



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

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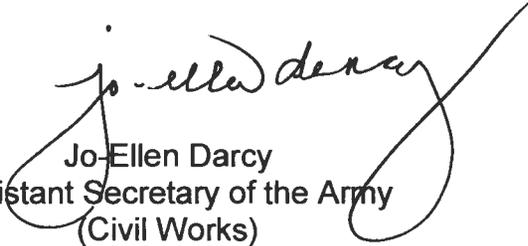
MEMORANDUM FOR DEPUTY COMMANDING GENERAL FOR CIVIL AND  
EMERGENCY OPERATIONS

SUBJECT: Delegation of Authority under Section 1031(b) of the Water Resources Reform and Development Act of 2014 (WRRDA 2014)

1. Section 1031(b) of WRRDA 2014 authorizes the Secretary of the Army (SECARMY) to enter into cooperative agreements with an Indian Tribe (or a designated representative of an Indian Tribe) to carry out authorized activities of the U.S. Army Corps of Engineers (USACE) to protect fish, wildlife, water quality, and cultural resources. The SECARMY has delegated this authority to the Assistant Secretary of the Army for Civil Works (ASA(CW)) (enclosure).
2. Subject to the provisions in Section 1031(b), I hereby delegate to the Director of Civil Works the responsibility and authority to enter into cooperative agreements with an Indian Tribe (or a designated representative of an Indian Tribe) to carry out authorized activities of the USACE to protect fish, wildlife, water quality, and cultural resources, and to develop implementation guidance. This authority may be re-delegated to Division and District Commanders. No further re-delegation is authorized.
3. Any re-delegation of this authority must be in writing with the officials designated by organizational title, and a copy of the delegation must be maintained in the office where the authority is held. Any re-delegation will not take effect until a record copy of the delegation has been provided through this office to the Office of the Administrative Assistant for archiving. Should conditions warrant, the Director of Civil Works will suspend the use of and/or rescind any re-delegation of this authority, as appropriate.
4. Although not a limitation on the authority of any official named herein to act on the behalf of the ASA(CW) as indicated, in those cases where a proposed action or decision represents a change in precedent or policy; is of significant White House, Congressional, Department of the Army, or public interest; or has been, or should be, of interest or concern to the ASA(CW), for any reason, the official designated by the Director of Civil Works will brief the ASA(CW) before taking action or making a decision unless the exigencies of the situation prevent the briefing.
5. The supporting file for each instrument awarded pursuant to this delegation will document the basis for use of these authorities and the instrument compliance with Department of Defense Directive 3210.06 (Defense Grant and Agreement Regulatory System (DG-ARS), 6 Feb 14). The supporting file also will include a record of legal review prior to solicitation and award. Furthermore, Office of Management and Budget (OMB) regulations in title 2, Part 200 of the Code of Federal Regulations (CFR) shall be followed where applicable. The applicability of the revised regulations in 2 CFR Part 200

to new awards by Department of Defense entities is detailed in 2 CFR Part 1103, which should be reviewed carefully. It should be noted that Part 200 is intended to supersede, as described in 2 CFR 200.104 and 2 CFR 200.110, OMB guidance documents and regulations in: (i) OMB Circular A-87 (Cost Principles for State, Local, and Tribal Governments); (ii) OMB Circular A-102 (Grant Awards and Cooperative Agreements with State and Local Governments); (iii) OMB Circular A-133 (Audits of States, Local Governments and Non-Profit Organizations); and (iv) other OMB guidance documents and regulations on cost principles and administrative requirements listed at 2 CFR 200.104.

6. I fully concur with the Secretary of the Army in his support of this action as it is in line with the Department of Defense American Indian and Alaska Native Policy and the USACE Tribal Policy Principles. This delegation is effective immediately and expires at the end of fiscal year 2024 unless earlier revoked or superseded.



Jo-Ellen Darcy  
Assistant Secretary of the Army  
(Civil Works)