

Summary of Key WRDA 2022 Provisions Affecting Coastal America

Subtitle A – General Provisions

Sec. 8102. Emergency response to natural disasters. Subsection (a) authorizes the Secretary to **repair or restore a hurricane or shore protection project** or structure beyond the original design level of the project **to increase the resilience or effectiveness** of the project and account for increases in projected wave action, height, or storm surge to meet the authorized purposes of the project. Subsection (b) prohibits the U.S. Army Corps of Engineers (Corps) from denying advance measures assistance requested by a State to reduce the risk of damage from rising water levels in the Great Lakes solely on the basis that the damage is caused by erosion.

Sec. 8103. Shoreline and riverbank protection and restoration mission. This section amends section 212 of the Water Resources Development Act (WRDA) of 1999 to allow the Corps to carry out projects for the protection and restoration of coastal shorelines and riverbanks and authorizes the Secretary to cover the first **\$200,000** of the costs to study these projects. *[Notes: This is like the old Reconnaissance Report. The intent of this section* is to expand its coverage beyond riverbanks to shoreline protection and restoration and to for the Corps to “give priority consideration to the protection and restoration of or shorelines...from erosion and the other damaging impacts of extreme weather events” whether the measures used are structural or nonstructural.]*

Sec. 8106. Scope of feasibility studies. This section directs the Corps, at the request of a non- Federal interest, to formulate project study alternatives that reduce comprehensive flood risk or hurricane and storm damage risk, or that address water supply or water supply conservation, when conducting certain feasibility studies *[The intention of this section* is to include “drivers of flood risk that do not coincide with coastal storm events, including flooding and erosion associated with sea level rise and so-called ‘sunny day tides’.”]*

Sec. 8110. 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. 8119. Technical assistance. This section amends section 22 of WRDA 1974 to increase the **funding authorization for technical assistance, to prioritize the provision of such assistance to address inland and coastal life safety risks,** and to authorize the Secretary to waive the cost of such assistance to economically disadvantaged communities located in urban and rural areas. *[Note: This is the Planning Assistance to States Program]*

Sec. 8128. Assessment of regional confined aquatic disposal facilities. This section directs the Secretary to assess the **availability and need for confined disposal facilities for the New England District region.**

Sec. 8129. Studies for periodic nourishment. This section amends section 156 of WRDA 1976 to increase the maximum additional period of beach nourishment for a water resources development project from **15 additional years to 50 additional years.** This section also extends eligibility for nourishment for projects meeting certain criteria. *[Note: This is the re-study process for beach nourishment projects known as Section 1037]*

Sec. 8130. Beneficial use of dredged material; management plans. This section directs the

Secretary to develop a strategic plan for fully implementing the Federal authority for maximizing the beneficial use of dredged material. This section also directs the Secretary, when formulating dredged material management plans for a federally authorized harbor in the state of Ohio, to include a prohibition on open-lake disposal of dredged material consistent with existing law and maximize the beneficial reuse of dredged material.

Sec. 8134. NEPA reporting. This section requires the Secretary to track and provide an annual report to Congress on the timeframes for completing environmental reviews for water resources development projects, as required by the National Environmental Policy Act (NEPA) of 1969.

Sec. 8138. Emergency streambank and shoreline protection. This section amends section 14 of the Flood Control Act of 1946 to increase the Federal share of a project to \$10 million and to allow funds to be used for the protection of lighthouses, including lighthouses with historical value.

Sec. 8142. Forecasting models for the Great Lakes. This section authorizes funding to complete and maintain a model suite to forecast water levels of the Great Lakes.

Sec. 8147. Water infrastructure public-private partnership pilot program. This section amends section 5014 of WRRDA 2014 to ensure that ecosystem restoration projects are eligible under the pilot program.

Sec. 8148. Advanced payment in lieu of reimbursement for certain Federal costs. This section authorizes the Secretary to provide, in advance to the non-Federal interest, the Federal share of funds required for the acquisition of land, easements, rights-of-way, and relocations for designated projects.

Sec. 8149. Use of other Federal funds. This section amends section 2007 of WRDA 2007 to allow the non-Federal interest for a water resources development study or project, a study or project under a Continuing Authority Program, or an environmental infrastructure study or project to use funds provided by another Federal agency to satisfy the non-Federal share of the cost of the study or project, if certain conditions are met.

Sec. 8150. Non-Federal Interest Advisory Committee. This section requires the Secretary to establish a Non-Federal Interest Advisory Committee, in accordance with the Federal Advisory Committee Act. This Committee is directed to provide the Secretary with advice and recommendations to ensure more effective and efficient delivery of water resources development projects, programs, and other assistance.

Sec. 8154. Temporary relocation assistance pilot program. This section directs the Secretary to establish a pilot program to evaluate the effect of including temporary relocation assistance provided by the non-Federal interest in the non-Federal interest's cost-share for designated water resources development projects that use nonstructural measures. These measures are for the elevation or modification of a dwelling that is a primary residence and for the instance that an owner-occupant is required to relocate temporarily from the dwelling during the period of construction. *[The intent of this section is to create "an equal opportunity" for all non-Federal interests to participate in flood risk response measures that require the "elevation or modification of residential structures" and may therefore require residents to temporarily relocate while those measures are implemented]*

Sec. 8155. Continuation of construction. This section provides the Secretary with temporary authority to continue with the construction of certain projects. This section also directs the Secretary to provide the Committee on Transportation and Infrastructure of the House and the Committee on Environment and Public Works of the Senate with a written notification of projects requiring potential modification by Congress. *[The intent of this section is to permit the Corps to waive a project's authorized cost limits -Section 902(b) limits -that are being caused by factors so that "inflation and other factors...do not jeopardize the Corps' ability to execute" projects that are funded through the Bipartisan Inflation Bill, recent supplemental funding bills, and other "increased amounts to funding" the Corps has received. The section last requires the Corps to report to Congress about "any" project that may be exceeding its section 902 limits.]*

Sec. 8156. Federal interest determination. This section amends section 905(b)(1) of WRDA 1986 to expand the authority of the Secretary to, at Federal expense (not to exceed \$200,000), determine the Federal interest in carrying out a study and the project that it may propose. *[Note: This expands the old Recon phase referred to in Sec. 8103 (above) to studies to increase a project's total authorized cost]*

Sec. 8162. Sense of Congress relating to post-disaster repairs. This section expresses a sense of Congress that the Secretary should, in scoping and funding post-disaster repairs, repair assets to the project design levels or above project design levels if the original project design is outdated.

Subtitle B – Studies and Reports

Sec. 8201. Authorization of proposed feasibility studies. This section authorizes the Secretary to carry out 94 new feasibility studies and 12 studies of modifications to existing water resources development projects.

Sec. 8230. Assessment of coastal flooding mitigation modeling and testing capacity. This section directs the Secretary to submit a report to the Committee on Transportation and Infrastructure of the House and the Committee on Environment and Public Works of the Senate on the Corps' ability to model coastal flood mitigation systems and test the effectiveness of the systems in preventing flood damage from storm surge.

Sec. 8235. 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.

Subtitle C – Deauthorizations and Modifications

Sec. 8301. Deauthorization of inactive projects. This section directs the Secretary to develop and submit to the Committee on Transportation and Infrastructure of the House and the Committee on Environment and Public Works of the Senate a list of water resources development projects that are eligible for deauthorization.

Sec. 8308. Special rule for certain beach nourishment 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.

Subtitle D – Water Resources Infrastructure

Sec. 8401. Project authorizations. This section authorizes 25 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 six modifications to previously authorized projects.

Other Matters Not Covered in the Bill

The following are each derived from the Statement of the Managers (see * below) –

- “[T]he managers encourage the Corps to continue to explicate comprehensive documentation of benefits in project planning.”
- As the Corps prepares Implementation Guidance for the Principles and Requirements for water resources planning, “the managers expect {the guidance} to foster a comprehensive, consistent and clear assessment in project planning documents that allows for full participation by project sponsors.”
- The managers “clarify [that] the scope of existing authorities for periodic nourishment and mitigation of shore damages attributable to Federal navigation projects” applies to measures carried out to increase the resilience of ecosystems.
- The managers urge the Corps to seek a report from the State of New Jersey about “the rate of head, neck, and spine injuries sustained at Cape May Beach” in comparison to “other federally authorized projects in the region.”

**- Intent is derived from the Statement of the Managers appearing in the Congressional Record, Vol.168, Number 194 (December 14, 2022; pages S7191-S7195*

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