



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

JAN 25 2008

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MEMORANDUM THRU Director of Civil Works

FOR Chief of Engineers

SUBJECT: Implementation Guidance for the Submission and Review of Reports of the Chief of Engineers Recommending Water Resources Projects for Authorization in accordance with Section 2033(g)(1) of the Water Resources Development Act (WRDA) of 2007

1. Purpose. The purpose of this memorandum is to establish standard operating procedures, in accordance with Section 2033(g)(1) of WRDA 2007, for the submission and review of reports of the Chief of Engineers recommending water resources projects for authorization and the provision of recommendations of the Secretary to Congress.

2. Authority. Section 2033(g)(1) of WRDA 2007 provides:

“Except as provided in paragraph (2), not later than 120 days after the date of completion of a report of the Chief of Engineers that recommends to Congress a water resources project, the Secretary shall—

(A) review the report; and

(B) provide any recommendations of the Secretary regarding the water resources project to Congress.”

3. Background. Prior to the Secretary of the Army submitting a report to Congress recommending authorization of a water resources project to be carried out by the Army Corps of Engineers (Corps), the project is reviewed by my office and the Office of Management and Budget (OMB) to ensure that the project is technically feasible, environmentally acceptable, economically justified, and within the Federal interest. These project reviews ensure a credible Civil Works program which adds significant value to the Nation. In addition, these reviews utilize nationally consistent standards, provide uniform treatment of project sponsors, and align projects with current law and policy. As a result of these reviews, the Army has had occasion to modify plan formulation, economic and environmental analyses, and project documentation.

Review of proposed water resources projects by the Office of the Assistant Secretary of the Army [OASA(CW)] is a key aspect of the project authorization process and is accorded the highest support by the Secretary of the Army and OMB. OASA(CW) reviews are primarily limited to a determination of Federal interest and policy compliance under the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies and other applicable laws, regulations and requirements relevant to the planning process prior to submission of these reports to Congress. In addition, the reports are submitted to OMB in accordance with Executive Order (E.O.) 12322 for a determination of consistency with the policy and programs of the President.

4. Operating Procedures. Section 2033(g)(1) of WRDA 2007 provides that the Secretary of the Army shall review the report of the Chief of Engineers no later than 120 days after the date of completion of such report and provide any recommendations of the Secretary regarding the water resources project to Congress. In accordance with the following standard operating procedures, the OASA(CW) will comply with Section 2033(g)(1) and E.O. 12322:

- a) OASA(CW) shall prioritize Chief's Report reviews on a first in, first out basis.
- b) The date of completion of a report of the Chief of Engineers shall be the date that the Chief's Report and all enclosures required by ER 1105-2-100, paragraph H-5.g. are received by the Deputy Assistant Secretary of the Army (Project Planning and Review) [DASA(PP&R)], Room 6S91, 441 G St, NW, GAO Building and the 120-day Army review timeframe will commence upon the delivery of such report and enclosures.
- c) The following times are outside the control of the ASA(CW) and will be excluded from the 120-day timeframe:
 - i) all days prior to delivery of the Chief's Report package to DASA(PP&R);
 - ii) all days between an OASA(CW) request to the Corps for additional information and actual receipt of complete information by DASA(PP&R);
 - iii) all days subsequent to ASA(CW) transmittal of Army's recommended position to OMB in accordance with E.O. 12322, and receipt of the Administration's position; and,
 - iv) all days subsequent to OMB clearance needed to obtain required information (e.g., price level updates) from the Corps before transmittal to Congress.
- d) Notwithstanding the exclusion in paragraph c) above, OASA(CW) will make every effort to provide Congress with the Secretary's recommendation within 120 calendar days of receipt of a complete Chief's Report package as specified in paragraph b) above. If within 120 calendar days OASA(CW) and OMB have not

completed their reviews or have requested additional information, a letter explaining the delay will be sent to Congress by ASA(CW).

5. In order to comply with Section 2033(g)(1), it will be incumbent on both the Corps and OASA(CW) to work closely in providing timely, policy compliant Chief's Report packages. Exceptions to policy must be coordinated in advance of the Chief of Engineers signing a report recommending a water resources project and approval of the policy exception must be fully documented. If additional information is requested by OASA(CW), priority must be ensured by the Corps to provide a timely response from the Divisions and Districts which has been fully vetted and is supported by the Director of Civil Works. Please incorporate this information as appropriate in an update of ER 1105-2-100, the Planning Guidance Notebook. Any questions on this memorandum or its underlying process can be directed to my Deputy for Project Planning and Review.



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(Civil Works)