

(c) Initiation of construction clarified

For the purposes of this section, initiation of construction for a project occurs on the date of enactment of an Act that appropriates funds for the project from 1 of the following appropriation accounts:

- (1) Construction, General.
- (2) Operation and Maintenance, General.
- (3) Flood Control, Mississippi River and Tributaries.

(Pub. L. 106–53, title II, §206, Aug. 17, 1999, 113 Stat. 286.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1999, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

Statutory Notes and Related Subsidiaries

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 106–53, set out as a note under section 2201 of this title.

§ 2331a. Initiating work on separable elements

With respect to a water resources development project that has received construction funds in the previous 6-year period, for purposes of initiating work on a separable element of the project—

- (1) no new start or new investment decision shall be required; and
- (2) the work shall be treated as ongoing work.

(Pub. L. 114–322, title I, §1146, Dec. 16, 2016, 130 Stat. 1659.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2016, and also as part of the Water Infrastructure Improvements for the Nation Act, also known as the WIIN Act, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

§ 2332. Shoreline and riverine protection and restoration**(a) In general**

The Secretary may carry out studies and projects to—

- (1) reduce flood and hurricane and storm damage hazards; or
- (2) restore the natural functions and values of rivers and shorelines throughout the United States.

(b) Studies and projects**(1) Authority****(A) Studies**

In carrying out subsection (a), the Secretary may carry out studies to identify appropriate measures for—

- (i) the reduction of flood and hurricane and storm damage hazards, including

measures for erosion mitigation and bank stabilization; or

- (ii) the conservation and restoration of the natural functions and values of rivers and shorelines.

(B) Projects

Subject to subsection (f)(2), in carrying out subsection (a), the Secretary may design and implement projects described in subsection (a).

(2) Consultation and coordination

The studies and projects carried out under this section shall be conducted, to the maximum extent practicable, in consultation and coordination with the Federal Emergency Management Agency and other appropriate Federal agencies, and in consultation and coordination with appropriate State and local agencies and tribes.

(3) Nonstructural approaches

The studies and projects shall emphasize, to the maximum extent practicable and appropriate, nonstructural approaches to preventing or reducing flood and hurricane and storm damages, including the use of natural features or nature-based features.

(4) Participation

The studies and projects shall be conducted, to the maximum extent practicable, in cooperation with State and local agencies and tribes to ensure the coordination of local flood and hurricane and storm damage reduction or riverine, shoreline, and wetland restoration studies with projects that conserve, restore, and manage hydrologic and hydraulic regimes and restore the natural functions and values of floodplains and coastal barriers.

(c) Cost-sharing requirements**(1) Studies**

Studies conducted under this section shall be subject to cost sharing in accordance with section 2215 of this title, except that the first \$200,000 of the costs of a study conducted under this section shall be at Federal expense.

(2) Environmental restoration and non-structural projects**(A) In general**

Design and construction of a project under this section that includes a nonstructural measure, a natural feature or nature-based feature, or an environmental restoration measure, shall be subject to cost sharing in accordance with section 2213 of this title, except that the non-Federal share of the cost to design and construct such a project benefiting an economically disadvantaged community (including economically disadvantaged communities located in urban and rural areas) shall be 10 percent.

(B) Items provided by non-Federal interests

The non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for such projects.

(C) Credit

The value of such land, easements, rights-of-way, dredged material disposal areas, and