

Funding Agreements

The review of proposed alterations under Section 408 is funded through the USACE Civil Works appropriation. There are authorities available that allow outside entities to contribute funds, and in some cases, expedite Section 408 reviews. These authorities include Section 214 of the Water Resources Development Act (WRDA) of 2000, Section 1156(a)(2) of WRDA 2016, and 23 USC 139(j). The provision of funds for a Section 408 review by USACE under any of these authorities is voluntary, and all requesters will receive a fair and timely review of their Section 408 request regardless of whether they have contributed funds to USACE for the evaluation or not. Contact the Fort Worth District Section 408 Coordinator for more information about these agreements. Information on each of these authorities can be found in Engineer Circular 1165-2-220, or in the current Section 408 policy.

Section 214 of WRDA 2000

Section 214 of WRDA 2000 authorized USACE to accept and expend funds received from non-federal public entities to evaluate requests under Section 408 and/or Section 404/10 to allow for expedited review.

Section 1156(a)(2) of WRDA 2016

Section 1156(a)(2) of WRDA 2016 authorized USACE to accept and expend funds received from non-federal public or private entities to evaluate requests under Section 408 to allow for expedited review.

For additional information regarding implementation guidance and a template for Section 1156(a)(2) Agreements, please see the HQ USACE webpage below:

<https://www.usace.army.mil/Missions/Civil-Works/Project-Partnership-Agreements/>

See: Acceptance of Contributed Funds for a Section 408 Evaluation