

(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.)

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.

“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.

§ 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 infra-

structure, flood damage reduction, storm damage reduction, ecosystem restoration, and navigation.

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

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.

“SECRETARY” DEFINED

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§ 2348. Project streamlining**(a) Policy**

The benefits of water resources projects are important to the Nation’s economy and environment, and recommendations to Congress regarding such projects should not be delayed due to uncoordinated or inefficient reviews or the failure to timely resolve disputes during the development of water resources projects.

(b) Scope

This section shall apply to each study initiated after November 8, 2007, to develop a feasibility report under section 2282 of this title, or a reevaluation report, for a water resources project if the Secretary determines that such study requires an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) Water resources project review process

The Secretary shall develop and implement a coordinated review process for the development of water resources projects.

(d) Coordinated reviews

The coordinated review process under this section may provide that all reviews, analyses, opinions, permits, licenses, and approvals that must be issued or made by a Federal, State, or local government agency or Indian tribe for the development of a water resources project described in subsection (b) will be conducted, to the maximum extent practicable, concurrently and completed within a time period established by the Secretary in cooperation with the agencies identified under subsection (e) with respect to the project.

(e) Identification of jurisdictional agencies

With respect to the development of each water resources project, the Secretary shall identify, as soon as practicable, all Federal, State, and local government agencies and Indian tribes that may—

- (1) have jurisdiction over the project;
- (2) be required by law to conduct or issue a review, analysis, or opinion for the project; or
- (3) be required to make a determination on issuing a permit, license, or approval for the project.

(f) State authority

If the coordinated review process is being implemented under this section by the Secretary

with respect to the development of a water resources project described in subsection (b) within the boundaries of a State, the State, consistent with State law, may choose to participate in the process and to make subject to the process all State agencies that—

- (1) have jurisdiction over the project;
- (2) are required to conduct or issue a review, analysis, or opinion for the project; or
- (3) are required to make a determination on issuing a permit, license, or approval for the project.

(g) Memorandum of understanding

The coordinated review process developed under this section may be incorporated into a memorandum of understanding for a water resources project between the Secretary, the heads of Federal, State, and local government agencies, Indian tribes identified under subsection (e), and the non-Federal interest for the project.

(h) Effect of failure to meet deadline

(1) Notification

If the Secretary determines that a Federal, State, or local government agency, Indian tribe, or non-Federal interest that is participating in the coordinated review process under this section with respect to the development of a water resources project has not met a deadline established under subsection (d) for the project, the Secretary shall notify, within 30 days of the date of such determination, the agency, Indian tribe, or non-Federal interest about the failure to meet the deadline.

(2) Agency report

Not later than 30 days after the date of receipt of a notice under paragraph (1), the Federal, State, or local government agency, Indian tribe, or non-Federal interest involved may submit a report to the Secretary, explaining why the agency, Indian tribe, or non-Federal interest did not meet the deadline and what actions it intends to take to complete or issue the required review, analysis, or opinion or determination on issuing a permit, license, or approval.

(3) Report to Congress

Not later than 30 days after the date of receipt of a report under paragraph (2), the Secretary shall compile and submit a report to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Council on Environmental Quality, describing any deadlines identified in paragraph (1), and any information provided to the Secretary by the Federal, State, or local government agency, Indian tribe, or non-Federal interest involved under paragraph (2).

(i) Limitations

Nothing in this section shall preempt or interfere with—

- (1) any statutory requirement for seeking public comment;
- (2) any power, jurisdiction, or authority that a Federal, State, or local government agency,

Indian tribe, or non-Federal interest has with respect to carrying out a water resources project; or

(3) any obligation to comply with the provisions of the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.] and the regulations issued by the Council on Environmental Quality to carry out such Act.

(Pub. L. 110-114, title II, §2045, Nov. 8, 2007, 121 Stat. 1103.)

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsecs. (b) and (i)(3), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

CODIFICATION

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CHAPTER 37—ORGANOTIN ANTIFOULING PAINT CONTROL

§§ 2401 to 2410. Repealed. Pub. L. 111-281, title X, § 1048, Oct. 15, 2010, 124 Stat. 3032

Section 2401, Pub. L. 100-333, §2, June 16, 1988, 102 Stat. 605, provided findings and purposes for chapter.

Section 2402, Pub. L. 100-333, §3, June 16, 1988, 102 Stat. 605, provided definitions for chapter.

Section 2403, Pub. L. 100-333, §4, June 16, 1988, 102 Stat. 606, prohibited, with exceptions, application of antifouling paint containing organotin to any vessel less than 25 meters in length.

Section 2404, Pub. L. 100-333, §5, June 16, 1988, 102 Stat. 606, prohibited certain organotin paints and additives.

Section 2405, Pub. L. 100-333, §6, June 16, 1988, 102 Stat. 607, related to certification of antifouling paints containing organotin.

Section 2406, Pub. L. 100-333, §7, June 16, 1988, 102 Stat. 607; Pub. L. 104-106, div. A, title X, §1064(f), Feb. 10, 1996, 110 Stat. 445, related to monitoring and research of ecological effects.

Section 2407, Pub. L. 100-333, §8, June 16, 1988, 102 Stat. 608, provided for alternative antifouling research.

Section 2408, Pub. L. 100-333, §9, June 16, 1988, 102 Stat. 608, related to issuance of a final water quality criteria document.

Section 2409, Pub. L. 100-333, §10, June 16, 1988, 102 Stat. 608, provided for civil and criminal penalties for violations of certain sections of chapter.

Section 2410, Pub. L. 100-333, §11, June 16, 1988, 102 Stat. 608, related to other authorities and State laws.

EFFECTIVE DATE; USE OF EXISTING STOCKS

Pub. L. 100-333, §12, June 16, 1988, 102 Stat. 609, which provided that this chapter would take effect on June 16, 1988, and provided for a limited amount of time after that date to sell and use existing stocks of organotin paints and additives, was repealed by Pub. L. 111-281, title X, §1048, Oct. 15, 2010, 124 Stat. 3032.

SHORT TITLE

Pub. L. 100-333, §1, June 16, 1988, 102 Stat. 605, which provided that this chapter could be cited as the “Or-