

Union Calendar No. 257

116TH CONGRESS
1ST SESSION

H. R. 3115

[Report No. 116–316]

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

NOVEMBER 26, 2019

Additional sponsors: Mr. SMITH of New Jersey, Ms. NORTON, Mr. PASCRELL, Mr. PAPPAS, Mr. BYRNE, Ms. VELÁZQUEZ, Mr. MALINOWSKI, Mr. SIRES, Mr. CASE, Ms. SHALALA, Mr. VAN DREW, Mr. KIM, Mr. LARSEN of Washington, Mr. HASTINGS, Mr. FITZPATRICK, Mr. SEAN PATRICK MALONEY of New York, Mr. KILMER, Mr. SUOZZI, Mr. ROUZER, Mr. KEATING, Mr. SABLAN, Ms. GABBARD, Mr. YOUNG, Miss GONZÁLEZ-COLÓN of Puerto Rico, Mr. SARBANES, Mrs. FLETCHER, Mr. CICILLINE, Mr. CÁRDENAS, Mrs. LURIA, Ms. PINGREE, Mr. LEVIN of California, and Mr. HIMES

NOVEMBER 26, 2019

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on June 5, 2019]

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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Living Shorelines Act*
5 *of 2019”.*

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

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

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

12 (2) *applying innovative uses of natural mate-*
13 *rials and systems to protect coastal communities,*
14 *habitats, and natural system functions.*

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

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

21 (2) *demonstrate to the Administrator that the*
22 *entity has any permits or other authorizations from*
23 *local, State, and Federal government agencies nec-*
24 *essary to carry out the living shoreline project or pro-*

1 *vide evidence demonstrating general support from*
2 *such agencies.*

3 *(c) PROJECT SELECTION.—*

4 *(1) DEVELOPMENT OF CRITERIA.—The Adminis-*
5 *trator shall select eligible entities to receive grants*
6 *under this section based on criteria developed by the*
7 *Administrator, in consultation with relevant offices of*
8 *the National Oceanic and Atmospheric Administra-*
9 *tion, such as the Office of Habitat Conservation, the*
10 *Office for Coastal Management, and the Restoration*
11 *Center.*

12 *(2) CONSIDERATIONS.—In developing criteria*
13 *under paragraph (1) to evaluate a proposed living*
14 *shoreline project, the Administrator shall take into ac-*
15 *count—*

16 *(A) the potential of the project to protect the*
17 *community and maintain the viability of the en-*
18 *vironment, such as through protection of eco-*
19 *system functions, environmental benefits, or*
20 *habitat types, in the area where the project is to*
21 *be carried out;*

22 *(B) the historic and future environmental*
23 *conditions of the project site, particularly those*
24 *environmental conditions affected by climate*
25 *change;*

1 (C) the ecological benefits of the project; and

2 (D) the ability of the entity proposing the

3 project to demonstrate the potential of the project

4 to protect the coastal community where the

5 project is to be carried out, including through—

6 (i) mitigating the effects of erosion;

7 (ii) attenuating the impact of coastal

8 storms and storm surge;

9 (iii) mitigating shoreline flooding;

10 (iv) mitigating the effects of sea level

11 rise, accelerated land loss, and extreme

12 tides;

13 (v) sustaining, protecting, or restoring

14 the functions and habitats of coastal eco-

15 systems; or

16 (vi) such other forms of coastal protec-

17 tion as the Administrator considers appro-

18 priate.

19 (3) *PRIORITY.*—In selecting living shoreline

20 projects to receive grants under this section, the Ad-

21 ministrator shall give priority consideration to a pro-

22 posed project to be conducted in an area—

23 (A) for which the President has declared,

24 during the 10-year period preceding the submis-

25 sion of the proposal for the project under sub-

1 *section (b), that a major disaster exists pursuant*
2 *to section 401 of the Robert T. Stafford Disaster*
3 *Relief and Emergency Assistance Act (42 U.S.C.*
4 *5170) because of a hurricane, tropical storm,*
5 *coastal storm, or flooding; or*

6 *(B) that has a documented history of coast-*
7 *al erosion or frequent coastal inundation during*
8 *that 10-year period.*

9 *(4) MINIMUM STANDARDS.—*

10 *(A) IN GENERAL.—The Administrator shall*
11 *develop minimum standards to be used in select-*
12 *ing eligible entities to receive grants under this*
13 *section, taking into account—*

14 *(i) the considerations described in*
15 *paragraph (2); and*

16 *(ii) the need for such standards to be*
17 *general enough to accommodate concerns re-*
18 *lating to specific project sites.*

19 *(B) CONSULTATIONS.—In developing stan-*
20 *dards under subparagraph (A), the Adminis-*
21 *trator—*

22 *(i) shall consult with relevant offices of*
23 *the National Oceanic and Atmospheric Ad-*
24 *ministration, such as the Office of Habitat*

1 *Conservation, the Office for Coastal Man-*
2 *agement, and the Restoration Center; 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 sec-*
12 *tion 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 the*
19 *project, in accordance with standards issued by the*
20 *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, funds*

1 *or other resources (such as land or conservation ease-*
2 *ments or in-kind matching from private entities) val-*
3 *ued at not less than 50 percent of the total cost, in-*
4 *cluding administrative costs, of the project.*

5 (2) *REDUCED MATCHING REQUIREMENT FOR*
6 *CERTAIN COMMUNITIES.—The Administrator may re-*
7 *duce or waive the matching requirement under para-*
8 *graph (1) for an eligible entity representing a com-*
9 *munity 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; and*

16 (B) *the Administrator agrees with the jus-*
17 *tification.*

18 (f) *MONITORING AND REPORTING.—*

19 (1) *IN GENERAL.—The Administrator shall re-*
20 *quire each eligible entity receiving a grant under this*
21 *section (or a representative of the entity) to carry out*
22 *a living shoreline project—*

23 (A) *to transmit to the Administrator data*
24 *collected under the project;*

1 (B) to monitor the project and to collect
2 data on—

3 (i) the ecological benefits of the project
4 and the protection provided by the project
5 for the coastal community where the project
6 is carried out, including through—

7 (I) mitigating the effects of ero-
8 sion;

9 (II) attenuating the impact of
10 coastal storms and storm surge;

11 (III) mitigating shoreline flood-
12 ing;

13 (IV) mitigating the effects of sea
14 level rise and extreme tides;

15 (V) sustaining, protecting, or re-
16 storing the functions and habitats of
17 coastal ecosystems; or

18 (VI) such other forms of coastal
19 protection as the Administrator con-
20 siders appropriate; and

21 (ii) the performance of the project in
22 providing such protection;

23 (C) to make data collected under the project
24 available on a publicly accessible internet

1 *website of the National Oceanic and Atmospheric*
2 *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 commu-*
11 *nity where the project is carried out through*
12 *living shorelines techniques, including—*

13 *(I) a description of—*

14 *(aa) the project;*

15 *(bb) the activities carried out*
16 *under the project; and*

17 *(cc) the techniques and mate-*
18 *rials used in carrying out the*
19 *project; and*

20 *(II) data on the performance of*
21 *the project in providing protection to*
22 *that coastal community.*

23 *(2) GUIDELINES.—In developing guidelines re-*
24 *lating to paragraph (1)(C), the Administrator shall*
25 *consider how additional data could safely be collected*

1 *before and after major disasters or severe weather*
2 *events to measure project performance and project re-*
3 *covery.*

4 (3) *STANDARDS.—*

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

16 (B) *REPORTING.—The standards issued*
17 *under subparagraph (A) shall require an eligible*
18 *entity receiving a grant under this section to re-*
19 *port the data described in that subparagraph to*
20 *the Administrator on a regular basis.*

21 (g) *AUTHORIZATION OF APPROPRIATIONS.—There are*
22 *authorized to be appropriated \$50,000,000 to the Adminis-*
23 *trator for each of fiscal years 2020 through 2025 for pur-*
24 *poses of carrying out this section.*

25 (h) *DEFINITIONS.—In this section:*

1 (1) *ADMINISTRATOR*.—The term “Adminis-
2 trator” means the Administrator of the National Oce-
3 anic and Atmospheric Administration.

4 (2) *ELIGIBLE ENTITY*.—The term “eligible enti-
5 ty” means any of the following:

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

7 (B) An organization described in section
8 501(c)(3) of the Internal Revenue Code of 1986
9 that is exempt from taxation under section
10 501(a) of such Code.

11 (C) An Indian Tribe (as defined in section
12 4 of the Indian Self-Determination and Edu-
13 cation Assistance Act (25 U.S.C. 5304)).

14 (3) *LIVING SHORELINE PROJECT*.—The term
15 “living shoreline project”—

16 (A) means a project that—

17 (i) restores or stabilizes a shoreline, in-
18 cluding marshes, wetlands, and other vege-
19 tated areas that are part of the shoreline
20 ecosystem, by using natural materials and
21 systems to create buffers to attenuate the
22 impact of coastal storms, currents, flooding,
23 and wave energy and to prevent or mini-
24 mize shoreline erosion while supporting
25 coastal ecosystems and habitats;

1 (ii) incorporates as many natural ele-
2 ments as possible, such as native wetlands,
3 submerged aquatic plants, oyster shells, na-
4 tive grasses, shrubs, or trees;

5 (iii) utilizes techniques that incor-
6 porate ecological and coastal engineering
7 principles in shoreline stabilization; and

8 (iv) to the extent possible, maintains or
9 restores existing natural slopes and connec-
10 tions between uplands and adjacent wet-
11 lands or surface waters;

12 (B) may include the use of—

13 (i) natural elements, such as sand, wet-
14 land plants, logs, oysters or other shellfish,
15 submerged aquatic vegetation, native
16 grasses, shrubs, trees, or coir fiber logs;

17 (ii) project elements that provide eco-
18 logical benefits to coastal ecosystems and
19 habitats in addition to shoreline protection;
20 and

21 (iii) structural materials, such as
22 stone, concrete, wood, vinyl, oyster domes,
23 or other approved engineered structures in
24 combination with natural materials; and

1 (C) may include a project that expands
2 upon or restores natural living shorelines or ex-
3 isting living shoreline projects.

4 (4) STATE.—The term “State” means each of the
5 several States, the District of Columbia, the Common-
6 wealth of Puerto Rico, the United States Virgin Is-
7 lands, Guam, American Samoa, and the Common-
8 wealth of the Northern Mariana Islands.

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