

107TH CONGRESS
2D SESSION

H. R. 4876

To modify the project for shoreline protection, Brevard County, Florida,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 2002

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

A BILL

To modify the project for shoreline protection, 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 Sea
5 Turtle Habitat Restoration and Federal Mitigation Act of
6 2002”.

7 SEC. 2. BREVARD COUNTY, FLORIDA.

8 (a) PROJECT MODIFICATION.—The project for shore-
9 line protection, Brevard County, Florida, authorized by
10 section 101(b)(7) of the Water Resources Development

1 Act of 1996 (110 Stat. 3667), is modified to authorize
2 the Secretary, notwithstanding section 902 of the Water
3 Resources Development Act of 1986 (100 Stat. 4183), to
4 incorporate in the project any or all of the 7.1-mile reach
5 of the project that was deleted from the south reach of
6 the project, as described in paragraph (5) of the Report
7 of the Chief of Engineers dated December 23, 1996, if
8 the Secretary determines that the project as modified is
9 technically sound, environmentally acceptable, and eco-
10 nomically justified.

11 (b) MITIGATION OF DAMAGE.—Section 310 of the
12 Water Resources Development Act of 1999 (113 Stat.
13 301) is amended by striking subsection (c) and inserting
14 the following:

15 “(c) MITIGATION OF DAMAGE.—

16 “(1) CREDIT.—After completion of the study,
17 the Secretary shall provide the non-Federal interest
18 credit toward non-Federal nourishment costs and re-
19 nourishment costs associated with the shore protec-
20 tion project for any damages to Brevard County
21 beaches that are the result of a Federal navigation
22 project, as determined in the final report for the
23 study prepared by the independent coastal expert.

24 “(2) AMOUNT OF CREDIT.—The amount of the
25 credit shall be determined based on the damages, as

1 determined in the final report for the study prepared
2 by the independent coastal expert.

3 “(3) APPLICATION OF CREDIT AGAINST FUTURE
4 COSTS.—The credit shall be applied, without inter-
5 est, against future non-Federal nourishment costs
6 and renourishment costs until the entire mitigation
7 credit is depleted.

8 “(4) ALLOCATION OF COSTS.— The cost of pro-
9 viding the mitigation credit shall be allocated—

10 “(A) to the Federal navigation project as
11 operation and maintenance costs; or

12 “(B) to the shore protection project as
13 construction costs.

14 “(d) ACTIONS TO PREVENT FUTURE EROSION.—In
15 order to ensure that the Federal navigation project does
16 not cause further downstream erosion, quantities of sand
17 included in the sand bypass project, authorized by the
18 River and Harbor Act of 1962 (76 Stat. 1173 et seq.),
19 shall be increased and the sand placement modified, as
20 determined in the final report for the study prepared by
21 the independent coastal expert.”.

