

108TH CONGRESS
2D SESSION

H. R. 4507

To ensure the continuation and improvement of coastal restoration.

IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 2004

Mr. LOBIONDO (for himself and Mr. LAMPSON) introduced the following bill;
which was referred to the Committee on Transportation and Infrastructure

A BILL

To ensure the continuation and improvement of coastal
restoration.

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 “Coastal Restoration
5 Act”.

6 **SEC. 2. PROTECTION OF SHORES.**

7 (a) DECLARATION OF POLICY.—The first section of
8 the Act entitled “An Act authorizing Federal participation
9 in the cost of protecting the shores of publicly owned prop-
10 erty”, approved August 13, 1946 (33 U.S.C. 4260) is
11 amended to read as follows:

1 “(a) DECLARATION OF POLICY.—With the purpose
2 of preventing damage, restoring and maintaining the
3 shores, beaches and other coastal resources of the United
4 States, its territories and possessions, and promoting and
5 encouraging the healthful recreation of the people, it is
6 declared to be the policy of the United States, subject to
7 the provisions of this Act, to promote beach nourishment
8 projects and related research that encourage the protec-
9 tion, restoration, and enhancement of sandy beaches and
10 other coastal infrastructure, including beach restoration
11 and periodic beach nourishment, on a comprehensive and
12 coordinated basis by the Federal Government, States, lo-
13 calities, and private interests. In carrying out this policy,
14 preference shall be given to areas—

15 “(1) in which there has been a previous invest-
16 ment of Federal funds;

17 “(2) in which regional sediment management
18 plans have been adopted;

19 “(3) in which the need for prevention or mitiga-
20 tion of damage to shores, beaches, and other coastal
21 infrastructure is attributable to Federal navigation
22 projects or other Federal activities; or

23 “(4) which promote human health and safety
24 and the quality of life for individuals and families.”.

1 “(b) IMPLEMENTATION.—The Secretary shall pay the
2 Federal share of the cost of carrying out beach nourish-
3 ment projects and related research that encourages the
4 protection, restoration, and enhancement of shores, sandy
5 beaches, and other coastal infrastructure (including
6 projects for beach restoration, periodic beach nourishment,
7 and restoration or protection of State, county, or other
8 shores, public coastal beaches, parks, conservation areas,
9 or other environmental resources).

10 “(c) FEDERAL SHARE.—

11 “(1) IN GENERAL.—Subject to paragraphs (2)
12 through (4), the Federal share of the cost of a
13 project described in subsection (b) shall be deter-
14 mined in accordance with section 103 of the Water
15 Resources Development Act of 1986 (33 U.S.C.
16 2213).

17 “(2) EXCEPTION.—In the case of a project for
18 beach erosion control the primary purpose of which
19 is recreation, the Federal share shall be equal to the
20 Federal share for a beach erosion control project the
21 primary purpose of which is storm damage protec-
22 tion or environmental restoration.

23 “(3) REMAINDER.—

24 “(A) IN GENERAL.—Subject to subpara-
25 graph (B), the remainder of the cost of the con-

1 struction of a project described in subsection
2 (b) shall be paid by a State, municipality, other
3 political subdivision, nonprofit entity, or private
4 interest.

5 “(B) EXCEPTION.—The Federal Govern-
6 ment shall bear all of the costs incurred for the
7 restoration and protection of Federal property.

8 “(4) GREATER FEDERAL SHARE.—In the case
9 of a project described in subsection (b) for the res-
10 toration and protection of a State, county, or other
11 publicly-owned shore, coastal beach, park, conserva-
12 tion area, or other environmental resource, the Chief
13 of Engineers may increase the Federal share to be
14 greater than that provided in paragraph (1) if the
15 area—

16 “(A) includes—

17 “(i) a zone that excludes permanent
18 human habitation; or

19 “(ii) a recreational beach or other
20 area determined by the Chief of Engineers;

21 “(B) satisfies adequate criteria for con-
22 servation and development of the natural re-
23 sources of the environment; and

1 “(C) extends landward a sufficient distance
2 to include, as approved by the Chief of Engi-
3 neers—

4 “(i) protective dunes, bluffs, or other
5 natural features;

6 “(ii) such other appropriate measures
7 adopted by the State or political subdivi-
8 sion of the State to protect uplands areas
9 from damage, promote public recreation, or
10 protect environmental resources; or

11 “(iii) appropriate facilities for public
12 use.

13 “(d) PERIODIC BEACH NOURISHMENT.—In this Act,
14 when the most suitable and economical remedial measures,
15 as determined by the Chief of Engineers, would be pro-
16 vided by periodic beach nourishment, the term ‘construc-
17 tion’ shall include the deposit of sand fill at suitable inter-
18 vals of time to furnish sand supply to protect shores and
19 beaches for a period of time specified by the Chief of Engi-
20 neers and authorized by Congress.

21 “(e) PRIVATE SHORES AND BEACHES.—

22 “(1) IN GENERAL.—A shore or beach, other
23 than a public shore or beach, shall be eligible for
24 Federal assistance under this Act if—

1 “(A) there is a benefit to a public shore or
2 beach, including a benefit from public use or
3 from the protection of nearby public property;
4 or

5 “(B) the benefits to the shore or beach are
6 incidental to the project.

7 “(2) FEDERAL SHARE.—The Secretary shall
8 adjust the Federal share of a project for a shore or
9 beach, other than a public shore or beach, to reflect
10 the benefits described in paragraph (1).

11 “(f) AUTHORIZATION OF PROJECTS.—

12 “(1) IN GENERAL.—Subject to paragraph (2),
13 no Federal share shall be provided for a project
14 under this Act unless—

15 “(A) the plan for that project has been
16 specifically adopted and authorized by Congress
17 after investigation and study; or

18 “(B) in the case of a small project under
19 sections 3 or 5, the plan for that project has
20 been approved by the Chief of Engineers.

21 “(2) STUDIES.—

22 “(A) IN GENERAL.—The Secretary shall—

23 “(i) recommend to Congress studies
24 concerning beach nourishment projects

1 that meet the criteria established under
2 this Act and other applicable law;

3 “(ii) conduct such studies as Congress
4 requests; and

5 “(iii) report the results of all studies
6 requested by Congress to the Committee
7 on Environment and Public Works of the
8 Senate and the Committee on Transpor-
9 tation and Infrastructure of the House of
10 Representatives.

11 “(B) RECOMMENDATIONS FOR BEACH
12 NOURISHMENT PROJECTS.—

13 “(i) IN GENERAL.—The Secretary
14 shall—

15 “(I) recommend to Congress the
16 authorization or reauthorization of all
17 shore and beach nourishment projects
18 the plans for which have been ap-
19 proved by the Chief of Engineers; and

20 “(II) report to Congress on the
21 feasibility of other projects that have
22 been studied under subparagraph (A)
23 but have not been approved by the
24 Chief of Engineers.

1 “(ii) CONSIDERATIONS.—In approving
2 a project plan, the Chief of Engineers shall
3 consider the economic and ecological bene-
4 fits of the beach nourishment project.

5 “(C) COORDINATION OF PROJECTS.—In
6 conducting studies and making recommenda-
7 tions for a beach nourishment project under
8 this paragraph, the Secretary shall—

9 “(i) determine whether there is any
10 other project being carried out by the Sec-
11 retary or other Federal agency that may be
12 complementary to the beach nourishment
13 project; and

14 “(ii) if there is such a complementary
15 project, undertake efforts to coordinate the
16 projects.

17 “(3) BEACH NOURISHMENT PROJECTS.—

18 “(A) IN GENERAL.—The Secretary shall
19 construct any beach nourishment project au-
20 thorized by Congress, or separable element of
21 such a project, for which Congress has appro-
22 priated funds.

23 “(B) AGREEMENTS.—

24 “(i) REQUIREMENT.—After authoriza-
25 tion by Congress, before the commence-

1 ment of construction of beach nourishment
2 project or separable element, the Secretary
3 shall offer to enter into a written agree-
4 ment for the authorized period of Federal
5 participation in the project with a non-
6 Federal interest with respect to the project
7 or separable element.

8 “(ii) TERMS.—The agreement shall—

9 “(I) specify the authorized period
10 of Federal participation in the project;
11 and

12 “(II) ensure that the Federal
13 Government and the non-Federal in-
14 terest cooperate in carrying out the
15 project or separable element.

16 “(g) EXTENSION OF THE PERIOD OF FEDERAL PAR-
17 TICIPATION.—At the request of a non-Federal interest,
18 the Secretary, acting through the Chief of Engineers and
19 with the approval of Congress, shall extend the period of
20 Federal participation in a beach nourishment project that
21 is economically feasible, engineeringly sound, and environ-
22 mentally acceptable for such additional period as the Sec-
23 retary determines appropriate.

24 “(h) SPECIAL CONSIDERATIONS.—In a case in which
25 funds have been appropriated to the Corps of Engineers

1 for a specific project but the funds cannot be expended
2 because of the time limits of environmental permits or
3 similar environmental considerations, the Secretary may
4 carry over such funds for use in the next fiscal year if
5 construction of the project, or a separable element of the
6 project, will cause minimal environmental damage and will
7 not violate an environmental permit.”.

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