

events, motorized recreation vehicles, and such other specialized recreation uses as the Secretary determines to be appropriate, subject to such terms and conditions as the Secretary determines to be in the best interest of the Federal Government.

(2) Fees

(A) In general

In carrying out this subsection, the Secretary may—

- (i) establish and collect fees associated with the issuance of the permits described in paragraph (1); or
- (ii) accept in-kind services in lieu of those fees.

(B) Outdoor recreation equipment

The Secretary may establish and collect fees for the provision of outdoor recreation equipment and services for activities described in paragraph (1) at public recreation areas located at lakes and reservoirs operated by the Corps of Engineers.

(C) Use of fees

Any fees generated pursuant to this subsection shall be—

- (i) retained at the site collected; and
- (ii) available for use, without further appropriation, solely for administering the special permits under this subsection and carrying out related operation and maintenance activities at the site at which the fees are collected.

(b) Cooperative management

(1) Program

(A) In general

Subject to subparagraph (B), the Secretary may enter into an agreement with a State or local government to provide for the cooperative management of a public recreation area if—

- (i) the public recreation area is located—
 - (I) at a lake or reservoir operated by the Corps of Engineers; and
 - (II) adjacent to or near a State or local park or recreation area; and
- (ii) the Secretary determines that cooperative management between the Corps of Engineers and a State or local government agency of a portion of the Corps of Engineers recreation area or State or local park or recreation area will allow for more effective and efficient management of those areas.

(B) Restriction

The Secretary may not transfer administration responsibilities for any public recreation area operated by the Corps of Engineers.

(2) Acquisition of goods and services

The Secretary may acquire from or provide to a State or local government with which the Secretary has entered into a cooperative agreement under paragraph (1) goods and services to be used by the Secretary and the State or local government in the cooperative management of the areas covered by the agreement.

(3) Administration

The Secretary may enter into 1 or more cooperative management agreements or such other arrangements as the Secretary determines to be appropriate, including leases or licenses, with non-Federal interests to share the costs of operation, maintenance, and management of recreation facilities and natural resources at recreation areas that are jointly managed and funded under this subsection.

(c) Use of funds

(1) In general

If the Secretary determines that it is in the public interest for purposes of enhancing recreation opportunities at Corps of Engineers water resources development projects, the Secretary may use funds made available to the Secretary to support activities carried out by State, local, and tribal governments and such other public or private nonprofit entities as the Secretary determines to be appropriate.

(2) Cooperative agreements

Any use of funds pursuant to this subsection shall be carried out through the execution of a cooperative agreement, which shall contain such terms and conditions as the Secretary determines to be necessary in the public interest.

(Pub. L. 113-121, title I, §1047, June 10, 2014, 128 Stat. 1255.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Water Resources Reform and Development Act of 2014, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

Section is comprised of section 1047 of Pub. L. 113-121. Subsecs. (d) and (e) of section 1047 of Pub. L. 113-121 amended sections 569c and 2339 of this title, respectively.

Statutory Notes and Related Subsidiaries

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 113-121, set out as a note under section 2201 of this title.

§ 2329. International outreach program

(a) Authorization

(1) In general

The Secretary may engage in activities to inform the United States of technological innovations abroad that could significantly improve water resources development in the United States.

(2) Inclusions

Activities under paragraph (1) may include—

- (A) development, monitoring, assessment, and dissemination of information about foreign water resources projects that could significantly improve water resources development in the United States;
- (B) research, development, training, and other forms of technology transfer and exchange; and

(C) offering technical services that cannot be readily obtained in the private sector to be incorporated into water resources projects if the costs for assistance will be recovered under the terms of each project.

(b) Cooperation

The Secretary may carry out the provisions of this section in cooperation with Federal departments and agencies, State and local agencies, authorities, institutions, corporations (profit or nonprofit), foreign governments, or other organizations.

(c) Funding

The funds to carry out the provisions of this section shall include funds deposited in a special account with the Secretary of the Treasury for such purposes by any cooperating entity or organization according to cost-sharing agreements proscribed by the Secretary. Reimbursement for services provided under this section shall be credited to the appropriation concerned.

(Pub. L. 102-580, title IV, §401, Oct. 31, 1992, 106 Stat. 4862; Pub. L. 114-322, title I, §1138, Dec. 16, 2016, 130 Stat. 1657.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1992, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

AMENDMENTS

2016—Subsec. (a). Pub. L. 114-322 amended subsec. (a) generally. Prior to amendment, subsec. (a) authorized the Secretary to engage in activities to inform the United States maritime industry and port authorities of technological innovations abroad that could significantly improve waterborne transportation in the United States, both inland and deep draft.

Statutory Notes and Related Subsidiaries

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 3 of Pub. L. 102-580, set out as a note under section 2201 of this title.

§ 2330. Aquatic ecosystem restoration

(a) General authority

(1) In general

The Secretary may carry out a project to restore and protect an aquatic ecosystem or estuary if the Secretary determines that the project—

(A)(i) will improve the quality of the environment and is in the public interest; or

(ii) will improve the elements and features of an estuary (as defined in section 2902 of this title); and

(B) is cost-effective.

(2) Dam removal

A project under this section may include removal of a dam.

(3) Anadromous fish habitat and passage

(A) Measures

A project under this section may include measures to improve habitat or passage for anadromous fish, including—

(i) installing fish bypass structures on small water diversions;

(ii) modifying tide gates; and

(iii) restoring or reconnecting floodplains and wetlands that are important for anadromous fish habitat or passage.

(B) Benefits

A project that includes measures under this paragraph shall be formulated to maximize benefits for the anadromous fish species benefitted by the project.

(b) Cost sharing

(1) In general

Non-Federal interests shall provide 35 percent of the cost of construction of any project carried out under this section, including provision of all lands, easements, rights-of-way, and necessary relocations.

(2) Form

Before October 1, 2003, the Federal share of the cost of a project under this section may be provided in the form of reimbursements of project costs.

(c) Agreements

(1) In general

Construction of a project under this section shall be initiated only after a non-Federal interest has entered into a binding agreement with the Secretary to pay the non-Federal share of the costs of construction required by this section and to pay 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to the project in accordance with regulations prescribed by the Secretary.

(2) Nonprofit entities

Notwithstanding section 1962d-5b of title 42, for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.

(d) Cost limitation

Not more than \$10,000,000 in Federal funds may be allotted under this section for a project at any single locality.

(e) Use of natural and nature-based features

In carrying out a project to restore and protect an aquatic ecosystem or estuary under subsection (a), the Secretary shall consider, and may include, with the consent of the non-Federal interest, a natural feature or nature-based feature, as such terms are defined in section 2289a of this title, if the Secretary determines that inclusion of such features is consistent with the requirements of subsection (a).

(f) Funding

There is authorized to be appropriated to carry out this section \$62,500,000 for each fiscal year.

(g) Prioritization

The Secretary shall give projects that include measures described in subsection (a)(3) equal priority for implementation as other projects under this section.