

106TH CONGRESS  
2D SESSION

# H. R. 4775

To direct the Secretary of the Army to mitigate the adverse impacts of shoreline erosion in Brevard County, Florida, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2000

Mr. WELDON of Florida introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To direct the Secretary of the Army to mitigate the adverse impacts of shoreline erosion in Brevard County, Florida, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Brevard County Beach  
5       Equity Act of 2000”.

6       **SEC. 2. EROSION MITIGATION, BREVARD COUNTY, FLOR-**

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8       (a) DEFINITIONS.—In this section, the following defi-  
9       nitions apply:

1           (1) CANAVERAL HARBOR PROJECT.—The term  
2           “Canaveral Harbor Project” means the Federal  
3           project for navigation authorized by section 2 of the  
4           Act entitled “An Act authorizing the construction,  
5           repair, and preservation of certain public works on  
6           rivers and harbors, and for other purposes”, ap-  
7           proved March 2, 1945 (59 Stat. 16), as modified by  
8           section 101 of the River and Harbor Act of 1962  
9           (76 Stat. 1174).

10           (2) SECRETARY.—The term “Secretary” means  
11           the Secretary of the Army.

12           (3) SHORELINE PROTECTION PROJECT.—The  
13           term “Shoreline Protection Project” means the Fed-  
14           eral project for shoreline protection authorized by  
15           section 101(b)(7) of the Water Resources Develop-  
16           ment Act of 1996 (110 Stat. 3667).

17           (b) STUDY.—

18           (1) IN GENERAL.—The Secretary, in coopera-  
19           tion with interested non-Federal entities, shall con-  
20           duct a study of the shoreline in Brevard County,  
21           Florida, to determine whether any erosion or prop-  
22           erty damage along the shoreline is attributable to  
23           the Canaveral Harbor Project.

24           (2) SCOPE.—The Secretary shall limit the scope  
25           of the study conducted under this subsection to a re-

1 view of existing data, reports, and studies (whether  
2 conducted by a Federal or a non-Federal entity), rel-  
3 evant to erosion in Brevard County, Florida.

4 (3) REVIEW BY INDEPENDENT EXPERT.—

5 (A) IN GENERAL.—In conducting the  
6 study under this subsection, the Secretary shall  
7 hire an independent coastal expert to review  
8 and report on the data, reports, and studies re-  
9 ferred to in paragraph (2).

10 (B) SELECTION.—The Secretary shall se-  
11 lect the expert described in subparagraph (A)  
12 from a list of experts approved by the Corps of  
13 Engineers, the Canaveral Port Authority, and  
14 the County Commission of Brevard County,  
15 Florida.

16 (4) TREATMENT OF MITIGATION MEASURES.—

17 In determining the extent and rate of erosion under  
18 the study conducted under this subsection, the Sec-  
19 retary shall take into account the effects of each pre-  
20 viously implemented measure designed to mitigate  
21 erosion or property damage attributable to the Ca-  
22 naveral Harbor Project, except those measures im-  
23 plemented under the Shoreline Protection Project.

24 (c) MITIGATION.—

1           (1) DETERMINATION.—Not later than 180 days  
2 after the date of enactment of this section, the Sec-  
3 retary shall determine, based on the results of the  
4 study conducted under subsection (b), whether any  
5 measures are necessary to prevent or mitigate ero-  
6 sion or property damage, or to correct or repair past  
7 erosion or property damage, attributable to the Ca-  
8 naverall Harbor Project.

9           (2) AUTHORITY.—After making a determina-  
10 tion under paragraph (1), the Secretary shall plan,  
11 design, and implement any measures that the Sec-  
12 retary considers to be necessary to prevent, mitigate,  
13 correct, or repair, any erosion or property damage  
14 that is attributable to the Canaveral Harbor Project.

15           (3) ALLOCATION OF COSTS.—Except as pro-  
16 vided in paragraph (4), the Federal and non-Federal  
17 shares of the costs of implementing any measure  
18 under this subsection shall be the same as for the  
19 Canaveral Harbor Project.

20           (4) RENOURISHMENT IN CERTAIN AREAS.—

21           (A) REALLOCATION OF COSTS.—If under  
22 paragraph (2) the Secretary carries out any re-  
23 nourishment of a shore or beach located within  
24 the boundaries of the area covered by the  
25 Shoreline Protection Project, the Secretary

1 shall modify the project cooperation agreement  
2 for the Shoreline Protection Project to increase  
3 the Federal share of the project costs of initial  
4 construction and periodic renourishment to re-  
5 flect the increased costs incurred by the Sec-  
6 retary.

7 (B) CREDIT OR REIMBURSEMENT OF  
8 FUNDS.—Based on any reallocation of costs  
9 under subparagraph (A), the Secretary shall  
10 credit or reimburse each non-Federal interest  
11 for any excess funds it may have expended with  
12 respect to the Shoreline Protection Project.

13 (d) REPEAL.—Section 310 of the Water Resources  
14 Development Act of 1999 (113 Stat. 301) is repealed.

15 (e) FUNDING.—

16 (1) STUDY.—Of the funds made available for  
17 the operation or maintenance of the Canaveral Har-  
18 bor Project, not more than \$250,000 may be used  
19 by the Secretary to conduct the study described in  
20 subsection (b).

21 (2) TREATMENT OF COSTS OF MITIGATION  
22 MEASURES.—The costs of any mitigation measure  
23 carried out under this section shall be allocated to

- 1 the Canaveral Harbor Project as operation and
- 2 maintenance costs.

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