

Engineers, of a physical copy of a permit application or a request for a jurisdictional determination.

(Pub. L. 110–114, title II, § 2040, Nov. 8, 2007, 121 Stat. 1100; Pub. L. 114–322, title I, § 1134(a), Dec. 16, 2016, 130 Stat. 1654; Pub. L. 117–263, div. H, title LXXXI, § 8226, Dec. 23, 2022, 136 Stat. 3764.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2007, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

AMENDMENTS

2022—Subsec. (f)(1). Pub. L. 117–263, § 8226(1), substituted “December 23, 2022” for “December 16, 2016”.

Subsec. (f)(2). Pub. L. 117–263, § 8226(2), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: “Not later than 180 days after the expiration of the deadline under paragraph (1), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the measures implemented and barriers faced in carrying out this section.”

2016—Pub. L. 114–322 amended section generally. Prior to amendment, section related to electronic submission of permit applications.

Statutory Notes and Related Subsidiaries

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 110–114, set out as a note under section 2201 of this title.

§ 2346. Project administration

(a) Project tracking

The Secretary shall assign a unique tracking number to each water resources project under the jurisdiction of the Secretary to be used by each Federal agency throughout the life of the project.

(b) Report repository

(1) In general

The Secretary shall provide to the Library of Congress a copy of each final feasibility study, final environmental impact statement, final reevaluation report, final post-authorization change report, record of decision, and report to Congress prepared by the Corps of Engineers.

(2) Availability to public

Each document described in paragraph (1) shall be made available to the public, and an electronic copy of each document shall be made permanently available to the public through the Internet.

(Pub. L. 110–114, title II, § 2041, Nov. 8, 2007, 121 Stat. 1100; Pub. L. 114–322, title I, § 1136(b), Dec. 16, 2016, 130 Stat. 1657.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2007, and not as part of the Water

Resources Development Act of 1986 which comprises this chapter.

AMENDMENTS

2016—Subsec. (b)(1). Pub. L. 114–322 inserted “final post-authorization change report,” after “final reevaluation report,”.

Statutory Notes and Related Subsidiaries

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 110–114, set out as a note under section 2201 of this title.

§ 2346a. Real estate administrative fees

(a) In general

Not later than 30 days after January 4, 2025, the Secretary shall initiate the development of guidance to standardize processes for developing, updating, and tracking real estate administrative fees administered by the Corps of Engineers.

(b) Guidance

In developing guidance under subsection (a), the Secretary shall—

(1) outline standard methodologies to estimate costs for purposes of setting real estate administrative fees;

(2) define the types of activities involved in managing real estate instruments that are included for purposes of setting such fees;

(3) establish cost-tracking procedures to capture data relating to the activities described in paragraph (2) for purposes of setting such fees;

(4) outline a schedule for divisions or districts of the Corps of Engineers to review, and update as appropriate, real estate administrative fees, including specifying what such reviews should entail and the frequency of such reviews; and

(5) provide opportunities for stakeholder input on real estate administrative fees.

(c) Publicly available

The Secretary shall make publicly available on the website of each Corps of Engineers district—

(1) the guidance developed under this section; and

(2) any other relevant information on real estate administrative fees, including lists of real estate instruments requiring such fees, and methodologies used to set such fees.

(Pub. L. 118–272, div. A, title I, § 1120, Jan. 4, 2025, 138 Stat. 3014.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2024, and also as part of the Thomas R. Carper Water Resources Development Act of 2024, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

Statutory Notes and Related Subsidiaries

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 1002 of Pub. L. 118–272, set out as a note under section 2201 of this title.

§ 2347. Coordination and scheduling of Federal, State, and local actions

(a) Notice of intent

Upon request of the non-Federal interest in the form of a written notice of intent to construct or modify a non-Federal water supply, wastewater infrastructure, flood damage reduction, storm damage reduction, ecosystem restoration, or navigation project that requires the approval of the Secretary, the Secretary shall initiate, subject to subsection (c), procedures to establish a schedule for consolidating Federal, State, and local agency and Indian tribe environmental assessments, project reviews, and issuance of all permits for the construction or modification of the project. All States and Indian tribes having jurisdiction over the proposed project shall be invited by the Secretary, but shall not be required, to participate in carrying out this section with respect to the project.

(b) Coordination

The Secretary shall seek, to the extent practicable, to consolidate hearing and comment periods, procedures for data collection and report preparation, and the environmental review and permitting processes associated with the project and related activities. The Secretary shall notify, to the extent possible, the non-Federal interest of its responsibilities for data development and information that may be necessary to process each permit required for the project, including a schedule when the information and data should be provided to the appropriate Federal, State, or local agency or Indian tribe.

(c) Costs of coordination

The costs incurred by the Secretary to establish and carry out a schedule to consolidate Federal, State, and local agency and Indian tribe environmental assessments, project reviews, and permit issuance for a project under this section shall be paid by the non-Federal interest.

(d) Report on timesavings methods

Not later than 3 years after November 8, 2007, the Secretary shall prepare and transmit to Congress a report estimating the time required for the issuance of all Federal, State, local, and tribal permits for the construction of non-Federal projects for water supply, wastewater infrastructure, flood damage reduction, storm damage reduction, ecosystem restoration, and navigation.

(Pub. L. 110-114, title II, §2044, Nov. 8, 2007, 121 Stat. 1102.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2007, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

Statutory Notes and Related Subsidiaries

LOCAL GOVERNMENT RESERVOIR PERMIT REVIEW

Pub. L. 115-270, title I, §1119, Oct. 23, 2018, 132 Stat. 3777, as amended by Pub. L. 116-260, div. AA, title III, §343, Dec. 27, 2020, 134 Stat. 2715, provided that:

“(a) IN GENERAL.—During the 10-year period after the date of enactment of this section [Oct. 23, 2018], the Secretary [of the Army] shall expedite review of applications for covered permits, if the permit applicant is a local governmental entity with jurisdiction over an area for which—

“(1) any portion of the water resources available to the area served by the local governmental entity is polluted by chemicals used at a formerly used defense site under the jurisdiction of the Department of Defense that is undergoing (or is scheduled to undergo) environmental restoration under chapter 160 of title 10, United States Code; and

“(2) mitigation of the pollution described in paragraph (1) is ongoing.

“(b) COVERED PERMIT DEFINED.—In this section, the term ‘covered permit’ means a permit to be issued by the Secretary to modify a reservoir, with respect to which not less than 80 percent of the water rights are held for drinking water supplies, in order to accommodate projected water supply needs of an area with a population of less than 80,000.

“(c) LIMITATIONS.—Nothing in this section affects any obligation to comply with the provisions of any Federal law, including—

“(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

“(2) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).”

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 110-114, set out as a note under section 2201 of this title.

§ 2347a. Determination of project completion

(a) In general

The Secretary shall notify the applicable non-Federal interest when construction of a water resources project or a functional portion of the project is completed so the non-Federal interest may commence responsibilities, as applicable, for operating and maintaining the project.

(b) Non-Federal interest appeal of determination

(1) In general

Not later than 7 days after receiving a notification under subsection (a), the non-Federal interest may appeal the completion determination of the Secretary in writing with a detailed explanation of the basis for questioning the completeness of the project or functional portion of the project.

(2) Independent review

(A) In general

On notification that a non-Federal interest has submitted an appeal under paragraph (1), the Secretary shall contract with 1 or more independent, non-Federal experts to evaluate whether the applicable water resources project or functional portion of the project is complete.

(B) Timeline

An independent review carried out under subparagraph (A) shall be completed not later than 180 days after the date on which the Secretary receives an appeal from a non-Federal interest under paragraph (1).

(Pub. L. 113-121, title I, §1010, June 10, 2014, 128 Stat. 1217.)