

F-28. Section 204, Water Resources Development Act of 1992, as amended - Beneficial Uses of Dredged Material.

a. General. The purpose of this authority is to carry out projects for the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands, in connection with dredging for construction, operation, or maintenance by the Secretary of an authorized navigation project.

b. Determination of Base Plan. Disposal of dredged material associated with construction or maintenance dredging of navigation projects should be accomplished in the least costly manner consistent with sound engineering practice and meeting all Federal environmental requirements. This constitutes the base plan for the navigation purpose. If the base plan (least cost disposal alternative) includes disposal of material in a manner benefiting the environment the costs for this disposal are included in total costs of the general navigation features and funded accordingly. Where the disposal of material in a manner that benefiting the environment is not part of the base plan for the navigation purpose, the base plan shall serve as a reference point for determining the incremental costs of the ecosystem restoration features that are attributable to the environmental purpose.

c. Section 204(e) of WRDA 1992, as amended (often referred to as Section 207). Although it amends Section 204 of WRDA 1992, Section 207 of WRDA 1996 is a separate authority, which authorizes for navigation projects, subject to certain requirements, the use of a disposal method that is not the least cost option if the incremental costs are reasonable in relation to the environmental benefits. Implementation of Section 207 is not covered by this Appendix. Therefore, the MSC and district should consult with the appropriate HQ RIT and the HQ Policy Compliance Division for appropriate guidance prior to considering use of this authority.

d. Project Cost Sharing. Any incremental costs above the cost of the base plan will be shared with the non-Federal sponsor. The non-Federal sponsor is responsible for 25 percent of total project costs of the Section 204 project during the design and implementation period. In accordance with the terms of the PCA, the non-Federal sponsor must provide all LERRD required for the project, participate in the Project Coordination Team, perform necessary non-Federal audits, and perform investigations necessary to identify the existence and extent of hazardous substances on LER required for the project. If the value of the non-Federal sponsor's contributions listed above is less than 25 percent of total project costs of the Section 204 project, the non-Federal sponsor must make a cash payment so that its contributions equal 25 percent of total project costs of the Section 204 project. OMRR&R is a 100% non-Federal responsibility.