

SUBJECT: Guidance Letter No. 3, New Start Construction Projects--Approval and Execution of Local Cooperation Agreements

MEMORANDUM FOR: SEE DISTRIBUTION

1. Reference EC 1165-2-144, dated 1 June 1987, "Policy Guidance for New Start Construction Projects".
2. Paragraph 5 of the referenced EC addresses procedures and responsibilities concerning the development of draft Local Cooperation Agreements (LCA's). This letter provides further clarification of the procedures and responsibilities associated with the processing of LCA's subsequent to approval of the draft LCA by OASA(CW).
3. The District and Division Commander's coordination responsibilities continue through the signing of the approved LCA by the local sponsor and the Acting Assistant Secretary of the Army (A/ASA(CW)). Following approval of the draft LCA by OASA(CW), the approved LCA is provided to the Division/District Commander by On-Tyme message for accomplishment of the following items:
 - a. Preparation of original copies of the approved LCA to be signed by both the local sponsor and A/ASA(CW) (Generally two signed originals are kept by the local sponsor, and two to be kept in the District).
 - b. Obtaining the signature of the local sponsor and signature date on all copies of the approved LCA, together with the Certificate of Authority (Exhibit A).
 - c. Providing all copies of the LCA signed by the local sponsor to CECW-RN for subsequent transmission to A/ASA(CW) for signature.
 - d. Returning the fully executed LCA, i.e., the approved LCA signed by both the local sponsor and the A/ASA(CW), to the local sponsor.
4. Should a signing ceremony be desired by any of the affected parties, the FOA, together with the local sponsor, is responsible for the organization of this event, this includes coordination with CECW-RN (202-272-0464) on the scheduling of a date for a ceremony which is mutually agreeable to all affected parties. No commitments for the A/ASA(CW) to appear at a signing ceremony should be made until after coordinated by CECW-RN with OASA(CW). If interest in signing ceremony is known at the time of the submittal of the draft LCA package to HQUSACE, this should be included in the cover letter transmitting the LCA package. At a minimum, the cover letter should identify the Congressional District in which the project is located and the names of affected Congressmen.
5. For those projects which rely on a "third party" agreement (i.e., an agreement between a local sponsor and a party which is not a signatory to the LCA) for implementation in addition to an LCA, the third party agreement must be provided in the draft LCA package submitted to HQUSACE for review of HQUSACE and OASA(CW). In all cases, the third party agreement must ultimately be signed by the respective parties prior to the A/ASA(CW)'s signature on the approved LCA.

6. As addressed in paragraph 5.a. (4) of the referenced EC, any deviations from current policy or issues which require further clarification should be highlighted in the cover letter transmitting the draft LCA package to HQUSACE. In addition, the need to clarify issues relating to EC 1165-2-144 in general should also be brought to the attention of CECW-RN.

FOR THE COMMANDER:

BORY STEINBERG
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