

that responsibility for maintenance and the financial ability to assume liability for future damages are clearly established; and

(4) consider the plan developed under section 2103 of this title and notify the Secretary of Commerce of any need to deviate from that plan.

(b) Terms and conditions of permits

(1) Each permit issued by the Secretary subject to this section shall specify the design and location for construction of the artificial reef and the types and quantities of materials that may be used in constructing such artificial reef. In addition, each such permit shall specify such terms and conditions for the construction, operation, maintenance, monitoring, and managing the use of the artificial reef as are necessary for compliance with all applicable provisions of law and as are necessary to ensure the protection of the environment and human safety and property.

(2) Before issuing a permit under section 1342 of this title for any activity relating to the siting, design, construction, operation, maintenance, monitoring, or managing of an artificial reef, the Administrator of the Environmental Protection Agency shall consult with the Secretary to ensure that such permit is consistent with any permit issued by the Secretary subject to this section.

(c) Liability of permittee

(1) A person to whom a permit is issued in accordance with subsection (a) of this section and any insurer of that person shall not be liable for damages caused by activities required to be undertaken under any terms and conditions of the permit, if the permittee is in compliance with such terms and conditions.

(2) A person to whom a permit is issued in accordance with subsection (a) of this section and any insurer of that person shall be liable, to the extent determined under applicable law, for damages to which paragraph (1) does not apply.

(3) The Secretary may not issue a permit subject to this section to a person unless that person demonstrates to the Secretary the financial ability to assume liability for all damages that may arise with respect to an artificial reef and for which such permittee may be liable.

(4) Any person who has transferred title to artificial reef construction materials to a person to whom a permit is issued in accordance with subsection (a) of this section shall not be liable for damages arising from the use of such materials in an artificial reef, if such materials meet applicable requirements of the plan published under section 2103 of this title and are not otherwise defective at the time title is transferred.

(d) Liability of the United States

Nothing in this chapter creates any liability on the part of the United States.

(e) Civil penalty

Any person who, after notice and an opportunity for a hearing, is found to have violated any provision of a permit issued in accordance with subsection (a) of this section shall be liable to the United States for a civil penalty, not to exceed \$10,000 for each violation. The amount of

the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation. The Secretary may compromise, modify, or remit with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section. If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General for collection.

(Pub. L. 98-623, title II, § 205, Nov. 8, 1984, 98 Stat. 3396.)

§ 2105. Definitions

For purposes of this chapter—

(1) The term “artificial reef” means a structure which is constructed or placed in waters covered under this chapter for the purpose of enhancing fishery resources and commercial and recreational fishing opportunities.

(2) The term “State” means a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, American Samoa, Guam, Johnston Island, Midway Island, and Wake Island.

(3) The term “waters covered under this chapter” means the navigable waters of the United States and the waters superjacent to the Outer Continental Shelf as defined in section 1331 of title 43, to the extent such waters exist in or are adjacent to any State.

(Pub. L. 98-623, title II, § 206, Nov. 8, 1984, 98 Stat. 3397.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2103 of this title.

§ 2106. Savings clauses

(a) Tennessee Valley Authority jurisdiction

Nothing in this chapter shall be construed as replacing or superseding section 831y-1 of title 16.

(b) State jurisdiction

Nothing in this chapter shall be construed as extending or diminishing the jurisdiction or authority of any State over the siting, construction, monitoring, or managing of artificial reefs within its boundaries.

(Pub. L. 98-623, title II, § 208, Nov. 8, 1984, 98 Stat. 3398.)

CHAPTER 36—WATER RESOURCES DEVELOPMENT

Sec. 2201.

“Secretary” defined.

SUBCHAPTER I—COST SHARING

2211.

Harbors.

- (a) Construction.
- (b) Operation and maintenance.
- (c) Erosion or shoaling attributable to Federal navigation works.
- (d) Non-Federal payments during construction.
- (e) Agreement.
- (f) Consideration of funding requirements and equitable apportionment.

- | | |
|--|--|
| <p>Sec.
2212. Inland waterway transportation.
 (a) Construction.
 (b) Operation and maintenance.
 (c) Authorizations from general fund.</p> <p>2213. Flood control and other purposes.
 (a) Flood control.
 (b) Nonstructural flood control projects.
 (c) Other purposes.
 (d) Certain other costs assigned to project purposes.
 (e) Applicability.
 (f) "Separable element" defined.
 (g) Deferral of payment.
 (h) Assigned joint and separable costs.
 (i) Lands, easements, rights-of-way, dredged material disposal areas, and relocations.
 (j) Agreement.
 (k) Payment options.
 (l) Delay of initial payment.
 (m) Ability to pay.</p> <p>2214. General credit for flood control.
 (a) Guidelines.
 (b) Analysis of costs and benefits.
 (c) Crediting of non-Federal share.
 (d) Procedure for work done before November 17, 1986.
 (e) Procedure for work done after November 17, 1986.
 (f) Limitation not applicable.
 (g) Cash contribution not affected.</p> <p>2215. Feasibility studies; planning, engineering, and design.
 (a) Feasibility studies.
 (b) Planning and engineering.
 (c) Design.</p> <p>2216. Rate of interest.</p> <p>2217. Limitation on applicability of certain provisions in reports.</p> <p>2218. General applicability of cost sharing.</p> <p>2219. Definitions.</p> <p>2220. Rivers and harbors and other waterways projects for benefit of navigation, flood control, hurricane protection, beach erosion control, and other purposes.
 (a) Congressional declaration of policy; purchase of indebtedness and loans to local interests to meet contribution requirements.
 (b) Authorization of appropriations.</p> | <p>Sec.
2235. Construction in usable increments.</p> <p>2236. Port or harbor dues.
 (a) Consent of Congress.
 (b) Jurisdiction.
 (c) Collection of duties.
 (d) Enforcement.
 (e) Maritime lien.</p> <p>2237. Information for national security.</p> <p>2238. Authorization of appropriations.
 (a) Trust fund.
 (b) General fund.</p> <p>2239. Repealed.</p> <p>2240. Emergency response services.
 (a) Grants.
 (b) Authorization of appropriations.</p> <p>2241. Definitions.</p> |
| <p>SUBCHAPTER III—INLAND WATERWAY TRANSPORTATION SYSTEM</p> | |
| <p>2251. Inland Waterways Users Board.
 (a) Establishment of Users Board.
 (b) Duties.
 (c) Administration.</p> | <p>2261. Territories development study.</p> <p>2262. Survey of potential for use of certain facilities as hydroelectric facilities.
 (a) Survey authority.
 (b) Authorization of appropriations.</p> <p>2263. Study of Corps capability to conserve fish and wildlife.
 (a) Investigation and study.
 (b) Projects.</p> <p>2264. Deauthorization of studies.</p> <p>2265. Columbia River/Arkansas River Basin transfers.</p> <p>2266. Canadian tidal power study.
 (a) Study authority.
 (b) Study phases.
 (c) Authorization of appropriations.</p> <p>2267. New York Bight study.
 (a) Study authority.
 (b) Study of physical hydraulic model.
 (c) Agency coordination; findings and recommendations.
 (d) Authorization of appropriations.</p> <p>2267a. Watershed and river basin assessments.
 (a) In general.
 (b) Cooperation.
 (c) Consultation.
 (d) Priority river basins and watersheds.
 (e) Acceptance of contributions.
 (f) Cost-sharing requirements.
 (g) Authorization of appropriations.</p> <p>2268. Marine technology review.
 (a) Dredging needs.
 (b) Authorization of appropriations.</p> <p>2269. Tribal partnership program.
 (a) Definition of Indian tribe.
 (b) Program.
 (c) Consultation and coordination with Secretary of the Interior.
 (d) Cost sharing.
 (e) Authorization of appropriations.</p> |
| <p>SUBCHAPTER II—HARBOR DEVELOPMENT</p> | |
| <p>2231. Studies of projects by non-Federal interests.
 (a) Submission to Secretary.
 (b) Review by Secretary.
 (c) Submission to Congress.
 (d) Credit and reimbursement.</p> <p>2232. Construction of projects by non-Federal interests.
 (a) Authority.
 (b) Studies and engineering.
 (c) Completion of studies.
 (d) Authority to carry out improvement.
 (e) Reimbursement.
 (f) Operation and maintenance.
 (g) Demonstration of non-Federal interests acting as agent of Secretary.</p> <p>2233. Coordination and scheduling of Federal, State, and local actions.
 (a) Notice of intent.
 (b) Procedural requirements.
 (c) Scheduling agreement.
 (d) Contents of agreement.
 (e) Preliminary decision.
 (f) Revision of agreement.
 (g) Progress reports.
 (h) Final decision.
 (i) Report on timesavings methods.</p> <p>2234. Nonapplicability to Saint Lawrence Seaway.</p> | <p>2280. Maximum cost of projects.</p> <p>2281. Matters to be addressed in planning.</p> <p>2282. Feasibility reports.
 (a) Report authority; contents; views of other agencies.
 (b) Reconnaissance studies.
 (c) Benefits to Indian tribes.
 (d) Use of standard and uniform procedures and practices.
 (e) Enhanced public participation.</p> <p>2283. Fish and wildlife mitigation.
 (a) Steps to be taken prior to or concurrently with construction.</p> |
| <p>SUBCHAPTER IV—WATER RESOURCES STUDIES</p> | |
| <p>SUBCHAPTER V—GENERAL PROVISIONS</p> | |

Sec.		Sec.	
	(b) Acquisition of lands or interests in lands for mitigation.		(f) Authorization of appropriations.
	(c) Allocation of mitigation costs.		(g) Boundaries of campground at Sam Rayburn Dam and Reservoir, Texas.
	(d) Mitigation plans as part of project proposals.	2309.	Great Lakes Commodities Marketing Board.
	(e) First enhancement costs as Federal costs.		(a) Congressional declaration of purpose.
	(f) National benefits from enhancement measures for Atchafalaya Floodway System and Mississippi Delta Region projects.		(b) Establishment; strategy development; composition of Board; Director; report; termination.
	(g) Fish and Wildlife Coordination Act supplementation.		(c) International advisory group.
2284.	Benefits and costs attributable to environmental measures.	2309a.	Project modifications for improvement of environment.
2284a.	Benefits to navigation.		(a) Determination of need.
2284b.	Scenic and aesthetic considerations.		(b) Authority to make modifications.
2285.	Environmental Protection and Mitigation Fund.		(c) Restoration of environmental quality.
2286.	Acceptance of certain funds for mitigation.		(d) Non-Federal share; limitation on maximum Federal expenditure.
2287.	Continued planning and investigations.		(e) Coordination of actions.
	(a) Pre-authorization planning and engineering.		(f) Omitted.
	(b) Omitted.		(g) Nonprofit entities.
	(c) Authorizations as additions to other authorizations.		(h) Authorization of appropriations.
2288.	Review of cost effectiveness of design.	2310.	Cost sharing for Territories.
2289.	Urban and rural flood control frequency.	2311.	Report to Congress covering proposals for water impoundment facilities.
2290.	Flood control in Trust Territory of the Pacific Islands.	2312.	Comments on certain changes in operations of reservoirs.
2291.	Federal Project Repayment District.	2313.	Collaborative research and development.
2292.	Surveying and mapping.		(a) In general.
2293.	Reprogramming during national emergencies.		(b) Pre-agreement temporary protection of technology.
	(a) Termination or deferment of civil works projects; application of resources to national defense projects.		(c) Administrative provisions.
	(b) Termination of state of war or national emergency.		(d) Applicability of other laws.
2294.	Office of Environmental Policy.		(e) Authorization of appropriations.
2295.	Compilation of laws; annual reports.		(f) Funding from other Federal sources.
	(a) Federal laws relating to improvements of rivers and harbors, flood control, beach erosion, and other water resources development.	2313a.	Engineering and environmental innovations of national significance.
	(b) Annual report.		(a) Surveys, plans, and studies.
	(c) Biennial reports for each State.	2313b.	Support of Army civil works program.
2296.	Acquisition of recreation lands.		(a) General authority.
2297.	Operation and maintenance on recreation lands.		(b) Commercial application.
2298.	Impact of proposed projects on existing recreation facilities.	2314.	Innovative technology.
2299.	Acquisition of beach fill.		(a) Use.
2300.	Study of Corps capabilities.		(b) Accelerated adoption of innovative technologies for management of contaminated sediments.
2301, 2302.	Omitted.		(c) Reports.
2303.	Historical properties.		(d) "Innovative technology" defined.
2304.	Separability.	2314a.	Technical assistance program.
2305.	Use of FMHA funds.		(a) In general.
2306.	Reports.		(b) Federal employees' inventions.
2307.	Control of ice.		(c) Protection of confidential information.
	(a) Program authority.		(d) Definitions.
	(b) Assistance to units of local government.	2315.	Periodic statements.
	(c) Authorization of appropriations.	2316.	Environmental protection mission.
	(d) Hardwick, Vermont, demonstration program.		(a) General rule.
	(e) Salmon, Idaho, experimental program.		(b) Limitation.
	(f) Wilmington, Illinois, project.	2317.	Wetlands.
	(g) Cost sharing.		(a) Goals and action plan.
	(h) Report to Congress.		(b) Constructed wetlands for Mud Creek, Arkansas.
2308.	Campgrounds for senior citizens.		(c) Non-Federal responsibilities.
	(a) Establishment and development.		(d) Wetlands restoration and enhancement demonstration program.
	(b) Control of campground use and access.		(e) Training and certification of delineators.
	(c) Authorization of appropriations.	2318.	Flood plain management.
	(d) Campground at Sam Rayburn Dam and Reservoir, Texas.		(a) Exclusion of elements from benefit-cost analysis.
	(e) Control of use and access to campground at Sam Rayburn Dam and Reservoir, Texas.		(b) Flood damage reduction benefits.
			(c) Counties substantially located within 100-year flood plain.
			(d) Cost sharing.
			(e) Regulations.

Sec.		Sec.	
2319.	(f) Applicability. Reservoir management.	2330.	Aquatic ecosystem restoration. (a) General authority. (b) Cost sharing. (c) Agreements. (d) Cost limitation. (e) Funding.
2320.	Protection of recreational and commercial uses. (a) General rule. (b) Maintenance. (c) Mitigation. (d) Applicability. (e) Cost sharing.	2331.	Use of continuing contracts for construction of certain projects. (a) In general. (b) Continuing contracts. (c) Initiation of construction clarified.
2321.	Operation and maintenance of hydroelectric facilities.	2332.	Flood mitigation and riverine restoration program. (a) In general. (b) Studies and projects. (c) Cost-sharing requirements. (d) Project justification. (e) Priority areas. (f) Program review. (g) Maximum Federal cost per project. (h) Procedure. (i) Authorization of appropriations.
2321a.	Hydroelectric power project uprating. (a) In general. (b) Consultation. (c) Use of funds provided by preference customers. (d) Application. (e) Effect on other authority.	2333.	Irrigation diversion protection and fisheries enhancement assistance. (a) In general. (b) Cooperation. (c) Priority. (d) Non-Federal share. (e) No construction activity. (f) Report.
2322.	Single entities.	2334.	Innovative technologies for watershed restoration.
2323.	Technical assistance to private entities. (a) Use of Corps research and development labs. (b) Contract.	2335.	Coastal aquatic habitat management. (a) In general. (b) Assistance. (c) Cost sharing. (d) Operation and maintenance. (e) Authorization of appropriations.
2323a.	Interagency and international support authority. (a) In general. (b) Consultation. (c) Use of Corps' expertise. (d) Funding.	2336.	Abandoned and inactive noncoal mine restoration. (a) In general. (b) Specific measures. (c) Non-Federal share. (d) Effect on authority of Secretary of the Interior. (e) Technology database for reclamation of abandoned mines. (f) Authorization of appropriations.
2324.	Reduced pricing for certain water supply storage. (a) Provision of storage space. (b) Maximum amount of storage space. (c) Price. (d) Determinations. (e) Inflation adjustment of dollar amount. (f) Non-Federal responsibilities. (g) "Low income community" defined.	2337.	Property protection program. (a) In general. (b) Provision of rewards. (c) Authorization of appropriations.
2325.	Voluntary contributions for environmental and recreation projects. (a) Acceptance. (b) Deposit.	2338.	Reburial and conveyance authority. (a) Definition of Indian tribe. (b) Reburial. (c) Conveyance authority.
2326.	Beneficial uses of dredged material. (a) In general. (b) Secretarial findings. (c) Cooperative agreement. (d) Determination of construction costs. (e) Selection of dredged material disposal method. (f) Authorization of appropriations. (g) Nonprofit entities.	2339.	Assistance programs. (a) Conservation and recreation management. (b) Rural community assistance. (c) Cooperative agreements.
2326a.	Dredged material disposal facility partnerships. (a) Additional capacity. (b) Non-Federal use of disposal facilities. (c) Public-private partnerships.		
2326b.	Sediment management. (a) In general. (b) Contents of strategies. (c) Consultation. (d) Dredged material disposal. (e) Great Lakes tributary model. (f) "Great Lakes States" defined. (g) Authorization of appropriations.		
2326c.	Dredged material marketing and recycling. (a) Dredged material marketing. (b) Dredged material recycling.		
2327.	Definition of rehabilitation for inland waterway projects.		
2328.	Challenge cost-sharing program for management of recreation facilities. (a) In general. (b) Cooperative agreements. (c) Contributions.		
2329.	International outreach program. (a) In general. (b) Cooperation. (c) Funding.		

§ 2201. "Secretary" defined

For purposes of this Act, the term "Secretary" means the Secretary of the Army.

(Pub. L. 99-662, §2, Nov. 17, 1986, 100 Stat. 4082.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 99-662, Nov. 17, 1986, 100 Stat. 4082, as amended, known as the Water Resources Development Act of 1986. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-541, §1(a), Dec. 11, 2000, 114 Stat. 2572, provided that: "This Act [see Tables for classification]