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WATER RESOURCES DEVELOPMENT ACT OF 2022

SECTION-BY-SECTION SUMMARY

(SUSPEND AND PASS TEXT, JUNE 7, 2022)

SECTION-BY-SECTION SUMMARY

Sec. 1. Short Title; Table of Contents.

Sec. 2. Definition of Secretary.

TITLE I—GENERAL PROVISIONS

Sec. 101. Federal Breakwaters and Jetties.

This section directs the Secretary to repair or maintain jetties and breakwaters to dimensions which include increases in projected wave action or height over the life of the project and to classify such work as routine operations and maintenance if the functionality of the structure has been diminished due to a lack of regular federal maintenance.

Sec. 102. Emergency Response to Natural Disasters.

This section authorizes the Secretary to repair or restore a shore protection project or structure beyond the original design level of the project to account for increases in projected wave action, height, or storm surge to meet the authorized purposes of the project.

Sec. 103. Shoreline and Riverine Restoration.

This section authorizes the Secretary to carry out projects for the protection and restoration of coastal shorelines and riverbanks and provides discretion in meeting standard economic justifications.

Sec. 104. Tidal River, Bay, and Estuarine Flood Risk Reduction.

This section authorizes the Secretary to consider tidal and inland flooding within feasibility studies for coastal storm risk reduction projects.

Sec. 105. Removal of Man-Made Obstruction to Aquatic Ecosystem Restoration Projects.

This section authorizes the Secretary to consider removal of man-made obstructions within the scope of a project (with the consent of the structure owner) for purposes of increasing aquatic ecosystem restoration goals.

Sec. 106. National Coastal Mapping Study.

This section directs the Secretary to study and map coastal geographic land changes and identify improved tools and practices for coastal mapping.

Sec. 107. Public Recreational Amenities in Ecosystem Restoration Projects.

This section authorizes the Secretary to consider the inclusion of recreational amenities into ecosystem restoration projects.

Sec. 108. Preliminary Analysis.

This section authorizes, at the request of the non-federal interest, a preliminary analysis phase prior to the beginning of a feasibility study to identify project scope, cost estimates, and potential project alternatives.

Sec. 109. Technical Assistance.

This section increases the funding authorization for technical assistance under the planning assistance to the states authority and authorizes the Secretary to waive the cost of such assistance to economically disadvantaged communities.

Sec. 110. Corps of Engineers Support for Underserved Communities; Outreach.

This section directs the Secretary to increase outreach to urban and rural communities and Indian Tribes on the Corps' water resources development authorities and to provide additional public resources for increased community engagement with Corps programs.

Sec. 111. Project Planning Assistance.

This section authorizes additional feasibility studies to receive assistance under section 118 of the Water Resources Development Act of 2020.

Sec. 112. Managed Aquifer Recharge Study and Working Group.

This section authorizes the Secretary to study opportunities to carry out managed aquifer recharge at Corps projects and to create a working group to determine its efficacy.

Sec. 113. Flood Easement Database.

This section directs the Secretary to establish, maintain, and make public a database of flood and flowage easements held by the Corps of Engineers.

Sec. 114. Assessment of Corps of Engineers Levees.

This section directs the Secretary to periodically assess Corps-constructed levees and make recommendations for any modifications through a report to Congress.

Sec. 115. Technical Assistance for Levee Inspections.

This section authorizes the Secretary to provide credit or reimbursement to non-federal interests for costs associated with legally required electronic inspections at flood control projects.

Sec. 116. Assessment of Corps of Engineers Dams.

This section directs the Secretary to assess the status of all dams operated or maintained by the Corps to determine if any may be a priority for rehabilitation, retrofitting, or removal, and to incorporate the status into the National Dam Inventory.

Sec. 117. National Low-Head Dam Inventory.

This section requires the Secretary to establish, maintain, and make public an inventory of low-head dams, in consultation with relevant federal and state agencies.

Sec. 118. Tribal Partnership Program.

This section includes technical assistance as an eligible use of the Tribal Partnership Program and reauthorizes the program through 2026.

Sec. 119. Tribal Liaison.

This section requires each Corps district that contains a Tribal community to create a position within that district to carry out the duties and serve as a Tribal liaison.

Sec. 120. Tribal Assistance.

This section clarifies the Corps' responsibility to relocate tribal villages impacted by the construction of the Bonneville Dam, Dalles Dam, and John Day Dam.

Sec. 121. Cost Sharing for Territories and Indian Tribes.

This section authorizes certain indigenous people to participate under section 1156 of the Water Resources Development Act of 1986.

Sec. 122. Sense of Congress on COVID-19 Impacts to Coastal and Inland Navigation.

This section expresses the sense of Congress that the Secretary take into consideration the impacts of the COVID-19 pandemic when determining eligibility for port funding.

Sec. 123. Assessment of Regional Confined Aquatic Disposal Facilities.

This section directs the Secretary to assess the availability and need for confined disposal facilities on a regional basis.

Sec. 124. Strategic Plan on Beneficial Use of Dredged Material.

This section directs the Secretary to develop a strategic plan for fully implementing the federal authority for maximizing the beneficial use of dredged material.

Sec. 125. Funding to Review Mitigation Banking Proposals from Non-Federal Public Entities.

This section authorizes non-federal public entities to contribute funds towards the review of a proposal for a mitigation bank.

Sec. 126. Environmental Dredging.

This section directs the Secretary to work, in consultation with other federal agencies, to remediate contaminated sediment at certain authorized projects.

Sec. 127. Reserve Component Training at Water Resources Development Projects.

This section authorizes members of the Armed Forces reserves to support Corps programs.

Sec. 128. Payment of Pay and Allowances of Certain Officers from Appropriation for Improvements.

This section authorizes warrant officers and enlisted members of the Armed Forces to support Corps projects or programs.

Sec. 129. Civil Works Research, Development, Testing, and Evaluation.

This section expands the basic research and development capabilities of the Corps to support its missions and authorities, including demonstration projects and coordination with other entities.

Sec. 130. Support of Army Civil Works Program.

This section authorizes the Secretary to enter into cooperative agreements to support water resources development authorities.

Sec. 131. Contracts with Institutions of Higher Education to Provide Assistance.

This section authorizes the Corps to contract with institutions of higher education in carrying out its flood plain management services program under section 206 of the Flood Control Act of 1960.

Sec. 132. Records Regarding Members and Employees of the Corps of Engineers who Perform Duty at Lake Okeechobee, Florida, During a Harmful Algal Bloom.

This section requires the Secretary to indicate in the service record of its members or employees who conduct work at Lake Okeechobee, Florida, during harmful algal bloom events.

Sec. 133. Sense of Congress on the Mississippi River-Gulf Outlet, Louisiana.

This section restates congressional intent that the Secretary is authorized and directed to restore the ecosystem around the Mississippi River-Gulf Outlet, Louisiana, at full federal expense.

Sec. 134. Water Infrastructure Public-Private Partnership Pilot Program.

This section amends section 5014 of the Water Resources Reform and Development Act of 2014 to make eligible work on ecosystem restoration projects.

Sec. 135. Applicability.

This section states that none of the funds appropriated by title III of Division J of the Infrastructure Investment and Jobs Act (P.L. 117-58) may be used to carry out this Act.

TITLE II—STUDIES AND REPORTS

Sec. 201. Authorization of Proposed Feasibility Studies.

This section authorizes 72 new feasibility studies for future water resources development projects and nine feasibility studies for modification of existing water resources development projects. These feasibility studies were submitted in a Report to Congress on Future Water Resources Development pursuant to Section 7001 of the Water Resources Reform and Development Act of 2014 or were otherwise reviewed by Congress.

Sec. 202. Expedited Completion.

This section directs the Secretary to expedite the completion of 14 feasibility studies currently underway. Upon completion of the study, if the Secretary determines that the project is justified, the Corps may proceed directly to preconstruction planning, engineering, and design. This section also directs the Secretary to expedite the completion of the following reviews currently underway: two post-authorization change reports for existing projects, one ongoing watershed assessment, and two proposed feasibility determinations for navigation projects to be carried out by non-federal interests.

Sec. 203. Expedited Modifications of Existing Feasibility Studies.

This section directs the Secretary to expedite modifications to the scope or process of four feasibility studies currently underway.

Sec. 204. Corps of Engineers Reservoir Sedimentation Assessment.

This section directs the Secretary to assess sedimentation issues and its impacts at reservoirs owned or operated by the Corps.

Sec. 205. Assessment of Impacts from Changing Operation and Maintenance Responsibilities.

This section directs the Secretary to submit a report to Congress on the costs and effects of increasing the depths at which operation and maintenance at a harbor or inland harbor is a federal responsibility.

Sec. 206. Report and Recommendations on Dredge Capacity.

This section directs the Secretary to submit a report to Congress on current public and private dredge capacity and availability to meet dredging needs nationwide.

Sec. 207. Maintenance Dredging Data.

This section adds additional specification to a data point required within the maintenance dredging database.

Sec. 208. Report to Congress on Economic Valuation of Preservation of Open Space, Recreational Areas, and Habitat Associated with Project Lands.

This section directs the Secretary to review existing policies for the valuation of preserving open space, recreational areas, and habitat as part of a water resources development project.

Sec. 209. Ouachita River Watershed, Arkansas and Louisiana.

This section directs the Secretary to conduct a review of projects in the Ouachita River watershed under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a).

Sec. 210. Report on Santa Barbara Streams, Lower Mission Creek, California.

This section directs the Secretary to submit to Congress a report that provides an updated economic review of the remaining portion of the project for flood damage reduction at Santa Barbara streams, Lower Mission Creek, California.

Sec. 211. Disposition Study on Salinas Dam and Reservoir, California.

This section clarifies the details to be included in a disposition study carried out at Salinas Dam, California.

Sec. 212. Excess Lands Report for Whittier Narrows Dam, California.

This section directs the Secretary to submit a report to Congress that identifies excess property at Whittier Narrows Dam that could be transferred to the city.

Sec. 213. Colebrook River Reservoir, Connecticut.

This section directs the Secretary to submit a report to Congress on the initial analysis of terminating a water supply contract in Connecticut.

Sec. 214. Comprehensive Central and Southern Florida Study.

This section authorizes a comprehensive study to improve or modify existing water resources development projects in central and southern Florida.

Sec. 215. Study on Shellfish Habitat and Seagrass, Florida Central Gulf Coast.

This section directs the Secretary to carry out a study through its Engineer Research and Development Center (ERDC) and submit a report to Congress on restoring shellfish habitat and seagrass in coastal estuaries in the Florida Central Gulf Coast.

Sec. 216. Northern Estuaries Ecosystem Restoration, Florida.

This section directs the Secretary to develop a proposed comprehensive plan for the purpose of restoring and preserving the Caloosahatchee Estuary, Charlotte Harbor, Indian River Lagoon, Lake Worth Lagoon, and St. Lucie River Estuary (together “Northern Estuaries”) in Florida.

Sec. 217. Report on South Florida Ecosystem Restoration Plan Implementation.

This section directs the Secretary to submit a report to Congress that provides updates on the status of authorized projects or studies within the Comprehensive Everglades Restoration Plan and South Florida Ecosystem Restoration Plan Integrated Delivery Schedule.

Sec. 218. Review of Recreational Hazards at Buford Dam, Lake Sidney Lanier, Georgia.

This section directs the Secretary to review and mitigate threats to recreational safety at Buford Dam, Georgia.

Sec. 219. Review of Recreational Hazards at the Banks of the Mississippi River, Louisiana.

This section directs the Secretary to review and mitigate threats to recreation safety at the banks of the Mississippi River, Louisiana.

Sec. 220. Hydraulic Evaluation of Upper Mississippi River and Illinois River.

This section directs the Secretary to periodically study the flow frequencies and water surface profiles for certain rivers in the Upper Mississippi River and Illinois River basins.

Sec. 221. Disposition Study on Hydropower in the Willamette Valley, Oregon.

This section directs the Secretary to study the effects of deauthorizing hydropower as an authorized project purpose at dams in the Willamette Valley.

Sec. 222. Houston Ship Channel Expansion Channel Improvement Project, Texas.

This section directs the Secretary to expedite the review of modifying the Houston Ship Channel Expansion to incorporate the construction of certain barge lanes into the project.

Sec. 223. Sabine-Neches Waterway Navigation Improvement Project, Texas.

This section directs the Secretary to expedite the review of a feasibility study submitted by a non-federal sponsor for authorization.

Sec. 224. Norfolk Harbor and Channels, Virginia.

This section directs the Secretary to expedite the review of modifying the Norfolk Harbor and Channels project to incorporate Anchorage F into the project.

Sec. 225. Coastal Virginia, Virginia.

This section authorizes the Secretary to coordinate with other federal agencies for inclusion of property owned or operated by another federal agency in the scope of a water resources development project study.

Sec. 226. Western Infrastructure Study.

This section authorizes a comprehensive study at Corps owned, operated, or managed reservoirs in arid Western states to evaluate opportunities to improve water management, supply, and preparedness for changes in hydrological conditions.

Sec. 227. Report on Socially and Economically Disadvantaged Small Business Concerns.

This section directs the Secretary to submit a report to Congress on contracts and subcontracts between the Corps and Small Disadvantaged Businesses.

Sec. 228. Report on Solar Energy Opportunities.

This section directs the Secretary to identify opportunities for integrating solar panels or floating solar at certain Corps projects and properties.

Sec. 229. Assessment of Coastal Flooding Mitigation Modeling and Testing Capacity.

This section directs the Secretary to submit a report to Congress on the Corps' ability to model coastal flood mitigation systems and the effectiveness of the systems in preventing flood damage from storm surge.

Sec. 230. Report to Congress on Easements Related to Water Resources Development Projects.

This section directs the Secretary to review its policies and procedures related to the use of easements and to identify potential opportunities for increased use of such easements in future water resources development projects.

Sec. 231. Assessment of Forest, Rangeland, and Watershed Restoration Services on Lands Owned by the Corps of Engineers.

This section directs the Secretary to assess the impacts of authorizing non-federal interests to provide certain forest, rangeland, and watershed restoration services on Corps lands.

Sec. 232. Electronic Preparation and Submission of Applications.

This section updates the electronic submission and tracking of permit applications under Section 2040 of the Water Resources Development Act of 2007 (33 U.S.C. 2345) and requires the Secretary to submit quarterly reports on its implementation.

Sec. 233. Report on Corrosion Prevention Activities.

This section directs the Secretary to submit a report to Congress on corrosion prevention activities at water resources development projects.

Sec. 234. GAO Studies on Mitigation.

This section authorizes two GAO studies on mitigation activities and processes.

Sec. 235. GAO Study on Waterborne Statistics.

This section authorizes a GAO review of the collection and quality of data associated with waterborne commerce.

Sec. 236 GAO Study on the Integration of Information into the National Levee Database.

This section authorizes a GAO study on the sharing of levee information and the integration of information into the National Levee Database by the Corps and the Federal Emergency Management Agency (FEMA).

TITLE III—DEAUTHORIZATIONS AND MODIFICATIONS

Sec. 301. Deauthorization of Inactive Projects.

This section establishes a process for the deauthorization of certain water resources development projects not yet initiated or appropriated.

Sec. 302. Watershed and River Basin Assessments.

This section includes additional assessment purposes and locations for watershed-based studies under section 729 of the Water Resources Development Act of 1986.

Sec. 303. Forecast-Informed Reservoir Operations.

This section authorizes additional locations for forecast-informed reservoir operations.

Sec. 304. Lakes Program.

This section includes additional locations in the Corps' Lakes program authority under section 602 of the Water Resources Development Act of 1986.

Sec. 305. Invasive Species.

This section includes hydrilla under the Aquatic Invasive Species Research authority of section 1108 of the Water Resources Development Act of 2018, and additional focus areas under the Harmful Algal Bloom Demonstration Program, pursuant to section 128 of the Water Resources Development Act of 2020.

Sec. 306. Project Reauthorizations.

This section reauthorizes identified projects that were previously deauthorized by Congress.

Sec. 307. St. Francis Lake Control Structure.

This section directs the Secretary to set the ordinary high-water mark at the St. Francis Lake Control Structure to be at 208 feet mean sea level.

Sec. 308. Fruitvale Avenue Railroad Bridge, Alameda, California.

This section repeals section 4017(d) of the Water Resources Development Act of 2007 (121 Stat. 1175).

Sec. 309. Los Angeles County, California.

This section authorizes funding for environmental infrastructure in Los Angeles County, California.

Sec. 310. Deauthorization of Designated Portions of the Los Angeles County Drainage Area, California.

This section deauthorizes certain debris basins within the project for flood risk management in Los Angeles County, California.

Sec. 311. Murrieta Creek, California.

This section modifies the project for flood control, environmental restoration, and recreation, in Murrieta Creek, California.

Sec. 312. Sacramento River, California.

This section deauthorizes a portion of the project for flood protection on the Sacramento River, California.

Sec. 313. San Diego River and Mission Bay, San Diego County, California.

This section modifies the project for flood control and navigation for the San Diego River and Mission Bay, San Diego County, California to change the authorized conveyance capacity.

Sec. 314. San Francisco Bay, California.

This section clarifies additional areas for inclusion in the study of San Francisco Bay, California.

Sec. 315. Columbia River Basin.

This section clarifies the authority of the Secretary related to the Columbia River Basin.

Sec. 316. Comprehensive Everglades Restoration Plan, Florida.

This section updates and provides clarity on the accounting of non-federal contributions for the Comprehensive Everglades Restoration Plan, pursuant to section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680).

Sec. 317. Port Everglades, Florida.

This section modifies the project for navigation at Port Everglades, Florida.

Sec. 318. South Florida Ecosystem Restoration Task Force.

This section authorizes additional representatives to the South Florida Ecosystem Restoration Task Force.

Sec. 319. Little Wood River, Gooding, Idaho.

This section modifies the project for flood control at Gooding, Idaho.

Sec. 320. Chicago Shoreline Protection.

This section modifies the Chicago Shoreline Protection project at Lake Michigan, Illinois.

Sec. 321. Great Lakes and Mississippi River Interbasin Project, Brandon Road, Will County, Illinois.

This section modifies the project for ecosystem restoration at Brandon Road, Illinois.

Sec. 322. Southeast Des Moines Levee System, Iowa.

This section conveys certain easements to the city of Des Moines, Iowa, for completion of a flood protection project.

Sec. 323. Lower Mississippi Comprehensive Management Study.

This section makes modifications to an authorized study in the Lower Mississippi River.

Sec. 324. Lower Missouri River Streambank Erosion Control Evaluation and Demonstration Projects.

This section creates a demonstration program for new methods and techniques that prevent erosion and protect or stabilize streambanks.

Sec. 325. Missouri River Interception-Rearing Complexes.

This section requires the Secretary to perform an analysis of the impacts of interception-rearing complexes prior to additional construction and a study of their effects on certain species.

Sec. 326. Argentine, East Bottoms, Fairfax-Jersey Creek, and North Kansas levee Units, Missouri River and Tributaries at Kansas Cities, Missouri and Kansas.

This section modifies the project for flood damage reduction, Argentine, East Bottoms, Fairfax-Jersey Creek, and North Kansas Levees units, Missouri River and tributaries at Kansas Cities, Missouri and Kansas.

Sec. 327. Missouri River Mitigation Project, Missouri, Kansas, Iowa, and Nebraska.

This section clarifies that mitigation activities of other federal agencies may be used fulfill the Corps' mitigation responsibilities on the Missouri River.

Sec. 328. Northern Missouri.

This section authorizes funding for environmental infrastructure in Northern Missouri.

Sec. 329. Israel River, Lancaster, New Hampshire.

This section deauthorizes a project in Lancaster, New Hampshire.

Sec. 330. Middle Rio Grande Flood Protection, Bernalillo to Belen, New Mexico.

This section makes modifications to an authorized flood control project at Middle Rio Grande, New Mexico.

Sec. 331. Special Rule for Certain Coastal Storm Risk Management Projects.

This section directs the Secretary, for specified projects, to fund the incremental increase in project cost that results from a legal requirement to use a sediment source that is not the least-cost option.

Sec. 332. Southwestern Oregon.

This section authorizes funding for environmental infrastructure in Southwestern Oregon.

Sec. 333. John P. Murtha Locks and Dam.

This section designates Locks and Dam 4, Monongahela River, Pennsylvania, as the "John P. Murtha Locks and Dam."

Sec. 334. Wolf River Harbor, Tennessee.

This section deauthorizes a portion of the project for navigation in Wolf River Harbor, Tennessee.

Sec. 335. Addicks and Barker Reservoirs, Texas.

This section authorizes the Secretary to provide technical assistance related to sediment removal at the Addicks and Barker Reservoirs, Texas.

Sec. 336. North Padre Island, Corpus Christi Bay, Texas.

This section modifies the project for ecosystem restoration and storm damage reduction, North Padre Island, Corpus Christi Bay, Texas.

Sec. 337. Central West Virginia.

This section amends the definition of “central West Virginia” under section 571 of the Water Resources Development Act of 1999 (113 Stat. 371).

Sec. 338. Puget Sound, Washington.

This section modifies the project for ecosystem restoration at Puget Sound, Washington.

Sec. 339. Water Level Management Pilot Project on the Upper Mississippi River and Illinois Waterway System.

This section authorizes a pilot project on the management of water levels to mitigate flooding or sedimentation impacts and restore aquatic ecosystems.

Sec. 340. Upper Mississippi River Protection.

This section clarifies the recommendations to be included in a disposition study carried out at the Upper St. Anthony Falls Lock and Dam.

Sec. 341. Treatment of Certain Benefits and Costs.

This section makes a technical change to an authority enacted in the Water Resources Development Act of 2020.

Sec. 342. Debris Removal.

This section includes ecosystem restoration as an authorized justification for debris removal.

Sec. 343. General Reauthorizations.

This section reauthorizes or extends authorizations for the following Corps’ authorities: Levee Safety Initiative; Transfer of Excess Credit; Rehabilitation of Existing Levees; Invasive Species in Alpine Lakes; and Environmental Banks.

Sec. 344. Conveyances.

This section authorizes the Secretary to convey real property owned by the federal government in the following locations: Sardis Lake, Panola County, Mississippi; Rogers County, Oklahoma; and Corpus Christi, Texas.

Sec. 345. Environmental Infrastructure.

This section modifies existing authorizations for environmental infrastructure projects and provides authority to carry out additional environmental infrastructure projects.

Sec. 346. Additional Assistance for Critical Projects.

This section makes modifications to existing authorities for environmental infrastructure and environmental restoration.

Sec. 347. Sense of Congress on Lease Agreement.

This section expresses the sense of Congress that City of Corona, California has entered into a valid lease agreement with the Corps for land and water areas within the Prado Flood Control Basin Project Area.

Sec. 348. Flood Control and Other Purposes.

This section extends the period for repayment of non-federal interest contribution for an eligible deferred payment until 2032.

TITLE IV—WATER RESOURCES INFRASTRUCTURE

Sec. 401. Project Authorizations.

This section authorizes 18 water resources projects that have completed technical review by the Corps and are recommended by the Chief of Engineers. The projects are authorized to be carried out in accordance with the plan, and subject to the conditions, described in the Chief's Reports. The section also authorizes four modifications to previously authorized projects.

TITLE V—COLUMBIA RIVER BASIN RESTORATION

Sec. 501. Definitions.

This section defines several terms used within this title.

Sec. 502. Columbia River Basin Trust.

This section directs the Secretary to establish the Columbia River Basin Trust, composed of eight public stakeholders in the Columbia River Basin and one representative from each covered state and each covered Tribe.

Section 503. Columbia River Basin Task Force.

This section directs the Secretary to establish a task force with the purpose of developing a restoration plan for the Columbia River Basin, including recommendations for restoration projects in the Basin which may address: salmon recovery, water quality and water supply, transportation and shipping routes, Tribal treaty rights, local economies, recreation, hydropower generation, and flood control. Subsection (d) requires the Secretary, within 12 months of the date of enactment, to submit to the task force an assessment of the water resources needs in the Columbia River Basin. Subsection (e) requires the task force to prepare, at federal expense, a restoration plan for the Columbia River Basin that must undergo public comment before being transmitted to the authorizing committees of the House and Senate. Subsection (f) authorizes the Secretary to undertake critical restoration projects identified in the restoration plan that otherwise fall within the criteria of existing Corps' continuing authority programs. Subsection (g) states that any recommendations of the task force that relate to actions to modify, deauthorize, or remove any of the Lower Snake River Dams would require subsequent authorization by Congress to proceed.

Section 504. Administration.

This section restates existing requirements that are not diminished or affected by this title.