

(Pub. L. 113–121, title I, §1031(b), June 10, 2014, 128 Stat. 1233.)

CODIFICATION

Section was enacted as part of the Water Resources Reform and Development Act of 2014, 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. 113–121, set out as a note under section 2201 of this title.

**§ 2340. Revision of project partnership agreement; cost sharing**

**(a) Federal allocation**

Upon authorization by law of an increase in the maximum amount of Federal funds that may be allocated for a water resources project or an increase in the total cost of a water resources project authorized to be carried out by the Secretary, the Secretary shall enter into a revised partnership agreement for the project to take into account the change in Federal participation in the project.

**(b) Cost sharing**

An increase in the maximum amount of Federal funds that may be allocated for a water resources project, or an increase in the total cost of a water resources project, authorized to be carried out by the Secretary shall not affect any cost-sharing requirement applicable to the project.

**(c) Cost estimates**

The estimated Federal and non-Federal costs of water resources projects authorized to be carried out by the Secretary before, on, or after November 8, 2007, are for informational purposes only and shall not be interpreted as affecting the cost-sharing responsibilities established by law.

(Pub. L. 110–114, title II, §2008, Nov. 8, 2007, 121 Stat. 1073.)

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.

REFERENCE TO PARTNERSHIP AGREEMENT DEEMED  
REFERENCE TO COOPERATION AGREEMENT

Reference to partnership agreement deemed to be reference to cooperation agreement, see section 2003(f)(3) of Pub. L. 110–114, set out as a note under section 1962d–5b of Title 42, The Public Health and Welfare.

“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.

**§ 2341. Expedited actions for emergency flood damage reduction**

The Secretary shall expedite any authorized planning, design, and construction of any project for flood damage reduction for an area that, within the preceding 5 years, has been subject to flooding that resulted in the loss of life

and caused damage of sufficient severity and magnitude to warrant a declaration of a major disaster by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(Pub. L. 110–114, title II, §2009, Nov. 8, 2007, 121 Stat. 1074.)

REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in text, is Pub. L. 93–288, May 22, 1974, 88 Stat. 143, which is classified principally to chapter 68 (§5121 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 5121 of Title 42 and Tables.

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.

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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.

**§ 2341a. Prioritization**

**(a) Prioritization of hurricane and storm damage risk reduction efforts**

**(1) Priority**

For authorized projects and ongoing feasibility studies with a primary purpose of hurricane and storm damage risk reduction, the Secretary shall give funding priority to projects and ongoing studies that—

- (A) address an imminent threat to life and property;
- (B) prevent storm surge from inundating populated areas;
- (C) prevent the loss of coastal wetlands that help reduce the impact of storm surge;
- (D) protect emergency hurricane evacuation routes or shelters;
- (E) prevent adverse impacts to publicly owned or funded infrastructure and assets;
- (F) minimize disaster relief costs to the Federal Government; and
- (G) address hurricane and storm damage risk reduction in an area for which the President declared a major disaster in accordance with section 5170 of title 42.

**(2) Expedited consideration of currently authorized projects**

Not later than 180 days after June 10, 2014, the Secretary shall—

- (A) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a list of all—
  - (i) ongoing hurricane and storm damage reduction feasibility studies that have signed feasibility cost-share agreements and have received Federal funds since 2009; and
  - (ii) authorized hurricane and storm damage reduction projects that—
    - (I) have been authorized for more than 20 years but are less than 75 percent complete; or

(II) are undergoing a post-authorization change report, general reevaluation report, or limited reevaluation report;

(B) identify those projects on the list required under subparagraph (A) that meet the criteria described in paragraph (1); and

(C) provide a plan for expeditiously completing the projects identified under subparagraph (B), subject to available funding.

**(b) Prioritization of ecosystem restoration efforts**

For authorized projects with a primary purpose of ecosystem restoration, the Secretary shall give funding priority to projects—

(1) that—

(A) address an identified threat to public health, safety, or welfare;

(B) preserve or restore ecosystems of national significance; or

(C) preserve or restore habitats of importance for federally protected species, including migratory birds; and

(2) for which the restoration activities will contribute to other ongoing or planned Federal, State, or local restoration initiatives.

(Pub. L. 113–121, title I, §1011, June 10, 2014, 128 Stat. 1217.)

CODIFICATION

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**§ 2342. Access to water resource data**

**(a) In general**

The Secretary shall carry out a program to provide public access to water resources and related water quality data in the custody of the Corps of Engineers.

**(b) Data**

Public access under subsection (a) shall—

(1) include, at a minimum, access to data generated in water resources project development and regulation under section 1344 of this title; and

(2) appropriately employ geographic information system technology and linkages to water resource models and analytical techniques.

**(c) Partnerships**

To the maximum extent practicable, in carrying out activities under this section, the Secretary shall develop partnerships, including cooperative agreements, with State, tribal, and local governments and other Federal agencies.

**(d) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$3,000,000 for each fiscal year.

(Pub. L. 110–114, title II, §2017, Nov. 8, 2007, 121 Stat. 1077.)

CODIFICATION

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Resources Development Act of 1986 which comprises this chapter.

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**§ 2343. Independent peer review**

**(a) Project studies subject to independent peer review**

**(1) In general**

Project studies shall be subject to a peer review by an independent panel of experts as determined under this section.

**(2) Scope**

The peer review may include a review of the economic and environmental assumptions and projections, project evaluation data, economic analyses, environmental analyses, engineering analyses, formulation of alternative plans, methods for integrating risk and uncertainty, models used in evaluation of economic or environmental impacts of proposed projects, and any biological opinions of the project study.

**(3) Project studies subject to peer review**

**(A) Mandatory**

A project study shall be subject to peer review under paragraph (1) if—

(i) the project has an estimated total cost of more than \$200,000,000, including mitigation costs, and is not determined by the Chief of Engineers to be exempt from peer review under paragraph (6);

(ii) the Governor of an affected State requests a peer review by an independent panel of experts; or

(iii) the Chief of Engineers determines that the project study is controversial considering the factors set forth in paragraph (4).

**(B) Discretionary**

**(i) Agency request**

A project study shall be considered by the Chief of Engineers for peer review under this section if the head of a Federal or State agency charged with reviewing the project study determines that the project is likely to have a significant adverse impact on environmental, cultural, or other resources under the jurisdiction of the agency after implementation of proposed mitigation plans and requests a peer review by an independent panel of experts.

**(ii) Deadline for decision**

A decision of the Chief of Engineers under this subparagraph whether to conduct a peer review shall be made within 21 days of the date of receipt of the request by the head of the Federal or State agency under clause (i).

**(iii) Reasons for not conducting peer review**

If the Chief of Engineers decides not to conduct a peer review following a request under clause (i), the Chief shall make publicly available, including on the Internet,