



Section-by-Section Analysis Water Resources Development Act of 2024 House Approved Version (H.R. 8812)

The following is a summary of the coastal provisions of the bill (H.R. 8812) approved by the House of Representatives.

Title I—GENERAL PROVISIONS

Section 101. Continuing Authorities Programs Establishes a pilot program where non-federal interests can propose delivering a project under an “alternative delivery method” using the same cost share or (a) more than the federal share, (b) allowing the use of return on investment as an alternative to a BCR test, or (c) allow the use of a “real estate acquisition process” to replace existing crediting, oversight, and review processes and procedures.” This section contains many other provisions, among them are the following –

(A) Allows a CAP study to transition to a feasibility study if the cost of completing the project does not exceed twice the established per project limit.

(B) Amends Sections 14, 107, 1135, and 205 to change the per project and programmatic limits of these programs.

Section 102. Community Project Advisor Establishes a new position to assist non-federal interests in accessing federal resources related to water resources development programs of the Corps, conduct outreach, hold workshops, etc. with priority given to rural, small, and disadvantaged communities.

Section 103. Minimum Real Estate Interest Establishes through the Secretary (meaning here and below the Assistant Secretary of the Army for Civil Works or ASA(CW)) standards for the minimum real estate interest required to construct, operate, and maintain, repair, or replace the project, including an interest that is less than the fee simple title for the property. Requires the ASA(CW) to report back to Congress when the Corps requires the use of a fee simple title where the non-federal interest has requested something less than such an interest,

Section 104. Study of Water Resources Development Projects by Non-Federal Interests Amends section 203 of WRDA 1986 to enable a non-federal interest to undertake and submit to the ASA(CW) a proposal to undertake a project and receive credit or reimbursement as provided by existing law. Also enables a non-federal interest to propose carrying out modifications to a project that has been previously constructed.

Section 105. Construction of Water Resources Development Projects by Non-Federal Interests

Amends Section 204 of WRDA 1986 to make it easier for non-federal interests to construct a water resources development project and get credit or reimbursement as provided by existing law.

Section 110. Fish and Wildlife Mitigation. The primary change made by this section is the elimination of the requirement that “The [Secretary](#) shall select and design mitigation projects using a watershed approach to reflect contemporary understanding of the science of mitigating the adverse environmental impacts of water resources projects” and its replacement with a consultation process with the non-federal interest and other stakeholders. It also authorizes third party implementation of mitigation requirements.

Section 111. Harbor Deepening Permits federal harbors to be deepened to 55 feet, rather than the current 50-foot limit and still receive federal funding for construction as well as operation and maintenance.

Section 116. Dredged Material Disposal Facility Partnerships Permits the ASA(CW) to allow a non-federal entity to use any Corps dredged material disposal facility under certain conditions. Also permits a non-federal entity to use a non-federal disposal site managed by the Corps under certain conditions.

Section 117. Maximization of Beneficial Use. Amends the beneficial use pilot program authorized by Section 1122 of the Water Resources Development Act of 2022 to make it permanent and to focus it on “promoting resiliency and reducing the risk to property and infrastructure of flooding and storm damage.” Also expands the Section 204 CAP program to include within its purposes “rehabilitation of projects, including projects for the beneficial use of dredged materials described in section 1122 of WRDA 2016. “ Further, It states the following—

(a) “To the greatest extent practicable, the Secretary shall ensure that not less than 70 percent by tonnage of suitable dredged material obtained from the construction or operation and maintenance of water resources development projects is used beneficially. [Note: this would codify what has been an Corps policy goal]

(b) Each dredged material management and regional sediment management plan (the latter as developed under the Section 204 CAP program) shall “maximize the beneficial use of suitable sediment” and, where practicable, prioritize the use of dredged material in water resources development projects in areas vulnerable to land loss or shoreline erosion.

Section 118. Economic, Hydraulic, and Hydrologic Modeling Requires the ASA(CW) to work with other federal agencies to make sure these types of models are updated, including models for compound flooding so they can be used in planning and operating water resources development projects. Also requires the ASA(CW) to work with non-federal interests on utilizing other models and data and to provide non-federal interests with federal models.

Section 121. Water Supply Mission Adds water supply as a primary mission of the Corps.

Section 131. Ability to Pay Establishes new criteria for determining a non-federal interest's ability to pay including per capita income, per capita non-federal cost of construction, the financial capabilities of the non-federal interest for the project, and other criteria.

Section 137. Harmful Algal Bloom Demonstration Program Updates the program and adds priority activities including reducing nutrient pollution, utilizing nature-based approaches, protecting/enhancing/restoring wetlands or flood plains, and combining removal of harmful algal blooms with beneficial use

Section 139. National Coastal Mapping Program Authorizes a program “to provide recurring national coastal mapping” to determine volume coastal changes among other purposes.

Section 140. Watershed and River Basin Assessments This section authorizes watershed assessments to make recommendations and for the ASA(CW) to authorize consequential feasibility studies for new projects. This is effectively prohibited under the current watershed assessment program. It also adds additional locations for watershed-based studies and authorizes their conversion into feasibility studies.

Section 146. Easements for Hurricane and Storm Damage Reduction Projects This section allows projects to proceed with a non-perpetual easement under certain conditions, including a formal notice to residents that the lack of a perpetual easement may result in the Corps being unable to renourish or repair the project. It directs the ASA(CW) to provide “transparency and flexibility” for the real estate requirements for hurricane and storm damage protection projects. In addition, it provides two years for certain of this type of project to come into compliance to Corps real estate requirements.

Section 149. Sense of Congress Relating to Comprehensive Benefits This section provides legislative support for three ASA(CW) directives that project planning considers all potential benefits of a proposed project.

TITLE II – STUDIES AND REPORTS

Section 201. Authorization of Proposed Feasibility Studies This section authorizes 124 new feasibility studies including the following coastal examples:

- Pillar Point Harbor (CA)
- San Diego and Orange Counties (CA)
- Connecticut Shoreline (CT)
- Westport Beaches (CT)
- Fort George Inlet (FL)
- Tybee Island (GA)
- Kauaī County (HI)
- Maryland Beaches (MD)
- Squantum Causeway (MA)
- Sandwich Town Neck Beach (MA)
- Westport Harbor (MA)
- Babylon (NY)
- Brookhaven (NY)
- Oyster Bay (NY)
- James River County (VA)
- York County (VA)

Modifications to existing projects were also authorized including Long Beach (NY), and Bald Head Island (NC).

Section 204. Corps of Engineers Reports This section authorizes various reports to be completed and sent to Congress including one on the use of property buyouts as part of coastal storm risk management projects.

Section 205. GAO Reports This section authorizes various studies by the General Accountability Office including one on the coordination of the ASA(CW) with other federal, state, academic institutions on the utilization of scientific data on future resiliency, sea level rise, and flood impacts, a study on barriers within the Corps on the use of nature-based features, and a study on NFIP Risk Rating 2.0.

Section 207. Examination of Reduction of Microplastics This is a proposed Corps study of its own use of plastics in carrying out its projects and ways to reduce the release of microplastics into the environment.

Section 211. New Jersey Hot Spot Erosion Mitigation The ASA(CW) shall conduct one or more studies on authorized coastal storm management projects with hot spots and make recommendations with dealing with these spots. The study can take whatever form the ASA(CW) decides is appropriate.

Section 213. Coastal Washington This section authorizes “comprehensive studies for riverine and coastal flooding of coastal areas in the State of Washington.” It contains several provisions regarding the details of these studies regarding sea level rise and other factors.

TITLE III – DEAUTHORIZATIONS AND MODIFICATIONS

Section 301. Deauthorization of Inactive Projects This section establishes procedures to deauthorize projects that are “no longer viable for construction” due to lack of public support, lack of available funding, and other causes. These projects can be deauthorized through a process set out in this section. Deauthorized projects cannot be restarted without going back to Step 1 in the Corps process.

Section 302. General Reauthorizations The non-federal implementation pilot program is extended from 2026 to 2030, as are various other programs that might expire before the next WRDA.

Section 308. Coastal Community Flood Control Updates Section 103(k)(4) of WRDA 1986 and adds a provision for refunds or credits of deferred payments. It also modifies repayment terms.

Section 309. Shore Protection Would apply provisions in Section 8327 of WRDA22 that applied to Delaware regarding alternative borrow sites and other special provisions to Fire Island, NY.

Section 310. Hopper Dredge McFarland Replacement If the ASA(CW) uses his authority (from WRDA 1996) to replace the Corps dredge McFarland, this provision specifies the limits on how much and under what conditions that replacement could be used.

Section 315. San Francisco Bay, California Amends section 142 of WRDA 1976 to include Contra Costa county and adds a section of Additional Purposes to the original provisions. The added section includes the ocean shorelines of each county under the provision as well as additional purposes such as adaptation to sea level rise and other factors.

Section 318. Broadkill Beach, Delaware Amends the study authorized by WRDA 2020 to also include “the project for hurricane and storm damage reduction, Delaware Bay coastline, Delaware and New Jersey – Broadkill Beach, Delaware” that was authorized by Section 101(a)(11) of WRDA 1999.

Section 332. New York and New Jersey Harbor and Tributaries, New York and New Jersey This study is modified to require the ASA(CW), upon request of the non-federal interest, to include within the scope of the study and any recommendations issuing therefrom activities to maximize the net public benefits (including ecological and societal benefits) from the reduction of the comprehensive flood risk. See also Section 8106(a) of WRDA 2022 which relates to the scope of feasibility studies and includes rainfall events, sea level rise and other factors. This section also gives this study another 3 years to make its recommendations.

TITLE IV – WATER RESOURCES INFRASTRUCTURE

Section 401. Project Authorizations Authorizes 12 new projects including these for Hurricane and Storm Risk Reduction:

- Pointe Vedra, St. Johns County, FL
- South Shore Staten Island, NY
- Rhode Island Coastline., RI

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