

yards) of suitable dredged material obtained from the construction or operation and maintenance of water resources development projects is used beneficially.

(2) Placement of dredged materials

(A) In general

In evaluating the placement of dredged material obtained from the construction or operation and maintenance of water resources development projects, the Secretary shall consider—

- (i) the suitability of the dredged material for a full range of beneficial uses; and
- (ii) the economic and environmental benefits, efficiencies, and impacts (including the effects on living coral) of using the dredged material for beneficial uses, including, in the case of beneficial use activities that involve more than one water resources development project, the benefits, efficiencies, and impacts that result from the combined activities.

(B) Calculation of Federal standard

(i) Determination

The economic benefits and efficiencies from the beneficial use of dredged material considered by the Secretary under subparagraph (A) shall be included in any determination relating to the “Federal standard” by the Secretary under section 335.7 of title 33, Code of Federal Regulations, for the placement or disposal of such material.

(ii) Reports

The Secretary shall submit to Congress—

- (I) a report detailing the method and all of the factors utilized by the Corps of Engineers to determine the Federal standard referred to in clause (i); and
- (II) for each evaluation under subparagraph (A), a report displaying the calculations for economic and environmental benefits and efficiencies from the beneficial use of dredged material (including, where appropriate, the utilization of alternative dredging equipment and dredging disposal methods) considered by the Secretary under such subparagraph for the placement or disposal of such material.

(C) Omitted

(Pub. L. 116–260, div. AA, title I, § 125(a), Dec. 27, 2020, 134 Stat. 2636; Pub. L. 118–272, div. A, title I, § 1130(c), Jan. 4, 2025, 138 Stat. 3019.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2020, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

Section is comprised of section 125(a) of div. AA of Pub. L. 116–260. Par. (2)(C) of section 125(a) of div. AA of Pub. L. 116–260 amended section 2326 of this title.

AMENDMENTS

2025—Subsec. (a)(1). Pub. L. 118–272 designated existing provisions as subpar. (A), inserted heading, and added subpar. (B).

Statutory Notes and Related Subsidiaries

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of div. AA of Pub. L. 116–260, set out as a note under section 2201 of this title.

§ 2326h. Five-year regional dredged material management plans

(1) In general

Not later than 1 year after December 27, 2020, and annually thereafter, the District Commander of each district of the Corps of Engineers that obtains dredged material through the construction or operation and maintenance of a water resources development project shall, at Federal expense, develop and submit to the Secretary a 5-year dredged material management plan in coordination with relevant State agencies and stakeholders.

(2) Scope

Each plan developed under this subsection shall include—

- (A) a dredged material budget for each watershed or littoral system within the district;
- (B) an estimate of the amount of dredged material likely to be obtained through the construction or operation and maintenance of all water resources development projects projected to be carried out within the district during the 5-year period following submission of the plan, and the estimated timing for obtaining such dredged material;
- (C) an identification of potential water resources development projects projected to be carried out within the district during such 5-year period that are suitable for, or that require, the placement of dredged material, and an estimate of the amount of dredged material placement capacity of such projects;
- (D) an evaluation of—
 - (i) the suitability of the dredged material for a full range of beneficial uses; and
 - (ii) the economic and environmental benefits, efficiencies, and impacts (including the effects on living coral) of using the dredged material for beneficial uses, including, in the case of beneficial use activities that involve more than one water resources development project, the benefits, efficiencies, and impacts that result from the combined activities;

(E) the district-wide goals for beneficial use of the dredged material, including any expected cost savings from aligning and coordinating multiple projects (including projects across Corps districts) in the use of the dredged material; and

(F) a description of potential beneficial use projects identified through stakeholder solicitation and coordination.

(3) Public comment

In developing each plan under this subsection, each District Commander shall provide notice and an opportunity for public comment, including a solicitation for stakeholders to identify beneficial use projects, in order to ensure, to the extent practicable, that beneficial use of dredged material is not foregone in a particular fiscal year or dredging cycle.

(4) Public availability

Upon submission of each plan to the Secretary under this subsection, each District Commander shall make the plan publicly available, including on a publicly available website.

(5) Transmission to Congress

As soon as practicable after receiving a plan under subsection (a), the Secretary shall transmit the plan to Congress.

(6) Regional sediment management plans

A plan developed under this section—

(A) shall be in addition to regional sediment management plans prepared under section 2326(a) of this title; and

(B) shall not be subject to the limitations in section 2326(g) of this title.

(Pub. L. 116–260, div. AA, title I, § 125(c), Dec. 27, 2020, 134 Stat. 2638.)

Editorial Notes**CODIFICATION**

Section was enacted as part of the Water Resources Development Act of 2020, 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 2 of div. AA of Pub. L. 116–260, set out as a note under section 2201 of this title.

§ 2326i. Beneficial use of dredged material**(a) In general**

The Secretary is authorized to carry out projects for the beneficial use of dredged material, including projects for the purposes of—

(1) promoting resiliency and reducing the risk to property and infrastructure of flooding and storm damage;

(2) promoting public safety;

(3) protecting, restoring, and creating aquatic ecosystem habitats;

(4) stabilizing stream systems and enhancing shorelines;

(5) promoting recreation;

(6) supporting risk management adaptation strategies;

(7) reducing the costs of dredging and dredged material placement or disposal, such as projects that use dredged material for—

(A) construction or fill material;

(B) civic improvement objectives; and

(C) other innovative uses and placement alternatives that produce public economic or environmental benefits; and

(8) recovering lost storage capacity in reservoirs due to sediment accumulation, if the project also has a purpose described in any of paragraphs (1) through (7).

(b) Project selection

In carrying out this section, the Secretary shall—

(1) identify and carry out projects for the beneficial use of dredged material;

(2) consult with relevant State agencies in selecting projects; and

(3) select projects solely on the basis of—

(A) the environmental, economic, and social benefits of the projects, including monetary and nonmonetary benefits; and

(B) the need for a diversity of project types and geographical project locations.

(c) Regional beneficial use teams**(1) In general**

The Secretary shall establish regional beneficial use teams to identify and assist in the implementation of projects under this section.

(2) Composition**(A) Leadership**

For each regional beneficial use team established under paragraph (1), the Secretary shall appoint the Commander of the relevant division of the Corps of Engineers to serve as the head of the team.

(B) Membership

The membership of each regional beneficial use team shall include—

(i) representatives of relevant Corps of Engineers districts and divisions;

(ii) representatives of relevant State and local agencies; and

(iii) representatives of Federal agencies and such other entities as the Secretary determines appropriate, consistent with the purposes of this section.

(d) Considerations

The Secretary shall carry out this section in a manner that—

(1) maximizes the beneficial placement of dredged material from Federal and non-Federal navigation channels;

(2) incorporates, to the maximum extent practicable, 2 or more Federal navigation, flood control, storm damage reduction, or environmental restoration projects;

(3) coordinates the mobilization of dredges and related equipment, including through the use of such efficiencies in contracting and environmental permitting as can be implemented under existing laws and regulations;

(4) fosters Federal, State, and local collaboration;

(5) implements best practices to maximize the beneficial use of dredged sand and other sediments; and

(6) ensures that the use of dredged material is consistent with all applicable environmental laws.

(e) Cost sharing**(1) In general**

Projects carried out under this section shall be subject to the cost-sharing requirements applicable to projects carried out under section 2326 of this title.

(2) Additional costs

Notwithstanding paragraph (1), if the cost of transporting and depositing dredged material for a project carried out under this section exceeds the cost of carrying out those activities pursuant to any other water resources project in accordance, if applicable, with the Federal standard (as defined in section 335.7 of title 33,