

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.)

**Editorial Notes**

**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.

**Statutory Notes and Related Subsidiaries**

**“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.

**§ 2347b. Purpose and need**

**(a) Purpose and need statements**

**(1) In general**

Not later than 90 days after the date of receipt of a complete application for a water storage project, the District Engineer shall develop and provide to the applicant a purpose and need statement that describes—

(A) whether the District Engineer concurs with the assessment of the purpose of and need for the water storage project proposed by the applicant; and

(B) in any case in which the District Engineer does not concur as described in subparagraph (A), an assessment by the District Engineer of the purpose of and need for the project.

**(2) Effect on environmental impact statements**

No environmental impact statement or environmental assessment required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall substantially commence with respect to a water storage project until the date on which the District Engineer provides to the applicant a purpose and need statement as required under paragraph (1).

**(b) Appeals request**

A non-Federal interest may use the administrative appeals process described in part 331 of title 33, Code of Federal Regulations (or any succeeding regulation), in relation to a decision of the Secretary related to an application for a water storage project.

(Pub. L. 115–270, title I, § 1126, Oct. 23, 2018, 132 Stat. 3779.)

**Editorial Notes****REFERENCES IN TEXT**

The National Environmental Policy Act of 1969, referred to in subsec. (a)(2), 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**

Section was enacted as part of the Water Resources Development Act of 2018, and also as part of the America's Water Infrastructure Act of 2018, 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 102 of Pub. L. 115–270, set out as a note under section 2201 of this title.

**§ 2347c. Small water storage projects****(a) In general**

The Secretary shall carry out a program to study and construct new, or enlarge existing, small water storage projects, in partnership with a non-Federal interest.

**(b) Requirements**

To be eligible to participate in the program under this section, a small water storage project shall—

- (1) in the case of a new small water storage project, have a water storage capacity of not less than 2,000 acre-feet and not more than 30,000 acre-feet;
- (2) in the case of an enlargement of an existing small water storage project, be for an enlargement of not less than 1,000 acre-feet and not more than 30,000 acre-feet;
- (3) provide—
  - (A) flood risk management benefits;
  - (B) ecological benefits; or
  - (C) water management, water conservation, or water supply; and
- (4) be—
  - (A) economically justified, environmentally acceptable, and technically feasible; or

(B) in the case of a project providing ecological benefits, cost-effective with respect to such benefits.

**(c) Scope**

In carrying out the program under this section, the Secretary shall give preference to a small water storage project located in a State with a population of less than 1,000,000.

**(d) Expedited projects**

For the 10-year period beginning on December 27, 2020, the Secretary shall expedite small water storage projects under this section for which applicable Federal permitting requirements have been completed.

**(e) Use of data**

In conducting a study under this section, to the maximum extent practicable, the Secretary shall—

- (1) as the Secretary determines appropriate, consider and utilize any applicable hydrologic, economic, or environmental data that is prepared for a small water storage project under State law as the documentation, or part of the documentation, required to complete State water plans or other State planning documents relating to water resources management; and
- (2) consider information developed by the non-Federal interest in relation to another study, to the extent the Secretary determines such information is applicable, appropriate, or otherwise authorized by law.

**(f) Cost share****(1) Study**

The Federal share of the cost of a study conducted under this section shall be—

- (A) 100 percent for costs not to exceed \$100,000; and
- (B) 50 percent for any costs above \$100,000.

**(2) Construction**

A small water storage project carried out under this section shall be subject to the cost-sharing requirements applicable to projects under section 2213 of this title, including—

- (A) municipal and industrial water supply: 100 percent non-Federal;
- (B) agricultural water supply: 35 percent non-Federal; and
- (C) recreation, including recreational navigation: 50 percent of separable costs and, in the case of any harbor or inland harbor or channel project, 50 percent of joint and separable costs allocated to recreational navigation.

**(g) OMRRR responsibility**

The costs of operation, maintenance, repair, and replacement and rehabilitation for a small water storage project constructed under this section shall be the responsibility of the non-Federal interest.

**(h) Individual project limit**

Not more than \$65,000,000 in Federal funds may be made available to a small water storage project under this section.

**(i) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$130,000,000 annually through fiscal year 2030.