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Timely Response to U.S. Army Corps of Engineers Notice Critical for Stakeholders Interested in Securing Congressional Authorization for Future Water Resources Development Projects

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Stakeholders with an interest in securing potential Congressional authorization for water resources development projects in future Water Resources Development Act (“WRDA”) legislation should pay close attention to a notice recently published by the U.S. Army Corps of Engineers (“USACE”) in the Federal Register seeking proposals for its report to Congress on future water resources development.

Entities interested in pursuing potential Congressional authorization for future water resources development activities should act now to submit proposals to the USACE. Congress uses the information provided by the USACE to determine authorization priorities in future 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, and 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, proposals must meet the following criteria:

- Are related to the missions and authorities of the USACE. USACE 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 September 19, 2016 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 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 counseling clients on issues involving ports, water, rail, aviation, shipping, and

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surface transportation, is well positioned to assist interested parties throughout the USACE submission process.

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