

[DISCUSSION DRAFT]118TH CONGRESS
2^D SESSION**H. R.** _____

To require the Administrator of the National Marine Fisheries Service to establish a coastal protection and restoration grant program.

IN THE HOUSE OF REPRESENTATIVES

Mr. GRAVES of Louisiana introduced the following bill; which was referred to the Committee on _____

A BILL

To require the Administrator of the National Marine Fisheries Service to establish a coastal protection and restoration grant program.

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. FINDINGS.**

4 Congress finds the following:

5 (1) The Mississippi River drains 31 states and
6 2 Canadian provinces.

7 (2) Louisiana's working coast supports infra-
8 structure critical to the nation's economic engine.

1 (3) Louisiana provides unmatched access to our
2 nation's natural resources, including 75 percent of
3 commercially harvested fish species to nearly 90 per-
4 cent of the nation's offshore oil rigs.

5 (4) Louisiana is home to 5 of the nation's top
6 15 ports, and every day that the Mississippi River
7 is closed to navigation, there is approximately a
8 \$300 million economic loss to the nation.

9 (5) For these reasons, in the early 20th cen-
10 tury, Congress decided to levee the Mississippi River
11 for flood control and to ensure it remained open for
12 trade.

13 (6) The trade off for leveeing the river has been
14 massive coastal land and wetland loss from the river
15 no longer dispersing sediment as its processes natu-
16 rally would.

17 (7) Louisiana now loses the equivalent of a
18 football field of coastal wetlands every 90 minutes
19 resulting in a cumulative loss of land equivalent to
20 the size of Delaware's dry land mass in the last 100
21 years.

22 (8) It is vital to the economic and ecological
23 prominence of the nation to protect Louisiana's
24 coastal wetlands and mitigate for coastal land loss
25 caused by levees on the Mississippi River.

1 **SEC. 2. COASTAL PROTECTION AND RESTORATION GRANT**
2 **PROGRAM.**

3 (a) IN GENERAL.—The Administrator, in consulta-
4 tion with the head of each covered agency, shall establish
5 a competitive grant program to award amounts and, at
6 the request of an eligible entity that is awarded a grant
7 under this section, technical assistance to eligible entities
8 to carry out coastal protection and restoration activities
9 in the lower Mississippi watershed that is affected by lev-
10 ees, including—

11 (1) building levees for hurricane protection or
12 risk reduction;

13 (2) nature-based solutions;

14 (3) building, restoring, or protecting oyster
15 reefs, artificial reefs, or other fish habitat;

16 (4) carrying out any activity for the beneficial
17 use of dredged material;

18 (5) building, restoring, or protecting barrier is-
19 lands and marsh through terracing, marsh or ridge
20 creation, or other activities;

21 (6) vegetation planting;

22 (7) habitat restoration activities required under
23 section 213(c) of the Magnuson-Stevens Fishery
24 Conservation and Management Reauthorization Act
25 of 2006; and

1 (8) operations and maintenance or monitoring
2 to support the activities described in paragraphs (1)
3 through (7).

4 (b) ADMINISTRATION.—The Secretary shall enter
5 into a cooperative agreement with the Foundation pursu-
6 ant to the National Fish and Wildlife Foundation Estab-
7 lishment Act (16 U.S.C. 3701 et seq.) for the Foundation
8 to manage and administer the grant program established
9 under subsection (a).

10 (c) APPLICATIONS.—To be eligible to receive a grant
11 under this section, an eligible entity shall submit to the
12 Administrator an application in such form, at such time,
13 and containing such information as the Administrator de-
14 termines appropriate.

15 (d) PRIORITY.—In awarding grants under this sec-
16 tion, the Administrator shall give priority to activities that
17 the Administrator determines will further—

18 (1) a State or local plan relating to coastal pro-
19 tection or restoration; or

20 (2) a Federal plan relating to coastal protection
21 or restoration or water use management developed
22 by the Chief of Engineers, Secretary of the Interior,
23 or Administrator or any other applicable Federal
24 plan.

1 (e) LIMITATION.—No funds may be appropriated or
2 used under this section for acquisition by the Federal Gov-
3 ernment of any interest in land.

4 (f) EXEMPTION FROM ESSENTIAL FISH HABITAT
5 CONSULTATION REQUIREMENT.—Section 305(b)(2) of
6 the Magnuson-Stevens Fishery Conservation and Manage-
7 ment Act (16 U.S.C. 1855(b)(2)) does not apply to an
8 activity carried out by an eligible entity with amounts
9 awarded under this section.

10 (g) RELATION TO NATIONAL ENVIRONMENTAL POL-
11 ICY ACT OF 1969.—

12 (1) IN GENERAL.—The Administrator, Chief of
13 Engineers, and the Administrator of the Environ-
14 mental Protection Agency shall jointly—

15 (A) determine whether coastal restoration
16 or protection projects that are intended to pro-
17 vide an ecological benefit are a category of ac-
18 tions that normally significantly affect the qual-
19 ity of the human environment for purposes of
20 the National Environmental Policy Act of 1969
21 (42 U.S.C. 4321 et seq.); and

22 (B) if the Administrator, Chief of Engi-
23 neers, or the Administrator of the Environ-
24 mental Protection Agency determines that
25 coastal restoration or protection projects that

1 are intended to provide an ecological benefit are
2 a category of actions that normally do not sig-
3 nificantly affect the quality of the human envi-
4 ronment for purposes of that Act (42 U.S.C.
5 4321 et seq.), the Administrator, Chief of Engi-
6 neers, or the Administrator of the Environ-
7 mental Protection Agency shall establish a cat-
8 egorical exclusion for such category of actions.

9 (2) NOT A MAJOR FEDERAL ACTION.—An
10 award of a grant under this section is not a major
11 Federal action for purposes of the National Environ-
12 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

13 (h) FEDERAL SHARE.—

14 (1) IN GENERAL.—The Federal share of an ac-
15 tivity carried out with amounts awarded under this
16 section may not exceed 80 percent.

17 (2) CLARIFICATION.—Non-Federal funds, in-
18 cluding revenue sharing funds and amounts made
19 available pursuant to the Gulf Coast Restoration
20 Trust Fund established by section 1602(a) of the
21 Resources and Ecosystems Sustainability, Tourist
22 Opportunities, and Revived Economies of the Gulf
23 Coast States Act of 2012 (33 U.S.C. 1321 note),
24 may be used to meet the non-Federal share of an ac-

1 tivity carried out with amounts awarded under this
2 section.

3 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to the Administrator to
5 carry out this section \$500,000,000 for each fiscal year.

6 (j) DEFINITIONS.—In this section:

7 (1) ADMINISTRATOR.—The term “Adminis-
8 trator” means the Administrator of the National
9 Marine Fisheries Service.

10 (2) CENTER OF EXCELLENCE.—The term “cen-
11 ter of excellence” means a center of excellence estab-
12 lished pursuant to section 1605 of the Resources
13 and Ecosystems Sustainability, Tourist Opportuni-
14 ties, and Revived Economies of the Gulf Coast
15 States Act of 2012 (33 U.S.C. 1321 note).

16 (3) COVERED AGENCY.—The term “covered
17 agency” means—

18 (A) the Environmental Protection Agency;

19 (B) the United States Fish and Wildlife
20 Service;

21 (C) the Natural Resources Conservation
22 Service of the Department of Agriculture; and

23 (D) the Louisiana Coastal Protection and
24 Restoration Authority.

1 (4) ELIGIBLE ENTITY.—The term “eligible enti-
2 ty” means—

3 (A) a State, local, or Tribal government; or

4 (B) a center of excellence.

5 (5) FOUNDATION.—The term “Foundation”
6 means the National Fish and Wildlife Foundation.

7 (k) SUNSET.—The authority of the Administrator to
8 carry out the grant program established under subsection
9 (a) shall terminate on the date that is 10 years after the
10 date of the enactment of this section.