116TH CONGRESS
1ST SESSION **H. R. 3115**

To direct the Administrator of the National Oceanic and Atmospheric Administration to make grants to State and local governments and nongovernmental organizations for purposes of carrying out climate-resilient living shoreline projects that protect coastal communities by supporting ecosystem functions and habitats with the use of natural materials and systems, and for other purposes.

## IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 2019

Mr. PALLONE (for himself, Mrs. WATSON COLEMAN, Mr. LOWENTHAL, Ms. BONAMICI, Mr. CARTWRIGHT, Ms. WASSERMAN SCHULTZ, Mr. SOTO, Mrs. DEMINGS, Mr. KHANNA, Ms. BLUNT ROCHESTER, Ms. LEE of California, and Mrs. DAVIS of California) introduced the following bill; which was referred to the Committee on Natural Resources

# A BILL

To direct the Administrator of the National Oceanic and Atmospheric Administration to make grants to State and local governments and nongovernmental organizations for purposes of carrying out climate-resilient living shoreline projects that protect coastal communities by supporting ecosystem functions and habitats with the use of natural materials and systems, 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,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Living Shorelines Act of 2019".

**SEC. 2. LIVING SHORELINE GRANT PROGRAM.**

(a) ESTABLISHMENT.—The Administrator shall make grants to eligible entities for purposes of—

(1) designing and implementing large- and small-scale, climate-resilient living shoreline projects; and

(2) applying innovative uses of natural materials and systems to protect coastal communities, habitats, and natural system functions.

(b) PROJECT PROPOSALS.—To be eligible to receive a grant under this section, an eligible entity shall—

(1) submit to the Administrator a proposal for a living shoreline project, including monitoring, data collection, and measurable performance criteria with respect to the project; and

(2) demonstrate to the Administrator that the entity has any permits or other authorizations from local, State, and Federal government agencies necessary to carry out the living shoreline project or provide evidence demonstrating general support from such agencies.

(c) PROJECT SELECTION.—

1      (1) DEVELOPMENT OF CRITERIA.—The Admin-

2 istrator shall select eligible entities to receive grants

3 under this section based on criteria developed by the

4 Administrator, in consultation with relevant offices

5 of the National Oceanic and Atmospheric Adminis-

6 tration, such as the Office of Habitat Conservation,

7 the Office for Coastal Management, and the Res-

8 toration Center.

9      (2) CONSIDERATIONS.—In developing criteria

10 under paragraph (1) to evaluate a proposed living

11 shoreline project, the Administrator shall take into

12 account—

13      (A) the potential of the project to protect

14 the community and maintain the viability of the

15 environment, such as through protection of eco-

16 system functions, environmental benefits, or

17 habitat types, in the area where the project is

18 to be carried out;

19      (B) the historic and future environmental

20 conditions of the project site, particularly those

21 environmental conditions affected by climate

22 change;

23      (C) the ecological benefits of the project;

24 and

(D) the ability of the entity proposing the project to demonstrate the potential of the project to protect the coastal community where the project is to be carried out, including through—

(i) mitigating the effects of erosion;

(ii) attenuating the impact of coastal storms and storm surge;

(iii) mitigating shoreline flooding;

(iv) mitigating the effects of sea level rise and extreme tides;

(v) sustaining, protecting, or restoring the functions and habitats of coastal ecosystems; or

(vi) such other forms of coastal protection as the Administrator considers appropriate.

(3) PRIORITY.—In selecting living shoreline projects to receive grants under this section, the Administrator shall give priority consideration to a proposed project to be conducted in an area—

(A) for which the President has declared, during the 10-year period preceding the submission of the proposal for the project under subsection (b), that a major disaster exists pursu-

1 ant to section 401 of the Robert T. Stafford

2 Disaster Relief and Emergency Assistance Act

3 (42 U.S.C. 5170) because of a hurricane, trop-

4 ical storm, coastal storm, or flooding; or

5 (B) that has a documented history of

6 coastal erosion or frequent coastal inundation

7 during that 10-year period.

8 (4) MINIMUM STANDARDS.—

9 (A) IN GENERAL.—The Administrator

10 shall develop minimum standards to be used in

11 selecting eligible entities to receive grants under

12 this section, taking into account—

13 (i) the considerations described in

14 paragraph (2); and

15 (ii) the need for such standards to be

16 general enough to accommodate concerns

17 relating to specific project sites.

18 (B) CONSULTATIONS.—In developing stan-

19 dards under subparagraph (A), the Adminis-

20 trator—

21 (i) shall consult with relevant offices

22 of the National Oceanic and Atmospheric

23 Administration, such as the Office of Habi-

24 tat Conservation, the Office for Coastal

1 Management, and the Restoration Center;

2 and

3 (ii) may consult with—

4 (I) relevant interagency councils,

5 such as the Estuary Habitat Restora-

6 tion Council;

7 (II) State coastal management

8 agencies; and

9 (III) relevant nongovernmental

10 organizations.

11 (d) USE OF FUNDS.—A grant awarded under this

12 section to an eligible entity to carry out a living shoreline

13 project may be used by the eligible entity only—

14 (1) to carry out the project, including adminis-

15 tration, design, permitting, entry into negotiated in-

16 direct cost rate agreements, and construction; and

17 (2) to monitor, collect, and report data on the

18 performance (including performance over time) of

19 the project, in accordance with standards issued by

20 the Administrator under subsection (f)(2).

21 (e) COST-SHARING.—

22 (1) IN GENERAL.—Except as provided in para-

23 graph (2), an eligible entity that receives a grant

24 under this section to carry out a living shoreline

25 project shall provide, from non-Federal sources,

1 funds or other resources (such as land or conserva-

2 tion easements or in-kind matching from private en-

3 tities) valued at not less than 50 percent of the total

4 cost, including administrative costs, of the project.

5 (2) REDUCED MATCHING REQUIREMENT FOR

6 CERTAIN COMMUNITIES.—The Administrator may

7 reduce or waive the matching requirement under

8 paragraph (1) for an eligible entity representing a

9 community or nonprofit organization if—

10 (A) the eligible entity submits to the Ad-

11 ministrator in writing—

12 (i) a request for such a reduction and

13 the amount of the reduction; and

14 (ii) a justification for why the entity

15 cannot meet the matching requirement;

16 and

17 (B) the Administrator agrees with the jus-

18 tification.

19 (f) MONITORING AND REPORTING.—

20 (1) IN GENERAL.—The Administrator shall re-

21 quire each eligible entity receiving a grant under this

22 section (or a representative of the entity) to carry

23 out a living shoreline project—

24 (A) to transmit to the Administrator data

25 collected under the project;

8

1               (B) to monitor the project and to collect

2         data on—

3               (i) the ecological benefits of the

4            project and the protection provided by the

5            project for the coastal community where

6            the project is carried out, including

7            through—

8                 (I) mitigating the effects of ero-

9               sion;

10               (II) attenuating the impact of

11               coastal storms and storm surge;

12               (III) mitigating shoreline flood-

13               ing;

14               (IV) mitigating the effects of sea

15               level rise and extreme tides;

16               (V) sustaining, protecting, or re-

17               storing the functions and habitats of

18               coastal ecosystems; or

19               (VI) such other forms of coastal

20               protection as the Administrator con-

21               siders appropriate; and

22             (ii) the performance of the project in

23            providing such protection;

24              (C) to make data collected under the

25         project available on a publicly accessible inter-

1     net website of the National Oceanic and Atmos-

2     pheric Administration; and

3         (D) not later than one year after the entity

4     receives the grant, and annually thereafter until

5     the completion of the project, to submit to the

6     Administrator a report on—

7         (i) the measures described in subpara-

8     graph (B); and

9         (ii) the effectiveness of the project in

10     increasing protection of the coastal com-

11     munity where the project is carried out

12     through living shorelines techniques, in-

13     cluding—

14         (I) a description of—

15         (aa) the project;

16         (bb) the activities carried

17     out under the project; and

18         (cc) the techniques and ma-

19     terials used in carrying out the

20     project; and

21         (II) data on the performance of

22     the project in providing protection to

23     that coastal community.

24     (2) GUIDELINES.—In developing guidelines re-

25     lating to paragraph (1)(C), the Administrator shall

1 consider how additional data could safely be col-
2 lected before and after major disasters or severe
3 weather events to measure project performance and
4 project recovery.

5 (3) STANDARDS.—

6 (A) IN GENERAL.—Not later than 90 days
7 after the date of the enactment of this Act, the
8 Administrator shall, in consultation with rel-
9 evant offices of the National Oceanic and At-
10 mospheric Administration, relevant interagency
11 councils, and relevant nongovernmental organi-
12 zations, issue standards for the monitoring, col-
13 lection, and reporting under subsection (d)(2)
14 of data regarding the performance of living
15 shoreline projects for which grants are awarded
16 under this section.

17 (B) REPORTING.—The standards issued
18 under subparagraph (A) shall require an eligi-
19 ble entity receiving a grant under this section
20 to report the data described in that subpara-
21 graph to the Administrator on a regular basis.

22 (g) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated $50,000,000 to the Ad-
24 ministrator for each of fiscal years 2020 through 2025
25 for purposes of carrying out this section.

1 (h) DEFINITIONS.—In this section:

2 (1) ADMINISTRATOR.—The term "Adminis-

3 trator" means the Administrator of the National

4 Oceanic and Atmospheric Administration.

5 (2) ELIGIBLE ENTITY.—The term "eligible enti-

6 ty" means any of the following:

7 (A) A unit of a State or local government.

8 (B) An organization described in section

9 501(c)(3) of the Internal Revenue Code of 1986

10 that is exempt from taxation under section

11 501(a) of such Code.

12 (C) An Indian Tribe (as defined in section

13 4 of the Indian Self-Determination and Edu-

14 cation Assistance Act (25 U.S.C. 5304)).

15 (3) LIVING SHORELINE PROJECT.—The term

16 "living shoreline project"—

17 (A) means a project that—

18 (i) restores or stabilizes a shoreline,

19 including marshes, wetlands, and other

20 vegetated areas that are part of the shore-

21 line ecosystem, by using natural materials

22 and systems to create buffers to attenuate

23 the impact of coastal storms, currents,

24 flooding, and wave energy and to prevent

1 or minimize shoreline erosion while sup-

2 porting coastal ecosystems and habitats;

3 (ii) incorporates as many natural ele-

4 ments as possible, such as native wetlands,

5 submerged aquatic plants, oyster shells,

6 native grasses, shrubs, or trees;

7 (iii) utilizes techniques that incor-

8 porate ecological and coastal engineering

9 principles in shoreline stabilization; and

10 (iv) to the extent possible, maintains

11 or restores existing natural slopes and con-

12 nections between uplands and adjacent

13 wetlands or surface waters;

14 (B) may include the use of—

15 (i) natural elements, such as sand,

16 wetland plants, logs, oysters or other shell-

17 fish, submerged aquatic vegetation, native

18 grasses, shrubs, trees, or coir fiber logs;

19 (ii) project elements that provide eco-

20 logical benefits to coastal ecosystems and

21 habitats in addition to shoreline protection;

22 and

23 (iii) structural materials, such as

24 stone, concrete, wood, vinyl, oyster domes,

1         or other approved engineered structures in

2         combination with natural materials; and

3        (C) may include a project that expands

4        upon or restores natural living shorelines or ex-

5        isting living shoreline projects.

6      (4) STATE.—The term "State" means each of

7 the several States, the District of Columbia, the

8 Commonwealth of Puerto Rico, the United States

9 Virgin Islands, Guam, American Samoa, and the

10 Commonwealth of the Northern Mariana Islands.

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