U.S. Government Accountability Office Report: Army Corps of Engineers/Expedited Permitting Process Would Benefit from More Transparency

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The United States Government Accountability Office ("GAO") issued a January 9th report titled:

Army Corps of Engineers: Expedited Permitting Process Would Benefit from More Transparency ("Report").

See GAO-25-107637.

The Report addresses the United States Army Corps of Engineers ("Corps"). The Corps is a component of the United States Department of Defense that has military and civilian responsibilities. Of particular relevance, the Corps is one of the world's largest public engineering, design, and construction management agencies.

The Corps' Civil Works Program includes water resources development activities such as:

- Flood risk management.
- Navigation.
- Recreation.
- Infrastructure.
- Environmental stewardship.

The Corps' Regulatory Program is responsible for issuing a number of permits in jurisdictional waters.

The GAO Report notes that under certain circumstances the Corps may expedite permit processing for certain nonfederal entities. Section 214 of the Water Resources Act of 2000 authorizes the Secretary of the Army to, after providing public notice, accept and expend funds from nonfederal public entities, public utility companies, natural gas companies, railroad carriers, and Indian tribes to expedite the evaluation of permits for the proposed projects with a public purpose that falls under the jurisdiction of the United States Department of the Army.

These are known as section 214 agreements.

The Report reviews Corps activity from 2015 to 2024 involving section 214 agreements for expedited permit processing. It also addresses the Corps guidance for permit evaluations using section 214 agreement funding and the information publicly available on Corps websites regarding such activities.

The Corps' searchable online database is stated to not distinguish between all permits issued using funds from section 214 agreements and funding from other similar agreements. In addition, the Corps is stated to have not made all section 214 agreements to accept funds and section 214 annual reports each available on a single public website as required by section 214 of the Water Resources Development Act of 2000.

GAO recommends that the Corps:

...modify its database to distinguish between permits issued using funding from section 214 agreements and other agreements entered into under similar authorities and make all active section 214 agreements and section 214 annual reports each available on a single website… [doing so] would enhance the transparency of its section 214 activities and ensure that it is making information publicly available as required.

A copy of the GAO Report can be downloaded here.