

116TH CONGRESS
2D SESSION

H. R. 6710

To modify certain requirements of the Corps of Engineers relating to periodic nourishment of private beaches, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2020

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

A BILL

To modify certain requirements of the Corps of Engineers relating to periodic nourishment of private beaches, 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 “Clarifying Easement
5 Requirements for Existing Projects Act”.

6 **SEC. 2. EASEMENT REQUIREMENTS FOR EXISTING**
7 **PROJECTS.**

8 (a) For purposes of sections 103(d) of the Water Re-
9 sources Development Act of 1986 (33 U.S.C. 2213(d))
10 and an Act of July 28, 1956 (33 U.S.C. 426e(d)), the

1 Secretary shall consider a privately owned shore to be sub-
2 ject to public use if such shore is subject to public use
3 from the low-water line landward to the line of permanent
4 vegetation or to the place where there is marked change
5 in material or physiographic form, excepting and excluding
6 any dune areas to which access is prohibited by local or
7 State law.

8 (b) Notwithstanding that sections 103(d) of the
9 Water Resources Development Act of 1986 (33 U.S.C.
10 2213(d)) and an Act of July 28, 1956 (33 U.S.C.
11 426e(d)), condition Federal financial participation in
12 projects benefiting privately owned beaches on public use
13 of such beaches, the Secretary shall not require a non-
14 Federal interest to acquire additional rights after the date
15 of enactment of this Act to permit public use of any pri-
16 vately owned beach, and Federal financial participation in
17 beach nourishment, if, prior to the date of enactment of
18 this Act, the Secretary periodically nourished such beach
19 as part of an authorized and constructed coastal storm
20 risk management project without requiring the non-Fed-
21 eral interest to fund all costs associated with nourishing
22 any part or parcel of such beach that was not subject to
23 public use in accordance with the standard described in
24 subsection (a).

1 (c) In the case of any privately owned beach described
2 in subsection (b), the Secretary shall permit the non-Fed-
3 eral interest, in lieu of acquiring permanent easements
4 over such beach, to obtain rights-of-entry to such beach
5 from each private landowner prior to any scheduled activ-
6 ity for periodic nourishment, operation and maintenance,
7 or emergency repair and restoration that requires use of
8 private property.

9 (d) In the case of any privately owned beach de-
10 scribed in subsections (a) or (b), the Secretary is author-
11 ized to permit the non-Federal interest to release perma-
12 nent easements or other rights, including the right of pub-
13 lic access, acquired from private owners prior to the date
14 of enactment of this Act if the Secretary determines that
15 release of such easements is advisable to foster equal
16 treatment of similarly situated private landowners.

17 (e) Nothing in this section affects easements or other
18 property interests required by the Secretary to provide
19 perpendicular public access to the beach for any coastal
20 storm risk management project.

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