

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.

§ 2326d. Alternative projects to maintenance dredging

The Secretary may enter into agreements to assume the operation and maintenance costs of an alternative project to maintenance dredging for a Federal navigation channel if the costs of the operation and maintenance of the alternative project, and any remaining costs necessary for maintaining the Federal navigation channel, are less than the costs of maintaining such channel without the alternative project.

(Pub. L. 114-322, title I, §1106, Dec. 16, 2016, 130 Stat. 1634.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2016, and also as part of the Water Infrastructure Improvements for the Nation Act, also known as the WIIN Act, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

Statutory Notes and Related Subsidiaries

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 1002 of Pub. L. 114-322, set out as a note under section 2201 of this title.

§ 2326e. Non-Federal interest dredging authority

(a) In general

The Secretary may permit a non-Federal interest to carry out, for an authorized navigation project (or a separable element of an authorized navigation project), such maintenance activities as are necessary to ensure that the project is maintained to not less than the minimum project dimensions.

(b) Cost limitations

Except as provided in this section and subject to the availability of appropriations, the costs incurred by a non-Federal interest in performing the maintenance activities described in subsection (a) shall be eligible for reimbursement, not to exceed an amount that is equal to the estimated Federal cost for the performance of the maintenance activities, with any reimbursement subject to the non-Federal interest complying with all Federal laws and regulations that would apply to such maintenance activities if carried out by the Secretary.