TIMELY RESPONSE TO U.S. ARMY CORPS OF ENGINEERS NOTICE CRITICAL FOR WATER RESOURCES DEVELOPMENT PROJECTS

Date: 21 April 2017

Public Policy and Law Alert

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Stakeholders with a water resources development project they would like modified or studied need to submit requests to the U.S. Army Corps of Engineers ("USACE") in a timely fashion and should pay close attention to a notice recently published by the USACE in the Federal Register.

Entities interested in pursuing potential congressional authorization for future water resources development activities must act now to submit proposals to the USACE. Congress will use the information provided by the USACE to determine authorization priorities in future Water Resources Development Act (WRDA) legislation, and only those proposals that are submitted by the USACE to Congress are eligible for authorization.

The USACE will review proposed submissions from stakeholders. The Secretary of the Army is required to submit to Congress an annual report of those activities that meet the criteria established by Congress.

According to the USACE notice, projects included in such proposals must meet the following criteria:

- Related to the missions and authorities of the USACE. USACE's primary missions are navigation, flood risk management, and aquatic ecosystem restoration. Recreation, hydropower, and/or water supply will be considered "related" when they are performed in conjunction with one or more of the primary mission(s).
- Require specific congressional authorization.
- Have not been congressionally authorized.
- Have not been included in the main table of a previous annual report.
- If authorized could be carried out by the USACE.

Proposals must be received by August 9, 2017, and can be submitted online at www.wrrda7001proposals.us. Interested stakeholders should also review the USACE's Federal Register notice, which includes detailed information regarding the preparation and submission of a proposal.

We can help. The K&L Gates Public Policy and Law Group, which has over 40 years of experience representing clients on infrastructure matters before Congress and federal agencies and counselling clients on issues involving ports, water, rail, aviation, shipping, and surface transportation, is well positioned to help identify strategic opportunities and to assist interested parties throughout the USACE submission process.

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