

108TH CONGRESS  
2D SESSION

# H. R. 4507

To ensure the continuation and improvement of coastal restoration.

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## 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

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## 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-

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

“(B) EXCEPTION.—The Federal Government shall bear all of the costs incurred for the restoration and protection of Federal property.

“(4) GREATER FEDERAL SHARE.—In the case of a project described in subsection (b) for the restoration and protection of a State, county, or other publicly-owned shore, coastal beach, park, conservation area, or other environmental resource, the Chief of Engineers may increase the Federal share to be greater than that provided in paragraph (1) if the area—

“(A) includes—

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

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

“(B) satisfies adequate criteria for conservation and development of the natural resources 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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