



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

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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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)

CF:
DCG-CEO, USACE
DCW, USACE