

## CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1976, and not as part of the Water Resources Planning Act which comprises this chapter.

## AMENDMENTS

1986—Subsec. (b). Pub. L. 99-662 amended subsec. (b) generally, substituting “\$10,000,000 per fiscal year for each fiscal year beginning after September 30, 1986” for “\$6,000,000 per fiscal year for the fiscal years ending September 30, 1978, and September 30, 1979”.

**§ 1962d-5e. Wetland areas****(a) Authorization of Secretary of the Army to plan and establish wetland areas; criteria for establishment**

The Secretary of the Army, acting through the Chief of Engineers, is authorized to plan and establish wetland areas as part of an authorized water resources development project under his jurisdiction. Establishment of any wetland area in connection with the dredging required for such a water resources development project may be undertaken in any case where the Chief of Engineers in his judgment finds that—

- (1) environmental, economic, and social benefits of the wetland area justifies the increased cost thereof above the cost required for alternative methods of disposing of dredged material for such project; and
- (2) the increased cost of such wetland area will not exceed \$400,000; and
- (3) there is reasonable evidence that the wetland area to be established will not be substantially altered or destroyed by natural or man-made causes.

**(b) Reports to Congress**

Whenever the Secretary of the Army, acting through the Chief of Engineers, submits to Congress a report on a water resources development project after October 22, 1976, such report shall include, where appropriate, consideration of the establishment of wetland areas.

**(c) Cost**

In the computation of benefits and cost of any water resources development project the benefits of establishing of any wetland area shall be deemed to be at least equal to the cost of establishing such area. All costs of establishing a wetland area shall be borne by the United States.

(Pub. L. 94-587, § 150, Oct. 22, 1976, 90 Stat. 2931.)

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**§ 1962d-5f. Beach nourishment****(a) In general**

The Secretary of the Army, acting through the Chief of Engineers, is authorized to provide periodic beach nourishment in the case of each water resources development project where such nourishment has been authorized for a limited period for such additional period as he determines necessary but in no event shall such additional period extend beyond the fiftieth year which begins after the date of initiation of construction of such project.

**(b) Review**

Notwithstanding subsection (a), the Secretary shall, at the request of the non-Federal interest, carry out a study to determine the feasibility of extending the period of nourishment described in subsection (a) for a period not to exceed 15 additional years beyond the maximum period described in subsection (a).

**(c) Plan for reducing risk to people and property****(1) In general**

As part of the review described in subsection (b), the non-Federal interest shall submit to the Secretary a plan for reducing risk to people and property during the life of the project.

**(2) Inclusion of plan in recommendation to Congress**

The Secretary shall include the plan described in subsection (a) in the recommendations to Congress described in subsection (d).

**(d) Report to Congress**

Upon completion of the review described in subsection (b), the Secretary shall—

- (1) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives any recommendations of the Secretary related to the review; and
- (2) include in the subsequent annual report to Congress required under section 2282d of title 33, any recommendations that require specific congressional authorization.

**(e) Special rule**

Notwithstanding any other provision of this section, for any existing authorized water resources development project for which the maximum period for nourishment described in subsection (a) will expire within the 5 year-period beginning on June 10, 2014, that project shall remain eligible for nourishment for an additional 3 years after the expiration of such period.

(Pub. L. 94-587, § 156, Oct. 22, 1976, 90 Stat. 2933; Pub. L. 99-662, title IX, § 934, Nov. 17, 1986, 100 Stat. 4197; Pub. L. 113-121, title I, § 1037(a), June 10, 2014, 128 Stat. 1235.)

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## AMENDMENTS

2014—Pub. L. 113-121 designated existing provisions as subsec. (a), inserted heading, and added subsecs. (b) to (e).

1986—Pub. L. 99-662 substituted “fiftieth” for “fifteenth”.

**§ 1962d-5g. Hydroelectric power resources****(a) Study; plan**

The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to conduct a study of the most efficient methods of utilizing the hydroelectric power resources at water resource development projects under the jurisdiction of the Secretary of the Army and to prepare a plan based upon the find-