

retary 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.
- 2212. Inland waterway transportation.

- Sec. 2213. Flood control and other purposes.
 - (a) Construction.
 - (b) Operation and maintenance.
 - (c) Authorizations from general fund.
 - (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.
- 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.
- 2215. Feasibility studies; planning, engineering, and design.
 - (a) Feasibility studies.
 - (b) Planning and engineering.
 - (c) Design.
- 2216. Rate of interest.
- 2217. Limitation on applicability of certain provisions in reports.
- 2218. General applicability of cost sharing.
- 2219. Definitions.
- 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.

SUBCHAPTER II—HARBOR DEVELOPMENT

- 2231. Studies of projects by non-Federal interests.
 - (a) Submission to Secretary.
 - (b) Review by Secretary.
 - (c) Submission to Congress.
 - (d) Credit and reimbursement.
- 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.
- 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.
- 2234. Nonapplicability to Saint Lawrence Seaway.
- 2235. Construction in usable increments.

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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 style="text-align: center;">SUBCHAPTER III—INLAND WATERWAY
TRANSPORTATION SYSTEM</p> <p>2251. Inland Waterways Users Board.
 (a) Establishment of Users Board.
 (b) Duties.
 (c) Administration.</p> <p style="text-align: center;">SUBCHAPTER IV—WATER RESOURCES STUDIES</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 style="text-align: center;">SUBCHAPTER V—GENERAL PROVISIONS</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>Sec.</p> <p>(b) Acquisition of lands or interests in lands for mitigation.</p> <p>(c) Allocation of mitigation costs.</p> <p>(d) Mitigation plans as part of project proposals.</p> <p>(e) First enhancement costs as Federal costs.</p> <p>(f) National benefits from enhancement measures for Atchafalaya Floodway System and Mississippi Delta Region projects.</p> <p>(g) Fish and Wildlife Coordination Act supplementation.</p> <p>2284. Benefits and costs attributable to environmental measures.</p> <p>2284a. Benefits to navigation.</p> <p>2284b. Scenic and aesthetic considerations.</p> <p>2285. Environmental Protection and Mitigation Fund.</p> <p>2286. Acceptance of certain funds for mitigation.</p> <p>2287. Continued planning and investigations.
 (a) Pre-authorization planning and engineering.
 (b) Omitted.
 (c) Authorizations as additions to other authorizations.</p> <p>2288. Review of cost effectiveness of design.</p> <p>2289. Urban and rural flood control frequency.</p> <p>2290. Flood control in Trust Territory of the Pacific Islands.</p> <p>2291. Federal Project Repayment District.</p> <p>2292. Surveying and mapping.</p> <p>2293. Reprogramming during national emergencies.
 (a) Termination or deferment of civil works projects; application of resources to national defense projects.
 (b) Termination of state of war or national emergency.</p> <p>2294. Office of Environmental Policy.</p> <p>2295. Compilation of laws; annual reports.
 (a) Federal laws relating to improvements of rivers and harbors, flood control, beach erosion, and other water resources development.
 (b) Annual report.
 (c) Biennial reports for each State.</p> <p>2296. Acquisition of recreation lands.</p> <p>2297. Operation and maintenance on recreation lands.</p> <p>2298. Impact of proposed projects on existing recreation facilities.</p> <p>2299. Acquisition of beach fill.</p> <p>2300. Study of Corps capabilities.</p> <p>2301, 2302. Omitted.</p> <p>2303. Historical properties.</p> <p>2304. Separability.</p> <p>2305. Use of FMHA funds.</p> <p>2306. Reports.</p> <p>2307. Control of ice.
 (a) Program authority.
 (b) Assistance to units of local government.
 (c) Authorization of appropriations.
 (d) Hardwick, Vermont, demonstration program.
 (e) Salmon, Idaho, experimental program.
 (f) Wilmington, Illinois, project.
 (g) Cost sharing.
 (h) Report to Congress.</p> <p>2308. Campgrounds for senior citizens.
 (a) Establishment and development.
 (b) Control of campground use and access.
 (c) Authorization of appropriations.
 (d) Campground at Sam Rayburn Dam and Reservoir, Texas.
 (e) Control of use and access to campground at Sam Rayburn Dam and Reservoir, Texas.</p> |
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	(f) Authorization of appropriations.		(f) Applicability.
	(g) Boundaries of campground at Sam Rayburn Dam and Reservoir, Texas.	2319.	Reservoir management.
2309.	Great Lakes Commodities Marketing Board.	2320.	Protection of recreational and commercial uses.
	(a) Congressional declaration of purpose.		(a) General rule.
	(b) Establishment; strategy development; composition of Board; Director; report; termination.		(b) Maintenance.
	(c) International advisory group.		(c) Mitigation.
	(d) Review of environmental, economic, and social impacts of navigation in United States portion of Great Lakes.		(d) Applicability.
			(e) Cost sharing.
2309a.	Project modifications for improvement of environment.	2321.	Operation and maintenance of hydroelectric facilities.
	(a) Determination of need.	2321a.	Hydroelectric power project uprating.
	(b) Authority to make modifications.		(a) In general.
	(c) Restoration of environmental quality.		(b) Consultation.
	(d) Non-Federal share; limitation on maximum Federal expenditure.		(c) Use of funds provided by preference customers.
	(e) Coordination of actions.		(d) Application.
	(f) Omitted.		(e) Effect on other authority.
	(g) Nonprofit entities.	2322.	Single entities.
	(h) Authorization of appropriations.	2323.	Technical assistance to private entities.
	(i) Definition.		(a) Use of Corps research and development labs.
2310.	Cost sharing for Territories.		(b) Contract.
2311.	Report to Congress covering proposals for water impoundment facilities.	2323a.	Interagency and international support authority.
2312.	Comments on certain changes in operations of reservoirs.		(a) In general.
2313.	Collaborative research and development.		(b) Consultation.
	(a) In general.		(c) Use of Corps' expertise.
	(b) Pre-agreement temporary protection of technology.		(d) Funding.
	(c) Administrative provisions.	2324.	Reduced pricing for certain water supply storage.
	(d) Applicability of other laws.		(a) Provision of storage space.
	(e) Authorization of appropriations.		(b) Maximum amount of storage space.
	(f) Funding from other Federal sources.		(c) Price.
2313a.	Engineering and environmental innovations of national significance.		(d) Determinations.
	(a) Surveys, plans, and studies.		(e) Inflation adjustment of dollar amount.
	(b) Funding.		(f) Non-Federal responsibilities.
2313b.	Support of Army civil works program.		(g) "Low income community" defined.
	(a) General authority.	2325.	Voluntary contributions for environmental and recreation projects.
	(b) Commercial application.		(a) Acceptance.
2314.	Innovative technology.		(b) Deposit.
	(a) Use.	2326.	Beneficial uses of dredged material.
	(b) Accelerated adoption of innovative technologies for management of contaminated sediments.		(a) In general.
	(c) Reports.		(b) Secretarial findings.
	(d) "Innovative technology" defined.		(c) Cooperative agreement.
2314a.	Technical assistance program.		(d) Determination of construction costs.
	(a) In general.		(e) Selection of dredged material disposal method.
	(b) Federal employees' inventions.		(f) Authorization of appropriations.
	(c) Protection of confidential information.	2326a.	Dredged material disposal facility partnerships.
	(d) Definitions.		(a) Additional capacity.
2315.	Periodic statements.		(b) Non-Federal use of disposal facilities.
2316.	Environmental protection mission.		(c) Public-private partnerships.
	(a) General rule.	2326b.	Sediment management.
	(b) Limitation.		(a) In general.
2317.	Wetlands.		(b) Contents of strategies.
	(a) Goals and action plan.		(c) Consultation.
	(b) Constructed wetlands for Mud Creek, Arkansas.		(d) Dredged material disposal.
	(c) Non-Federal responsibilities.		(e) Great Lakes tributary model.
	(d) Wetlands restoration and enhancement demonstration program.		(f) "Great Lakes States" defined.
	(e) Training and certification of delineators.		(g) Authorization of appropriations.
2318.	Flood plain management.	2326c.	Dredged material marketing and recycling.
	(a) Exclusion of elements from benefit-cost analysis.		(a) Dredged material marketing.
	(b) Flood damage reduction benefits.		(b) Dredged material recycling.
	(c) Counties substantially located within 100-year flood plain.	2327.	Definition of rehabilitation for inland waterway projects.
	(d) Cost sharing.	2328.	Challenge cost-sharing program for management of recreation facilities.
	(e) Regulations.		(a) In general.
			(b) Cooperative agreements.
			(c) Contributions.
		2329.	International outreach program.
			(a) In general.
			(b) Cooperation.
			(c) Funding.

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2330. Aquatic ecosystem restoration.
 (a) General authority.
 (b) Cost sharing.
 (c) Agreements.
 (d) Cost limitation.
 (e) Funding.
2331. Use of continuing contracts for construction of certain projects.
 (a) In general.
 (b) Continuing contracts.
 (c) Initiation of construction clarified.
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.
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.
2334. Innovative technologies for watershed restoration.
2335. Coastal aquatic habitat management.
 (a) In general.
 (b) Assistance.
 (c) Cost sharing.
 (d) Operation and maintenance.
 (e) Authorization of appropriations.
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.
2337. Property protection program.
 (a) In general.
 (b) Provision of rewards.
 (c) Authorization of appropriations.
2338. Reburial and conveyance authority.
 (a) Definition of Indian tribe.
 (b) Reburial.
 (c) Conveyance authority.
2339. Assistance programs.
 (a) Conservation and recreation management.
 (b) Rural community assistance.
 (c) Cooperative agreements.

§ 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]

may be cited as the 'Water Resources Development Act of 2000'."

SHORT TITLE OF 1999 AMENDMENT

Pub. L. 106-53, §1(a), Aug. 17, 1999, 113 Stat. 269, provided that: "This Act [see Tables for classification] may be cited as the 'Water Resources Development Act of 1999'."

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-303, §1(a), Oct. 12, 1996, 110 Stat. 3658, provided that: "This Act [see Tables for classification] may be cited as the 'Water Resources Development Act of 1996'."

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-580, §1(a), Oct. 31, 1992, 106 Stat. 4797, provided that: "This Act [enacting sections 59gg, 426i-1, 569d to 569f, 653, 1271, 2268, and 2325 to 2329 of this title, amending sections 426j, 467f, 467j to 467l, 562, 652, 1342, 1412, 1413, 1414, 1415, 1416, 1420, 1421, 2211, 2213, 2283, and 2309a of this title, section 3036 of Title 10, Armed Forces, sections 460tt, 4702, and 4711 of Title 16, Conservation, and section 1962d-16 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under this section and sections 541, 1271, 2211, 2239, 2267, and 2281 of this title, section 9505 of Title 26, Internal Revenue Code, and sections 390h-4 and 390h-5 of Title 43, Public Lands] may be cited as the 'Water Resources Development Act of 1992'."

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-640, §1(a), Nov. 28, 1990, 104 Stat. 4604, provided that: "This Act [enacting sections 59bb and 2316 to 2324 of this title, amending sections 579a, 652, 701n, 709a, 2213, 2215, 2232, 2238, 2281, 2309a, and 2314a of this title, section 460tt of Title 16, Conservation, and section 1962d-16 of Title 42, The Public Health and Welfare, repealing sections 579 and 2239 of this title, enacting provisions set out as notes under this section, sections 426e, 1252, 1268, 2213, 2232, 2239, 2313, and 2317 of this title, and section 1405c of Title 48, Territories and Insular Possessions, and amending provisions set out as notes under sections 2294 and 2314 of this title and section 460d of Title 16] may be cited as the 'Water Resources Development Act of 1990'."

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-676, §1(a), Nov. 17, 1988, 102 Stat. 4012, provided that: "This Act [enacting sections 59j-1, 59y, 59z, and 2312 to 2315 of this title, amending sections 426j, 701b-12, 1293a, 2211, 2239, 2280, and 2291 of this title and section 1962d-5a of Title 42, The Public Health and Welfare, enacting provisions set out as notes under this section, sections 579a, 988, 2211, 2294, 2300, and 2314 of this title, and section 1962d-5g of Title 42, and amending provisions set out as a note under section 2294 of this title] may be cited as the 'Water Resources Development Act of 1988'."

SHORT TITLE

Section 1(a) of Pub. L. 99-662 provided that: "This Act [enacting this chapter and sections 59n-1, 59v, 59w, 403b, 426n, 426o, 467f to 467n, 555a, 579a, 652, 701b-12, 709b, 988a, and 1414a of this title, sections 460tt of Title 16, Conservation, sections 4461, 4462, 9505, and 9506 of Title 26, Internal Revenue Code, section 483d of former Title 40, Public Buildings, Property, and Works, and sections 1962d-11b and 1962d-20 of Title 42, The Public Health and Welfare, amending sections 409, 414, 415, 426g, 426i, 426j, 426m, 467, 467b, 555, 557, 603a, 610, 701a-1, 701g, 701n, 701r, 701s, 984, and 1804 of this title, section 3036 of Title 10, Armed Forces, sections 460ee and 1002 of Title 16, section 4042 of Title 26, sections 1962d-5a, 1962d-5b, 1962d-5d, 1962d-5f, and 1962d-16 of Title 42, sections 390 and 390b of Title 43, Public Lands, and section 1121-1 of Title 46, Appendix, Shipping, repealing sections 1801 and 1802 of this title, enacting provisions set out as