirs may be further delegated to the Director of Civil Works or, at your discretion, to the NWD Commander, subject to all laws, regulations, and policy. No further delegation of approval authority is authorized. The authority to execute surplus water agreements may also be delegated to the Director of Civil Works or, at your discretion, to the NWD Commander. Agreements shall not deviate from a template approved by the Director of Civil Works, or that contain only non-substantive deviations from such template. Any delegation of execution authority, as opposed to approval authority, to the NWD Commander may be further delegated to the District Commander. The approval authority for surplus water agreements that contain substantive deviations from the approved template shall be retained at HQUSACE, presumably by the Director of Civil Works.

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SUBJECT: Missouri River Mainstem Reservoirs – Surplus Water Reports and Environmental Assessments

5. Water use for irrigation may continue without a Department of Army contract or agreement.
6. When a surplus water determination is approved, or an agreement executed, pursuant to this delegation of authority, a transmittal letter will be provided to my office within 30 calendar days of such approval or execution of the agreement. This transmittal letter will provide summary level details and potential impacts to the project. An annual report will be provided no later than November 1st of each year detailing all approved surplus water determinations and executed agreements. This annual report will detail the impacts and changes to the Army managed water supply portfolio on the Upper Missouri River basin. If it is determined that any water supply withdrawal could affect the operations required by the authorized purposes of the project, I expect to be notified in writing within five (5) working days of this determination.
7. The delegations of authority contained herein shall remain in effect for three (3) years from the date of this memorandum unless earlier rescinded, cancelled, or reissued in writing.
8. If there are any questions, please contact Mr. David J. Leach, Deputy Assistant Secretary of the Army (Project Planning and Review), at (202) 761-0016.

R.D. JAMES
Assistant Secretary of the Army
(Civil Works)

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