DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET NW
WASHINGTON DC 20314-1000

CECW-P

9 November 2020

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Updated Section 594 Environmental Infrastructure Assistance Program Model Agreements and Delegation of Approval and Execution Authority

1. This memorandum transmits the updated model agreements for providing assistance for non-federal water-related environmental infrastructure or resource protection and development projects in Ohio or North Dakota when the work is being performed by the non-federal sponsor, under Section 594 of the Water Resources Development Act of 1999 (Public Law 106-53), as amended.

2. Work covered by a model agreement must be scoped so that federal funds provided for the project are sufficient to cover all U.S. Army Corps of Engineers (USACE) costs and reimbursements under the agreement.

3. Enclosed are two model agreements. One is for the provision of design assistance and the other is for the provision of design and construction assistance. Any previous versions of the model agreements for Section 594 should no longer be used. The updated model agreements are also available on the Headquarters USACE Project Partnership Agreements website.

4. The model agreement for design and construction assistance provides for the crediting of the value of real property interests acquired by the non-federal sponsor from private owners after the effective date of the agreement.

5. The responsibility for review and approval of a Section 594 agreement that does not deviate from the approved models is delegated to the Division Commander. This authority may not be further delegated. Division Counsel concurrence that the agreement does not deviate from the subject model, and is appropriate for use for the project, is required prior to approval.

6. The Division Commander also is delegated authority to approve non-substantive deviations to the model agreements. This authority may not be further delegated. Division Counsel concurrence that a deviation is non-substantive and recommendation that the deviation be approved is required prior to approval by the Division Commander. Where there is a question whether a deviation is substantive, the Headquarters Agreements Team is available for consultation. An agreement with substantive deviations, including deviations involving policy issues, unique circumstances, or controversial matters, must be forwarded for MSC review and then transmitted with the

Division Commander's recommendations to the relevant Regional Integration Team for review and approval by the Director of Civil Works.

7. The District Commander is authorized to execute the agreement after its approval.

8. Any questions may be directed to Jeff Lin, HQUSACE Agreements Team, at 202-761-5220.

ALVIN B. LEE
Director of Civil Works

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