



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

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FEB 23 2026

MEMORANDUM FOR COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

SUBJECT: Development and Investment of Hydropower through Non-Federal Investment at Corps of Engineers Facilities

1. References:

a. SACW memorandum (Programmatic Direction on Processing Requests for Permission Under 33 U.S.C. § 408), 23 February 2026.

b. Memorandum of Understanding between Federal Energy Regulatory Commission and the U.S. Army Corps of Engineers on Non-Federal Hydropower Projects, 21 July 2016

2. Background: The purpose of this memorandum is to provide policy direction on the development and investment of hydropower infrastructure at Corps by Non-Federal interests.

3. Policy: My intent is for a review and inventory of Corp facilities for both existing and potential hydropower investment to ascertain the potential for updated or new Non-Federal investment. The following actions are to be taken with a status to be brief to my office by NLT March 20, 2026:

a. Update the methodology and analysis used to assess the summary table developed for the Section 1008, WRRDA 2014 Annual report detailing new hydroelectric power activities by Non-Federal entities approved at Corps of Engineers civil works projects detailing: Projects in Operation, Licensed Projects Not Yet in Operation, Projects with Preliminary Permits, Surrendered, Expired, or Denied Permits / Licenses. The revised analysis should address the current effort to promote potential and updated investments by Non-Federal interests.

b. The Corps will conduct a review of all laws and agency policies that create barriers-to-enter by interested private sector entities. Analysis will include potential policy changes to alleviate barriers-to-entry. The following are a list of areas of concerns:

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SUBJECT: Development and investment of hydropower through non-Federal investment at Corps of Engineers facilities

- (1) Facilitating FERC licensing process in accordance with ref 1b,
 - (2) Section 408 process for technical review of hydropower development proposals and permission to modify a federal dam consistent with the direction in Ref. a,
 - (3) Engineering Regulation 1110-2-1156 Safety of Dams,
 - (4) Engineering Regulation (ER) 1110-2-8156 Preparation of Water Control Manuals, and
 - (5) The Corps processes for reviewing permit applications related to hydropower development at Corps projects under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.
4. The Corps, working through the various community of practices, non-governmental organizations, or OMB approved survey will determine the level interest by the private sector in developing or reinvesting in hydropower at Corps facilities.
 5. USACE will provide my office a briefing of the effort to complete this directive within 30 days of the date of this memorandum and quarterly thereafter until these measures build momentum and implementation is achieved.
 6. Questions about the policy in this memorandum should be directed to Ms. Robyn Colosimo, Deputy Assistant Secretary of the Army, Project Planning and Review at (703) 614-3977 or robyn.s.colosimo.civ@army.mil.



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MEMORANDUM FOR COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

SUBJECT: Increasing Dredging Capacity Through Better Mitigation Banking

1. Reference: Implementation Guidance for the Water Resources Development Act of 2007 - Section 2036(c) Wetlands Mitigation, November 6, 2008.
2. Purpose: This memorandum provides policy direction to the U.S. Army Corps of Engineers (Corps) regarding the use of mitigation banking to increase the capacity for dredged material placement in Army Civil Works navigation projects. This direction is needed to ensure the Corps fully utilizes mitigation banking as a tool for ensuring efficient delivery of navigation projects while optimizing the environmental output of mitigation efforts.
3. Addressing mitigation requirements has long been a cause of inefficiency in the delivery of navigation projects. In many cases, traditional mitigation practices have proven to be cost prohibitive and have led to excessive long term resource commitments. While mitigation banking is a proven option for mitigating the environmental impacts of navigation projects, the Corps has been reluctant to fully utilize this option and instead has favored project and site-specific measures. The timeframes associated with these project-specific measures are often extensive, thus delaying project construction while failing to optimize environmental outcomes.
4. I am directing the Corps to fully explore opportunities for using mitigation banks in navigation projects. To the extent possible, mitigation banks should be viewed as the first option for meeting mitigation requirements and should be selected as the preferred mitigation alternative unless there are compelling reasons for selecting a different option. In addition to maximizing project delivery and environmental benefits, the use of mitigation banks will allow non-Federal sponsors to plan ahead for future Federal investments and increase capacity via local action.

To encourage the use of mitigation banks, the Corps must take action to facilitate the permitting of these banks. Current timeframes for permitting of mitigation banks are often too long which creates inefficiency and discourages their use. As a result, I am directing the Corps to identify options to facilitate efficient permitting of mitigation banks. To further the beneficial use goals established in the Water Resources Development Act of 2020, Section 125, the Corps should strongly consider incorporating the creation of

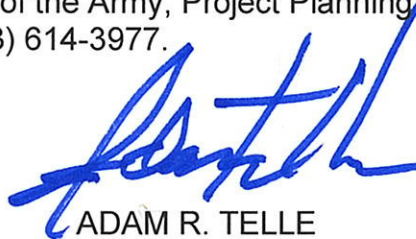
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SUBJECT: Increasing Dredging Capacity Through Better Mitigation Banking

mitigation banks as a primary component within any major deep-draft navigation Dredged Material Management Plan.

6. Initial Implementation Meeting. The Corps should provide me a briefing NLT 30 days from the date of this memorandum addressing Corps plans for implementing this directive. In addition, quarterly briefings will be held thereafter to assess progress on these initiatives and ensure continued momentum on their ongoing implementation.

7. Questions regarding the policy in this memorandum should be directed to Robyn Colosimo, Deputy Assistant Secretary of the Army, Project Planning and Review at robyn.s.colosimo.civ@army.mil or (703) 614-3977.



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MEMORANDUM FOR COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

SUBJECT: Policy on Use of Project Labor Agreements on Army Civil Works Projects

1. References:

a. Title 33, United States Code Section 2280 (Water Resource Development Act of 1986, Pub. L. No. 99-662, § 902, 100 Stat. 4183 (1986)).

b. Executive Order 14063, Use of Project Labor Agreements for Federal Construction Projects (February 4, 2022).

c. Office of Management and Budget, Memorandum, M-24-06, Use of Project Labor Agreements on Federal Construction Projects (Dec. 18, 2023).

d. Office of Management and Budget, Memorandum, M-25-29, Use of Project Labor Agreements on Federal Construction Projects – Amendments to OMB Memorandum M-24-06 (June 12, 2025).

e. Title 48, Code of Federal Regulations Subpart 22.5 (Federal Acquisition Regulations).

2. Background: The Army Civil Works program must be optimized for quality, speed, and cost to deliver for the American people. Cost discipline is key. Congress has reinforced cost control for Civil Works projects by enacting total authorized maximum project costs that may not be exceeded without new authorization. See Reference a. This requires us to carefully review any policy or practice that could result in increased cost for Civil Works projects. Federal policy requires agencies use Project Labor Agreements (PLA) for large-scale construction contracts for which the total cost of the construction contract is \$35 Million or more. See Reference e. at Sections 22.502 and 22.503(a). Federal agencies may use PLAs on construction contracts costing less than a large-scale project. See Reference e. at Section 22.503(c). Before contract solicitation, an agency's senior procurement executive can grant exceptions to the use of a PLA. Reference e. at Section 22.504(d)(1); see also Army General Order No. 2025-01, para. 13 (Sept. 18, 2025)(identifying the Army's senior procurement executive). One exception is based on project-specific characteristics, such as the project's duration or simplicity, how many trades or specialized trades are involved, or the urgency of the project. See Reference e. at Section 22.504(d)(1)(i). Another basis for an exception would be if using the PLA is inconsistent with federal

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SUBJECT: Policy on Use of Project Labor Agreements on Army Civil Works Projects

law, regulation or policy. See Reference e. at Section 22.504(d)(1)(iii). The most relevant exception to using a PLA in Civil Works projects is when it reduces competition to the point where competitive pricing cannot be achieved. See Reference e. at Section 22.504(d)(1)(ii). The Office of Management and Budget recently clarified the use of this exception. When considering a PLA's impact on competition, the agency should determine if enough bidders are available to ensure fair pricing. Two offers are enough for negotiated contracts, and three for sealed bids. If fair pricing is possible, the exception is not needed, even if more contractors would bid without the PLA requirement. However, if costs exceed the budget by over 10% because of the PLA requirement, an exception *may* be justified. See Reference d. Costs exceeding 10% of the project's budget is also a significant indicator that a Civil Works project may be nearing the total authorized maximum project cost and in danger of no longer being a viable project without further Congressional action. See Reference a. at Section 2280(a).

3. Policy: The Administration supports the use of Project Labor Agreements when the agreements are practicable and cost effective. See Ref. d. at p. 1. (providing clarity on the Administration's position on PLAs).

a. To ensure cost discipline on Army Civil Works projects, I must approve the U.S. Army Corps of Engineer's (Corps) discretionary use of PLAs on any Civil Works construction project that does not meet the threshold for large-scale projects (i.e., construction projects costing more than \$35 million).

b. Likewise, in qualifying circumstances where large-scale construction project costs exceed the government's budget by 10% due to the PLA requirement, and in recognition of the statutory project caps for Civil Works projects, I encourage the use of an exception to the PLA requirement. See Reference d. (outlining qualifying circumstances for exceptions to the PLA requirement when the government's budget is exceeded by 10%). In these qualifying circumstances for Civil Works projects, I direct that the Corps brief me and obtain my approval on whether to seek an exception to the PLA requirement from the Army's senior procurement executive.

c. This policy direction applies to any procurement action for Army Civil Works construction projects where the Corps has not yet issued a solicitation. The requirements of the Federal Acquisition Regulations on the application of labor laws to Corps acquisitions would still apply, including those on employment eligibility verifications. See Title 48, Code of Federal Regulations Subpart 22.18.

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SUBJECT: Policy on Use of Project Labor Agreements on Army Civil Works Projects

4. Direct any questions about the policy outlined in Paragraph 3 to my office for response. The point-of-contact for this memorandum is Mr. Milton Boyd who may be contacted at (703) 693-3655 or milton.w.boyd.civ@army.mil.



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FEB 23 2026

MEMORANDUM FOR COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

SUBJECT: Preliminary List for the Deauthorization of Projects

1. Background: The Army Civil Works program must be optimized for quality, speed, and cost to deliver infrastructure. To do this, we must focus our resources on high priority projects and eliminate projects that are no longer in the interest of the nation. Section 301 of the Water Resources Development Act (WRDA) of 2020, as amended by Section 1301 of WRDA 2024 (33 U.S.C. 579d-2), provides authority to identify water resources development projects for potential deauthorization by Congress. Per Congressional direction, we should identify water resources development projects and separable elements of projects that are no longer viable for construction due to: (1) a lack of local support, (2) a lack of available Federal or non-Federal resources, or (3) an authorizing purpose that is no longer relevant or feasible.

2. Criteria: 33 U.S.C. 579d-2 requires the Army to develop a preliminary list that identifies water resources development projects and separable elements of projects, authorized for construction before June 10, 2014, that meet one of the three criteria listed in the background section above. Projects and separable elements on the preliminary deauthorization list also are those that (a) planning, design, or construction was not initiated before January 4, 2025; or (b) planning, design, or construction was initiated before January 4, 2025, but for which no funds, Federal or non-Federal, were obligated for planning, design, or construction of the project or separable element of the project during the current fiscal year or any of the 10 preceding fiscal years. Using the authority provided by Congress, the initial preliminary list has been developed in coordination with my office and is enclosed.

3. Direction: I direct the U.S. Army Corps of Engineers (Corps) to review the attached initial preliminary list and confirm that all projects that meet the criteria in 33 U.S.C. 579d-2 are included and to make any additional edits as needed in coordination with my office and Office of the Army General Counsel. I further direct the Corps to develop an additional list of projects that should otherwise be considered for deauthorization by Congress. The projects identified for this list should include those that may have been authorized or received funding more recently, but construction may no longer be viable due to factors including exorbitant cost growth, change in conditions making the project irrelevant, lack of non-Federal resources or interest, or interest by non-Federal sponsors to deauthorize obsolete infrastructure projects or separable elements to reduce their operations and maintenance-related financial obligations, among others. My intent is to

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SUBJECT: Preliminary List for the Deauthorization of Projects

focus Corps expertise and resources on advancing high priority projects that offer the greatest value to the nation.

4. Timeline. The Corps is directed to provide these lists to my office within 15 days of the date of this memorandum.

5. Questions about this memorandum should be directed to Ms. Lauren Leuck, Assistant for Water Resources Legislation, at 703-839-0383 or lauren.d.leuck.civ@army.mil.



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MEMORANDUM FOR COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

SUBJECT: Prioritization of Effort in Planning, Design, and Construction of Infrastructure Across the Army Civil Works Program

1. References:

- a. Executive Order 14210 (Implementing the President's "Department of Government Efficiency" Workforce Optimization Initiative), February 11, 2025.
- b. Executive Order 14356 (Ensuring Continued Accountability on Federal Hiring), October 15, 2025.

2. Purpose: This memorandum provides policy direction to the U.S. Army Corps of Engineers (Corps) regarding the resourcing of Army Civil Works programs, projects and activities. This direction is needed to ensure a leaner and more nimble Corps that strategically utilizes the resources available both inside and outside of the agency to most efficiently deliver on its primary missions of flood and coastal storm risk management, commercial navigation, and restoration of nationally significant aquatic ecosystems in accordance with the goals and objectives of the President. This memorandum does not apply to the Regulatory, Flood Control and Coastal Emergency, and Formerly Utilized Sites Remedial Action Programs.

3. Bands of Emphasis: The President has clearly established public safety and economic development as priorities of his administration. Corps efforts must reflect those priorities when delivering the Civil Works Program. When assessing where to emphasize resource allocation to projects, Corps policy will be to prioritize using human capital and discretionary resources in the following order:

1. Protecting human life and safety (including emergency potable water)
2. Protecting Infrastructure economically or strategically significant to nation
3. Maintaining efficient navigation and minimizing disruptions to the supply chain
4. Protecting human property
5. Restoration of nationally significant aquatic ecosystems
6. Protecting state level infrastructure
7. Protecting municipal infrastructure

Work outside of these areas should be considered lesser priority and should generally be conducted by outside resources.

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SUBJECT: Prioritization of Effort in Planning, Design, and Construction of Infrastructure Across the Army Civil Works Program

4. Per references 1.a. and 1.b. above, the President has ordered that taxpayer dollars are to be used efficiently, improve services provided to Americans, and focus those services on Administration priorities by ensuring that government be optimally staffed to meet critical mission needs. The Corps has been reluctant to utilize resources outside of the Corps, or even within the Corps but outside of the district where a particular project may be located. This has resulted in inefficient project and program delivery. The Corps must modernize its project and program delivery by fully utilizing all options available. These include the following:

a. Leveraging Non-Federal Capabilities. Now more than ever local sponsors and non-Federal partners have significant technical expertise and resources that can allow them to more effectively address water resource problems without relying on the federal government. Several authorities are available (Section 203, Section 204, Section 1043 etc.) that allow capable non-Federal interests to conduct feasibility studies and implement projects with limited assistance from the Corps. My policy is to encourage and facilitate non-Federal interests pursuing solutions to their community's water resource problems through those authorities and local capabilities. Recently completed studies and projects have demonstrated the abilities of non-Federal interests to complete work at lower costs and shorter timelines.

b. Resourcing among Major Subordinate Commands (MSCs) and districts. There has historically been resistance among some districts and MSCs to share workload with outside districts. This has resulted in substantive inefficiencies in project and program delivery while unnecessarily increasing the size of the Corps workforce. Moving forward, Corps Headquarters must ensure that workload be directed to districts that have the available manpower and expertise to maximize project delivery. Doing so will reduce inefficient use of resources while ensuring that expertise is developed and maintained across the enterprise. My policy is that in instances where a district does not have the staff available to complete priority work, all opportunities to complete the work using existing Corps personnel from other districts must be pursued prior to hiring new staff or leveraging contracting capabilities. Hiring actions should not be the first choice as such hires increase Agency size and have lasting impacts.

c. Contracting. If it is not feasible for priority work to be completed by non-Federal interests or with existing staff, the Corps will look for all opportunities to utilize contracting resources for work that is not inherently governmental. See Federal Acquisition Regulation 7.503 (listing examples of functions considered to be inherently governmental functions). Additionally, my policy is that work not included as priority work in paragraph 3 such as environmental infrastructure, technical assistance studies, and comprehensive or watershed type planning that do not lead to implementable construction work will be accomplished by contractors as a first priority given the readily available private sector expertise. These and other non-priority efforts that are not inherently governmental will be contracted unless a compelling reason exists to

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SUBJECT: Prioritization of Effort in Planning, Design, and Construction of Infrastructure Across the Army Civil Works Program

complete the work in-house. If the Corps determines that such a reason exists, it must coordinate that decision with my office.

5. Initial Implementation Meeting. The Corps should provide me a briefing NLT 14 March 2026 addressing Corps plans for implementing this directive. In addition, quarterly briefings will be held thereafter to assess progress on these initiatives and ensure continued momentum on their ongoing implementation.

6. Questions regarding the policy in this memorandum should be directed to Robyn Colosimo, Deputy Assistant Secretary of the Army, Project Planning and Review at robyn.s.colosimo.civ@army.mil or (703) 614-3977.



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MEMORANDUM FOR COMMANDING GENERAL, U.S. ARMY CORPS OF
ENGINEERS

SUBJECT: Prioritization of Effort within the Army Civil Works Program

1. Background: The American Public's demand for Army Civil Works activity is outstripping supply by an extreme margin. To correct this deficiency, the program must be optimized for quality, speed, and cost to deliver actual infrastructure rather than decades of paperwork. To achieve this optimization, Army Civil Works and the U.S. Army Corps of Engineers must clearly articulate its priorities and hold Commanders accountability for their actual delivery. In recent years, the Corps has prioritized every effort all at once, which of course means there are no priorities and that we can mask lack of delivery with progress on paper. The net result of this approach is that each effort may make some regular incremental progress, but often by the time milestones are reached, conditions have changed, costs have escalated, and yet more paperwork is required. Our enterprise has demonstrated that it can do impossible things fast when it enters "Army Mode." The purpose of this memorandum is to empower Commanders to overcome this morass by establishing a clear process for prioritization of effort and accountability within the Army Civil Works portfolio. Allowing our Commands to enter "Army Mode" against clear priorities will ensure that the Corps can surge its limited resources to deliver infrastructure for the American Public right away rather than perpetuating paperwork and calling it progress.

2. Direction: I am directing a process to develop fully informed priorities for Army Civil Works. We already have in place an annual process for formulating the Army recommendation for consideration in the development of the President's Budget. This directive shall efficiently leverage the established rhythms of that process, but the purpose of this directive is not for budget formulation in and of itself. Resourcing is only one component of infrastructure delivery. Establishment of priorities should precede and inform budget formulation. This bottom-up process will begin at Corps districts. The process is as follows:

a. Each Corps District Commander will identify and rank order no fewer than five top priorities from their district.

b. These priorities will be forwarded to the respective Corps Division Commanders for review by 6 March 2026.

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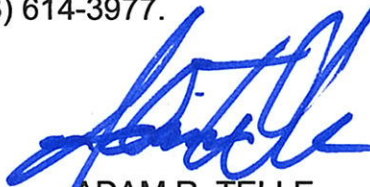
SUBJECT: Prioritization of Projects within the Army Civil Works Program

c. The Division Commanders will then rank order no fewer twenty top priorities to the Corps Headquarters by 13 March 2026.

d. Finally, the Chief of Engineers will review the recommendations and rank order no fewer than twenty priorities to be forwarded to the Assistant Secretary of the Army for Civil Works for concurrence by 20 March 2026.

3. I expect the Corps at all levels will consider the strategic national value of these efforts, to include protecting life, health and safety; enabling economic activity; and expanding the Civil Works program's reach to as many American communities as feasible. Commanders' judgement will be highly valued in this process, and recommendations should be appropriately informed by authorizations and appropriations made by law as well as stated Administration priorities, including those contained in the annual President's budget. This process will not only enhance transparency but also promote a collaborative approach in establishing priorities that are critical for delivering Civil Works efforts faster and in a more cost-effective manner. It is my hope that this type of structured focus will enable the Corps to surge expertise, personnel, and resources from across the enterprise to deliver for the public.

4. Questions regarding the policy in this memorandum should be directed to Robyn Colosimo, Deputy Assistant Secretary of the Army, Project Planning and Review at robyn.s.colosimo.civ@army.mil or (703) 614-3977.



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MEMORANDUM FOR COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

SUBJECT: Programmatic Direction on Processing Requests for Permission Under 33 U.S.C. § 408

1. References:

- a. Section 14 of the Rivers and Harbors Act of 1899, 33 U.S.C. § 408 ("Section 408").
- b. 33 C.F.R. Part 333, Processing of Department of the Army Permits and 33 U.S.C. 408 Permissions, National Environmental Policy Act Implementing Procedures.
- c. Engineering Circular 1165-2-220, Policy and Procedural Guidance for Processing Requests to Alter U.S. Army Corps of Engineers Civil Works Projects Pursuant to 33 USC 408 (Sept. 10, 2018).

2. Purpose: The purpose of this memorandum is to provide direction to the U.S. Army Corps of Engineers (Corps) to codify the overall procedures for the consideration of requests for permission under Section 14 of the Rivers and Harbors Act of 1899, 33 U.S.C. § 408 (Section 408) and to develop nationwide categorical permissions to streamline the review process for appropriate categories of activities.

3. Background:

a. The Corps decision to issue or deny a Section 408 permission is based on a determination of whether the temporary or permanent "occupation or use will not be injurious to the public interest" and whether the occupation or use "will . . . impair the usefulness of such work." 33 U.S.C. § 408(a). The Corps follows an internal policy document for handling requests for permission, Ref. c., and regulations in the Code of Federal Regulations (CFR) for National Environmental Policy Act (NEPA) compliance, Ref. b.

b. For at least the last five decades, the Corps has provided a streamlined authorization process for certain categories of activities under another provision of the Rivers and Harbors Act of 1899, Section 10. 33 U.S.C. § 403; 33 C.F.R. § 330.1(g). The Corps internal policy for implementing Section 408 allows for the establishment of similarly streamlined authorizations under the Section 408 authority, which it identifies

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SUBJECT: Programmatic Direction on Processing Requests for Permission Under 33 U.S.C. § 408

as “categorical permissions.” Ref. c at Para. 8.b. & Appendix C. The Corps has taken regional approach and has issued categorical permissions for certain activities within a Corps Division. See e.g. Regional Categorical Permission for Section 408 Requests, U.S. Army Corps of Engineers Great Lakes and Ohio River Division (Sept. 2023); Regional Categorical Permission for Section 408 Requests, U.S. Army Corps of Engineers South Pacific Division (March 2025).

4. Direction:

a. President Trump highlighted the significant compliance costs borne by the American public in “synthesizing the collective meaning not just of formal regulations but also rules, memoranda, administrative orders, guidance documents, policy statements, and interagency agreements that are not subject to the Administrative Procedure Act.” Executive Order 14192, Unleashing Prosperity Through Deregulation, Sec. 1, 90 Fed. Reg. 9065 (Jan. 31, 2025). Army Civil Works took a significant first deregulatory step by codifying how the Corps would implement NEPA when making permission decisions under Section 408. Ref. b. I am directing the Corps to take the next step and, following the Administrative Procedure Act’s requirements, codify the procedures for requesting permission that currently only exist in an Engineering Circular. See 33 U.S.C. § 408(c)(1)(Water Resource Development Act of 2024 amending Section 408 requiring “the Secretary shall establish clear, concise, and specific guidance [for Section 408] to be used within the Corps of Engineers and by non-Federal entities developing applications for permission standardizing the review process across Districts”). The effort I am directing was included as part of the Spring 2025 Unified Agenda of Regulatory and Deregulatory Actions under Regulatory Identification Number 0710-AB22.¹ These procedures should identify ways to ease the regulatory burden on the public and ensure that we only require permissions as specifically authorized by Congress in 33 U.S.C. § 408(a).

b. Responding to the nation’s critical energy need, President Trump has directed federal agencies to “undertake all available efforts to eliminate all delays within their respective permitting processes, including through, but not limited to, the use of general permitting and permit by rule.” Executive Order 14154, Unleashing American Energy, Sec. 5(d), 90 Fed. Reg. 8353 (Jan. 20, 2025). As categorical permissions under Section 408 are synonymous with “general permitting and permit by rule,” I am directing the Corps to expand the use of categorical permissions focusing first on nationwide categorical permissions and then determining how regional or district specific categorical permissions can complement the nationwide permissions (specifically how they could be used to facilitate a requestor’s Endangered Species Act and National Historic Preservation Act compliance). Additionally, the Corps should consider how categorical

¹ <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202504&RIN=0710-AB22>

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SUBJECT: Programmatic Direction on Processing Requests for Permission Under 33 U.S.C. § 408

permissions could facilitate non-Federal hydropower development and investment at Corps projects.

c. As a matter of policy, I am directing that the nationwide categorical permissions shall be included as part of the rulemaking process codifying the Section 408 procedures. The categorical permissions will ultimately be an appendix to the codified procedures.

d. I am directing the Corps to prioritize this effort and to provide bi-weekly updates to the Office of the Assistant Secretary of the Army for Civil Works.

5. The point of contact for this memorandum is Mr. Milton Boyd, Acting Deputy Assistant Secretary of the Army (Policy and Legislation). He may be contacted at milton.w.boyd.civ@army.mil or (703) 693-3655.



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MEMORANDUM FOR COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

SUBJECT: Propelling Project Delivery through Early Actionable Increments for complex water resources problems

1. References:

a. SACW memorandum (Implementation Guidance for Section 1001 of the Water Resources Reform and Development Act of 2014, Vertical Integration and Acceleration of Studies as amended by Section 1330(b) of the Water Resources Development Act of 2018), 8 March 2019.

b. Policy Memo: Prioritization of Effort in Planning, Design, and Construction of Infrastructure Across the Army Civil Works Program

c. Policy Memo: Realignment of the Investigation Phase and Federal Interest Determination to Ensure Effective Use of Federal Resources

2. Purpose: This memo provides policy direction to the U.S. Army Corps of Engineers (Corps) for propelling overall project delivery through early actionable increments for complex water resources problems. Comprehensive solutions to complex water resources problems or large geographies can take more than a decade to study, exceeding statutory cost and limits while conditions on the ground progressively deteriorate. Studies that exceed statutory or policy limits leave communities at risk for an unacceptable period while solutions are being endlessly studied. Delivering timely solutions to communities in need, is a fundamental underpinning of the Civil works program.

a. Complex water resources problems. It is imperative that the Corps investigations, no matter the complexity or involved geography, be completed within 3 years and \$3M, to drive project implementation and realization of project benefits. Requests for additional resources beyond 3 years and \$3M should be by exception only and within the limits established by law (4 years and \$5M). To ensure resources are focused on projects that will deliver tangible benefits to the American people, it is imperative that studies are scoped to focus on solutions that can be reasonably implemented in a timely manner. While there are several criteria that can lead to a study being considered complex, it is my intent that the bar for meeting these criteria be set high and that studies that meet one or more of these criteria be few and far between. Comprehensive studies may be classified as complex but should be limited in scope such that they can be completed within 3 years and 3M unless specific language is provided by Congress.

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SUBJECT: Complex Studies: Propelling Project Implementation

Before requesting additional time or funding beyond the existing legal limits, the Corps must address following factors from Section 1001 of the Water Resources Reform and Development Act of 2014, as amended, to be considered for additional time and money. These factors are:

1. the type, size, location, scope, and overall cost of the project;
2. whether the project will use any innovative design or construction techniques;
3. whether the project will require significant action by other Federal, State, or local agencies;
4. whether there is significant public dispute as to the nature or effects of the project; and
5. whether there is significant public dispute as to the economic or environmental costs or benefits of the project.

b. **Design Maturity.** I support LTG Graham's initiative for improving design maturity for investigations, provided the time to achieve such standards does not unnecessarily extend the timeframe for completing studies. Design maturity alone should not be considered a criterion for complexity or a reason to request additional time and/or funding.

c. **Early Actionable Elements.** In the rare circumstance that statutory time and cost limits cannot be met for complex studies, the Corps is directed to propel project delivery through identification of early actionable increments. These early action efforts should be focused on those elements that can be implemented within 3 years and \$3M and that provide the most significant benefits to communities. For example, early actionable elements may include measures to reduce risk to critical infrastructure or national defense, reduce life safety risk, and preserve evacuation routes. Early actionable elements should be identified early in the study process and coordinated with my office.

3. **Initial Implementation Meeting.** The Corps should provide me a briefing NLT 31 March 2026, addressing Corps implementation of this directive. In addition, quarterly briefings will be held thereafter to assess progress on these initiatives and ensure continued momentum on their ongoing implementation.

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SUBJECT: Complex Studies: Propelling Project Implementation

4. Questions regarding this implementation guidance should be directed to Robyn Colosimo, Deputy Assistant Secretary of the Army, Project Planning and Review at robyn.s.colosimo.civ@army.mil or (703) 614-3977.



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FEB 23 2026

MEMORANDUM FOR COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

SUBJECT: Realignment of the Investigation Phase and Federal Interest Determination to Ensure Effective Use of Federal Resources

1. Reference SACW memorandum (Prioritization of Effort Within the Army Civil Works Program), 23 February 2026.

2. Background: The purpose of this memorandum is to provide policy direction on the Civil Works investigation phase, inclusive of Preconstruction Engineering and Design, to optimize U.S. Army Corps of Engineering (Corps) resources, while capitalizing on authorities, as well as non-Federal partner and contractor capabilities to propel building water resources infrastructure that benefits Americans. Authorization studies are costly and take too long. Delays in completing studies unnecessarily increases study costs while allowing water resources issues to compound. The Water Resources Development Act of 2024 tripled the number of authorized feasibility studies placing additional demands on the oversubscribed investigations portfolio, amplifying the need for judicious use of limited federal resources and other mechanisms to advance implementable solutions.

3. Policy: My intent is to focus Corps expertise on developing and implementing feasible solutions to the nation's toughest navigation, flooding and ecosystem challenges while leveraging non-Federal and contracting capabilities to advance implementable solutions. Early involvement by the Office of the Assistant Secretary of the Army for Civil Works (OASA(CW)) is key to ensuring investigations are properly scoped, compliant with law and emerging policy, and focused on solving problems related to the Corps primary mission areas. To provide more efficient delivery of studies in alignment with Administration goals, the following actions must be undertaken:

a. Federal Interest Determination and Scoping Concurrence: For all new (FY26) investigations, it is imperative that the likelihood of Federal interest be determined before feasibility study scope, budget and timeline are developed. Specifically, a Federal Interest Determination (FID) must be completed within 45 days at a cost of no more than \$100,000 and should consider leveraging contracting resources. The purpose of the FID is to determine if the project falls under the core mission areas of flood risk management, navigation, and aquatic ecosystem restoration and to confirm there is one reasonable alternative that, if investigated through a feasibility study, is likely to result in a water resources development project being recommended for congressional authorization. The determination of Federal Interest should be based on

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SUBJECT: Realignment of the Investigation Phase and Federal Interest Determination to Ensure Effective Use of Federal Resources

an assessment of whether a potential alternative exists that is reasonably likely to produce economic, social, and environmental benefits that when considered in totality will exceed anticipated costs in accordance with law and published FID guidance. Equal consideration should be given to those communities considered economically disadvantaged as defined in the Implementation Guidance for Section 160 of WRDA 2020 (33 U.S.C. 2201). Lastly, the FID should confirm that a potential non-Federal sponsor exists that has the legal and financial capability to meet all project implementation requirements, to include providing the necessary real estate and non-Federal cost share, as well as the capability to meet all operation, maintenance, repair, replacement and rehabilitation responsibilities. If Federal interest is not substantiated, the non-Federal interest (NFI) will be provided notice and apprised of available cost-shared technical assistance authorities to aid in further advancing water resources solutions for local implementation. If Federal interest is affirmed, the OASA(CW) will review findings and assure alignment with Administration policy and priorities prior to the Corps preparing an estimate of scope, schedule and budget for completing a feasibility level investigation. Following OASA(CW) concurrence in the FID, the Corps will work with the NFI to develop the scope, schedule and budget for an investigation in compliance with established law and policy, encompassing any direction provided by OASA(CW). Exceptions to policy at any juncture in an investigation will be rare, and upfront. Any matter involving policy issues, unique circumstances, or controversial matters should be forwarded to my office immediately for resolution. OASA(CW) concurrence on scope is a firm requirement designed to aid in the appropriate policy direction of each study and enable delivery of policy compliant products.

b. Preconstruction Engineering and Design (PED). Prior to the initiation of PED, the Corps will brief the OASA(CW) the PED scope to ensure concurrence on effort and any potential policy requirements. At any juncture during PED, if the District determines that the recommended plan requires reinvestigation or remodeling of the proposed project and may require a general or limited reevaluation report, upfront OASA(CW) concurrence on the study scope is required prior to initiating work.

c. Maximize use of enterprise resources and contracting resources. Approved investigation studies are an enterprise activity that require an enterprise solution while being managed within an area of responsibility. District Commanders need to work with in-house and contracting resources enterprise-wide to advance work in alignment with approved scopes and statutory cost and time limits. Policy waivers for time and costs are unlikely and are discouraged. Overarchingly, the Corps should consider expanding the use of contracting services to augment in-house staff, in lieu of hiring, particularly for work outside of the priority mission areas of navigation, flood risk management, and restoration of nationally significant ecosystems.

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SUBJECT: Realignment of the Investigation Phase and Federal Interest Determination to Ensure Effective Use of Federal Resources

d. Line-Item Reviews and Investigation Reset. I applaud the recent effort to review the existing investigations portfolio to ensure ongoing work aligns with Administration priorities and available resources, including non-Federal capabilities and contracting resources, so that the Corps can effectively deliver products within legislated timelines. As a rule, investigations are expected to be complete within the current allocated budgets and timeline commitments. Time and funding for investigations should be limited to three years and \$3M with exceptions that exceed those limits being rare, therefore, requests for additional time and funding are discouraged. Project Delivery Teams (PDTs) must consider rescoping or resetting any study effort that exceeds approved parameters. If a study is paused for more than the approved time, the current study effort will be terminated. A briefing of the active investigation portfolio review is requested no later than 31 March 2026.

e. Investigation Milestone Review. I am directing the Corps to assess the current investigations milestone structure to determine opportunities for materially streamlining the investigation processes. The intent is reenvisioning the need and purpose of the current Planning milestones (Alternatives, Tentatively Selected Plan, and Command Validation milestones) to ensure that milestone meetings propel work at every juncture. The Corps will report to the OASA(CW) by 31 March 2026, with a recommendation for action.

f. Assessment of Current Review Requirements. I am directing the Corps to assess its current review policies, both internal and external to the agency, and to identify opportunities to streamline, consolidate, and eliminate outdated or ineffective policies and procedures. The effort is not limited to Civil Works planning but encompasses the entire life cycle from investigation, construction, and operation and maintenance, to include Independent External Peer Review and Safety Assurance Reviews by Outside Eligible Organizations. An initial briefing shall occur NLT 31 March 2026.

4. Briefing and Implementation. USACE will provide my office a briefing of the effort to complete this directive within 15 days of the date of this memorandum and quarterly thereafter until these measures build momentum and implementation is achieved.

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SUBJECT: Realignment of the Investigation Phase and Federal Interest Determination
to Ensure Effective Use of Federal Resources

5. Questions about the policy in this memorandum should be directed to Ms. Robyn Colosimo, Deputy Assistant Secretary of the Army, Project Planning and Review at 703-614-3977 or robyn.s.colosimo.civ@army.mil.



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FEB 23 2026

MEMORANDUM FOR COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

SUBJECT: Section 902 Reassignment – Reallocation Strategy

1. References:

- a. Section 902(b) of the Water Resources Development Act (WRDA) of 1986.
- b. Engineering Regulation 1105-2-100. Planning Guidance Notebook, Appendix G, Amendment #1, dated June 30, 2004.
- c. SACW Memorandum (Life Cycle Cost Management on Civil Works Projects), 20 February 2013.
- d. Army Corps of Engineers – Civil Works FY 2026 Budget Passback from the Office of Management and Budget dated April 10, 2025.
- e. SACW Memorandum (Realignment of the Investigation Phase and Federal Interest Determination to Ensuring Effective Use of Federal Resources), 23 February 2026.

2. Purpose: This memorandum provides policy direction to the U.S. Army Corps of Engineers (Corps) regarding the resourcing of Army Civil Works Construction projects that are projected to exceed the WRDA 1986 Section 902 limit (902 limit) in accordance with the goals and objectives of the President.

3. Background. Per reference 1.c above, the Office of Management and Budget (OMB) directed that, if a project cost estimate is determined to likely exceed the 902 limit after funding to begin construction has been appropriated, then the Corps must reallocate the administrative oversight funding to a different district for supervision and management of the project. Section G-15 of reference 1.b provides instructions on how to calculate the maximum project cost allowed by Section 902.

4. To meet OMB's objectives while limiting disruptions to project execution, within 60 days of the Corps' determination that the maximum project cost is projected to exceed the 902 limit, the Chief of Engineers shall transmit to my office a business case that enumerates the benefits and challenges for each of the following three alternatives, an evaluation of the three alternatives, and, finally, the recommended course of action and how the Corps intends to manage the project and control costs. The memorandum must

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SUBJECT: Section 902 Reassignment – Reallocation Strategy

also identify any concerns with any of the alternatives violating the Anti-Deficiency Act. The three alternatives are:

- a. Continue with the same project delivery team.
- b. Reassign the project to a new project delivery team within the district.
- c. Reassign the project to a project delivery team in another district.

5. Scope of Analysis. In addition to the items required in paragraph 4, the Corps should provide a scope of work describing the requirements of any post authorization change report (PACR). This should include a description of any engineering, economic, or environmental work and associated modeling required to complete the PACR. The information provided in the PACR shall conform to reference 1.e. My office will review and provide concurrence on that scope.

6. Initial Implementation Meeting. The Corps should provide me a briefing NLT 14 March 2026 addressing Corps plans for implementing this directive. In addition, this topic will be covered in the quarterly Construction execution meetings to assess progress on this initiative and ensure continued momentum on its ongoing implementation.

7. Questions regarding the policy in this memorandum should be directed to Stacey Brown, Deputy Assistant Secretary for the Army, Management and Budget, at stacey.e.brown.civ@army.mil or (703) 695-1376.



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FEB 23 2026

MEMORANDUM FOR COMMANDING GENERAL, U.S. ARMY CORPS OF
ENGINEERS

SUBJECT: Smarter Real Estate Acquisition

1. Reference SACW memorandum (Prioritization of Effort Within Army Civil Works Program), 23 February 2025.

2. Background: Current real estate policies are rigid, complicating real estate acquisition and unnecessarily increasing project costs and implementation timelines. Timely and cost-effective acquisition of necessary real estate is crucial for the successful delivery of Civil Works projects and outdated real estate policies and practices must be modernized. Real estate accounts for approximately one-third of the Civil works program costs and, it is vitally important that modernized policy drive down costs by providing flexibility in obtaining real estate and incentivizing early real estate acquisition. Overarching, real estate acquisition needs to be more should be flexible and nimble, not inflexible and process-heavy. This will align with Administration priorities as well as recently enacted congressional direction.

3. Policy Directive: The Corps will review and update real estate policy and procedures to eliminate unnecessary bureaucracy, provide overdue flexibility and incentivize early acquisition by non-federal sponsors. The following five areas of focus encapsulates my top concerns:

a. Non-Federal Sponsor Perspectives: The Corps will consult with non-Federal Sponsors to ascertain external experiences with the Corps current real estate policies and procedures. Concurrently, the Corps will solicit recommendations for improvements that would streamline non-Federal sponsor real estate acquisition, reduce administrative burdens, and remove barriers to successful project real estate acquisition. This outreach will include a discussion on how to incentives non-Federal sponsors in early real estate acquisition.

b. Types of Real Estate Needed: The Corps will evaluate the types of real estate instruments required for the various Civil Works mission areas (e.g., flood risk management, navigation, ecosystem restoration) and identify areas for materially streamlining acquisition processes. The Corps will review flexibility in allowing for different types of real estate instruments beyond fee simple, wherever possible and balance Enterprise-wide risk with non-federal sponsor risk. Particular attention should be given to only requiring the minimum interest in real property necessary to support the water resource development project. See 33 U.S.C. § 598a(a)(addressing property

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SUBJECT: Smarter Real Estate Acquisition

acquisition for water resources development projects); Implementation Guidance for Section 1115, Water Resource Development Act of 2018, Property Acquisition (April 12, 2019). This can include seeking my office's approval for not requiring restrictions on human habitation in flowage easements as appropriate. See Policy Guidance Letter No. 32, Use of Corps Reservoir Flowage Easement Lands at para. 3.c. (April 1993)(outlining considerations for requesting the Assistant Secretary of the Army for Civil Works to release restrictions on human habitation in flowage easements); see also U.S. Army Corps of Engineers, Memorandum, Subject: Guidance for Induced Flooding (July 28, 2025)(addressing takings analysis for slight, temporary, or intermittent induced flooding in light of recent court decisions, including *Ideker Farms v. United States*, 71 F.4th 964 (Fed. Cir. 2023)). The Corps real estate team will reach out to the railroad industry to determine how we can reach a more mutually agreeable real estate decision in current and future agreements.

c. Timing of Acquisition and Actions: Current policy for real estate acquisition is end loaded and risk averse such that the Federal government's investment in the project is contingent on non-Federal sponsor securing property. Generally, this approach is not serving the Federal nor the non-federal governments interests. The Corps must consult with the non-federal sponsor to determine how best to manage financial and schedule risk. The Corps will analyze the current timelines for real estate acquisition and identify opportunities to accelerate the process while maintaining compliance with applicable laws and regulations. Further, the Corps will examine the feasibility of providing the non-Federal sponsor with greater flexibility in managing the real estate acquisition schedule, particularly in relation to project milestones and federal funding availability.

d. Budget and Crediting Process: The Corps will review the processes for appraisals, budgeting, and the crediting non-Federal sponsor's real estate contributions. The Corps will identify areas for increased transparency and predictability in the appraisal and crediting process. The Corps will evaluate the potential for simplified cost-sharing arrangements and innovative financing mechanisms that incentivize non-Federal sponsor participation in real estate acquisition.

4. Briefing and Implementation. The Corps will provide my office a briefing of the effort to complete this directive within 15 days of the date of this memorandum and quarterly thereafter until these measures build momentum and implementation is achieved. Updates to Engineering Regulations or other policy documents will be completed within 180 days.

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SUBJECT: Smarter Real Estate Acquisition

5. Questions about the policy in this memorandum should be directed to Ms. Robyn Colosimo, Deputy Assistant Secretary of the Army, Project Planning and Review at 703-614-3977 or robyn.s.colosimo.civ@army.mil.



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FEB 23 2026

MEMORANDUM FOR COMMANDING GENERAL, U.S. ARMY CORPS OF
ENGINEERS

SUBJECT: Use of Ship Simulation in Navigation Project Design

1. References:

- a. EM 1110-2-1613: Hydraulic Design of Deep Draft Navigation Projects, May 31, 2006
- b. EM 1110-2-2602 Planning and Design of Navigation Locks, September 30, 1995
- c. EM 1110-2-1611 Layout and Design of Shallow-Draft Waterways, December 31, 1980

2. Purpose: This memorandum provides policy direction to the U.S. Army Corps of Engineers (Corps) regarding the use of ship simulation in designing Army Civil Works navigation projects. This direction is needed to ensure the Corps fully utilizes the best available resources in designing navigation projects to ensure safety, promote efficiency, and increase capacity of dredges. In particular, it is intended to ensure that the actual needs of harbor pilots are captured and reflected in project designs such that projects are not overdesigned or overbuilt. Overbuilding of navigation projects has resulted in unnecessary project costs while preoccupying dredges from being available for other priority dredging efforts across the navigation portfolio.

3. As soon as possible in the design process, the Corps shall, unless a waiver is approved by me, use navigation ship simulation conducted by marine pilots and/or other marine professionals to assist in the design of navigation channels. In addition to using ship simulation in the design of deep draft navigation projects, the Corps shall also, where appropriate, use simulation in the design of locks and other elements of the Inland Waterway's system. The Corps shall use its own simulation capability at the Engineering Research and Development Center and shall augment that capability by contracting with other organizations with suitable simulation capability such as the Maritime Institute of Technology and Graduate Studies operated by the Masters Mates and Pilots in Baltimore Maryland, the Simulation Training Assessment & Research Center operated by the American Maritime Officers Association in Dania Beach Florida, and the Marine Engineers Beneficial Association's Training Center in Easton Maryland.

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SUBJECT: Use of Ship Simulation in Navigation Project Desing

4. Memorandums of Agreement. Within 60 days from the date of this memo, the Corps shall enter into at least three memorandums of agreement with entities that have ship simulation capability to assist in the design of navigation projects. Partnering with these entities will ensure that navigation projects account for human factors and result in designs that are safe, usable, and avoid costly mid-construction re-design.

5. Briefing. The Corps should provide me a briefing NLT 75 days after the date of this memorandum which focuses on the status of the memorandums of agreement and any initial results from their implementation.

6. Questions regarding the policy in this memorandum should be directed to Robyn Colosimo, Deputy Assistant Secretary of the Army, Project Planning and Review at robyn.s.colosimo.civ@army.mil or (703) 614-3977.



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