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## BEACH ACT SUPPLEMENT (CBRA LEGISLATION)

Congress has passed legislation called the Bolstering Ecosystems Against Coastal Harm Act or BEACH Act ([Pub. L. 118-117](#)). This law makes significant revisions to regions designated by the [Coastal Barrier Resources Act](#) (CBRA). However, it also makes a major change to that law. It creates a new exception for the sourcing of sediment resources within the CBRS for certain U.S. Army Corps of Engineers (Corps) coastal storm risk management projects. Following consultation with FWS, the Corps may utilize sand from within System Units to nourish adjacent beaches outside of the CBRS provided that: (a) The project (or its predecessor project) had previously used a borrow site within a System Unit to nourish adjacent beaches outside the CBRS at least once between December 31, 2008, and December 31, 2023; and (b) The prior use of the System Unit for sand was conducted pursuant to section 5 the Flood Control Act of 1941 in response to an emergency situation.

The immediate effect of this language is to allow sand from CBRA units to be used to nourish Folly Beach (SC), Wrightsville Beach and Carolina Beach (NC), and Townsends Inlet to Cape May Inlet (NJ). However, the language is open to interpretation should other areas of the coastline meet its specifications.

In general, the CRA law prohibits most new federal funding for activities within the Coastal Barrier Resources System. Among the exceptions to this is one for federal expenditures that are for nonstructural shoreline stabilization projects that align with the Act's purposes. In 1994, an Interior Department solicitor's opinion determined that this exemption for shoreline stabilization did not apply to projects stabilizing shorelines outside the Coastal Barrier Resources System, even if the project aligned with the Act's purposes.

Since this interpretation conflicted with congressional intent, there has been increased congressional concern since the blockage of CBRA sites for the renourishment of federal beach projects has led to significantly increased costs for both the federal government and local cost-sharing sponsors involved in federally authorized beach nourishment projects. Environmental groups have been concerned about any amendment to the CBRA law for fear that it would reduce its effectiveness in preventing new development. The BEACH Act's provisions were only made possible by narrowly limiting a specific set of facts and circumstances that would enable the use of CBRA sand for four specific projects. Whether that is the case remains to be seen.

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