

Calendar No. 631116TH CONGRESS
2^D SESSION**S. 1730****[Report No. 116–327]**

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, Mrs. FEINSTEIN, Mr. CARPER, Mr. MARKEY, and Ms. BALDWIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 15, 2020

Reported by Mr. WICKER, with an amendment

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

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
 8 make 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
 16 a 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

1 provide evidence demonstrating general support from
2 such agencies.

3 ~~(c) PROJECT SELECTION.—~~

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

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

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

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

8 (i) mitigating the effects of erosion;

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

11 (iii) mitigating shoreline flooding;

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

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

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

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

24 (A) for which the President has declared,
25 during the 10-year period preceding the submis-

1 sion of the proposal for the project under sub-
2 section (b); that a major disaster exists pursu-
3 ant to section 401 of the Robert T. Stafford
4 Disaster Relief and Emergency Assistance Act
5 (42 U.S.C. 5170) because of a hurricane, trop-
6 ical storm, coastal storm, or flooding; or

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

10 (4) MINIMUM STANDARDS.—

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

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

17 (ii) the need for such standards to be
18 general enough to accommodate concerns
19 relating to specific project sites.

20 (B) CONSULTATIONS.—in developing
21 standards under subparagraph (A), the Admin-
22 istrator—

23 (i) shall consult with relevant offices
24 of the National Oceanic and Atmospheric
25 Administration, such as the Office of Habi-

1 tat Conservation, the Office for Coastal
 2 Management, and the Restoration Center;
 3 and

4 (ii) may consult with—

5 (I) relevant interagency councils,
 6 such as the Estuary Habitat Restora-
 7 tion Council;

8 (II) State coastal management
 9 agencies; and

10 (III) relevant nongovernmental
 11 organizations.

12 (d) USE OF FUNDS.—A grant awarded under this
 13 section to an eligible entity to carry out a living shoreline
 14 project may be used by the eligible entity only—

15 (1) to carry out the project, including adminis-
 16 tration, design, permitting, entry into negotiated in-
 17 direct cost rate agreements, and construction; and

18 (2) to monitor, collect, and report data on the
 19 performance (including performance over time) of
 20 the project, in accordance with standards issued by
 21 the Administrator under subsection (f)(2).

22 (e) COST-SHARING.—

23 (1) IN GENERAL.—Except as provided in para-
 24 graph (2), an eligible entity that receives a grant
 25 under this section to carry out a living shoreline

1 project shall provide, from non-Federal sources,
 2 funds or other resources (such as land or conserva-
 3 tion easements or in-kind matching from private en-
 4 tities) valued at not less than 50 percent of the total
 5 cost, including administrative costs, of the project.

6 ~~(2) REDUCED MATCHING REQUIREMENT FOR~~
 7 ~~CERTAIN COMMUNITIES.~~—The Administrator may
 8 reduce or waive the matching requirement under
 9 paragraph (1) for an eligible entity representing a
 10 community or nonprofit organization if—

11 (A) the eligible entity submits to the Ad-
 12 ministrator in writing—

13 (i) a request for such a reduction and
 14 the amount of the reduction; and

15 (ii) a justification for why the entity
 16 cannot meet the matching requirement;
 17 and

18 (B) the Administrator agrees with the jus-
 19 tification.

20 ~~(f) MONITORING AND REPORTING.~~—

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

1 (A) to transmit to the Administrator data
2 collected under the project;

3 (B) to monitor the project and to collect
4 data on—

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

10 (I) mitigating the effects of ero-
11 sion;

12 (II) attenuating the impact of
13 coastal storms and storm surge;

14 (III) mitigating shoreline flood-
15 ing;

16 (IV) mitigating the effects of sea
17 level rise and extreme tides;

18 (V) sustaining, protecting, or re-
19 storing the functions and habitats of
20 coastal ecosystems; or

21 (VI) such other forms of coastal
22 protection as the Administrator con-
23 siders appropriate; and

24 (ii) the performance of the project in
25 providing such protection;

1 (C) to make data collected under the
2 project available on a publicly accessible inter-
3 net website of the National Oceanic and Atmos-
4 pheric Administration; and

5 (D) not later than one year after the entity
6 receives the grant, and annually thereafter until
7 the completion of the project, to submit to the
8 Administrator a report on—

9 (i) the measures described in subpara-
10 graph (B); and

11 (ii) the effectiveness of the project in
12 increasing protection of the coastal com-
13 munity where the project is carried out
14 through living shorelines techniques, in-
15 cluding—

16 (I) a description of—

17 (aa) the project;

18 (bb) the activities carried
19 out under the project; and

20 (cc) the techniques and ma-
21 terials used in carrying out the
22 project; and

23 (II) data on the performance of
24 the project in providing protection to
25 that coastal community.

1 (2) GUIDELINES.—In developing guidelines re-
2 relating to paragraph (1)(C), the Administrator shall
3 consider how additional data could safely be col-
4 lected before and after major disasters or severe
5 weather events to measure project performance and
6 project recovery.

7 (3) STANDARDS.—

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

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

24 (g) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated \$50,000,000 to the Ad-

1 administrator for each of fiscal years 2020 through 2025
 2 for purposes of carrying out this section:

3 (h) DEFINITIONS.—In this section:

4 (1) ADMINISTRATOR.—The term “Adminis-
 5 trator” means the Administrator of the National
 6 Oceanic and Atmospheric Administration.

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

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

10 (B) An organization described in section
 11 501(e)(3) of the Internal Revenue Code of 1986
 12 that is exempt from taxation under section
 13 501(a) of such Code.

14 (C) An Indian Tribe (as defined in section
 15 4 of the Indian Self-Determination and Edu-
 16 cation Assistance Act (25 U.S.C. 5304)).

17 (3) LIVING SHORELINE PROJECT.—The term
 18 “living shoreline project”—

19 (A) means a project that—

20 (i) restores or stabilizes a shoreline,
 21 including marshes, wetlands, and other
 22 vegetated areas that are part of the shore-
 23 line ecosystem, by using natural materials
 24 and systems to create buffers to attenuate
 25 the impact of coastal storms, currents,

1 flooding, and wave energy and to prevent
2 or minimize shoreline erosion while sup-
3 porting coastal ecosystems and habitats;

4 (ii) incorporates as many natural ele-
5 ments as possible, such as native wetlands,
6 submerged aquatic plants, oyster shells,
7 native grasses, shrubs, or trees;

8 (iii) utilizes techniques that incor-
9 porate ecological and coastal engineering
10 principles in shoreline stabilization; and

11 (iv) to the extent possible, maintains
12 or restores existing natural slopes and con-
13 nections between uplands and adjacent
14 wetlands or surface waters;

15 (B) may include the use of—

16 (i) natural elements, such as sand,
17 wetland plants, logs, oysters or other shell-
18 fish, submerged aquatic vegetation, native
19 grasses, shrubs, trees, or coir fiber logs;

20 (ii) project elements that provide eco-
21 logical benefits to coastal ecosystems and
22 habitats in addition to shoreline protection;
23 and

24 (iii) structural materials, such as
25 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.

11 **SECTION 1. SHORT TITLE.**

12 *This Act may be cited as the “Living Shorelines Act*
 13 *of 2020”.*

14 **SEC. 2. MODIFICATIONS TO NATIONAL SEA GRANT COL-**
 15 **LEGE PROGRAM.**

16 (a) FINDINGS.—Section 202(a) of the National Sea
 17 Grant College Program Act (33 U.S.C. 1121(a)) is amended
 18 by inserting “resilience,” after “utilization,” each place
 19 such term appears.

20 (b) OBJECTIVE.—Section 202(b) of such Act (33
 21 U.S.C. 1121(b)) is amended by inserting “resilience,” after
 22 “utilization,”.

23 (c) DEFINITIONS.—Section 203(4) of such Act (33
 24 U.S.C. 1122(4)) is amended by inserting “resilience,” after
 25 “utilization,”.

1 (d) *DUTIES OF ADVISORY BOARD.*—Section
 2 209(b)(1)(A) of such Act (33 U.S.C. 1128(b)(1)(A)) is
 3 amended by inserting “resilience,” after “utilization,”.

4 (e) *MEMBERSHIP.*—Section 209(c)(1) of such Act (33
 5 U.S.C. 1128(c)(1)) is amended in the fourth sentence by in-
 6 serting “resilience,” after “utilization,”.

7 (f) *AUTHORIZATION OF APPROPRIATIONS.*—Section
 8 212(a) of such Act (33 U.S.C. 1131(a)) is amended by add-
 9 ing at the end the following:

10 “(3) *COASTAL HAZARD REDUCTION ACTIVITIES*
 11 *FOR FISCAL YEARS 2021 THROUGH 2024.*—In addition
 12 to other amounts authorized to be appropriated to
 13 carry out this title, there are authorized to be appro-
 14 priated \$25,000,000 for each of fiscal years 2021
 15 through 2024 for competitive grants for cooperative
 16 research, implementation, and extension regarding
 17 natural, nature-based, and restoration approaches to
 18 increasing the resilience of shorelines.”.

19 **SEC. 3. MODIFICATIONS TO RESOURCE MANAGEMENT IM-**
 20 **PROVEMENT GRANTS TO COASTAL STATES.**

21 (a) *OBJECTIVES FOR RESOURCE MANAGEMENT IM-*
 22 *PROVEMENT GRANTS.*—Section 306A(b) of the Coastal Zone
 23 Management Act of 1972 (16 U.S.C. 1455a(b)) is amended
 24 by adding at the end the following:

1 “(5) *The design and implementation of climate-*
2 *resilient living shoreline projects and the application*
3 *of innovative uses of natural materials and systems*
4 *to protect coastal communities, habitats, and natural*
5 *system functions.*”.

6 (b) *REDUCED MATCHING REQUIREMENT FOR CERTAIN*
7 *COASTAL STATES.*—Section 306A(d) of such Act (16 U.S.C.
8 1455a(d)) is amended by adding at the end the following:

9 “(4) *The Secretary may reduce or waive the matching*
10 *requirement under paragraph (1) for an eligible coastal*
11 *state if—*

12 “(A) *the eligible coastal state submits to the Sec-*
13 *retary in writing—*

14 “(i) *a request for such a reduction or waiv-*
15 *er and, in the case of a request for a reduction,*
16 *the amount of the reduction; and*

17 “(ii) *a justification for why the state cannot*
18 *meet the matching requirement; and*

19 “(B) *the Secretary agrees with the justifica-*
20 *tion.*”.

21 (c) *MONITORING AND REPORTING ON PERFORM-*
22 *ANCE.*—Section 306A of such Act (16 U.S.C. 1455a) is
23 amended by adding at the end the following:

24 “(g) *The Secretary shall require each eligible coastal*
25 *state (or a representative of the state) receiving a grant*

1 *under subsection (b)(5) to carry out a living shoreline*
2 *project—*

3 *“(1) to monitor and collect data on—*

4 *“(A) the benefits of the project to the coastal*
5 *community in which the project is carried out,*
6 *including—*

7 *“(i) mitigating the effects of erosion;*

8 *“(ii) attenuating the impact of coastal*
9 *storms and storm surge;*

10 *“(iii) mitigating shoreline flooding;*

11 *“(iv) mitigating the effects of sea level*
12 *rise and extreme tides;*

13 *“(v) sustaining, protecting, or restor-*
14 *ing the functions and habitats of coastal*
15 *ecosystems; or*

16 *“(vi) such other forms of coastal pro-*
17 *tection as the Secretary considers appro-*
18 *priate; and*

19 *“(B) the performance of the project in pro-*
20 *viding such benefits;*

21 *“(2) to make data collected under the project*
22 *available on a publicly accessible internet website of*
23 *the National Oceanic and Atmospheric Administra-*
24 *tion; and*

1 “(3) not later than one year after the eligible
2 coastal state receives the grant, and annually there-
3 after until completion of the project, to submit to the
4 Secretary a report including—

5 “(A) the data described in paragraph (1);

6 “(B) an assessment of the ultimate effective-
7 ness of the project in increasing coastal protec-
8 tion in the coastal community in which the
9 project is carried out, including a description
10 of—

11 “(i) the project;

12 “(ii) the activities carried out under
13 the project; and

14 “(iii) the techniques and materials
15 used in carrying out the project; and

16 “(C) a detailed description of any defi-
17 ciencies or failures of the project to perform as
18 originally intended.

19 “(h) In making eligibility determinations for grants
20 under subsection (b)(5), the Secretary shall take into ac-
21 count the successes or failures of each grantee demonstrated
22 by the compliance of the grantee with the requirements
23 under subsection (g).”.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
25 318(a) of such Act (16 U.S.C. 1464(a)) is amended—

1 (1) in paragraph (1)(C), by striking “and” at
2 the end;

3 (2) in paragraph (2)(C), by striking the period
4 at the end and inserting “; and”; and

5 (3) by adding at the end the following:

6 “(3) for grants under section 306A(b)(5),
7 \$25,000,000 for each of fiscal years 2021 through
8 2024.”.

Calendar No. 631

116TH CONGRESS
2^D SESSION

S. 1730

[Report No. 116-327]

A BILL

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