

**§ 2326b. Sediment management****(a) In general**

The Secretary may enter into cooperation agreements with non-Federal interests with respect to navigation projects, or other appropriate non-Federal entities, for the development of long-term management strategies for controlling sediments at such projects.

**(b) Contents of strategies**

Each strategy developed under subsection (a) shall—

(1) include assessments of sediment rates and composition, sediment reduction options, dredging practices, long-term management of any dredged material disposal facilities, remediation of such facilities, and alternative disposal and reuse options;

(2) include a timetable for implementation of the strategy; and

(3) incorporate relevant ongoing planning efforts, including remedial action planning, dredged material management planning, harbor and waterfront development planning, and watershed management planning.

**(c) Consultation**

In developing strategies under subsection (a), the Secretary shall consult with interested Federal agencies, States, and Indian tribes and provide an opportunity for public comment.

**(d) Dredged material disposal****(1) Study**

The Secretary shall conduct a study to determine the feasibility of constructing and operating an underwater confined dredged material disposal site in the Port of New York-New Jersey that could accommodate as much as 250,000 cubic yards of dredged material for the purpose of demonstrating the feasibility of an underwater confined disposal pit as an environmentally suitable method of containing certain sediments.

**(2) Report**

The Secretary shall transmit to Congress a report on the results of the study conducted under paragraph (1), together with any recommendations of the Secretary that may be developed in a strategy under subsection (a).

**(e) Great Lakes tributary model****(1) In general**

In consultation and coordination with the Great Lakes States, the Secretary shall develop a tributary sediment transport model for each major river system or set of major river systems depositing sediment into a Great Lakes federally authorized commercial harbor, channel maintenance project site, or Area of Concern identified under the Great Lakes Water Quality Agreement of 1978. Such model may be developed as a part of a strategy developed under subsection (a).

**(2) Requirements for models**

In developing a tributary sediment transport model under this subsection, the Secretary shall build on data and monitoring information generated in earlier studies and programs of the Great Lakes and their tributaries.

**(3) Report**

Not later than December 31, 2003, the Secretary shall transmit to Congress a report on the Secretary's activities under this subsection.

**(f) "Great Lakes States" defined**

In this section, the term "Great Lakes States" means the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

**(g) Coastal mapping**

The Secretary shall develop and carry out a plan for the recurring mapping of coastlines that are experiencing rapid change, including such coastlines in—

(1) Alaska;

(2) Hawaii; and

(3) any territory or possession of the United States.

**(h) Authorization of appropriations****(1) In general**

There is authorized to be appropriated to the Secretary to carry out this section \$5,000,000 for each of fiscal years 1998 through 2001.

**(2) Great Lakes tributary model**

In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (e) \$5,000,000 for each of fiscal years 2002 through 2012.

**(3) Coastal mapping**

In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (g) with respect to Alaska, Hawaii, and the territories and possessions of the United States, \$10,000,000, to remain available until expended.

(Pub. L. 104-303, title V, § 516, Oct. 12, 1996, 110 Stat. 3763; Pub. L. 106-541, title V, § 505, Dec. 11, 2000, 114 Stat. 2645; Pub. L. 110-114, title V, § 5013, Nov. 8, 2007, 121 Stat. 1195; Pub. L. 116-260, div. AA, title I, § 148, Dec. 27, 2020, 134 Stat. 2656.)

**Editorial Notes****CODIFICATION**

Section was enacted as part of the Water Resources Development Act of 1996, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

**AMENDMENTS**

2020—Subsecs. (g), (h). Pub. L. 116-260, § 148(1), (2), added subsec. (g) and redesignated former subsec. (g) as (h).

Subsec. (h)(3). Pub. L. 116-260, § 148(3), added par. (3).  
2007—Subsec. (g)(2). Pub. L. 110-114 substituted "through 2012" for "through 2006".

2000—Subsec. (e)(3). Pub. L. 106-541, § 505(1), added par. (3).

Subsec. (g). Pub. L. 106-541, § 505(2), designated existing provisions as par. (1), inserted heading, realigned margins, and added par. (2).

**Statutory Notes and Related Subsidiaries****DREDGED MATERIAL MANAGEMENT PLANS**

Pub. L. 115-270, title I, § 1116, Oct. 23, 2018, 132 Stat. 3776, provided that:

“(a) IN GENERAL.—For purposes of dredged material management plans initiated after the date of enactment of this Act [Oct. 23, 2018], the Secretary [of the Army] shall expedite the dredged material management plan process in order that such plans make maximum use of existing information, studies, and innovative dredged material management practices, and avoid any redundant information collection and studies.

“(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall submit to Congress a report on how the Corps of Engineers intends to meet the requirements of subsection (a).”

NEW YORK-NEW JERSEY HARBOR, NEW YORK AND NEW JERSEY

Pub. L. 106-53, title V, § 540, Aug. 17, 1999, 113 Stat. 350, provided that:

“(a) IN GENERAL.—The Secretary shall conduct a study to analyze the economic and environmental benefits and costs of potential sediment management and contaminant reduction measures.

“(b) COOPERATIVE AGREEMENTS.—In conducting the study, the Secretary may enter into cooperative agreements with non-Federal interests to investigate, develop, and support measures for sediment management and reduction of sources of contaminant that affect navigation in the Port of New York-New Jersey and the environmental conditions of the New York-New Jersey Harbor estuary.”

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 104-303, set out as a note under section 2201 of this title.

### § 2326c. Reservoir sediment

#### (a) In general

Not later than 180 days after October 23, 2018, and after providing public notice, the Secretary shall, using available funds, accept services provided by a non-Federal interest or commercial entity for removal of sediment captured behind a dam owned or operated by the United States and under the jurisdiction of the Secretary for the purpose of restoring the authorized storage capacity of the project concerned.

#### (b) Requirements

In carrying out this section, the Secretary shall—

(1) review the services of the non-Federal interest or commercial entity to ensure that the services are consistent with the authorized purposes of the project concerned;

(2) ensure that the non-Federal interest or commercial entity will indemnify the United States for, or has entered into an agreement approved by the Secretary to address, any adverse impact to the dam as a result of such services; and

(3) require the non-Federal interest or commercial entity, prior to initiating the services and upon completion of the services, to conduct sediment surveys to determine the pre- and post-services sediment profile and sediment quality.

#### (c) Limitation

##### (1) In general

The Secretary may not accept services under subsection (a) if the Secretary, after consultation with the Chief of Engineers, determines that accepting the services is not advantageous to the United States.

#### (2) Report to Congress

If the Secretary makes a determination under paragraph (1), the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate written notice describing the reasoning for the determination.

#### (d) Disposition of removed sediment

In exchange for providing services under subsection (a), a non-Federal interest or commercial entity is authorized to retain, use, recycle, sell, or otherwise dispose of any sediment removed in connection with the services and the Corps of Engineers may not seek any compensation for the value of the sediment.

#### (e) Congressional notification

Prior to accepting services provided by a non-Federal interest or commercial entity under this section, the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate written notice of the acceptance of the services.

#### (f) Report to Congress

Not later than 3 years after October 23, 2018, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the program under this section.

(Pub. L. 106-541, title II, § 215, Dec. 11, 2000, 114 Stat. 2594; Pub. L. 114-322, title I, § 1115(a), Dec. 16, 2016, 130 Stat. 1638; Pub. L. 115-270, title I, § 1146, Oct. 23, 2018, 132 Stat. 3786.)

#### Editorial Notes

##### CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2000, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

##### AMENDMENTS

2018—Subsec. (a). Pub. L. 115-270, § 1146(1), substituted “October 23, 2018” for “December 16, 2016” and “shall, using available funds, accept” for “shall establish, using available funds, a pilot program to accept”.

Subsec. (b)(4). Pub. L. 115-270, § 1146(2), struck out par. (4) which read as follows: “limit the number of dams for which services are accepted to 10.”

Subsec. (f). Pub. L. 115-270, § 1146(3), added subsec. (f) and struck out former subsec. (f). Prior to amendment, text read as follows: “Upon completion of services at the 10 dams allowed under subsection (b)(4), the Secretary shall make publicly available and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report documenting the results of the services.”

2016—Pub. L. 114-322 amended section generally. Prior to amendment, section related to a program for direct marketing of dredged material and a pilot program for dredged material recycling.

#### Statutory Notes and Related Subsidiaries

##### “SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 106-541, set out as a note under section 2201 of this title.