

any provision of a permit issued in accordance with subsection (a) 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.)

§ 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.
2211a.	Preserving United States harbors.
2212.	Inland waterway transportation.
2213.	Flood control and other purposes.
2214.	General credit for flood control.
2215.	Feasibility studies; planning, engineering, and design.
2216.	Rate of interest.
2217.	Limitation on applicability of certain provisions in reports.

Sec.	
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.
2221.	Cost limitations on projects.
2222.	Use of other Federal funds.
2223.	Transfer of excess credit.
2224.	Crediting authority for federally authorized navigation projects.
2225.	Credit in lieu of reimbursement.
2226.	Water resources projects on Federal land.
2227.	Clarification of impacts to other Federal facilities.

SUBCHAPTER II—HARBOR DEVELOPMENT

2231.	Study of water resources development projects by non-Federal interests.
2232.	Construction of water resources development projects by non-Federal interests.
2233.	Coordination and scheduling of Federal, State, and local actions.
2234.	Nonapplicability to Saint Lawrence Seaway.
2235.	Construction in usable increments.
2236.	Port or harbor dues.
2237.	Information for national security.
2238.	Authorization of appropriations.
2238a.	Estimate of harbor maintenance needs.
2238b.	Funding for harbor maintenance programs.
2238c.	Additional measures at donor ports and energy transfer ports.
2238d.	Maintenance of harbors of refuge.
2239.	Repealed.
2240.	Emergency response services.
2241.	Definitions.
2242.	Remote and subsistence harbors.
2243.	Arctic deep draft port development partnerships.

SUBCHAPTER III—INLAND WATERWAY TRANSPORTATION SYSTEM

2251.	Inland Waterways Users Board.
2252.	Project delivery process reforms.
2253.	Annual financial review.
2254.	Assessment of operation and maintenance needs of the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway.
2255.	Inland waterways riverbank stabilization.

SUBCHAPTER IV—WATER RESOURCES STUDIES

2261.	Territories development study.
2262.	Survey of potential for use of certain facilities as hydroelectric facilities.
2263.	Study of Corps capability to conserve fish and wildlife.
2264.	Deauthorization of studies.
2265.	Columbia River/Arkansas River Basin transfers.
2266.	Canadian tidal power study.
2267.	New York Bight study.
2267a.	Watershed and river basin assessments.
2267b.	Post-disaster watershed assessments.
2268.	Marine technology review.
2269.	Tribal partnership program.

SUBCHAPTER V—GENERAL PROVISIONS

2280.	Maximum cost of projects.
2281.	Matters to be addressed in planning.
2282.	Feasibility reports.
2282a.	Planning.
2282b.	Submission of reports to Congress.
2282c.	Vertical integration and acceleration of studies.
2282d.	Annual report to Congress.
2282e.	Post-authorization change reports.
2283.	Fish and wildlife mitigation.
2283a.	Status report.
2283b.	Clarification of mitigation authority.

Sec.
2283c. Technical assistance.
2284. Benefits and costs attributable to environmental measures.
2284a. Benefits to navigation.
2284b. Scenic and aesthetic considerations.
2285. Environmental Protection and Mitigation Fund.
2286. Acceptance of certain funds for mitigation.
2287. Continued planning and investigations.
2288. Repealed.
2289. Urban and rural flood control frequency.
2289a. Consideration of measures.
2290. Flood control in Trust Territory of the Pacific Islands.
2291. Federal Project Repayment District.
2292. Surveying and mapping.
2293. Reprogramming during national emergencies.
2293a. Reprogramming of funds for projects by Corps of Engineers.
2294. Office of Environmental Policy.
2295. Compilation of laws; annual reports.
2296. Acquisition of recreation lands.
2297. Operation and maintenance on recreation lands.
2298. Impact of proposed projects on existing recreation facilities.
2299. Acquisition of beach fill.
2300. Study of Corps capabilities.
2301, 2302. Omitted.
2303. Historical properties.
2304. Separability.
2305. Use of FMHA funds.
2306. Reports.
2307. Control of ice.
2308. Campgrounds for senior citizens.
2309. Great Lakes Commodities Marketing Board.
2309a. Project modifications for improvement of environment.
2310. Cost sharing for Territories and Indian tribes.
2311. Report to Congress covering proposals for water impoundment facilities.
2312. Comments on certain changes in operations of reservoirs.
2313. Collaborative research and development.
2313a. Engineering and environmental innovations of national significance.
2313b. Support of Army civil works program.
2314. Innovative technology.
2314a. Technical assistance program.
2314b. Advanced modeling technologies.
2315. Periodic statements.
2315a. Transparency in accounting and administrative expenses.
2316. Environmental protection mission.
2317. Wetlands.
2317a. Cooperative agreements.
2317b. Mitigation banks and in-lieu fee arrangements.
2318. Flood plain management.
2319. Reservoir management.
2320. Protection of recreational and commercial uses.
2321. Operation and maintenance of hydroelectric facilities.
2321a. Hydroelectric power project uprating.
2321b. Expediting hydropower at Corps of Engineers facilities.
2322. Single entities.
2323. Technical assistance to private entities.
2323a. Interagency and international support authority.
2324. Reduced pricing for certain water supply storage.
2325. Voluntary contributions for environmental and recreation projects.
2325a. Authority to accept and use materials and services.
2326. Regional sediment management.
2326a. Dredged material disposal facility partnerships.

Sec.
2326b. Sediment management.
2326c. Reservoir sediment.
2326d. Alternative projects to maintenance dredging.
2326e. Non-Federal interest dredging authority.
2326f. Maintenance dredging data.
2327. Definition of rehabilitation for inland waterway projects.
2328. Challenge cost-sharing program for management of recreation facilities.
2328a. Special use permits.
2329. International outreach program.
2330. Aquatic ecosystem restoration.
2330a. Monitoring ecosystem restoration.
2330b. Fish hatcheries.
2331. Use of continuing contracts for construction of certain projects.
2331a. Initiating work on separable elements.
2332. Flood mitigation and riverine restoration program.
2333. Irrigation diversion protection and fisheries enhancement assistance.
2334. Innovative technologies for watershed restoration.
2335. Coastal aquatic habitat management.
2336. Abandoned and inactive noncoal mine restoration.
2337. Property protection program.
2338. Reburial and conveyance authority.
2339. Assistance programs.
2339a. Cooperative agreements with Indian tribes.
2340. Revision of project partnership agreement; cost sharing.
2341. Expedited actions for emergency flood damage reduction.
2341a. Prioritization.
2341b. Prioritization of certain projects.
2342. Access to water resource data.
2343. Independent peer review.
2344. Safety assurance review.
2345. Electronic submission and tracking of permit applications.
2346. Project administration.
2347. Coordination and scheduling of Federal, State, and local actions.
2347a. Determination of project completion.
2348. Project acceleration.
2349. Categorical exclusions in emergencies.
2350. Corrosion prevention.
2351. Durability, sustainability, and resilience.
2352. Funding to process permits.
2353. Structural health monitoring.
2354. Easements for electric, telephone, or broadband service facilities.

§ 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 2016 AMENDMENT

Pub. L. 114-322, §1(a), Dec. 16, 2016, 130 Stat. 1628, provided that: “This Act [see Tables for classification] may be cited as the ‘Water Infrastructure Improvements for the Nation Act’ or the ‘WIIN Act.’”

Pub. L. 114-322, title I, §1001, Dec. 16, 2016, 130 Stat. 1632, provided that: “This title [see Tables for classification] may be cited as the ‘Water Resources Development Act of 2016.’”

SHORT TITLE OF 2014 AMENDMENT

Pub. L. 113-121, §1(a), June 10, 2014, 128 Stat. 1193, provided that: “This Act [see Tables for classification]