APPENDIX C

AUTHORIZING LEGISLATION
PERTINENT TO THE SHORELINE PROTECTION AND BEACH EROSION
CONTROL PROGRAM

1. An Act Authorizing General Shoreline Investigations at Federal Expense, PL 79-166, 31 July 1945. This Act established authority for the Beach Erosion Board to pursue a program of general investigation and research and to publish technical papers.

2. Section 14, River and Harbor Act of 1946, PL 79-526, 24 July 1946. Section 14 authorized emergency bank protection works to prevent flood damage to highways, bridge approaches and public works.

3. An Act Authorizing Federal Participation in the Cost of Protecting the Shores of Publicly Owned Property, PL 79-727, 13 August 1946. This Act authorized Federal participation up to one-third of the cost, but not the maintenance, of protecting shores of publicly-owned property.

4. PL 84-71, 15 June 1955. Specifically authorized studies of the coastal and tidal areas of the eastern and southern U.S. with reference to areas where damages had occurred from hurricanes.

5. PL 84-99, 28 June 1955. This Act authorized an emergency fund for flood emergency preparation, flood fighting and rescue operations or for repair or restoration of flood control work threatened or destroyed by flood.

6. PL 84-826, 28 July 1956. Section 1(c) defines periodic beach nourishment as "construction" for the protection of shores, when it is the most suitable and economical remedial measure. Section 1(d) provided for Federal assistance to privately owned shores if there is benefit from public use or from protection of nearby public property.

7. Section 203, River and Harbor Act of 1958, PL 85-500, 3 July 1958. This section added provisions of local cooperation on three hurricane flood protection projects which established an administrative precedent for cost sharing in hurricane projects. Non-Federal interests were required to assume 30 percent of total first costs, including the value of land, easements and rights of way, and operate and maintain the projects.


Shore Protection. Section 103 amended Section 3 of the Act approved 13 August 1946, as amended by the Act approved 28 July 1956 and indicated the extent of Federal participation in the cost of beach erosion and shore protection (50 percent of the construction cost when the beach is publicly owned or used, and 70 percent Federal participation for seashore parks and conservation areas when certain conditions of ownership and use of the beaches are met)—these provisions are modified by the
provisions of PL 99-662.

**Small Beach Erosion Projects.** Authority for the Secretary of the Army to undertake construction of small beach and shore protection projects was also established under Section 103.

9. **PL 88-172, 7 November 1963.** Section 1 abolished the Beach Erosion Board and established the Coastal Engineering Research Center.


   **Section 111.** This section authorized investigation and construction of projects to prevent or mitigate shore damages resulting from Federal navigation works, at full Federal cost limited to $1 million per project. Amended 17 November 1986 by Sections 915(f) and 940, PL 99-662 which, among other things, increased the limit on Federal costs per project to $2 million.

   **Section 215.** This section authorized reimbursement (including credit against local cooperation requirements) for work performed by non-Federal public bodies after authorization of water resource development projects. Execution of a prior agreement with the Corps was required and reimbursement was not to exceed $1 million for any single project. Amended by Section 913 PL 99-662 and by Section 12, PL 100-676 to increase the limit on reimbursements per project.


   **Section 112.** This section increased the limit on Federal costs for small beach erosion projects from $500,000 to $1 million. The annual authorization limit was also raised to $25,000,000. Limits have subsequently been raised further (most recently by PL 99-662).

   **Section 208.** This section authorized discretionary modifications in Federal participation in cost sharing for hurricane protection projects.


   **Section 145.** This section authorized the placement of sand obtained from dredging operations on adjacent beaches if requested by the interested state government and in the public interest--with the increased costs paid by local interests. Amended by Section 933, PL 99-662, to allow for Federal funding of 50 Percent of the
increased costs. This section was further amended by Section 207 of PL 102-580 to permit agreements for placement of fill on beaches to be with political subdivisions of a state.

Section 156. This section authorizes the Corps to extend Federal aid in periodic beach nourishment up to 15 years from date of initiation of construction. Amended by Section 934 of PL 99-662 to allow for extension of up to 50 years.


Section 103. Section 103 establishes new non-Federal cost sharing requirements of 35 percent for hurricane and storm damage prevention and 50 percent for separable recreation.

Section 933. This section modifies Section 145 of PL 94-587 to authorize 50 percent Federal cost sharing of the extra costs for using dredged sand from Federal navigation improvements and maintenance efforts for beach nourishment.

Section 934. Section 934 modifies Section 156 of PL 94-587 to authorize the Corps to extend aid in periodic nourishment up to 50 years from the date of initiation of project construction.

Section 940. This section amends Section 111 of PL 90-483 to allow implementation of nonstructural measures to mitigate shore damages resulting from Federal navigation works; to require local interests to operate and maintain Section 111 measures; and to require cost sharing of implementation costs in the same proportion as for the works causing the shore damage.

15. Section 206, Water Resources Development Act of 1992, PL 102-580, 31 October 1992. Under this section, non-Federal interests are authorized to undertake shoreline protection projects on the coastline of the United States, subject to obtaining any permits required pursuant to Federal and State laws in advance of actual construction, and subject to prior approval of the Secretary of the Army.