

116TH CONGRESS
1ST SESSION

S. 1730

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 SENATE OF THE UNITED STATES

JUNE 5, 2019

Ms. HARRIS (for herself, Mr. MURPHY, Mr. BLUMENTHAL, Mr. MENENDEZ, Mr. WYDEN, Mr. BOOKER, Mr. MERKLEY, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Living Shorelines Act
3 of 2019”.

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

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

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

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

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

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

19 (2) demonstrate to the Administrator that the
20 entity has any permits or other authorizations from
21 local, State, and Federal government agencies nec-
22 essary to carry out the living shoreline project or
23 provide evidence demonstrating general support from
24 such agencies.

25 (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

1 (D) the ability of the entity proposing the
2 project to demonstrate the potential of the
3 project to protect the coastal community where
4 the project is to be carried out, including
5 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 and extreme tides;

12 (v) sustaining, protecting, or restoring
13 the functions and habitats of coastal eco-
14 systems; or

15 (vi) such other forms of coastal pro-
16 tection as the Administrator considers ap-
17 propriate.

18 (3) PRIORITY.—In selecting living shoreline
19 projects to receive grants under this section, the Ad-
20 ministrator shall give priority consideration to a pro-
21 posed project to be conducted in an area—

22 (A) for which the President has declared,
23 during the 10-year period preceding the submis-
24 sion of the proposal for the project under sub-
25 section (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
19 standards under subparagraph (A), the Admin-
20 istrator—

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;

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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