



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

CECW-P

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Updated Section 595 Environmental Infrastructure Assistance Program Model Agreements and Delegation of Approval and Execution Authority

1. This memorandum transmits the updated model agreements for providing assistance on increments of work for non-federal water-related environmental infrastructure or resource protection and development projects in Idaho, Montana, rural Nevada, New Mexico, rural Utah, or Wyoming under Section 595 of the Water Resources Development Act of 1999 (Public Law 106-53), as amended.
2. Enclosed are four model agreements: one for the provision of design assistance when the work will be performed by the Government, one for the provision of design and construction assistance when the work will be performed by the Government, one for the provision of design assistance when the work will be performed by the non-federal sponsor, and one for the provision of design and construction assistance when the work will be performed by the non-federal sponsor. Any previous versions of the model agreements for Section 595 should no longer be used. The updated model agreements are also available on the Headquarters, U.S. Army Corps of Engineers (HQUSACE) Project Partnership Agreements website.
3. Assistance under an agreement is limited initially to an increment of work that can be completed within available funding. The model agreements allow for undertaking additional increments of work if additional funding is provided in a subsequent fiscal year to complete such additional increments of work for the same non-federal project under Section 595 involving the same non-federal sponsor. Further, the model agreements involving government performance of design or design and construction provide for the crediting of in-kind contributions performed by the non-federal sponsor after the date of approval of the Scope of Work for an increment of work. Finally, the model agreements for design and construction assistance provide for the crediting of the value of real property interests acquired by the non-federal sponsor from private owners after the date of approval of the Scope of Work for an increment of work.
4. The responsibility for review and approval of a Section 595 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.

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5. 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, HQUSACE 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.

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

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

Encls

ALVIN B. LEE  
Director of Civil Works

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