

TITLE 33 - NAVIGATION AND NAVIGABLE WATERS
CHAPTER 9 - PROTECTION OF NAVIGABLE WATERS AND OF HARBOR AND RIVER
IMPROVEMENTS GENERALLY
SUBCHAPTER I - IN GENERAL

§ 426p. Corps of Engineers

(a) Technical and other assistance

The Secretary of the Army may—

- (1) provide emergency assistance to prevent or reduce damage attributable to high water levels in the Great Lakes, including provision of sandbags, sheeting, and stones and other armoring devices (taking account of flooding and erosion of other property which may be caused by such activity) but not including construction of permanent structures;
- (2) provide technical assistance to individuals and local governments with respect to measures to prevent or reduce such damage; and
- (3) compile and disseminate information on—
 - (A) water levels of the Great Lakes,
 - (B) techniques for prevention or reduction of such damage, and
 - (C) emergency relief available to persons who suffer economic injury attributable to high water levels in the Great Lakes.

(b) Issuance of permits

(1) Consideration of flooding and erosion

In issuing a permit under—

- (A) section 403 of this title; or
- (B) section 1344 of this title;

for any activity carried out with assistance under this title, the Secretary of the Army shall take account of flooding and erosion of other property which may be caused by such activity.

(2) Bank stabilization

(A) General rule

In issuing permits under sections 403 and 1344 of this title for a project involving dredging of any portion of the Great Lakes, the Secretary of the Army shall, if feasible, encourage for bank stabilization purposes the disposal of nonhazardous compatible sand from such project on shorelines affected by erosion.

(B) Consultation

In carrying out subparagraph (A), the Secretary of the Army shall consult affected State and local governments.

(Pub. L. 100–707, title II, § 203, Nov. 23, 1988, 102 Stat. 4712.)

References in Text

This title, referred to in subsec. (b)(1), is title II of Pub. L. 100–707, Nov. 23, 1988, 102 Stat. 4711, known as the “Great Lakes Planning Assistance Act of 1988”. For complete classification of this Act to the Code, see Short Title note below and Tables.

Short Title

Pub. L. 100–707, title II, § 201, Nov. 23, 1988, 102 Stat. 4711, provided that: “This title [enacting this section, amending sections 3501 to 3503 of Title 16, Conservation, and enacting provisions set out as notes under this section and sections 3501 and 3505 of Title 16] may be cited as the ‘Great Lakes Planning Assistance Act of 1988’.”

Great Lakes Damage Assistance and Prevention; Damage Assistance Program

Pub. L. 100–707, title II, § 202, Nov. 23, 1988, 102 Stat. 4711, provided that:

“(a) In General.—The Director is authorized to provide assistance to Great Lakes States in the establishment of State programs to reduce and prevent damage attributable to high water levels in the Great Lakes.

“(b) Grants.—Upon application by a Great Lakes State within 1 year after the date of enactment of this Act [Nov. 23, 1988], the Director may make a one-time grant to the State of not more than \$250,000 for use by the State for—

“(1) preparation of plans for mitigation, warning, emergency operations, and emergency assistance;

“(2) coordination of available State and Federal assistance;

“(3) development and implementation of nonstructural measures to reduce or prevent damage attributable to high water levels in the Great Lakes, including establishment of setback requirements and other conditions on construction and reconstruction of public and private facilities, mapping of flooding zones, and technical assistance; and

“(4) assisting local governments in developing and implementing plans for nonstructural reduction and prevention of damages attributable to high water levels in the Great Lakes.

“(c) Technical Assistance.—The Director may provide technical assistance to Great Lakes States for carrying out any activity carried out with assistance under this section.

“(d) State Matching.—A State which receives a grant under this section shall match the grant with an amount of funds from non-Federal sources equal to 25 percent of the amount of the grant.

“(e) Authorization.—There are authorized to be appropriated for making grants under this section not more than \$2,000,000 for fiscal years beginning after September 30, 1988.”

Great Lakes Damage Assistance and Prevention; Definitions

Pub. L. 100–707, title II, § 205, Nov. 23, 1988, 102 Stat. 4715, as amended by Pub. L. 109–295, title VI, § 612(c), Oct. 4, 2006, 120 Stat. 1410, provided that: “For purposes of this title [see Short Title note above]—

“(1) Director.—The term ‘Director’ means the Administrator of the Federal Emergency Management Agency.

“(2) High water levels.—The term ‘high water levels’ means water levels above the long-term average of water levels from 1900.

“(3) Local government.—The term ‘local government’ means a county, city, village, town, district, or other political subdivision of a Great Lakes State and an Indian tribe or authorized tribal organization.

“(4) Great lakes state.—The term ‘Great Lakes State’ means Minnesota, Wisconsin, Illinois, Ohio, Michigan, Indiana, Pennsylvania, and New York.”