



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CECW-PB

AUG 30 2007

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Water Supply Reallocation Policy

1. Reference: ER 1105-2-100, dated 22 April 2000.
2. It has come to our attention that there needs to be clarification concerning the policy related to the reallocation of water storage in excess of 15% or 50,000 acre feet of storage in the U. S. Army Corps of Engineers reservoirs. We understand that this limit has been interpreted to mean that any reallocation above this amount requires congressional approval.
3. The existing policy, as written in ER 1105-2-100, paragraph E-57 d. and illustrated in Table E-31, provides that as long as there is no severe impact on authorized project purposes or there is no major structural or operational changes involved, 15% of total storage capacity allocated to all authorized project purposes or 50,000 acre feet, whichever is less, may be reallocated from storage authorized for other purposes or may be added to the project to serve as storage for Municipal and Industrial water supply subject to Headquarters, U. S. Army Corps of Engineers approval. Any requests for reallocations above that amount require Assistant Secretary of the Army (Civil Works) approval as long as authorized project purposes are not severely impacted. Lesser amounts can be approved by Division Commanders (up to 499 acre-feet). Congressional approval is required only when authorized project purposes are severely impacted. This may mean that recommended reallocations of less than the 15% of total storage capacity or 50,000 acre feet could result in the need for congressional authorization. The determination of severely impacted is a judgment call based on project specific criteria. As such, a key element of all reallocation studies is to develop data and rationale to support the assessment on impacts to authorized project purposes for determining the need for congressional authorization.
4. All reallocations or additions of storage require a reallocation report. Report requirements are also discussed in paragraph E-57 d. The report should include an analysis of how authorized purposes are being impacted, the results of the public involvement process required by Section 5 of the Water Resources Development Act of 1988, and a recommendation of the need for congressional authorization.
5. In summary, there is no requirement for congressional approval for reallocations above 15% of total storage capacity or 50,000 acre-feet unless congressionally authorized project purposes are being severely impacted. Such reallocations only require ASA(CW) approval. A new authorization may be required if congressionally authorized project purposes are significantly changed.

FOR THE COMMANDER:

THOMAS W. WATERS
Chief, Policy and Policy Compliance Division
Directorate of Civil Works