



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

CECW-P

FEB 02 2018

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Federal Assumption of Operation and Maintenance of Improvements to a Federal Navigation Project Carried Out by a Non-Federal Interest (33 U.S.C. 2232(f)) - Approval of Model Memorandum of Agreement (MOA)

1. Reference is made to Acting Assistant Secretary of the Army for Civil Works (ASA(CW)) memorandum to the Deputy Commanding General for Civil and Emergency Operations, dated 19 January 2018, subject: Federal Assumption of Operation and Maintenance of Improvements to a Federal Navigation Project Carried Out by a non-Federal Interest (33 U.S.C. 2232(f)) - Approval of Model Memorandum of Agreement (MOA) and Delegation of Approval and Execution Authority (enclosure 1).
2. Section 204(f) of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2232(f)), authorizes the Secretary to be responsible for the operation and maintenance of improvements to a federally authorized harbor or inland harbor carried out by a non-Federal interest when certain conditions are met. Policy Guidance for Section 204(f) is contained in ER 1165-2-211.
3. The attached model MOA (enclosure 2) is approved for use, as appropriate. The responsibility for review and approval of an MOA that does not deviate from the approved model is delegated to the MSC Commander. Division Counsel concurrence that the MOA does not deviate from the subject model, and is appropriate for use for the particular proposal, is required prior to approval. In addition, the MSC Commander may delegate signature authority for an approved MOA to the District Commander.
4. The MSC Commander is also delegated authority to approve non-substantive deviations to the model MOA. Division Counsel review of such deviations, with a recommendation to approve such deviations, is required prior to approval by the MSC Commander. Where there is a question whether the deviation is substantive, Headquarters U.S. Army Corps of Engineers (HQUSACE) is available for consultation. In addition, MOAs with substantive deviations, unique circumstances, or controversial matters must be coordinated with the respective HQUSACE Regional Integration Team for review and coordination within HQUSACE.

Encls

A handwritten signature in black ink, appearing to read "J. Dalton".

JAMES C. DALTON, P.E.
Director of Civil Works

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(see next page)

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