

Reclamation Manual

Delegations of Authority

Subject:	Delegations of Authority
Purpose:	Delegates the Commissioner’s authority within the Bureau of Reclamation and establishes a process for further re-delegation of authority. The benefits of this release are increased transparency of delegations and an established process for more consistent re-delegations.
Authority:	5 USC 5757; 43 USC 377b; 5 CFR 2638.202 and 2638.204; 29 CFR 1614; 35 CFR 60.15(c); 36 CFR 60.9(d); 41 CFR 101-114S-60; Executive Orders (EOs) 11246 , 11375 , 11478 , 11701 , 13008 , 13087 , 13145 , 13152 , 13166 , and 13175 ; Equal Employment Opportunity Commission (EEOC) Management Directive (MD) 110 and 715 ; Departmental Manual (DM) 205 DM 8 and 17; 207 DM 5 and 6; 209 DM 3; 255 DM 1 and 2; 314 DM 1 and 9; 328 DM 1; 330 DM 3; 370 DM 451 and 711; 374 DM 6; 383 DM 15; 485 DM 2; 515 DM 4; 516 DM 3 and 14; 517 DM 1; 519 DM 1 and 2; 753 DM; Secretarial Orders (SOs) 3212, 3286, 3291, 3309, 3317, 3375; Departmental Personnel Bulletin Nos. 05-05, 06-01, 07-09, 09-11, 10-01, 14-02, 18-03, 19-16; Departmental Personnel Management Letter No. 91-6; Departmental Financial Management Memoranda (FMM) 2009-004 , 2009-057 , 2009-059 , 2010-021 , 2015-010 ; Department of the Interior Certification for Financial Assistance and Financial Assistance Appointment Policy (DOI-FAAP); Office of the Chief Information Officer (OCIO) Directive 2010-009 ; delegation agreement dated October 7, 2011, between the Department of the Interior’s Director of the Office of Youth in the Great Outdoors and Reclamation for Take Pride in America (TPIA); Department of the Interior <i>Directive Regarding Settlement Authority in Employment and Labor Matters</i> (July 9, 2018) ¹ , and General Services Administration (GSA) Order 1020.2 , Chapter 4.9.(h)(1)
Approving Official:	Commissioner
Contact:	Policy and Programs, Quality, Controls, and Standards Office (84-55000)

1. Introduction.

- A. The Secretary of the Interior and the Assistant Secretary for Water and Science (ASWS) delegate authority to the Commissioner in the DM, SOs, or other formal written documents. For specific citations, see the *Authority* Paragraph above and Paragraphs 4.A. through 4.U. of this release.

¹Contact the Civil Rights Division in Denver for a copy of this Directive.

Reclamation Manual

Delegations of Authority

- B. The authority to delegate the Commissioner's authority is restricted to the Commissioner or Acting Commissioner when the Commissioner position is vacant. All delegations of the Commissioner's authority must be issued in the Reclamation Manual (RM) Delegations of Authority component (this document). Only in instances when an interim delegation from the Commissioner is required, offices must work with Policy and Programs, Quality, Controls, and Standards Office (84-55000) to coordinate the development of an interim delegation which will expire within 1 year or be incorporated into the RM Delegations of Authority component (this document). Except as specifically authorized in this document (e.g., basis of negotiation approval memoranda), delegations of the Commissioner's authority shall not be issued in memoranda or in other components of the RM (i.e., Policies, Directives and Standards (D&Ss), or Temporary Reclamation Manual Release (TRMR) Policies or TRMR D&Ss). With the issuance of this Delegation of Authority component of the RM, all delegations of the Commissioner's authority contained in other RM releases, delegation memoranda, interim delegations, etc., are superseded except as provided in this release.
- C. All delegations of the Commissioner's authority must reference, and have as their basis, a delegation of authority that has been given to the Commissioner.
- D. The delegations in this RM release do not supersede or limit regulatory, EO, Office of Management and Budget, DM, or SO delegations of authority applicable to Reclamation.
2. **Applicability.** This release applies to all Reclamation employees. Employees must determine if Reclamation has authority to carry out provisions of law and, if so, who within Reclamation is delegated such authority.
3. **Delegation of Commissioner's Authority.**
- A. **Commissioner's Authority.** The delegations in this RM release do not renounce the Commissioner's authority; rather, the Commissioner reserves final authority to perform the functions and exercise the authority delegated in this RM release at any time.
- B. **Deputy Commissioner Authority.** The Deputy Commissioner is delegated the full authority of the Commissioner, including where the Commissioner has retained authority² in this document. The only exception to this exercise of authority, by the Deputy Commissioner, is in cases where delegation from the Commissioner is specifically prohibited by a higher authority (e.g., ASWS in 255 DM 1.4.).
- C. **Line Authority.** The line authority from the Commissioner to Reclamation deputy commissioners, and further to directors, regional directors, and senior level positions is

²The Deputy Commissioner can exercise but cannot re-delegate authority that is retained by the Commissioner in this document. In addition, individuals acting on behalf of the Deputy Commissioner are prohibited from exercising authority retained by the Commissioner.

Reclamation Manual

Delegations of Authority

not relinquished by the delegations made in this RM release. Unless otherwise prohibited, Reclamation deputy commissioners, regional directors, directors, and senior level positions are able, at their discretion, to re-delegate the authority delegated to them in this release.

D. General Delegation to Regional Directors. Unless otherwise noted below, the regional directors are delegated the authority of the Commissioner in 5 USC 5757; 43 USC 377b; 5 CFR 2638.202 and 2638.204; 29 CFR 1614; 35 CFR 60.15(c); 36 CFR 60.9(d); 41 CFR 101-114S-60; EOs 11246, 11375, 11478, 11701, 13087, 13145, 13152, 13166, and 13175; EEOC MD 110 and 715; 205 DM 17; 207 DM 5 and 6; 255 DM 1 and 2; 314 DM 1 and 9; 328 DM 1; 330 DM 3; 370 DM 451; 374 DM 6; 383 DM 15; 485 DM 2; 515 DM 4; 516 DM 14; 517 DM 1; 519 DM 1 and 2; 753 DM; SOs 3212, 3286, 3291, 3309, 3317, 3375; Departmental Personnel Bulletin Nos. 05-05, 06-01, 07-09, 09-11, 14-02, 18-03, 19-16; Departmental Personnel Management Letter No. 91-6; FMM 2009-004; OCIO Directive 2010-009; and GSA Order 1020.2, Chapter 4.9.(h)(1).

- (1) The delegation of the Commissioner's authority to the regional directors in Paragraph 3.D. of this RM release is subject to the limitations in such laws, regulations, EOs, DM chapters, and Departmental bulletins, letters, and memoranda.
- (2) Paragraphs 4.A. through 4.U. of this RM release contain one or more of the following exceptions or limitations to the delegation of authority to the regional directors:
 - (a) the Commissioner retains authority;
 - (b) the Commissioner limits further re-delegation; and/or
 - (c) the Commissioner delegates authority to positions other than, or in addition to, the regional directors.
- (3) See Appendix A for a list of authorities that are considered delegated to the Commissioner in 255 DM 1. Appendix A also identifies exceptions and limitations to the delegations in 255 DM 1 and 2, and this release.
- (4) See Appendix B for an index of Reclamation positions to which authority is delegated or retained in this release.

E. Further Re-delegation of Authority. The authority delegated in this release may be further re-delegated unless otherwise prohibited. The delegations of the Commissioner's authority in Paragraphs 4.A. through 4.U. of this RM release are

Reclamation Manual

Delegations of Authority

subject to the limitations in such laws, regulations, EOs, DM chapters, and Departmental bulletins, letters, and memoranda.

- (1) All further re-delegations of authority pursuant to this release must:
 - (a) be in writing;
 - (b) reference, and have as their basis, a delegation to the Commissioner and a delegation in the RM Delegations of Authority (this document); and
 - (c) be maintained by the issuing office as the official delegation document with a copy sent to the Director, Policy and Programs (attention 84-55000).
- (2) Unless specifically prohibited in this release or subsequent written re-delegations pursuant to this release, personnel acting on a temporary short-term basis for the positions delegated authority in this release or subsequent re-delegations are delegated the authority of the positions for which they are acting. Prohibitions do not apply to personnel acting on a long-term basis (e.g., when a position is vacant). (See example of such prohibition in Paragraphs 4.Q.(2)(a) and (b).)

4. **Exceptions and Limitations to Delegation to the Regional Directors.** The following paragraphs identify exceptions and limitations to the authority delegated to the regional directors in Paragraph 3.D. of this release. The limitations and exceptions are categorized by the following RM release series categories which have been listed in alphabetical order:

Administrative	Program
<u>ACM Acquisition and Financial Assistance Management</u>	<u>CMP Comprehensive</u>
<u>ADM Administrative Management</u>	<u>ENV Environmental Management</u>
<u>BGT Budget Management</u>	<u>FAC Project Planning and Facility Operations, Maintenance, and Rehabilitation</u>
<u>CRM Civil Rights Management</u>	<u>LND Land Management and Development</u>
<u>ETH Ethics</u>	<u>LON Loans, Grants, Rehabilitation and Betterment, and Distribution</u>
<u>FIN Financial Management</u>	<u>NIA Native American and International Affairs</u>
<u>HRM Human Resources Management</u>	<u>PEC Program Economics, Revenues, and Contracts</u>
<u>IRM Information Resources Management</u>	<u>RES Research, Testing, and Technical</u>
<u>PRM Property Management</u>	<u>SLE Security and Law Enforcement</u>
<u>RCD Records Management</u>	<u>WTR Water Management and Development</u>
<u>SAF Safety Management</u>	

Reclamation Manual

Delegations of Authority

- A. **Acquisition and Financial Assistance Management (ACM).** The following are the exceptions or limitations to the delegation of authority to the regional directors under this series of the RM.
- (1) **Acquisitions.**
- (a) **Head of the Contracting Activity (HCA).** The Director, Mission Support Organization is delegated the authority and is designated as Reclamation's HCA for procurement and contracting activities (255 DM 2.1.H.). The Department of the Interior Acquisition Regulation (DIAR) defines the HCA as the assistant or associate administrative head of each bureau that has overall responsibility for managing contracting (DIAR 1402.101). Unless prohibited by the Federal Acquisition Regulation (FAR), the HCA may re-delegate the following authority to the Bureau Procurement Chief (BPC). **The BPC cannot re-delegate the following authority:**
- (i) approval of a time-and-materials contract type prior to execution of the base period when the base period plus any option periods exceed 3 years (FAR 16.601(d)), and
- (ii) approval of an incentive- or award-fee contract type (FAR 16.401(d)).
- (b) **BPC.** The BPC is appointed by the Department and is defined in DIAR as the senior general schedule (GS) 1102 official in a bureau (DIAR 1402.101). The BPC may only be appointed to another individual by the Department's Director of Acquisition and Property Management (DIAR 1401.4). Only the BPC has the authority to:
- (i) delegate contracting officer authority for individuals to enter into contracts on behalf of the Government (FAR 1.603, DIAR 1401.603, WBR 1401.603, and the Department's Contracting Officer Certificate of Appointment Program Manual);
- (ii) appoint the Chief of the Contracting Office (CCO) for each region and Denver;
- (iii) recommend Federal Acquisition Certification in Contracting and Federal Acquisition Certification for Program and Project Managers certifications for Department approval and issuance; and
- (iv) approve and issue Federal Acquisition Certification for Contracting Officer Technical Representatives certifications.

Reclamation Manual

Delegations of Authority

- (c) **CCO.** The CCO is responsible for the overall integrity of the acquisition program for his or her region or Denver. The CCO is responsible for exercising the authorities delegated to him or her by the BPC. The CCO is defined as the senior GS-1102 in each regional contracting office and the Denver Office Acquisition Operations Group (DIAR 1402.101, WBR 1402.101).
 - (d) **Information Technology.** See Paragraph 4.J.(2) for specific delegations related to approving the procurement of information technology.
- (2) **Financial Assistance.**
- (a) **Head of Financial Assistance Activity (HFAA)s.** The Director, Mission Support Organization is delegated the authority and is designated as Reclamation's HFAA for the award and administration of financial assistance agreements (i.e., grants and cooperative agreements). The DOI-FAAP defines the HFAA as the bureau Senior Executive Service (SES) position responsible for financial assistance. This delegation is specifically limited to the award and administration of financial assistance agreements under the statutory authorities delegated by the Secretary and ASWS to the Commissioner (255 DM 1.1.A.). **The authority of the HFAA can only be re-delegated to the Bureau Financial Assistance Chief (BFAC).**
 - (b) **BFAC.** The BFAC is designated by the HFAA and defined in the DOI-FAAP as a senior bureau employee with financial assistance authority. Only the HFAA and the BFAC have the authority to:
 - (i) delegate financial assistance officer authority to individuals (not positions) to sign and administer financial assistance agreements on behalf of Reclamation, subject to the requirements within RM D&S, *Requirements for Award and Administration of Financial Assistance Agreements (Grants and Cooperative Agreements)* ([ACM 01-01](#)); Reclamation, Departmental, and Government-wide policies and procedures applicable to financial assistance; and any monetary or other limitations that may be imposed; and
 - (ii) recommend Financial Assistance Certification for Department approval and issuance.
 - (c) **Fish and Wildlife Coordination Act.** See Paragraph 4.F.(2) which addresses delegations for grants and agreements entered into under this authority.

Reclamation Manual

Delegations of Authority

(d) **TPIA Program.**

- (i) The Deputy Commissioner is delegated the authority to approve all activities and funding for the TPIA Program (delegation agreement dated October 7, 2011, delegating this authority from the Department's Director, Office of Youth in the Great Outdoors, through ASWS, to the Commissioner). **The authority of the Deputy Commissioner can only be re-delegated to the Chief, Public Affairs and cannot be re-delegated.**
- (ii) Pursuant to the Deputy Commissioner's approval of the TPIA activity and funding as required in Paragraph 4.A.(2)(c)(i), the Director, Mission Support Organization is delegated the authority to award and administer financial assistance agreements pursuant to the TPIA Act (delegation agreement dated October 7, 2011, delegating this authority from the Department's Director, Office of Youth in the Great Outdoors, through ASWS, to the Commissioner). **The authority of the Director, Mission Support Organization can only be re-delegated to designated grants officers.**

- (e) **United States v. Grants Pass Irrigation District.** The Columbia-Pacific Northwest Regional Director is delegated the authority in Title II, Section 220 of the Energy and Water Development Appropriations Act, 2004, December 1, 2003 (Pub. L. 108-137; 117 Stat. 1853), to implement and enter into financial assistance or other agreements as may be necessary to undertake such activities identified for implementation (including construction) generally in accordance with Section III of, and the Pumping/Dam Removal Plan as defined in, United States District Court Consent Decree *United States, et al., v. Grants Pass Irrigation District, Civil No. 98-3034-HO* (August 27, 2001) (255 DM 1.1.A.). **The authority of the Columbia-Pacific Northwest Regional Director can only be re-delegated to designated grants officers.**

B. **Administrative Management (ADM).** The following are the exceptions or limitations to the delegation of authority to the regional directors under this series of the RM.

- (1) **Conferences.** The deputy commissioners, directors, regional directors, and senior level positions are delegated the authority to approve conferences, hosted or co-sponsored by their organizations or attended by their staff, that do not meet the criteria requiring Department approval (see RM D&S, *Approval, Reporting and Related Activities for Conferences* ([ADM 04-01](#)) and FMM 2015-010).

Reclamation Manual

Delegations of Authority

(2) **Publication Printing and Distribution.**

- (a) The Department's Office of Communications is delegated the authority to approve all publications that contain a Secretarial message, signature, or Departmental policy considerations (314 DM 1.5.D.(5)).
- (b) The Chief, Public Affairs is delegated the authority to approve publications of a Reclamation-wide nature and all those costing \$50,000 or more in total production and distribution costs (314 DM 1.7).
- (c) The deputy commissioners, regional directors, directors, and senior level positions are delegated the authority to approve publications that are printed in one, two, or more colors of ink, including four-color process, and that cost less than \$50,000, so long as the publications do not involve items containing a Secretarial message or are Reclamation-wide in nature (314 DM 1.7).
- (d) Except for items either containing a Secretarial message or involving Reclamation-wide activities, the area managers are delegated the authority to approve publication of fact sheets, posters, flyers, site-specific brochures, and newsletters for public involvement studies, along with other publications that involve only local considerations, use one or two colors of ink, and cost \$10,000 or less in total production and distribution expenses (314 DM 1.7).

(3) **Travel and Transportation.**

- (a) **Relocation Expense Allowances (Permanent Change of Station).** The deputy commissioners, regional directors, directors, and senior level positions are delegated the authority to authorize and approve relocation expense allowances for permanent changes of station (255 DM 2.1.J.). See Paragraph 4.I.(1)(b)(iii) for relocation incentive delegations.
- (b) **Evacuation of Families of Civilian Employees.** The deputy commissioners, regional directors, directors, senior level positions, and area managers are delegated the authority to designate the zones from which the immediate families of civilian employees must be evacuated for military or other causes which create imminent danger to life or property, or adverse living conditions seriously affecting the health, safety, or accommodation of said families (255 DM 2.1.J.).
- (c) **Travel Authorization and Temporary Duty Travel.**
 - (i) **Temporary Duty Travel Allowances.** Deputy commissioners, regional directors, directors, senior level positions, and supervisors are delegated the authority to authorize and approve temporary duty travel allowances

Reclamation Manual

Delegations of Authority

except as limited in 205 DM 15.5.B., 15.5.C., 15.5.D., 15.6, 15.7, and 15.8 (255 DM 2.1.J.) and FMM 2009-057, 2009-059, and 2010-021.

- (ii) **First Class Travel.** The Secretary; the Assistant Secretary of Policy, Management and Budget (PMB); and Director of the Office of Financial Management (PFM) retain the authority to approve First Class travel³.
- (iii) **Business Class Travel.** The Deputy Commissioner, Policy, Administration, and Budget is delegated the authority to approve Business Class Travel⁴ in accordance with FMM 2009-057, 2009-059, and 2010-021. **The authority of the Deputy Commissioner cannot be re-delegated.**
- (d) **Extended Duty Travel (More than 30 Days).** The directors and regional directors are delegated the authority to waive the 55 percent per diem rates for extended duty travel meals, incidental expenses, and/or lodging and to approve a higher per diem rate based on proper analysis for their employees, except for liaisons stationed in Washington, D.C., which must be approved by the Deputy Commissioner, Policy, Administration, and Budget (FMM 2009-004). **The authority of the Deputy Commissioner, Policy, Administration, and Budget; directors; and regional directors can only be re-delegated to deputy and assistant directors. The authority of the deputy and assistant directors cannot be re-delegated.**
- (4) **Programmatic Internal Controls Annual Assurance Statement.** The Secretary of the Interior is required to provide a “Statement of Assurance” to the President and Congress on the adequacy of the systems of internal accounting and administrative controls pursuant to the effectiveness of management controls within the Department pursuant to the Federal Managers' Financial Integrity Act. The Secretary's statement is based upon assurance statements provided by heads of bureaus and offices. The Commissioner retains the authority to submit Reclamation’s annual assurance statement to the Department. The deputy commissioners, regional directors, directors, and senior level positions are delegated the authority to submit annual assurance statements for their organizations identifying modified or unmodified programmatic internal control reviews to the Commissioner. **The authority of the deputy commissioners,**

³ Generally, Business Class and First Class travel are not allowed. See *U.S. Department of the Interior Temporary Duty Travel Policy* for exceptions. All requests for First Class travel require approval from the Director, PFM and the Assistant Secretary, PMB.

⁴ Justification for Business Class travel exceptions must be included in the travel authorization and provide evidence of Deputy Commissioner, Policy, Administration and Budget’s approval.

Reclamation Manual

Delegations of Authority

regional directors, directors, and senior level positions can only be re-delegated one level of management below their position.

C. Budget Management (BGT).

- (1) **Exceptions and Limitations.** The following are the exceptions or limitations to the delegation of authority to the regional directors under this series of the RM.
- (2) **Funds Control.** The Director, Mission Support Organization is delegated the authority for the administration and oversight of the funds control program for the Working Capital Fund (328 DM 1). The Director, Program and Budget is delegated the authority for the administration and oversight of the funds control for all remaining funds (328 DM 1). **The authority of the Director, Mission Support Organization and Director, Program and Budget cannot be re-delegated.**

D. Civil Rights Management (CRM).

- (1) **Exceptions and Limitations.** The following are the exceptions or limitations to the delegation of authority to the regional directors under this series of the RM.
- (2) **Civil Rights and Equal Employment Opportunity (EEO).** In addition to the authority implicit in and necessary for carrying out regulatory civil rights and EEO functions, the Equal Employment Manager, Civil Rights Division is delegated the authority to:
 - (a) Assure compliance with and enforcement of the Equal Pay Act of 1963 (Pub. L. 88-38; 77 Stat. 55; 29 USC 206(b)); Age Discrimination in Equal Employment Act of 1967 (Pub. L. 90-202; 29 USC 621-364), Title VI and Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Sections 504 and 508 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; the Pregnancy Discrimination Act of 1977; the Civil Rights Act of 1991; the Genetic Information Nondiscrimination Act of 2008; Notification and Federal Employees Antidiscrimination and Retaliation (No FEAR) Act of 2002; 29 CFR 1614; and related EOs, DM chapters, and Departmental Office of Civil Rights directives, as they apply to Federal financial assistance and Federally conducted programs pursuant to 205 DM 17.1.A. **The authority of the Equal Employment Manager, Civil Rights Division cannot be re-delegated.**
 - (b) Validate the information in the annual MD 715 report to the EEOC (205 DM 17.1.B.). **The authority of the Equal Employment Manager,**

Reclamation Manual

Delegations of Authority

Civil Rights Division cannot be re-delegated. The Commissioner retains authority as the final approving official for the MD 715 report.

- (c) Perform or provide for intake and counseling of informal EEO complaints, consistent with 29 CFR 1614 and EEOC MD 110. **The authority of the Equal Employment Manager, Civil Rights Division can only be re-delegated to the regional EEO manager or program specialist. The Department's Office of Civil Rights retains the authority for acceptance and investigation of Title VII class action complaints as provided in 205 DM 17.4.B.**
- (d) Perform or provide for intake and processing of formal EEO complaints, consistent with 29 CFR 1614 and EEOC MD 110. **The authority of the Equal Employment Manager, Civil Rights Division cannot be re-delegated. The Department's Office of Civil Rights retains the authority for acceptance and investigation of Title VII class action complaints as provided in 205 DM 17.4.B.**
- (e) Accept, partially dismiss, and/or recommend to the Department the full dismissal of formal EEO complaints Reclamation-wide, consistent with 29 CFR 1614 and EEOC MD 110. **The authority of the Equal Employment Manager, Civil Rights Division cannot be re-delegated. The Department retains the authority to dismiss formal EEO complaints and accept and investigate class action complaints.**
- (f) Forward the draft Reclamation final agency decisions on the merits of those formal EEO complaints for which the complainant elects a final agency decision or did not promptly elect either a hearing or an immediate final decision to the Department, consistent with 29 CFR 1614 and EEOC MD 110. **The authority of the Equal Employment Manager, Civil Rights Division cannot be re-delegated. The Department retains the authority to issue final agency decisions.**
- (g) (Reserved)
- (h) Participate in the selection of the regional EEO manager or program specialist, including but not limited to interviewing prospective candidates and providing input into the yearly performance evaluation of regional EEO managers or program specialists. **The authority of the Equal Employment Manager, Civil Rights Division cannot be re-delegated.**
- (i) Designate EEO counselors to carry out Reclamation's informal EEO process and employ investigators to conduct expedited investigations of complaints of sexual harassment and hostile work environment, consistent with

Reclamation Manual

Delegations of Authority

29 CFR 1614; EOs 11246, 11375, 11478, 11701, 13087, 13145, 13152, and 13166; and EEOC MD 110 and 715. **The authority of the Equal Employment Manager, Civil Rights Division can only be re-delegated to the regional EEO manager or program specialist.**

- (j) Designate special emphasis program managers necessary to carry out Reclamation's diversity and inclusive workplace initiatives, consistent with 29 CFR 1614 and EEOC MD 110 and 715; EOs; and Secretarial Directives. **The authority of the Equal Employment Manager, Civil Rights Division can only be re-delegated to regional directors.**

- (3) **Settlements of Equal Opportunity and Other Personnel Matters.** All settlement agreements must be executed in accordance with *Directives Regarding Settlement Authority in Employment and Labor Matters*, issued by the Department on July 9, 2018, 29 CFR 1614, and EEOC MD 110, and must receive a legal sufficiency review by the Office of the Solicitor (SOL).⁵

- (a) **Monetary Settlements.**

- (i) The Commissioner retains the authority to approve all monetary settlements of \$25,000 or more. **This authority cannot be re-delegated. The Human Capital Officer and Equal Employment Manager, Civil Rights Division, with concurrence from their regional counterparts, are responsible for ensuring that the settlement meets statutory and Departmental Directive requirements prior to Commissioner approval.**
 - (aa) Settlements between \$25,000 and \$100,000 must receive co-approval at the Department level from the Deputy Solicitor for General Law.
 - (bb) Settlements over \$100,000 must receive co-approval at the Department level from the Principal Deputy Solicitor.
- (ii) The deputy commissioners, regional directors, and directors, with co-approval from the Director of the SOL Employment and Labor Law Unit (ELLU), are delegated the authority to approve all monetary settlements below \$25,000 provided they are at least three supervisory levels above the employee who will be a party to the settlement. **This authority cannot be re-delegated. The Human Capital Officer and the Equal Employment Manager, Civil Rights Division, with**

⁵Legal review of settlement agreements reached involving EEO complaints will be strictly a legal sufficiency review to ensure that the contract requirements of mutuality, certainty, enforceability and legality are met.

Reclamation Manual

Delegations of Authority

concurrence from their regional counterparts, are responsible for determining whether the settlement meets statutory and Departmental Directive requirements prior to approval. The concurrence must be accomplished within 2 business days.

(b) Non-Monetary Settlements.

- (i) Regional directors are delegated the authority to approve non-monetary settlements (NOTE: any non-monetary forms of relief that have a cost component relating to leave, benefits, retirement, back pay, promotions, or within-grade or other pay increases are considered monetary settlements for purposes of these delegations of authority and must be approved by the appropriate authority based on overall cost as noted above). **This authority can only be re-delegated to area managers and office chiefs provided they are at least two supervisory levels above the employee who will be party to the settlement. The Denver and regional servicing human resources officer and equal employment opportunity manager are responsible for determining whether the settlement meets statutory and Departmental Directive requirements prior to approval. The review must be accomplished within 2 business days.**
- (ii) **When any of the allegations listed below are involved, non-monetary settlements must be pre-approved by the Commissioner, with co-approval by the Director, ELLU. The Human Capital Officer; and the Equal Employment Manager, Civil Rights Division, with concurrence from their regional counterparts, are responsible for determining whether the settlement meets statutory and Departmental Directive requirements prior to obtaining this pre-approval.**
 - (aa) sexually harassing conduct or misconduct of a sexual nature;
 - (bb) agreements to modify past or proposed disciplinary or performance-based actions through settlement;
 - (cc) potential criminal acts;
 - (dd) whistleblower retaliation allegations;
 - (ee) integrity violations (e.g., misrepresentation, fraud, theft, misappropriation or misuse of personally identifiable information, deliberate release of sensitive information);

Reclamation Manual

Delegations of Authority

- (ff) physically threatening behavior; and
 - (gg) other serious misconduct, including, but not limited to serious non-sexual harassment (e.g., involving physical touching or racial or ethnic slurs).
- E. **Comprehensive (CMP).** The following are the exceptions or limitations to the delegations of authority to the regional directors under this series of the RM.
- (1) **Consultation and Coordination with Indian Tribal Governments.** The Deputy Commissioner, Operations is delegated the responsibility for certifying Reclamation compliance with and implementation of EO 13175 (Section 7 of EO 13175 and Section 8 of SO 3317), and EO 13008, while the Program Manager, Native American and International Affairs Office is designated as the Tribal Liaison Officer for Reclamation (Section 5b of SO 3317). **The authority of the Deputy Commissioner, Operations cannot be re-delegated beyond the Program Manager, Native American and International Affairs Office.**
 - (2) **Contributed Funds for Technical Services Work.** The Director, Technical Service Center is delegated the authority to execute contracts and agreements for reimbursable technical assistance work, performed by the Technical Service Center, pursuant to the Sundry Civil Appropriations Act for 1922, March 4, 1921 (Pub. L. 66-389; 41 Stat. 1404; 43 USC 395) (also known as the Contributed Funds Act). The authority of the Director, Technical Service Center can be re-delegated to Technical Service Center division chiefs.
 - (3) **Rural Water.** The Director, Policy and Programs is delegated the authority to select which appraisal and feasibility studies will be conducted pursuant to Title I of the Rural Water Supply Act of 2006, December 22, 2006 (Pub. L. 109-451; 120 Stat. 3345). For those selections made by the Director, Policy and Programs, the regional directors are delegated the authority of Title I of the Rural Water Supply Act of 2006, December 22, 2006 (Pub. L. 109-451; 120 Stat. 3345), in accordance with the exceptions in 255 DM 1.2.B. and C., to enter into grants and cooperative agreements for the purpose of conducting appraisal investigations and feasibility studies, conduct appraisal investigations and feasibility studies, prepare feasibility reports, and enter into and oversee contracts for the design and construction of any rural water project specifically authorized and funded for construction by Congress (255 DM 1.1.A.). **The Commissioner retains the authority to submit rural water feasibility studies and reports to the Secretary for approval.**

Reclamation Manual

Delegations of Authority

- (4) **Settlements.**
- (a) **Monetary Damages.**
- (i) **Reclamation Settlement of Monetary Damage Claims.** The Commissioner retains the authority, or will delegate such authority in a formal written document, to approve monetary claims for damages caused by normal project operations pursuant to 43 USC 377b.
- (ii) **Department of Justice Legal Settlement of Monetary Damage Claims.** The Commissioner retains the authority, or will delegate such authority in a formal written document, to recommend monetary settlements to the Department of Justice pursuant to the Debt Collection Act and 43 USC 377b.
- (b) **Indian Water Rights Settlements.** See Paragraph 4.M.(4).
- (c) **Operational Settlements.** The regional directors have been delegated the authority to operate and maintain Reclamation projects (see general delegation to the regional directors in Paragraph 3.D. of this release); and are also delegated the authority to approve or recommend approval of settlement agreements involving the operation of Reclamation projects (255 DM 1.1.A.).
- (d) **Water-Related Contractual Settlements.**
- (i) **Existing Contractual Action.** If the settlement involves an existing contract action and matters, and if the settlement is within the parameters of the Commissioner's original delegation to the regional director in the basis of negotiation approval memorandum (see Paragraph 4.N.(4)), the regional director is delegated authority to negotiate, approve, and execute agreements for the settlement (255 DM 1.1.A.).
- (ii) **New Contractual Action.** If the settlement involves a new contract action, the Commissioner retains the authority, as limited by 255 DM 1.2.F., or will delegate such authority in a formal written document (see Paragraph 4.N.(4)), to negotiate, approve, and execute new water-related contractual settlement agreements (255 DM 1.1.A.).
- (5) **Title Transfer.** The Commissioner retains the authority, or will delegate such authority in a formal written document, to transfer title to Reclamation lands and facilities as specifically authorized by Congress (255 DM 1.1.A.).

Reclamation Manual

Delegations of Authority

- F. **Environmental Management (ENV).** The following are the exceptions or limitations to the delegation of authority to the regional directors under this series of the RM.
- (1) **Environmental Management Systems.** The deputy commissioners, regional directors, directors, and senior level positions are delegated the authority to implement Environmental Management Systems at their respective regions and program offices (515 DM 4).
 - (2) **Fish and Wildlife.** The regional directors and the Director, Mission Support Organization, are delegated the authority pursuant to the Fish and Wildlife Coordination Act (16 USC 661-666c); Section 5 of the Endangered Species Act of 1973 (16 USC 1534); and Section 7(a) of the Fish and Wildlife Act of 1956 (16 USC 742f(a)) to take the following actions, either directly or by providing financial assistance to non-Federal parties (255 DM 1.1.B.). **Authority to award financial assistance agreements for projects associated with off-site locations (Paragraph 4.F.(2)(b)) is limited to the regional directors and Director, Mission Support Organization. The authority of the regional directors and Director, Mission Support Organization to award financial assistance agreements for all other projects authorized by this delegation can only be re-delegated to designated grants officers.**
 - (a) Conduct activities for the improvement of fish and wildlife habitat associated with water systems or water supplies affected by Reclamation projects, including but not limited to fish passage and screening facilities at any non-Federal water diversion or storage project within the region;
 - (b) plan, design, construct, and monitor, including acquire lands or interest therein as needed, instream habitat improvements, including but not limited to fish passage screening facilities at off-site locations (as negotiated on privately owned lands and facilities not associated with a Reclamation project);
 - (c) acquire or lease water or water rights from willing sellers or lessors; and
 - (d) monitor and evaluate the effect of Reclamation actions on fish and wildlife resources including Endangered Species Act-listed species.
 - (3) **National Environmental Policy Act of 1969 (NEPA).**
 - (a) The regional directors are delegated the authority to conduct environmental studies and prepare, approve, and adopt environmental documents pursuant to NEPA, January 1, 1970 (Pub. L. 91-190; 83 Stat. 852; 2 USC 4321-4347), unless this authority is specifically reserved (255 DM 1.1.A. and 516 DM 3.3.A. and 14.2.(C)). **The authority of the regional directors to approve**

Reclamation Manual

Delegations of Authority

and issue Notices of Intent, Environmental Impact Statements (EISs), and Records of Decision (RODs) cannot be re-delegated.

- (b) The ASWS retains authority (3) to approve and issue final EISs, RODs, environmental assessments (EAs), and make findings of no significant impact (FONSI) to support a feasibility report in accordance with 255 DM 1.2.B., and 255 DM 1.2.C. Such an EIS or EA/FONSI would accompany the feasibility report to Congress. **If the ASWS re-delegates approval and/or issuance of the EIS, ROD, EA, or FONSI to the Commissioner, the Commissioner may re-delegate the authority to a regional director. The authority of the regional directors cannot be re-delegated.**
- (4) **Natural Resource Damage Assessment and Restoration (NRDAR).** The Chief Engineer is Reclamation’s representative on the NRDAR Executive Board (521 DM 2.2.G.(1)). The regional directors are delegated the authority to act as the authorized official on behalf of the Secretary of the Interior for NRDAR activities within their region (207 DM 6.4.F.). For those sites where a Reclamation regional director does not have clear jurisdiction, the Deputy Commissioner, Operations is delegated the authority to act as the authorized official (207 DM 6.4.F.). The Director, Policy and Programs is delegated the authority to provide oversight of the Reclamation NRDAR program and shall designate, in writing, a NRDAR coordinator who will have the authority to sign responses to the Department for: (1) requests for authorized official designation where Reclamation is not an affected bureau and (2) requests for bureau affected status (207 DM 6.4.F.). **The authority of the regional directors; Deputy Commissioner, Operations; and the Director, Policy and Programs cannot be re-delegated (207 DM 6.4.F.).**
- (5) **Pest Management.** The regional directors are delegated the authority to approve integrated pest management plans (517 DM 1). **The authority of the regional directors cannot be re-delegated beyond the area manager.**
- (6) **Environmental Site Assessment.** See Paragraph 4.K.(3) for delegations associated with these assessments.
- G. **Ethics (ETH).** The following are the exceptions or limitations to the delegation of authority to the regional directors under this series of the RM.
- (1) **Ethics Program.** 5 CFR 2638.202, 5 CFR 2638.204, and SO 3375 give the Commissioner, in cooperation with the Department’s Designated Agency Ethics Official, the authority to establish an ethics program for Reclamation.
- (2) **Donations.** The Deputy Commissioner, Policy, Administration, and Budget is delegated the authority to accept donations valued above \$25,000, and the

Reclamation Manual

Delegations of Authority

regional directors are delegated the authority to accept donations under this same authority that are valued at \$25,000 or less (374 DM 6.7). **The authority of the Deputy Commissioner, Policy, Administration, and Budget and the regional directors cannot be re-delegated (374 DM 6.7.(B)).**

H. **Financial Management (FIN).** The following are the exceptions or limitations to the delegation of authority to the regional directors under this series of the RM.

- (1) **Audits.** The Commissioner, Chief Financial Officer (Deputy Commissioner, Policy, Administration, and Budget), and Deputy Chief Financial Officer (Director, Mission Support Organization) are delegated the authority to sign all documents addressed to the Chief Financial Officer during the course of an audit (207 DM 5.1.B. and 330 DM 3.3). **Temporary actings are prohibited from exercising this authority. The authority of the Commissioner, Chief Financial Officer, and Deputy Chief Financial Officer cannot be re-delegated.**
- (2) **Certifying Officers.** The Accounting Officer, Finance and Accounting Division (Denver) is delegated the authority to designate certifying officers. This delegation includes authority for changes and revocations of certifying officers (255 DM 2.1.C.).
- (3) **Chief Financial Officer.** The Chief Financial Officer (Deputy Commissioner, Policy, Administration, and Budget) and the Deputy Chief Financial Officer (Director, Mission Support Organization) are delegated the authority to sign all documents related to the Chief Financial Officer's activities and programs (207 DM 5.1.B., and 330 DM 3.3). **Temporary actings are prohibited from exercising this authority. The authority of the Chief Financial Officer and Deputy Chief Financial Officer cannot be re-delegated.**
- (4) **Collection Officers.** The regional directors and Director, Mission Support Organization are delegated the authority to designate collection officers. This delegation includes authority for changes and revocations of such designations (255 DM 2.1.C.).
- (5) **Electronic Fund Transfers.** The Chief Financial Officer (Deputy Commissioner, Policy, Administration, and Budget) is delegated the authority to grant or deny electronic fund transfer waivers (255 DM 2.1.C.).
- (6) **Erroneous Payments.**
 - (a) **Erroneous Payments (Other than Salary).** The Director, Mission Support Organization is delegated the authority to determine whether an employee is indebted to the United States as a result of an erroneous payment (other than

Reclamation Manual

Delegations of Authority

salary) in an amount aggregating not more than \$1,500, to establish a plan of repayment, and to review objections to the determination of indebtedness or to the proposed plan of repayment (255 DM 2.1.C.).

(b) **Erroneous Salary Payments.** The Deputy Commissioner, Policy, Administration, and Budget, is delegated the authority to determine whether an employee is indebted to the United States as a result of an erroneous salary payment, to establish a plan of repayment, and to review objections to the determination of indebtedness or to the proposed plan of repayment (255 DM 2.1.C.).

(7) **Terminate Collection.** The Chief Financial Officer (Deputy Commissioner, Policy, Administration, and Budget) is delegated the authority to suspend or terminate collection activity on debts with principal amounts that do not exceed \$100,000 (255 DM 2.1.D.). **The authority of the Chief Financial Officer cannot be re-delegated.**

I. **Human Resources Management (HRM).** The following are the exceptions or limitations to the delegation of authority to the regional directors under this series of the RM.

(1) **Personnel Management Authority.** The Manager, Human Resources Division is designated as Reclamation's Human Capital Officer (255 DM 2.1.E.). The deputy commissioners and the Human Capital Officer are delegated personnel management authority consistent with the limitations in 205 DM 8.2 and 8.3. **The personnel management authority of the Human Capital Officer can be re-delegated to the regional directors; the Supervisor, Human Resources Policy Office; and the Denver Human Resources Officer. The authority of the regional directors can only be re-delegated to the regional human resources officers. The Supervisor, Human Resources Policy Office and Denver and regional human resources officers can further re-delegate their authority as deemed appropriate.** The following are limitations and exceptions to the delegations in this Paragraph:

(a) **Awards and Recognition.** Except as specifically limited in 370 DM 451, the following delegations apply for monetary, non-monetary, and honor awards:

Reclamation Manual

Delegations of Authority

(i) **Honor Awards.**⁶

(aa) The Commissioner retains authority to approve all Departmental Honor Awards, external Honor Awards (e.g., Engineer of the Year), and all Reclamation Honor Awards (e.g., John Keys Award) (370 DM 451.3).

(bb) The deputy commissioners, regional directors, and directors are delegated the authority to approve the Director's Award of Excellence (370 DM 451.3).

(ii) **Monetary and Non-Monetary Awards.** Deputy commissioners, regional directors, directors, and senior level positions are delegated the authority to approve the following employee and group awards:

(aa) individual cash awards (370 DM 451.4);

(bb) time-off awards (370 DM 451.2 and Departmental Personnel Bulletin 19-16);

(cc) quality step increases (370 DM 451.2);

(dd) non-monetary recognition for items not in excess of \$100 cash value (Departmental Personnel Bulletin 19-16); and

(ee) referral bonus awards not to exceed \$500 or 16 hours of time off (Departmental Personnel Bulletin 09-11).

(b) **Incentives.**

(i) **Absence and Leave – Creditable Service.** The deputy commissioners, regional directors, and directors are delegated the authority to credit up to and including 3 years of service for annual leave based on prior experience in non-Federal positions or as a retired member of the uniformed services who meets the criteria in Departmental Personnel Bulletin 05-05. The Human Capital Officer is delegated the authority to credit amounts equal to over 3 years of service for annual leave based on prior experience in non-Federal positions or as a retired member of the uniformed service who meets the criteria in Departmental Personnel Bulletin 05-05. **Denver and regional human resources officers are responsible for determining individuals within their organization meet the statutory requirements for receiving the service credit**

⁶The Secretary and ASWS may be required to approve or concur an Honor Award. See RM D&S, *Honor Awards* ([HRM 12-01](#)).

Reclamation Manual

Delegations of Authority

prior to approval. The authority of the deputy commissioners, regional directors, directors, and Human Capital Officer cannot be re-delegated.

(ii) **Professional Credentials.** The deputy commissioners, regional directors, directors, and senior level positions are delegated the authority to approve payments for professional credentials and examinations to obtain such credentials pursuant to 5 USC 5757 (255 DM 2.1.E.).

(iii) **Recruitment, Relocation, and Retention.**

(aa) The Commissioner retains authority to approve recruitment, relocation, and retention incentives above 25 percent of the employee's annual rate of basic pay, including any special rate or locality payment (Departmental Personnel Bulletin 06-01). **The Commissioner's authority is subject to prior approval by the Assistant Secretary, PMB, and the Office of Personnel Management (OPM) in accordance with 5 CFR 575.109(c) (recruitment); 5 CFR 575.309(e) (retention); and 5 CFR 575.209(c) (relocation). The Department's Executive Resources Board retains authority for all incentives for SES, Senior Level (i.e., SL), and Scientific or Professional (i.e., ST) positions (Paragraph 3.c.(1) of Departmental Personnel Bulletin 06-01). See Paragraph 4.B.(3)(a) for delegations to approve relocation expense allowances for permanent changes of station.**

(bb) The deputy commissioners are delegated the authority to approve recruitment, relocation, and retention incentives above 10 percent and up to 25 percent of the employee's annual rate of basic pay, including any special rate or locality payment (Departmental Personnel Bulletin 06-01) following verification of compliance. In addition, the deputy commissioners are delegated the authority to approve any recruitment, relocation, and retention incentive or any combination thereof exceeding \$25,000 over a 3-year period after verification of compliance. **This authority cannot be re-delegated. The Human Capital Officer and Supervisor, Human Resources Policy Office, with concurrence from their regional counterparts, are responsible for verifying that proposed retention incentives are in compliance with 5 CFR 575.309(e) and the employee meets the statutory requirements for receiving an incentive prior to approval.**

(cc) The deputy commissioners, regional directors, directors, and senior level positions are delegated the authority to approve recruitment,

Reclamation Manual

Delegations of Authority

relocation, and retention incentives up to 10 percent of the employee's annual rate of basic pay, including any special rate or locality payment (Departmental Personnel Bulletin 06-01). The amount approved by the deputy commissioners, regional directors, directors, and senior level positions for recruitment, relocation, or retention incentives or any combination thereof cannot exceed \$25,000 over a 3-year period (see Paragraph 4.I.(1)(b)(iii)(bb) which delegates authority for recruitment, relocation, or retention incentives exceeding \$25,000, to the Human Capital Officer).

Denver and regional human resources officers are responsible for determining whether the employee meets the statutory requirements for receiving an incentive prior to approval. The authority of the deputy commissioners, regional directors, directors, and senior level positions cannot be re-delegated.

(iv) Student Loan Repayment.

- (aa) The deputy commissioners, regional directors, directors, and senior level positions are delegated the authority to approve or disapprove a hiring manager's request package (initial or final) to offer and/or to pay student loan repayment benefits for **recruitment** purposes, and all regular requests to pay student loan repayment benefits for **retention** purposes up to \$20,000 gross maximum (Departmental Personnel Bulletin 14-02). The amount approved to be paid each year cannot exceed the amount the employee is required to pay each year and cannot in any situation exceed the maximum amount allowed by law either yearly or over a lifetime. **Denver and regional human resources officers are responsible for determining whether the requests meet the statutory and RM requirements for student loan repayment prior to actual approval. The authority of the deputy commissioners, regional directors, directors, and senior level positions cannot be re-delegated.**
- (bb) The Human Capital Officer is delegated the authority to approve or disapprove a hiring manager's request package (initial or final) to pay student loan repayment benefits for **recruitment** purposes, and all requests to pay student loan repayment benefits for **retention** purposes exceeding \$20,000 gross maximum (Departmental Personnel Bulletin 14-02). The Human Capital Officer is also delegated the authority to approve all student loan repayment benefits that exceed the amount the employee is required to pay each year. In any situation, the amount approved cannot exceed the

Reclamation Manual

Delegations of Authority

maximum amount allowed by law either yearly or over a lifetime. **Denver and regional human resources officers are responsible for determining that statutory and RM requirements for student loan repayment are met prior to approval. The authority of the Human Capital Officer cannot be re-delegated.**

(v) **Superior Qualifications and Special Needs Pay Setting.**

Departmental Personnel Bulletin 07-09 requires that the approving official for superior qualifications and special needs pay setting be at least one level higher than the supervisor of the employee receiving superior qualifications and special needs pay setting. The Commissioner retains authority to approve superior qualifications and special needs pay setting for any employees reporting to the Commissioner (Departmental Personnel Bulletin 07-09). The deputy commissioners, regional directors, directors, and senior level positions are delegated the authority to approve superior qualifications and special needs pay setting for all other GS positions within their organization subject to the requirements in Departmental Personnel Bulletin 07-09. **Denver and regional human resource officers will determine whether the employee meets the statutory requirements to allow use of this pay setting authority, including verification of current salary, prior to approval by the deputy commissioner, regional director, director, or senior level positions.** Deputy commissioners, regional directors, directors, and senior level positions are authorized to approve a candidate's pay based on superior qualifications and/or special needs pay setting at a level (i.e., step within the appropriate grade) up to 3 percent above the base salary the candidate is currently earning or was earning during the period of employment the appointment is based upon. In the event a proposed salary that is 3 percent above the candidate's referenced base pay falls between two steps within the appropriate grade, authorization is provided to set pay at the higher of the two steps. With the exception of situations when a 3 percent increase falls between two steps as described in the previous sentence, pay recommendations of salary exceeding 3 percent of the level the candidate is currently earning or was earning during the period of employment the appointment is based upon must be approved by the Human Capital Officer. In no case may the salary recommended or approved exceed the highest amount within the applicable rate range (step 10) of the position to which appointed. **Written approval must be obtained prior to the effective date of the employee's appointment. The authority of the deputy commissioners, regional directors, directors, senior level positions, and Human Capital Officer cannot be re-delegated.**

Reclamation Manual

Delegations of Authority

- (vi) **Supervisory Differential.** The deputy commissioners, regional directors, directors, and senior level positions are delegated the authority to approve a supervisory differential for an employee under the GS who has supervisory responsibility for one or more civilian employees **not** under the GS if one or more of the subordinate civilian employees would, in the absence of such differential, be paid more than the supervisory employee (5 CFR 575 Subpart D and Departmental Personnel Management Letter 91-6). **Denver and regional human resources officers are responsible for determining whether the employee meets the statutory requirements for supervisory differential prior to approval.**
- (c) **Part-Time Reemployment of Civilian Retirees.** The Human Capital Officer is delegated the authority to approve appointments for employment of civilian retirees on a limited basis pursuant to Title XI, Subtitle B of the National Defense Authorization Act for Fiscal Year 2020, March 3, 2020 (Pub. L. 116-120) (Departmental Personnel Bulletin 10-01).
- (d) **Position Classification.**
- (i) **Delegation.** The Human Capital Officer is delegated the authority for position classification (255 DM 2.1.E.). **The authority of the Human Capital Officer can be re-delegated to the Supervisor, Human Resources Policy Office and to Reclamation Denver and regional human resources officers. The Supervisor, Human Resources Policy Office and Denver and regional human resources officers can only re-delegate classification authority to subordinate human resource specialists who are trained and oriented in position classification legal and regulatory responsibilities prior to delegation. Human resource specialists cannot re-delegate classification authority. Temporary actings are prohibited from exercising delegated classification authority on behalf of the positions for which they are acting; however, the employee in the temporary acting position may continue to exercise classification authority already delegated to them in their permanent position.**
- (ii) **Review and Validation of Certain Position Classifications.** Denver and regional human resources officers will submit to the Human Capital Officer, the following positions for review and validation of certain factor levels: GS positions that have been evaluated with factor levels 1-8, 1-9, 5-5, and 5-6, and/or GS positions below the GS-14 grade level that have been evaluated with factor level 2-5.

Reclamation Manual

Delegations of Authority

- (e) **Time-in-Grade.** The ASWS retains the authority to waive time-in-grade requirements (205 DM 8.2.J.).
- (f) **Training Approval.** The deputy commissioners, regional directors, directors, and senior level positions are delegated the authority to approve individual and group training regardless of the monetary amount or number of training hours involved, except for foreign training and long-term⁷ training which is retained by the Commissioner (255 DM 2.1.E.). **This delegation is subject to the following limitations:**
 - (i) **Political Appointees.** The Secretary has retained authority to approve training for officials appointed by the President in accordance with 5 CFR 410.302(b)(1).
 - (ii) **Training Agreements.** The Secretary, Deputy Secretary, Assistant Secretary, PMB, and the Director, OPM, retain their authority to approve training agreements (e.g., rotational engineer) in accordance with 205 DM 8.2.I.(2).
- (g) **Wage Supplements to Basic Collective Bargaining Agreements.** The Human Capital Officer is designated as Reclamation's administrative authority for oversight and review to determine compliance with wage supplements to basic collective bargaining agreements. The regional directors are delegated the authority to approve wage supplements received from their respective Reclamation labor relations offices (370 DM 711.1.9). **The authority of the Human Capital Officer and regional directors cannot be re-delegated.**
- (h) (Reserved)
- (i) **Procurement of Training.** The Reclamation training (learning) officer (non-warranted personnel) has been delegated the authority to enroll students, obligate funds, and authorize payment for tuition in the Department of the Interior Acquisition Policy Release (DIAPR) 2010-24, and is authorized to re-delegate this authority as appropriate (DIAPR 2010-24).
- (j) **Selection of Regional Human Resources Officers.** The Human Capital Officer is delegated the authority to participate in the selection of the regional human resources officers, including but not limited to interviewing prospective candidates and providing input into the yearly performance

⁷For the purposes of this D&S, long-term training means training received by an employee on a full-time basis for more than 120 days in a Government or non-Government facility.

Reclamation Manual

Delegations of Authority

regional human resources officers. **The authority of Human Capital Officer cannot be re delegated.**

- (2) **Settlements of Equal Opportunity and Other Personnel Matters.** See Paragraph 4.D.(3) for delegations related to settlements of equal opportunity and other personnel matters.

J. Information Resources Management (IRM). The following are the exceptions or limitations to the delegation of authority to the regional directors under this series of the RM.

- (1) **Authorized Official.** The Director, Information Resources is delegated the authority of the authorizing official and responsibility for implementing the processes and supporting the roles identified in OCIO Directive 2010-009, dated July 2, 2010.
- (2) **Information Technology Procurement.** The Director, Information Resources is designated as Reclamation's Associate Chief Information Officer and is delegated the authority to manage and approve the procurement of IT equipment, including reprographic equipment (SO 3309). See Paragraph 4.A.(1) for general acquisition-related delegations that are also applicable to the procurement of information technology.

K. Land Management and Development (LND). The following are the exceptions or limitations to the delegation of authority to the regional directors under this series of the RM.

- (1) **Concessions.** The Director, Dam Safety and Infrastructure is delegated the authority to review and approve all concessions-related Requests for Proposal and all new, amended, or interim concessions contracts pursuant to the Reclamation Act, June 17, 1902 (ch. 1093; 32 Stat. 388; 43 USC 391 *et seq.*) and acts amendatory and supplementary thereto and the Federal Water Project Recreation Act of 1965, July 9, 1965 (Pub. L. 89-72; 79 Stat. 213-214; 16 USC 460l *et seq.*), as amended (255 DM 1.1.A.). The regional directors are delegated the authority, after receiving approval from the Director, Dam Safety and Infrastructure, to sign new, amended, or interim concessions contracts (255 DM 1.1.A.). **The authority of the Director, Dam Safety and Infrastructure cannot be re-delegated. The regional directors may re-delegate their authority to sign new, amended, or interim concessions contracts with terms of up to 5 years, after receiving approval for such contracts from the Director, Dam Safety and Infrastructure.**

Reclamation Manual

Delegations of Authority

(2) Cultural Resources Management.

- (a) **Archeological and Paleontological Research Permits.** The regional directors are delegated the authority to issue permits as prescribed in the Antiquities Act, June 8, 1906 (Pub. L. 59-209; 16 USC 431-433), the Archaeological Resources Protection Act, October 31, 1979, as amended (Pub. L. 96-95; 93 Stat. 721; 16 USC 470aa-mm) (ARPA) and Title VI, Subtitle D - Paleontological Resources Preservation, of the Omnibus Public Land Management Act of 2009, March 30, 2009 (Pub. L. 111-11; 123 Stat. 991) for programs and lands under Reclamation's jurisdiction (255 DM 1.1.A.). **The authority of the regional directors can only be re-delegated to area managers.**
- (b) **ARPA.** The regional directors are delegated the authority to act as the Federal Land Manager for implementation of ARPA (see Paragraph 4.K.(2)(a) for ARPA permit delegation). **The authority of the regional directors can only be delegated to area managers.**
- (c) **Federal Preservation Officer.**
- (i) Reclamation's Federal Preservation Officer is delegated authority to approve nominations by signing block no. 12 of the National Register of Historic Places forms and transmitting such forms to the Keeper of the National Register of Historic Places pursuant to 36 CFR 60.9(d), and to approve removal of properties from the National Register pursuant to 35 CFR 60.15(c). **The authority of Reclamation's Federal Preservation Officer cannot be re-delegated.**
- (ii) Reclamation's Federal Preservation Officer is delegated the authority to certify that all procedural requirements in Protection of Historic Properties (36 CFR 800) have been met prior to designation of a property as excess pursuant to GSA Order 1020.2, Chapter 4.9(h)(1), *Regulatory Compliance Procedures for Excess Property*. **The authority of Reclamation's Federal Preservation Officer cannot be re-delegated.**
- (d) **National Historic Preservation Act.** The regional directors are delegated the authority to accomplish the Commissioner's responsibilities under the National Historic Preservation Act of 1966, October 15, 1966, as amended (Pub. L. 89-665; 80 Stat. 915; 16 USC 470 *et seq.*) (NHPA) and as described in 519 DM 1.4.D.(1-6 and 8-10). **The authority of the regional directors to sign NHPA agreement documents can only be re-delegated to area managers. See Paragraph 4.P.(4) for re-delegation limitations associated with the disposal of historic properties.**

Reclamation Manual

Delegations of Authority

- (e) **Native American Graves Protection and Repatriation Act.** The regional directors are delegated the authority to act as the Federal Agency Official in cases where Native American human remains or funerary objects have been discovered on Reclamation lands as prescribed in the Native American Graves Protection and Repatriation Act of 1990, as amended (Pub. L. 101-601; 25 USC 3001 *et seq.*) (519 DM 2.3.C). **The authority of the regional directors can only be re-delegated to area managers.**
- (3) **Environmental Site Assessment for Real Property Acquisitions.** The regional directors are delegated the authority to approve remediation costs up to \$250,000 as indicated by an environmental site assessment (602 DM 2.6.E.).
- (4) **Reclamation Land and Interests in Land.** The regional directors are delegated the authority to prepare and execute agreements, contracts, deeds, and all other instruments necessary to carry out the provisions of specific acts of the Congress regarding Reclamation land and interests in land within the jurisdiction of Reclamation, including instruments necessary to:
- (a) **Acquire.** Acquire lands, interests in lands, improvements thereon, and/or water rights for authorized project purposes, by purchase, transfer, exchange, or conveyance from other Departmental bureaus, other Federal agencies, or non-Federal entities (255 DM 1.1.A.). **Approval or rejection of land acquisitions via condemnation cannot be re-delegated.** See Paragraph 4.K.(4)(e) for information on waiver valuation delegations. **The remaining authority of the regional directors can only be re-delegated to deputy and assistant regional directors, regional land resource managers, regional realty officers, area managers, deputy area managers, or field office managers.**
- (i) **Declaration of Takings Act (40 USC 3114(a)).** The Secretary through 209 DM 3.2A(6) has delegated to the Solicitor the authority to sign declarations of taking to acquire lands pursuant to the Declaration of Takings Act. The Solicitor has redelegated this authority to the Deputy Commissioner for the following limited purposes:
- (aa) To acquire interests in land and water for the San Joaquin River Restoration Program, in compliance with the Stipulation of Settlement in *Natural Resources Defense Council v. Rodgers*, Case No. 88-1658 (E.D. Cal. Sept. 13, 2006) in California, which was the basis for Title X of the Omnibus Public Land Management Act, Pub. L. No. 111-11, March 30, 2009. **This authority may only be re-delegated to the California-Great Basin Regional Director.**

Reclamation Manual

Delegations of Authority

- (bb) To acquire interests in land for the completion of the Navajo-Gallup Water Supply Project, which is a major component of the Navajo Nation San Juan River Basin Water Rights Settlement in New Mexico (Part III of Subtitle B of Title X of the Omnibus Public Land Management Act, Pub. L. No. 111-11, March 30, 2009). **This authority may only be re-delegated to the Upper Colorado Basin Regional Director.**
- (cc) To acquire interests in land for the completion of the Potholes Supplemental Feed Route, which is part of the Columbia Basin Project, as authorized by Congress pursuant the Columbia Basin Project Acts of May 27, 1937 (50 Stat. 208) and March 10, 1943, 16 U.S.C. § 835, bringing earlier Columbia Basin Project authorizations under the provisions of the Reclamation Project Act of 1939, 43 U.S.C. §§ 485h et seq. **This authority may only be re-delegated to the Columbia-Pacific Northwest Regional Director and Deputy Regional Director.**
- (ii) **Any Declarations of Taking signed under this delegated authority must be provided to the Office of the Solicitor for transmittal to the U.S. Department of Justice for further action.**
- (b) **Dispose.** Dispose of Reclamation lands, interest in lands, improvements thereon, and/or water rights by sale, transfer, exchange, or conveyance to other Departmental bureaus, other Federal agencies, or non-Federal entities in accordance with the limitations in 205 DM 10 (255 DM 1.1.A. and 255 DM 2.1.G.). See Paragraph 4.K.(4)(e) for information on waiver valuation delegations. **The remaining authority of the regional directors can only be re-delegated to deputy and assistant regional directors, regional land resource managers, regional realty officers, area managers, deputy area managers, or field office managers.** See Paragraph 4.E.(5) for delegation information on title transfer and Paragraphs 4.K.(2)(c) and (d) for delegation information when disposal involves a historic property.
- (c) **Use.** Grant leases, licenses, easements, permits, and/or other appropriate instruments to authorize use of Reclamation lands by Federal, state, and local governmental entities, other entities, and individuals (255 DM 1.1.A.). See Paragraph 4.K.(4)(e) for information on waiver valuation delegations and Paragraph 4.K.(2)(a) for delegation information for archaeological or paleontological permits. **The remaining authority of the regional directors can only be re-delegated to deputy and assistant regional directors, regional land resource managers, regional realty officers, area managers, deputy area managers, or field office managers.**

Reclamation Manual

Delegations of Authority

- (d) **Manage.** Contract with Federal, state, local, and/or other entities for day-to-day management of Reclamation lands (255 DM 1.1.A.).
 - (e) **Waiver Valuations.** Regional realty officers are delegated the authority to approve, in writing, all waiver valuations, as defined and established in RM D&S, *Real Property Appraisal* ([LND 05-01](#)). **The authority of regional realty officers cannot be re-delegated.**
- (5) **Recreation Management Agreements.** The regional directors are delegated the authority to review, approve, and sign all recreation management agreements with Federal and non-Federal partners pursuant to the Reclamation Act, June 17, 1902 (ch. 1093; 32 Stat. 388; 43 USC 391 *et seq.*) and acts amendatory and supplementary thereto and the Federal Water Project Recreation Act of 1965, July 9, 1965 (Pub. L. 89-72; 79 Stat. 213-214; 16 USC 460*l et seq.*), as amended (255 DM 1.1.A.). **The authority of the regional directors can only be re-delegated to area managers.**
- (6) **Wildland Fire Management (WFM).**
- (a) The Deputy Commissioner, Operations is delegated the authority to enter into national agreements as necessary to accomplish WFM objectives on Reclamation lands (255 DM 1.1.A. and 255 DM 2.1.M.) **The authority of the Deputy Commissioner, Operations cannot be re-delegated.**
 - (b) The regional directors are delegated the authority to take the following actions for areas within their jurisdiction. **The authority of the regional directors can only be re-delegated to area managers.**
 - (i) determine at what level to negotiate interagency agreements with other Federal agencies or contracts or cooperative agreements with state, local, tribal agencies, managing partners, or other entities for WFM activities;
 - (ii) negotiate WFM agreements or contracts;
 - (iii) execute WFM agreements or contracts; and
 - (iv) approve final burn plans (255 DM 1.1.A. and 255 DM 2.1.M.).

L. Loans, Grants, Rehabilitation and Betterment, and Distribution (LON).

- (1) **Exceptions and Limitations.** The following are the exceptions or limitations to the delegation of authority to the regional directors under this series of the RM.

Reclamation Manual

Delegations of Authority

- (2) **Loan Guarantee.** The Commissioner retains the authority to approve loan guarantees pursuant to Title II of the Rural Water Supply Act of 2006, December 22, 2006, (Pub. L. 109-451; 43 USC 2421) (255 DM 1.1.A.).
- M. **Native American and International Affairs (NIA).** The following are the exceptions or limitations to the delegation of authority to the regional directors under this series of the RM.
- (1) **Tribal Liaison Officer.** The Program Manager, Native American and International Affairs Office is designated as Reclamation's Tribal Liaison Officer (SO 3317).
- (2) **Consultation and Coordination with Indian Tribal Governments.** See Paragraph 4.E.(1) for delegations related to consultation and coordination with Indian tribal Governments.
- (3) **Indian Self-Determination and Education Assistance Act (Pub. L. 93-638).**
- (a) **Indian Self-Determination.** The regional directors are delegated the authority, subject to the exception in 255 DM 1.2.E., under 25 USC 450f(a)(1) of the Indian Self-Determination Act (Title I of the Indian Self-Determination and Education Assistance Act of January 4, 1975, Pub. L. 93-638), as amended (25 USC 450 *et seq.*) and 25 CFR 900 to enter into contracts, cooperative agreements, and grants with Indian Tribes for eligible construction and non-construction programs, functions, services, or activities that are for the benefit of Indians because of their status as Indians (255 DM 1.1.A.). **As provided in 25 CFR 900.6, this authority may be re-delegated to any authorized awarding official who, by appointment or delegation in accordance with applicable regulations, has the authority to enter into and administer contracts on behalf of the United States and make determinations and findings with respect thereto. This person can be any Reclamation official including, but not limited to, contracting officers.**
- (b) **Tribal Self-Governance.** The regional directors are delegated the authority, subject to the exception in 255 DM 1.2.E. and limitation on further delegation in 255 DM 1.4.C., under 25 USC 458cc(a) of the Tribal Self-Governance Act (Title IV of the Indian Self-Determination and Education Assistance Act of January 4, 1975, Pub. L. 93-638), as amended (25 USC 458aa to 458hh), to enter into Annual Funding Agreements (AFAs) with Self-Governance tribes for eligible programs, functions, services, or activities (255 DM 1.1.A.). **The authority of the regional directors can only be re-delegated to deputy regional directors, assistant regional**

Reclamation Manual

Delegations of Authority

directors, area managers, or deputy/assistant area managers for each AFA.

- (4) **Indian Water Right Settlements.** The authority to implement Indian water rights settlements is **not** generally delegated to the Commissioner. Rather, the Commissioner must obtain authority to implement Indian water rights settlement acts pursuant to individual SOs, and may further re-delegate that authority on a case-by-case basis in a formal written document.
- N. **Program Economics, Revenues, and Contracts (PEC).** The following are the exceptions or limitations to the delegation of authority to the regional directors under this series of the RM.
- (1) **Acreage Limitation and Reclamation Reform Act of 1982 (RRA).**
- (a) **Appeal Determinations.** The Director, Policy and Programs is delegated the authority for acreage limitation appeal determinations of regional director final determinations as provided for in 43 CFR 426.24 (255 DM 1.1.A.). **The authority of the Director, Policy and Programs cannot be re-delegated.**
- (b) **Exemptions from Acreage Limitation Provisions.** The Director, Policy and Programs is delegated the authority to sign notification letters regarding exemptions from the acreage limitation provisions as provided for in 43 CFR 426.16(b)(3)(i) (255 DM 1.1.A.). **The authority of the Director, Policy and Programs cannot be re-delegated.**
- (c) **Full cost Rate.** The Director, Policy and Programs is delegated the authority to review and approve regional RRA full-cost rate methodologies (255 DM 1.1.A.). **The authority of the Director, Policy and Programs cannot be re-delegated.**
- (d) **Recordable Contracts.** The regional directors are delegated the authority to execute recordable contracts covering excess lands pursuant to Section 46 of the Omnibus Adjustment Act of 1926, May 25, 1926 (Pub. L. 69-284; 44 Stat. 649; Act of July 11, 1956, 70 Stat. 524; 43 USC 423e) (255 DM 1.1.A.). **The authority of the regional directors cannot be re-delegated.**
- (e) **Rulemaking.** The Commissioner retains the authority, as required in 255 DM 1.4.D., to issue rules in Title 43, Subtitle B, Chapter I, Parts 426, 427, and 428 of the Code of Federal Regulations to implement the RRA, October 12, 1982 (Pub. L. 97-293; 96 Stat. 1263; 43 USC 390aa

Reclamation Manual

Delegations of Authority

et seq.), as amended, and the Reclamation Act, June 17, 1902 (ch. 1093; 32 Stat. 388; 43 USC 391 *et seq.*) (255 DM 1.4.D.).

- (2) **Feasibility Studies and Final Project Construction Cost Allocations.** The regional directors are delegated the authority, in accordance with the exceptions in 255 DM 1.2.B. and C., to conduct feasibility studies, prepare reports, declare a project complete, and conduct final project construction cost allocations upon project completion as specifically authorized by Congress (255 DM 1.1.A.). **The Commissioner retains the authority to submit feasibility studies and reports to the Secretary for approval and to approve final project construction cost allocations, which form the basis for repayment obligations upon project completion (255 DM 1.1.A.).**
- (3) **Operation, Maintenance, and Rehabilitation (OM&R).**
 - (a) **Extraordinary Maintenance Contracts.** The Commissioner retains the authority, as limited by 255 DM 1.2.F., or will delegate such authority in a formal written document, to negotiate, approve, and execute contracts for repayment of costs for extraordinary maintenance and emergency extraordinary maintenance pursuant to the Title IX, Subtitle G – Aging Infrastructure, of the Omnibus Public Land Management Act of 2009, March 30, 2009 (Pub. L. 111-11; 123 Stat. 1346; 43 USC 510) (255 DM 1.1.A.).
 - (b) **OM&R Cost Allocation.** The Commissioner retains the authority to approve changes to OM&R cost allocations which result in an increase of more than 10 percent in the allocation of joint costs to non-reimbursable functions (255 DM 1.1.A.).
- (4) **Water-Related Contracts.**⁸ The Commissioner retains the authority, as limited by 255 DM 1.2.F., or will delegate such authority in a formal written document (i.e., basis of negotiation approval memorandum) to negotiate, approve, execute, and administer new, renewal, supplementary, or amendatory water-related contracts except as follows.
 - (a) The regional directors are delegated the authority to negotiate, approve, execute, and administer new, renewal, supplementary, or amendatory contracts for:
 - (i) the delivery of project water for irrigation and municipal and industrial water uses pursuant to the Sale of Water for Miscellaneous Purposes Act of February 25, 1920 (Pub. L. 66-147; 41 Stat. 451; 43 USC 521) or

⁸ See RM Policy, *Water-Related Contracts and Charges – General Principles and Requirements* ([PEC P05](#)) for definition of water-related contracts.

Reclamation Manual

Delegations of Authority

Sections 9(c)(2) and 9(e) of the Reclamation Project Act of 1939, August 4, 1939 (Pub. L. 76-260; 53 Stat. 1194, 1196; 43 USC 485h(c), (e)); water exchange or replacement pursuant to Section 14 of the Reclamation Project Act of 1939, August 4, 1939 (Pub. L. 76-260; 43 Stat. 1197; 43 USC 389); water-related contracting pursuant to Title I of the Reclamation States Emergency Drought Relief Act of 1991, March 5, 1992 (Pub. L. 102-250; 106 Stat. 59; 43 USC 2245); or the delivery of project water pursuant to Section 215 of the RRA, October 12, 1982 (Pub. L. 97-293; 96 Stat. 1263; 43 USC 390aa) subject to the following limitations (255 DM 1.1.A.):

- (aa) contracts for quantities not to exceed 10,000 acre-feet annually and for periods not to exceed 5 years; and
 - (bb) contracts exceeding 5 years for quantities not to exceed 1,000 acre-feet per year.
- (ii) the use of excess capacity in Reclamation project facilities for the impoundment, storage, and carriage of non-project water pursuant to the Warren Act of February 21, 1911 (Pub. L. 61-406; 36 Stat. 925-926; 43 USC 523-525); Section 305 of the Reclamation States Emergency Drought Relief Act of 1991, March 5, 1992 (Pub. L. 102-250; 106 Stat. 59; 43 USC 2245); Title XXXIV, Section 3408(c) of the Central Valley Project Improvement Act of October 30, 1992 (Pub. L. 102-575; 106 Stat. 4728); or project-specific authorization when one of the following conditions exists (255 DM 1.1.A):
- (aa) the contract is for a period not to exceed 5 years **and** the excess capacity contracted for does not exceed the capacity required to store or convey 10,000 acre-feet per year of non-project water.
 - (bb) the contract is for a period exceeding 5 years (but not exceeding the then-applicable policies concerning the length of contracts) **and** the excess capacity contracted for does not exceed the capacity required to store or convey 1,000 acre-feet per year of non-project water.
- (b) The regional directors are delegated the authority to negotiate and execute drainage and minor construction contracts for \$200,000 or less pursuant to the Drainage and Minor Construction Act of June 13, 1956 (Pub. L. 84-575; 70 Stat. 274) (255 DM 1.1.A.).
- (c) The regional directors are delegated the authority to negotiate and execute contracts for the transfer of operation, maintenance, and replacement

Reclamation Manual

Delegations of Authority

responsibilities without the prior approval of the Commissioner pursuant to Section 6 of the Reclamation Act, June 17, 1902 (32 Stat. 389; 43 USC 491, 498); Section 5 of the Reclamation Extension Act of August 13, 1914 (Pub. L. 63-170; 38 Stat. 687; 43 USC 492, 499); and Subsection G of the Second Deficiency Appropriation Act for 1924, December 5, 1924 (Fact Finders' Act) (Pub. L. 69-292; 43 Stat. 702; 43 USC 500) subject to any constraints or authorities imposed by the Transfer Title to Movable Property to Irrigation Districts Act of July 29, 1954 (Pub. L. 83-551; 68 Stat. 580) and the Amend Movable Property Title Transfer Act of June 24, 1965 (Pub. L. 89-48; 79 Stat. 172) (255 DM 1.1.A.). **This delegation is subject to the provisions in the guidance for such transfers issued on June 25, 2001 (Guidance for Negotiating and Executing Contracts for the Transfer of Operations, Maintenance, and Replacement on Project Facilities) and RM D&S, Completion of a Construction Activity: Transferring Reclamation Capital Assets Under Construction (AUC) to Operation and Maintenance (O&M) Status ([FAC 01-05](#)).**

- (d) The regional directors are delegated the authority to execute amendatory contracts whose sole purpose is to conform to the discretionary provisions of the RRA, October 12, 1982 (Pub. L. 97-293; 96 Stat. 1263; 43 USC 390aa) (255 DM 1.1.A.).
- (e) The Lower Colorado Basin Regional Director is delegated the authority to execute:
 - (i) Permanent contracts to furnish domestic and irrigation use water from the mainstream of the lower Colorado River, to users and potential users not included in Federal water projects and to Indian Tribes, pursuant to the Boulder Canyon Project Act of December 21, 1928 (Pub. L. 70-642; 45 Stat. 1057), and the Consolidated Decree of the United States Supreme Court entered March 27, 2006, as it may be supplemented and amended, in *Arizona v. California*, as follows (255 DM 1.1.A.). **The authority of the Lower Colorado Basin Regional Director cannot be re-delegated.**
 - (aa) Permanent contracts for use in Arizona: (1) up to the amount of Colorado River water not under contract and not to exceed 127,000 acre-feet per year; (2) pursuant to the contract with the State of Arizona dated February 9, 1944; and (3) following consultations with the Arizona Department of Water Resources.
 - (bb) Permanent contracts for use in California: (1) up to the amount of Colorado River water not under contract and not to exceed

Reclamation Manual

Delegations of Authority

5,000 acre-feet per year; and (2) after consultations with the Colorado River Board of California.

- (ii) Renewal or extension of the June 14, 1972, contract with Mexico for delivery of part of Mexico's Colorado River water entitlement to the City of Tijuana, Baja California, Mexico, in amounts specified in Minute No. 240, dated June 13, 1972, of the International Boundary and Water Commission, United States and Mexico (255 DM 1.4.B.). **The authority of the Lower Colorado Basin Regional Director cannot be re-delegated.**
 - (iii) Contracts with California entities eligible for an allocation of water from the Lower Colorado Water Supply Project pursuant to the Lower Colorado Water Supply Act of November 14, 1986 (Pub. L. 99-655; 100 Stat. 3665), as amended (255 DM 1.1.A.). **The authority of the Lower Colorado Basin Regional Director cannot be re-delegated.**
 - (iv) Execute and carry out water service subcontracts and amendments thereto with municipal and industrial entities pursuant to the Colorado River Basin Project Act of September 30, 1968 (Pub. L. 90-537; 82 Stat. 885), as amended, providing for water delivery from the Central Arizona Project to non-Indian entities which have been allocated a supply of water from the Central Arizona Project by the Secretary and which are required to facilitate conversion of water from agricultural to municipal and industrial purposes (255 DM 1.1.A.).
 - (v) Storage and interstate release agreements between the Department and authorized entities in two or more Lower Division States within the Colorado River Basin that address the details of offstream storage of Colorado River water by a storing entity for future use within the storing state, the subsequent development of intentionally created unused apportionment by the storing entity, and the release of that intentionally created unused apportionment by the Secretary to the consuming entity, all pursuant to the procedural framework set forth in Subpart B of 43 CFR 414 (255 DM 1.1.A.).
- (5) **Contributed Funds Agreements Associated with Water Contracting Activities.** The Commissioner retains the authority to negotiate, approve, execute, and administer Contributed Funds Act agreements involving contributions exceeding \$25,000 for water-related contracting activities. The regional directors are delegated the authority to negotiate, approve, execute, and administer agreements involving contributions for water-related contracting activities up to \$25,000 pursuant to the Sundry Civil Appropriations Act for 1922, March 4, 1921 (Pub. L. 66-389; 41 Stat. 1404; 43 USC 395) (also known as the

Reclamation Manual

Delegations of Authority

Contributed Funds Act). For delegations associated with contributed funds agreements executed for technical services work performed by the Technical Service Center, see Paragraph 4.E.(2).

O. Project Planning and Facility Operation, Maintenance, and Rehabilitation (FAC).
The following are the exceptions or limitations to the delegation of authority to the regional directors under this series of the RM.

(1) Power.

- (a) **Hoover Power Plant.** The Lower Colorado Basin Regional Director is delegated the authority of the Hoover Power Plant Act of 1984, August 17, 1984 (Pub. L. 98-381; 98 Stat. 1333; 43 USC 619 *et seq.*), with the exception of Section 109 which is delegated to the Columbia-Pacific Northwest Regional Director (255 DM 1.1.A.). **The authority of the Lower Colorado Basin and Columbia-Pacific Northwest Regional Directors cannot be re-delegated.**
- (b) **Project Use Power Contracts.** The regional directors are delegated the authority to approve use of project-generated power for project purposes and associated power delivery contracts within their respective projects pursuant to the Town Sites and Power Development Act of 1906, April 16, 1906 (Pub. L. 59-103; 34 Stat. 116) and the Warren Act of February 21, 1911 (Pub. L. 61-406; 36 Stat. 925) (255 DM 1.1.A.). The Senior Advisor, Hydropower will have responsibility for determining the contract meets statutory requirements prior to execution by the regional directors (255 DM 1.1.A.). **The authority of the regional directors and the Senior Advisor, Hydropower cannot be re-delegated.**
- (c) **Project Use Power Rate Setting and Adjustments.** The ASWS retains the approval of establishing project use power and energy rates in 255 DM 1.2.I. The regional directors are delegated the authority to adjust power rates in cases where the rate methodology to establish the rate has been approved by the ASWS as required in 255 DM 1.2.I. (255 DM 1.1.A.). **The authority of the regional directors cannot be re-delegated.**
- (d) **Lease of Power Privilege.** The regional directors are delegated the authority to approve lease of power privilege contracts for new or additional power development on Reclamation facilities within their respective region pursuant to the Reclamation Act, June 17, 1902 (ch. 1093; 32 Stat. 388; 43 USC 391 *et seq.*), and supplementary acts including the Town Sites and Power Development Act, April 16, 1906 (Pub. L. 59-103; 34 Stat. 116), and the Reclamation Project Act of 1939, August 4, 1939 (Pub. L. 76-260; 53 Stat. 1187) (255 DM 1.1.A.). The Senior Advisor, Hydropower is

Reclamation Manual

Delegations of Authority

delegated the authority for determining the contract meets statutory requirements prior to approval by the regional directors; to determine lease of power privilege rates; and to work with the Federal Energy Regulatory Commission on jurisdiction (255 DM 1.1.A.). **The authority of the regional directors and the Senior Advisor, Hydropower cannot be re-delegated.**

- (e) **Contracts for Power Facilities.** The regional directors are delegated the authority to approve contracts and agreements (e.g., design, construction, operation, and maintenance-specific agreements with the Bonneville Power Administration or Western Area Power Administration to delegate agency compliance activities between Reclamation and those agencies, authority to approve associated funding agreements, authority to enter into contracts or agreements relating to the acceptance of contributed funds from power customers for the design, construction, operation, and maintenance of power facilities) relating to the power facilities within a region's jurisdiction pursuant to the Reclamation Act, June 17, 1902 (ch. 1093; 32 Stat. 388; 43 USC 391 *et seq.*), and supplementary acts including the Town Sites and Power Development Act, April 16, 1906 (Pub. L. 59-103; 34 Stat. 116), the Reclamation Project Act of 1939, August 4, 1939 (Pub. L. 76-260; 53 Stat. 1187), and project-specific authorities for the development of power (e.g., Central Valley Project Reauthorization Act, Act of August 26, 1937 (Pub. L. 75-392; 50 Stat. 844)) (255 DM 1.1.A.). **This delegation excludes FAR procurement contracts and financial assistance agreements (grants and cooperative agreements) and does not supersede or alter any other authority delegated by the Commissioner in this release.**
- (f) **Bulk Electric System Reliability Standards.** The Senior Advisor, Hydropower is delegated the role of Critical Infrastructure Protection Senior Manager, and authority to administer and ensure Reclamation compliance with mandatory Federal Energy Regulatory Commission and North American Electric Reliability Corporation bulk electric system reliability standards, including signing related documents pursuant to the Reclamation Act, June 17, 1902 (ch. 1093; 32 Stat. 388; 43 USC 391 *et seq.*) and supplementary acts including the Town Sites and Power Development Act, April 16, 1906 (Pub. L. 59-103; 34 Stat. 116) and the Reclamation Project Act of 1939, August 4, 1939 (Pub. L. 76-260; 53 Stat. 1187) (255 DM 1.1.A.). **Title XII, Subtitle A, Section 1211 of the Energy Policy Act of 2005, August 8, 2005 (Pub. L. 109-58; 119 Stat. 594; 16 USC 824o) requires all users, owners, and operators of the bulk-power system, including any agency of the United States, to demonstrate and certify compliance with the reliability requirements of the Federal Energy**

Reclamation Manual

Delegations of Authority

Regulatory Commission for bulk-power systems. The authority of the Senior Advisor, Hydropower cannot be re-delegated.

(2) Safety of Dams.

- (a) The Director, Dam Safety and Infrastructure is delegated the authority for the Dam Safety Program in accordance with 753 DM 1 and 2 to:
- (i) advise and assist bureaus in developing and operating their individual dam safety and security programs;
 - (ii) identify and develop dam safety and dam security policy standards and practices in cooperation with bureaus for implementation Department-wide;
 - (iii) develop technical standards, criteria, and guidelines in cooperation with bureaus for design, construction, operation, and inspection, and security of dams;
 - (iv) serve as the Chairman of the Working Group on Dam Safety and Security; and
 - (v) consult with the Department's Director, Office of Law Enforcement and Security, on matters affecting security at high and significant hazard dams.
- (b) The Senior Advisor, Design, Estimating, and Construction/Dam Safety Officer is delegated the authority for Dam Safety Program oversight in accordance with 753 DM 1 to:
- (i) review and evaluate the administrative, technical, and regulatory practices of the applicable bureaus as they relate to dam safety and security;
 - (ii) review bureau dam safety and security programs and provide respective program Assistant Secretaries with recommendations for program improvements or revisions; and
 - (iii) coordinate with the Federal Emergency Management Agency (FEMA) and other parts of the Department of Homeland Security on National Dam Safety Program matters and represent the Department with the Department of Homeland Security, FEMA, and other domestic or foreign entities on Department dam safety and security matters.

Reclamation Manual

Delegations of Authority

- (c) The Commissioner retains the authority of the Reclamation Safety of Dams Act of November 2, 1978 (Pub. L. 95-578; 92 Stat. 2471), as amended (255 DM 1.1.A.). RM Policy, *Decisions Related to Dam Safety Issues* ([FAC P02](#)) establishes responsibilities for making decisions to resolve dam safety issues.

P. Property Management (PRM). The following are the exceptions or limitations to the delegation of authority to the regional directors under this series of the RM.

- (1) **Accountable Officers.** The regional directors; Director, Mission Support Organization; Director, Information Resources; Director, Dam Safety and Infrastructure; Director, Policy and Programs; Director, Technical Service Center; and senior level positions are designated accountable officers for Reclamation property held under the jurisdiction of their offices (41 CFR 101; Federal Management Regulations 114-60). **The authority of the regional directors; Director, Mission Support Organization; Director, Information Resources; Director, Dam Safety and Infrastructure; Director, Policy and Programs; Director, Technical Service Center; and senior level positions can be re-delegated as provided in Reclamation Supplement 114S-60.**
- (2) **Asset Management.** The Director, Dam Safety and Infrastructure is delegated the authority and designated as Reclamation's Senior Asset Management Officer as described in Reclamation's Asset Management Plan (255 DM 2.1.F. and 255 DM 2.1.G.). **The authority of the Director, Dam Safety and Infrastructure cannot be re-delegated.**
- (3) **Quarters.** The regional directors are delegated the authority for Government- furnished quarters as provided in 205 DM 10.1.A., and as limited in 205 DM 10.1.B. (255 DM 2.1.G.).
- (4) **Transfer and Disposal of Property.** Except as provided in Paragraphs 4.E.(5) and 4.K.(4) of this release, the regional directors and the Director, Mission Support Organization are delegated the authority to perform transfer and disposal functions with respect to personal property and to real property and related personal property (255 DM 2.1.F. and 255 DM 2.1.G.). **Excepted from this delegation is authority to determine what power generation or transmission facilities together with related land, buildings, fixtures and installed equipment will be excessed, surplus, or transferred outside Reclamation or otherwise disposed. The authority of the regional directors and the Director, Mission Support Organization to dispose of historic property cannot be further delegated (see Paragraph 4.K.(2)(d) for delegations specific to National Historic Preservation Act activities).**

Reclamation Manual

Delegations of Authority

- (5) **Transportation and Motor Vehicles.** The regional directors and the Director, Mission Support Organization are delegated the authority to perform and exercise the functions with respect to Motor Vehicle (Fleet) Management and current Department Strategic Planning as supplemented by the Department and Bureau Fleet Management Strategic Plans (255 DM 2.1.F.). **The Mission Support Organization's Property Program Manager is designated as the Senior Fleet Manager (SFM) and is responsible for strategic planning, management, and overall monitoring of Reclamation's Fleet. The Fleet Management Investment Review Board (FMIRB) is responsible for making recommendations to the SFM related to the improvement of Reclamation's Fleet management as a whole. Only the FMIRB shall approve Reclamation vehicle acquisition with the authorization and concurrence of the SFM.**
- Q. **Records Management (RCD).** The following are the exceptions or limitations to the delegation of authority to the regional directors under this series of the RM.
- (1) **Freedom of Information Act (FOIA).** The Reclamation FOIA and Privacy Officer and regional FOIA officers are delegated the authority to sign FOIA responses (383 DM 15). **The authority of the Reclamation FOIA and Privacy Officer and the regional FOIA officers cannot be re-delegated.**
- (2) **RM.**
- (a) **Policy and Delegations of Authority.** The Commissioner retains the authority to sign as the approving official for RM Delegations of Authority, Policy, TRMR Policy; substantive revisions to these RM releases; and requests for waiver from RM Delegations of Authority, Policy, and TRMR Policy requirements (255 DM 2.2). The Director, Policy and Programs is delegated the authority to approve minor revisions to this RM Delegations of Authority release as requested by other directors and to update Appendix A of this release. **Only the Deputy Commissioner can exercise the authority of the Commissioner in accordance with Paragraph 3.B. Temporary actings are prohibited from exercising the authority of Director, Policy and Programs. The authority of the Director, Policy and Programs cannot be re-delegated.**
- (b) **D&S, D&S Waivers, and Minor Revisions to RM Releases.** The deputy commissioners, directors, and senior level positions are delegated the authority to sign as the approving official for RM D&S; TRMR D&S; requests for waiver from RM D&S and TRMR D&S requirements; and minor revisions to Policy, TRMR Policy, D&S, and TRMR D&S for the program areas for which they have been assigned responsibility (255 DM 2.2). **Temporary actings are prohibited from exercising this**

Reclamation Manual

Delegations of Authority

authority. The authority of the deputy commissioners, directors, and senior level positions cannot be re-delegated.

- (c) **Deleting RM Releases When There is No Longer Authority.** The deputy commissioners, directors, and senior level positions are delegated authority to sign as the approving official for any RM Policy, D&S, TRMR Policy, or TRMR D&S within the program areas for which they have been assigned responsibility in only those cases where there is no longer legal authority to carry out the activity (255 DM 2.2.). **The authority of the deputy commissioners, directors, and senior level positions cannot be re-delegated.**

R. **Research, Testing, and Technical (RES).** The following are the exceptions or limitations to the delegation of authority to the regional directors under this series of the RM.

(1) **Desalination.**

(a) **Procurement Contracts and Financial Assistance.**

- (i) **Procurement Contracts.** The CCO in Denver is delegated the authority to execute contracts pursuant to Sections 3(a) and 6(2) of the Water Desalination Act of 1996, October 11, 1996 (Pub. L. 104-298; 110 Stat. 3622; 42 USC 10301), as amended (255 DM 1.1.A.). **In consultation with the Senior Advisor for Research and Development and the Program Manager, Research and Development, the BPC may re-delegate this authority to regional CCOs on a case-by-case basis. The authority of regional CCOs cannot be re-delegated.**
- (ii) **Financial Assistance.** The regional directors and the Director, Mission Support Organization are delegated the authority to award and fund research, development, and demonstration grants to develop cost-effective desalination processes and enter into agreements for authorized purposes pursuant to Sections 3(a), 4(b), and 6(2) of the Water Desalination Act of 1996, October 11, 1996 (Pub. L. 104-298; 110 Stat. 3622; 42 USC 10301), as amended (255 DM 1.1.A.). **The authority of the regional directors and Director, Mission Support Organization can only be re-delegated to designated grants officers.**

(b) **Other Authorized Activities.** See Paragraph 4.R.(4).

Reclamation Manual

Delegations of Authority

(2) Research Agreements.

- (a) The regional directors and the Director, Mission Support Organization are delegated the authority to use appropriations received from other Federal agencies through reimbursable or other agreements pursuant to 31 USC 1535 and 1536 to incrementally fund research work orders, which may last more than 1 fiscal year, for cooperative agreements with colleges and universities, State agencies, and nonprofit organizations subject to the availability of such funds pursuant to Title I, Section 115 of the Department of the Interior and Related Agencies Appropriations Act, 1995, September 30, 1994 (Pub. L. 103-332; 108 Stat. 2519; 43 USC 1471f) as amended by Title I, Section 116 of the Department of the Interior and Related Agencies Appropriations Act, 1998, November 14, 1997 (Pub. L. 105-83; 111 Stat. 1563; 43 USC 1471f) (255 DM 1.1.A.). **The authority of the regional directors and Director, Mission Support Organization can only be re-delegated to designated grants officers.**
- (b) The regional directors and the Director, Mission Support Organization are delegated the authority to award and administer financial assistance agreements (grants and cooperative agreements) for periods not to exceed 5 years to carry out research pursuant to Title IX, Subtitle F – Secure Water, Section 9509 of the Omnibus Public Land Management Act of 2009, March 30, 2009 (Pub. L. 111-11; 123 Stat. 991) (255 DM 1.1.A.). **The authority of the regional directors and Director, Mission Support Organization can only be re-delegated to designated grants officers.** See Paragraph 4.A.(1)(a) for delegations applicable to contracts executed pursuant to this authority. See Paragraph 4.U.(6) for delegations applicable to Section 9504.
- (c) The regional directors and the Director, Mission Support Organization are delegated the authority to enter into cooperative agreements for the purposes of water resource education and research related to the programs of Reclamation pursuant to Section 104(h)(1)(C) of the Water Resources Research Act of 1984, March 22, 1984 (Pub. L. 98-242; 98 Stat. 98) as amended by Section 6 of the Water Resources Research Act of 1984, Reauthorization and Amendment, May 24, 1996 (Pub. L. 104-147; 110 Stat. 1376; 42 USC 10303(h)(1)(C)) (255 DM 1.1.A.). **The authority of the regional directors and Director, Mission Support Organization can only be re-delegated to designated grants officers.**

- (3) **Technology Transfer.** The Senior Advisor for Research and Development is delegated the authority under the Stevenson-Wydler Technology Innovation Act of 1980 (15 USC 3701), the Federal Technology Transfer Act of 1986 (15 USC 3710a, *et seq.*) as amended, and EO 12591 to:

Reclamation Manual

Delegations of Authority

- (a) negotiate licenses and other agreements with external parties related to conducting cooperative research, licensing intellectual property, providing access to Federal research capacity, and conducting prize competitions in support of Reclamation mission objectives (207 DM 8). **The authority of the Senior Advisor for Research and Development can only be re-delegated to the Program Manager, Research and Development; the Director, Technical Service Center; and regional directors.**
 - (b) administer and conduct Reclamation technology transfer and prize competition activities in support of Reclamation mission objectives (207 DM 8).
- (4) **Other Authorized Activities.**
- (a) The Senior Advisor for Research and Development is delegated the necessary authority to administer and conduct research, development, and demonstration activities on desalination and water purification, engage others, and accept technical and administrative assistance from states and public or private agencies in connection with the desalting of water and exercise other authorities as outlined in Sections 1 and 2 of the Reclamation Act, June 17, 1902 (32 Stat. 388; 43 USC 391, 411); Title XVI, Section 1605 of the Reclamation Projects Authorization and Adjustment Act of 1992, October 30, 1992 (Pub. L. 102-575; 106 Stat. 4665; 110 Stat. 3295; 43 USC 390h-3), as amended; Water Desalination Act of 1996, October 11, 1996 (Pub. L. 104-298; 110 Stat. 3622; 42 USC 10301), as amended by Title II, Subtitle H, Section 3801 and Title II, Subtitle J, Section 4009(a) of the Water Infrastructure Improvements for the Nation Act, December 16, 2016 (Pub. L. 114-322); Title II, Section 210 of the Energy and Water Development Appropriations Act, 2004, December 1, 2003 (Pub. L. 108-137; 117 Stat. 1850); Title IX, Subtitle F – Secure Water, Section 9509 of the Omnibus Public Land Management Act of 2009, March 30, 2009 (Pub. L. 111-11; 123 Stat. 991). (255 DM 1.1.A.).
 - (b) The Senior Advisor for Research and Development is delegated the necessary authority to administer and conduct research, development and demonstration activities on technical challenges facing Reclamation’s water and power mission, pursuant to Sections 1 and 2 of the Reclamation Act, June 17, 1902 (32 Stat. 389; 43 USC 391, 411), as amended; and Title IX, Subtitle F – Secure Water, Section 9509 of the Omnibus Public Land Management Act of 2009, March 30, 2009 (Pub. L. 111-11; 123 Stat. 991) (255 DM 1.1.A.).
- S. **Safety Management (SAF).** The following are the exceptions or limitations to the delegation of authority to the regional directors under this series of the RM.

Reclamation Manual

Delegations of Authority

- (1) **Designated Agency Safety and Health Official.** The Deputy Commissioner, Policy, Administration, and Budget is delegated the authority and responsibilities of the Designated Agency Safety and Health Official in accordance with the Occupational Safety and Health Act of 1970, December 29, 1970, as amended (Pub. L. 91-596; 29 USC 668) and as implemented by 29 CFR 1960.6, EO 12196, and 485 DM 9 (485 DM 2). Unless otherwise prohibited by law, regulation, or DM, the Deputy Commissioner, Policy, Administration, and Budget may redelegate the authority and responsibilities of the Designated Safety and Health Official to the Director, Policy and Programs.
 - (2) **Professional Certification of Safety and Occupational Health Personnel.** The Director, Policy and Programs is delegated the authority to grant waivers for safety and occupational health professional certification requirements contained in RM Policy, *Safety and Occupational Health Program* ([SAF P01](#)). **The authority of the Director, Policy and Programs cannot be re-delegated.**
 - (3) **Safety and Occupational Health Program.** The Chief, Safety and Occupational Health Office (Denver) is delegated the authority to manage the Reclamation Safety and Occupational Health Program and to appoint Serious Accident Investigation teams, boards, and investigators for serious accidents (485 DM 2). The regional directors are delegated the authority for the day-to-day activities of the Safety and Occupational Health Program (485 DM 2).
- T. **Security and Law Enforcement (SLE).** The following are the exceptions or limitations to the delegation of authority to the regional directors under this series of the RM.
- (1) **Emergency Management.**
 - (a) (Reserved)
 - (b) The Commissioner's responsibility under 900 DM 5.6.F.(8) to manage Departmental responsibilities under National Response Plan Emergency Support Function No. 3 is delegated to the Director, Policy and Programs. The Director, Policy and Programs will designate, the Disaster Program Manager as Reclamation's National Response Framework Principal Planner pursuant to 900 DM 5.6.F.(8).
 - (c) The Commissioner's responsibility under 900 DM 1.5.G for emergency management functions is delegated to the Director, Policy and Programs (900 DM 1.5.G).

Reclamation Manual

Delegations of Authority

(2) Law Enforcement.

- (a) **Law Enforcement Administrator.** The Chief Security Officer is delegated the authority and is designated as Reclamation's Law Enforcement Administrator (LEA) as defined in 43 CFR 422 and 446 DM 1.4.C. DM 446 describes the LEA as the bureau or office designated official who directs one or more law enforcement units and develops and recommends for approval policies, procedures and standards for the law enforcement program. **The Chief Security Officer cannot re-delegate the following authorities pursuant to 446 DM 1.6.E:**
- (i) implementing and enforcing the policies and procedures within the DM 446 series;
 - (ii) developing any additional and necessary policies and procedures for successfully accomplishing Reclamation's law enforcement and security missions; and
 - (iii) representing Reclamation law enforcement and security issues as a member of the Department's Office of Law Enforcement and Security's Law Enforcement Board of Advisors.
- (b) **Senior Law Enforcement Official (SLEO).** The Chief Security Officer is delegated the authority to carry out the functions of the Bureau's SLEO as defined in 446 DM 1.4.D and 1.5.F, and as limited in 255 DM 1.4.D., the delegated authority provided in Pub. L. 107-69, November 12, 2001 (115 Stat. 593) and 43 CFR 422 (255 DM 1.1.A.). DM 446 describes the SLEO as a professional law enforcement manager who is trained in supervision of programs of a law enforcement unit. **The following authorities of the Chief Security Officer cannot be re-delegated except in cases related to closures, special use areas, and permits under 43 CFR 423 as set forth in Paragraph 4.T.(2)(c):**
- (i) implementing policies and procedures and providing operational direction for law enforcement units; and
 - (ii) appointing all law enforcement officers, pursuant to Pub. L. 107-69, November 12, 2001 (115 Stat. 593), or other applicable authorities (Note: this is for the Department of Homeland Security), including issuing and signing all law enforcement commission cards.
- (c) The Commissioner retains the authorities provided in Pub. L. 107-69, November 12, 2001 (115 Stat. 593) and 43 CFR 423 except as follows (255 DM 1.1.A.):

Reclamation Manual

Delegations of Authority

- (i) The regional directors and the Chief Security Officer are delegated the authority of the authorized official to close and reopen Reclamation facilities, lands, and waterbodies to the public as provided in 43 CFR 423, Subpart B. Closures and re-openings by regional directors with impacts to facility security or law enforcement under Pub. L. 107-69 must be made in consultation with the Chief Security Officer. The Chief Security Officer has authority to close and reopen facilities, lands, and waterbodies for reasons of security and/or law enforcement, in consultation with the appropriate regional director. In emergency situations as described in 43 CFR 423.12(b), such consultation with the Chief Security Officer or the regional directors must occur as soon as practicable.
- (ii) The regional directors are delegated the authority of the authorized official to issue, terminate, or revoke permits under 43 CFR 423, Subpart D for only those activities specifically identified in 43 CFR 423.50(a).
- (iii) The regional directors are delegated the authority of the authorized official to propose and/or establish special use areas as provided in 43 CFR 423, Subpart E, specifically as follows:
 - (aa) As provided in 43 CFR 423.63, special use areas existing on the date of publication of 43 CFR 423 (April 17, 2006) must have been formally documented on, or prior to, that date by the regional director or by the entity responsible for managing the area under a valid contract with Reclamation. Formal documentation can consist of a publication, brochure, memorandum, or other document created by the responsible official or entity that establishes the rules for the special use area.
 - (bb) To establish special use areas after the date of publication of 43 CFR 423 (April 17, 2006) that meet all four criteria established in 43 CFR 423.61(d). Notwithstanding this authority, regional directors must consult with the Chief Security Officer to establish special use areas that would impact facility security or law enforcement under Pub. L. 107-69. Such consultation with the Chief Security Officer must occur before the processes established in 43 CFR 423, Subpart E are initiated, except that in emergency situations as described in 43 CFR 423.61(c)(1), such consultation must occur as soon as practicable.
- (iv) The Commissioner retains authority to establish special use areas that do not meet all four criteria in 43 CFR 423.61(d), and to publish any

Reclamation Manual

Delegations of Authority

required public notice. Determinations of the need for such special use areas as required by 43 CFR 423.60(b) will be reviewed and approved by all three deputy commissioners prior to the Commissioner's final approval.

- (v) In an emergency situation as described in 43 CFR 423.61(c)(1), regional directors may establish special use areas that do not meet the criteria of 43 CFR 423.61(d). If such a special use area would impact facility security or law enforcement, the regional director will consult with the Chief Security Officer as soon as practicable. In such emergency situations, 43 CFR 423.61(c) requires Reclamation to comply with the notification requirements of 43 CFR 423.61(b) within 30 days of the effective date of the special use area. Therefore, the regional director must prepare the required determinations and notices in a timeframe sufficiently expeditious to comply with the internal review and approval requirements of the preceding paragraph as well as the regulatory requirements of 43 CFR 423.
 - (vi) **The regional directors and the Chief Security Officer may re-delegate the authority provided in Paragraphs 4.T.(2)(c)(i) through (iii) to area managers and other officials, internal to Reclamation and otherwise, as needed and as appropriate. Delegation to external entities will acknowledge and be consistent to the extent possible with the provisions of any applicable contracts with such entities, although such contract provisions are generally superseded by Federal law and regulations, including 43 CFR 423. Regional directors and their delegates will provide information and advice to external managing partners concerning the provisions of 43 CFR 423 and its effects on managing partners.**
 - (vii) At the time of any decision to propose or establish a closure, reopening, or special use area, or as soon as practicable thereafter, and regardless of requirements for consultation, the regional directors and the Chief Security Officer will notify each other of their intended action.
- (3) **Security.** The Chief Security Officer and the regional directors are delegated the authorities contained in 441-444 DM (255 DM 2.1.O. through S.).
- (a) The regional directors are delegated the authority to adjudicate background investigations and make suitability determinations for Low-Risk Non-Sensitive positions.
 - (b) The Chief Security Officer is delegated the authority to adjudicate background investigations and make suitability determinations for all Public

Reclamation Manual

Delegations of Authority

Trust and National Security positions, and for Low-Risk Non-Sensitive positions in Washington, D.C., and Denver.

- (c) The Chief Security Officer is delegated the authority for granting, suspending, revoking, or otherwise terminating national security clearances.

(4) **Aviation.**

- (a) The Director, Policy and Programs is designated as Reclamation's senior management official and will represent Reclamation on the Interior Executive Aviation Committee (352 DM 1.6.C(6)). **This designation cannot be re-delegated.**
- (b) The Director, Policy and Programs is designated as Reclamation's aviation executive pursuant to OPM-06. **This designation cannot be re-delegated.** The Director, Policy and Programs may re-delegate final approval authority for project aviation safety plans (PASPs) based on completion of required training and risk assessment results as delineated below:⁹
 - (i) **High Risk. Authority to approve high-risk PASPs can only be re-delegated to the Chief, Emergency Management and Aviation Office.**
 - (ii) **Serious Risk. Authority to approve serious risk PASPs can only be re-delegated to the Reclamation's National Aviation Manager.**
 - (iii) **Medium Risk. Authority to approve serious risk PASPs can only be re-delegated to the Reclamation Aviation Management Specialist.**
 - (iv) **Low Risk. Authority to approve low risk PASPs can only be re-delegated to the immediate supervisor of the flight manager.**

U. **Water Management and Development (WTR).** The following are the exceptions or limitations to the delegation of authority to the regional directors under this series of the RM.

(1) **Basin Studies.**

- (a) **Selection of Studies.** The Chief Engineer is delegated the authority to select which basin studies and Secure Water feasibility studies Reclamation will conduct in cooperation with non-Federal participants pursuant to Title IX, Subtitle F – Secure Water, Section 9503 of the Omnibus Public Land Management Act of 2009, March 30, 2009 (Pub. L. 111-11; 123 Stat. 1333;

⁹For more information on aviation responsibilities see the NAMP.

Reclamation Manual

Delegations of Authority

42 USC 10363) (255 DM.1.1A). **The authority of the Chief Engineer cannot be re-delegated.**

- (b) **Memoranda of Agreement.** The regional directors are delegated the authority to enter into memoranda of agreement with non-Federal participants for the purpose of conducting studies and cost sharing such studies pursuant to Title IX, Subtitle F – Secure Water, Section 9503 of the Omnibus Public Land Management Act of 2009, March 30, 2009 (Pub. L. 111-11; 123 Stat. 1333; 42 USC 10363) (255 DM.1.1A). **The authority of the regional directors cannot be re-delegated.**
- (c) **Cost-Share Waiver.** The Chief Engineer is delegated the authority to waive cost-share of non-Federal participants pursuant to Title IX, Subtitle F – Secure Water, Section 9503(d)(2) of the Omnibus Public Land Management Act of 2009, March 30, 2009 (Pub. L. 111-11; 123 Stat. 1333; 42 USC 10363) (255 DM.1.1A). **The authority of the Chief Engineer cannot be re-delegated.**
- (d) **Financial Assistance.** The regional directors and Director, Mission Support Organization are delegated the authority to enter into financial assistance agreements with Indian Tribes to perform work authorized under the Basin Study Program pursuant to Title II, Division D, Section 201 of the Consolidated Appropriations Resolution of 2003, February 20, 2003 (Pub. L. 108-7; 117 Stat. 144; 43 USC 373d) (255 DM.1.1A). **The authority of the regional directors and Director, Mission Support Organization can only be re-delegated to individuals (not positions) that have been designated as grants officers with the full authority to sign and administer financial assistance agreements on behalf of Reclamation subject to the requirements in RM D&S, *Requirements for Award and Administration of Financial Assistance Agreements (Grants and Cooperative Agreements)* ([ACM 01-01](#)), Departmental and Government-wide policies and procedures applicable to financial assistance, and any monetary or other limitations that a regional director or the Director, Mission Support Organization may impose.**
- (e) **Contracts.** For contracts under this authority, see Paragraph 4.A.(1)(a).
- (f) **Other Authorized Activities.** The Chief Engineer is delegated the necessary authority to implement, administer, and conduct Basin Study Program activities pursuant to Title IX, Subtitle F – Secure Water, Section 9503 of the Omnibus Public Land Management Act of 2009, March 30, 2009 (Pub. L. 111-11; 123 Stat. 1333; 42 USC 10363) (255 DM.1.1A).

Reclamation Manual

Delegations of Authority

- (2) **Drought.** The Chief Engineer is delegated the authority to approve activities for emergency drought assistance and planning pursuant to the Reclamation States Emergency Drought Relief Act of 1991, March 5, 1992 (Pub. L. 102-250; 106 Stat. 53), as amended (255 DM 1.1.A).
- (3) **Land Classification.** The regional directors are delegated authority to conduct the following:
 - (a) **New Projects.** Land classification studies of proposed lands for new projects and submit the studies to the Commissioner pursuant to Section 4, Subsection D of the Second Deficiency Appropriation Act for 1924, December 5, 1924 (Pub. L. 68-292; 43 Stat. 702; 43 USC 462) (255 DM 1.1.A.). **The Commissioner retains the authority to submit all land classification studies for lands for new projects to the ASWS. This delegation is subject to the exception of authority delegated to the Commissioner in 255 DM 1.2.A.**
 - (b) **Operating Projects.** Land classification studies on operating projects pursuant to Section 4, Subsection D of the Second Deficiency Appropriation Act for 1924, December 5, 1924 (Pub. L. 68-292; 43 Stat. 702; 43 USC 462), and approve land classification studies on operating projects (255 DM 1.1.A.). **The authority of the regional directors cannot be re-delegated.**
- (4) **Senate Document 80.** The Missouri Basin and Arkansas-Rio Grande-Texas Gulf Regional Director is delegated authority, as limited by 255 DM 1.4.A., to perform the functions and exercise the authority, and receive reports pursuant to the provisions of Senate Document 80 (75th Congress, First Session, June 15, 1937) and the decrees in the action *United States v. Northern Colorado Water Conservancy District, et al.* (U.S.D.C. for the District of Colorado, Civil Nos. 2782, 5016, 5017) (255 DM 1.4.A.). In carrying out this authority, the Missouri Basin and Arkansas-Rio Grande-Texas Gulf Regional Director shall consult with the Upper Colorado Basin Regional Director in all matters involving the Upper Colorado Basin Region. The Upper Colorado Basin Regional Director shall assist the Missouri Basin and Arkansas-Rio Grande-Texas Gulf Regional Director in all such matters. **The authority of the Missouri Basin and Arkansas-Rio Grande-Texas Gulf Regional Director cannot be re-delegated.**
- (5) **Title XVI.**
 - (a) **Title XVI Approvals.**
 - (i) **Appraisal and Feasibility Studies.** The Chief Engineer is delegated the authority of Title XVI of the Reclamation Projects Authorization and

Reclamation Manual

Delegations of Authority

Adjustment Act of 1992, October 30, 1992 (Pub. L. 102-575; 106 Stat. 4664; 43 USC 390h *et seq.*), as amended, to approve appraisal and feasibility studies pursuant to RM D&S, *Title XVI Water Reclamation and Reuse Program and Desalination Construction Program Feasibility Study Review Process* ([WTR 11-01](#)) (255 DM 1.1.A). **The authority of the Chief Engineer cannot be re-delegated.**

- (ii) **Financial Capability.** The Director, Policy and Programs is delegated the authority of Title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992, October 30, 1992 (Pub. L. 102-575; 106 Stat. 4664; 43 USC 390h *et seq.*), as amended, to determine the financial capability of the project sponsor to fund the non-Federal share of the project's costs, pursuant to RM D&S, *Title XVI Financial Capability Determination Process* ([WTR 11-02](#)) (255 DM 1.1.A). **The authority of the Director, Policy and Programs cannot be re-delegated.**

- (b) **Financial Assistance.** The regional directors and the Director, Mission Support Organization are delegated the authority of Title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992, October 30, 1992 (Pub. L. 102-575; 106 Stat. 4600; 43 USC 390h) to enter into grants and cooperative agreements (255 DM 1.1.A.). **The authority of the regional directors and Director, Mission Support Organization can only be re-delegated to designated grants officers.** See Paragraph 4.U.(5)(c) for specific delegation limitations regarding cost share amounts.

- (c) **Cost Share.** The Chief Engineer is delegated the authority of Title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992, October 30, 1992 (Pub. L. 102-575; 106 Stat. 4664; 43 USC 390h *et seq.*), as amended, to approve a Federal cost share above 25 percent, and not to exceed 50 percent, for research and demonstration projects, and to approve a Federal cost share above 50 percent for feasibility studies (255 DM 1.1.A.). **The authority of the Chief Engineer cannot be re-delegated.**

- (d) **Other Authorized Activities.** The Chief Engineer is delegated the necessary authority to implement, administer, and conduct Reclamation-wide water reclamation and reuse program activities pursuant to Title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992, October 30, 1992 (Pub. L. 102-575; 106 Stat. 4664; 43 USC 390h *et seq.*), as amended (255 DM 1.1.A).

Reclamation Manual

Delegations of Authority

(6) **Water Management.**

- (a) **Financial Assistance.** The regional directors and the Director, Mission Support Organization are delegated the authority to enter into grants and other agreements for the purpose of improving water management pursuant to Title IX, Subtitle F – Secure Water, Section 9504 of the Omnibus Public Land Management Act of 2009, March 30, 2009 (Pub. L. 111-11; 123 Stat. 991) (255 DM 1.1.A.). **The authority of the regional directors and the Director, Mission Support Organization can only be re-delegated to designated grants officers.** See Paragraph 4.R.(2)(b) for delegations applicable to Section 9509.
- (b) **Other Authorized Activities.** The Chief Engineer is delegated the necessary authority to implement, administer, and conduct Reclamation-wide water management program activities pursuant to Title IX, Subtitle F – Secure Water, Section 9504 of the Omnibus Public Land Management Act of 2009, March 30, 2009 (Pub. L. 111-11; 123 Stat. 1333; 42 USC 10363) (255 DM.1.1A).

5. **Appendices.**

- A. Appendix A - Authority Considered Delegated to the Commissioner in 255 DM 1
- B. Appendix B – Index by Position
- C. Appendix C – Index by Subject
- D. Appendix D – Acronym Glossary

6. **Definitions.** The following terms are defined as follows for the purposes of this release:

- A. **Area Managers.** The term area managers include the official heads of offices that are specifically designated area offices within the jurisdiction of each region. For purposes of this release, area managers are included when the general term manager is used. For the purposes of this document, the following positions are also considered area managers as used in this release as these positions carry out the functions of other area managers: Columbia-Pacific Northwest Region – Grand Coulee Power Office Manager; and Lower Colorado Basin Region – Manager, Lower Colorado Resources Management Office.
- B. **Deputy Commissioners.** The term deputy commissioners include the following positions: Deputy Commissioner; Deputy Commissioner, Policy, Administration, and Budget; and Deputy Commissioner, Operations.

Reclamation Manual

Delegations of Authority

- C. **Directors.** The term directors include those senior executives not designated as deputy commissioners nor regional directors (e.g., Senior Advisor to the Commissioner; Chief Engineer).
 - D. **Regional Directors.** The term regional directors include the following positions: Columbia-Pacific Northwest Regional Director, California-Great Basin Regional Director, Lower Colorado Basin Regional Director, Upper Colorado Basin Regional Director, and Missouri Basin and Arkansas-Rio Grande-Texas Gulf Regional Director.
 - E. **Senior Level Positions.** The term senior level positions includes the following positions: Senior Advisor for Research and Development; Senior Advisor, Hydropower; Senior Advisor, Design, Estimating, and Construction/Dam Safety Officer; Senior Advisor, Information Assurance (Cybersecurity), Industrial Control Systems; and Deputy Principal Regional Director, California-Great Basin Region.
 - F. **Supervisors.** The term supervisors include employees who officially observe and direct other employees.
7. **Review Period.** The originating office will review this release every 4 years.