



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

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