

Water Resources Development Act of 2022: Arkansas Related Provisions



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

01/05/2023

The Water Resources Development Act of 2022 (“WRDA 2022”) was recently enacted into law.

WRDA was enacted as a component of the National Defense Authorization Act.

The bipartisan legislation is typically of major interest to various owners, users, and regulators of water resources and infrastructure.

WRDA legislation has since 2014 been authorized pursuant to a two-year cycle to address activities such as:

- Flood Control
- Navigation
- Ecosystem Restoration

Congress first enacted a WRDA in 1974.

U.S. Army Corps of Engineers (“Corps”) studies, projects, and programs across the United States are addressed in the 2022 legislation. It includes authorizations addressing:

- 106 feasibility studies for new construction/modification
- 31 projects for new construction or modification
- Mandate that the Corps expedite several ongoing studies/projects

Arguably, new provisions require the Corps to address complex flood risk, facilitate ecosystem restoration, utilize nature-based solutions, and support equitable solutions for low wealth and communities of color.

Environmental infrastructure which supports drinking water, wastewater, and stormwater management projects are either authorized or reauthorized.

WRDA 2022 also focuses on the ability of communities to participate in the Corps’ project delivery process by:

- Establishing a new Non-Federal Interest Advisory Committee intended to provide the Corps with advice and recommendations
- Establishing a new Tribal and Economically Disadvantaged Communities Advisory Committee to help the Corps more effectively deliver projects, programs, and other assistance
- Directing the Corps to perform education and outreach to non-federal interest regarding Corps water resources development authorities
- Authorizing the Corps the advance federal funds to project partners for real estate expenses that exceed the non-federal share of a project’s cost

- Increasing flexibility for non-federal partners to use funds provided by another federal agency to satisfy the non-federal share of the cost of the Corps study or project

WRDA 2022 was passed in the Senate through its Environment and Public Works Committee.

Arkansas Senator John Boozman is a member of this Committee and authored certain provisions related to Arkansas water infrastructure, which include:

- Providing the Corps the authority to be more proactive in working with its local partners to address rainfall in the St. Francis Watershed as a result of population growth in Jonesboro and Paragould
- Creating a pilot program to allow a locality or private entity to apply for structural/non-structural project funding assistance to help with conservation efforts
- Establishing an inland waterways dredging pilot program that would allow the McClelland-Kerr Arkansas River navigation system to receive funding to dredge the river
- Permitting the Corps to reinvest recreation fees to improve facilities where the funds were collected, creating an incentive for the maintenance of good facilities to provide quality recreational opportunities on public lands
- Requiring a review of projects in the Ouachita River Watershed under Section 216 of the Flood Control Act of 1970

A link to the text of WRDA 2022 can be found [here](#).