



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

REPLY TO

CECW-P

NOV 19 2015

MEMORANDUM FOR Commanders, Major Subordinate Commands

SUBJECT: Approved Model Memorandum of Agreement (MOA) for Construction of Additional Capacity Pursuant to Section 217(a) of the Water Resources Development Act of 1996, as amended (33 U.S.C. 2326a(a)), at Dredged Material Placement Facilities Constructed by the Department of the Army

1. Section 217(a) of the Water Resources Development Act of 1996, as amended (33 U.S.C. 2326a(a)), authorizes the Secretary to provide additional capacity at dredged material placement facilities constructed by the U.S. Army Corps of Engineers beyond the capacity that is required for project purposes if the non-federal sponsor pays all costs associated with the additional capacity. Currently, the model Project Partnership Agreement for commercial navigation projects includes optional language addressing the construction of additional capacity. However, amendment of existing agreements, some of which date back to 1986, to include this language could be extremely cumbersome in some cases. In lieu of amending existing agreements, a free standing model Memorandum of Agreement (MOA) was developed.
2. The attached model MOA for construction of additional a capacity at USACE constructed dredged material placement facilities 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.
3. 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, HQUSACE is available for consultation. In addition, MOAs with substantive deviations, unique circumstances, or controversial matters must be coordinated with the respective HQUSACE RIT.

STEVEN L. STOCKTON, P.E.
Director of Civil Works

Encl

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