

Calendar No. 638

115TH CONGRESS }
2d Session }

SENATE

{ REPORT
115-348

WATERFRONT COMMUNITY REVITALIZATION
AND RESILIENCY ACT OF 2018

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 3265



NOVEMBER 13, 2008.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

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SECOND SESSION

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Mr. THUNE, from the Committee on Commerce, Science, and
Transportation, submitted the following

R E P O R T

[To accompany S. 3265]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 3265) to require the Secretary of Commerce to undertake certain activities to support waterfront community revitalization and resiliency, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 3265, the Waterfront Community Revitalization and Resiliency Act of 2018, is to support waterfront community revitalization and resiliency.

BACKGROUND AND NEEDS

Many cities and towns across the United States are bordered by lakes, rivers, or ocean. These locations have historically provided ready access to water, fishing, transportation, and trade. However, many waterfront communities were built around their water resources many years ago and are now working to reposition and overcome issues such as limited public access, poor alignment with modern development, flooding, and erosion.

As waterfront populations have increased, more development has been vulnerable to natural hazards like flooding and erosion. Cli-

mate change is further increasing the risk.¹ The 2017 Atlantic hurricane season highlighted many of these vulnerabilities, with widespread damage and many casualties from Hurricanes Irma, Harvey, and Maria. For instance, the population of Jacksonville, Florida, alone increased by nearly 200,000 between 2007 and 2017.² With Hurricane Irma, Jacksonville experienced serious flooding along the St. Johns River, and the entire watershed reached its highest historic water levels.³ The hurricane disrupted transportation networks throughout all of Florida and shut down roads and bridges for many days, stranding citizens and closing businesses.⁴ Flooding from Hurricane Irma came within inches of closing Interstate 75 near Jacksonville and did shut U.S. 27 in nearby High Springs, Florida. Similar situations occurred in Texas and Louisiana during Hurricane Harvey, where more than 6.7 million people in a 29,000 square mile area (the size of West Virginia) received at least 20 inches of rain over 7 days across multiple watersheds, causing catastrophic flooding and disruption.⁵

In addition to flooding, erosion and sea level rise can be a major challenge for waterfront communities. For example, 86 percent of Alaskan native villages in northern Alaska are being impacted by coastal erosion.⁶ In the Gulf Coast, Louisiana has lost more than 2,000 square miles of land to subsidence and erosion between 1932 and 2016.⁷ Proactive efforts can make waterfront communities more resilient to challenges like storms, floods, and fluctuating water levels so that communities are better equipped to respond to hazards and return to normal more quickly.

In addition to adapting to economic shifts, waterfront communities are facing pressures to meet increasing demands on water resources. For example, the Great Lakes are an important water resource for farming and drinking water, providing drinking water for 40 million people. Municipalities, agriculture, and industry use a total of 56 billion gallons of water per day from the Great Lakes.⁸

Some resilience projects can have multiple benefits. For example, restoring oyster reefs buffers coasts from waves, which reduces erosion and absorbs impact during storms and can also improve water quality and provide habitat and food to coastal species.⁹ Projects that incorporate both traditional and natural infrastructure may

¹ Stefan Rahmstorf (2017), Rising Hazard of Storm-Surge Flooding. Proceedings of the National Academic of Sciences (<http://www.pnas.org/content/early/2017/10/23/1715895114>).

² Ibid.

³ National Oceanic and Atmospheric Administration, Reviewing Hurricane Harvey's Catastrophic Rain and Flooding (<https://www.climate.gov/news-features/event-tracker/reviewing-hurricane-harveys-catastrophic-rain-and-flooding>) (accessed July 25, 2018).

⁴ Government Accountability Office, Alaska Native Villages: Most Are Affected by Flooding and Erosion, but Few Qualify for Federal Assistance (<http://www.gao.gov/products/GAO-04-142>) (accessed July 25, 2018).

⁵ United States Geological Survey, Louisiana's Rate of Coastal Wetland Loss (<https://www.usgs.gov/news/usgs-louisiana-s-rate-coastal-wetland-loss-continues-slow>) (accessed July 26, 2018).

⁶ National Oceanic and Atmospheric Administration, About Our Great Lakes: Great Lakes Basin Facts (<http://www.glerl.noaa.gov/education/ourlakes/facts.html>) (accessed July 25, 2018).

⁷ Naturally Resilient Communities, Oyster Reefs (<http://nrcsolutions.org/oyster-reefs/>) (accessed July 26, 2018).

⁸ Sutton-Grier, A. E., Wowk, K., and Bamford, H. 2015. Future of our coasts: The potential for natural and hybrid infrastructure to enhance the resilience of our coastal communities, economies and ecosystems. *Environmental Science & Policy*, Vol. 51, pp. 137–148 (accessed July 26, 2018).

⁹ Austin, J. C., Anderson, S. T., Courant, P. N., & Litan, R. E. (2016). Place-Specific Benefits of Great Lakes Restoration: A Supplement to the "Healthy Waters" Report. Washington, DC: Brookings Institution.

better protect waterfront communities, provide multiple benefits, and be more cost-effective than projects using traditional approaches alone.¹⁰

Waterfront planning and projects require communities to navigate intergovernmental hurdles, work across constituent groups and agencies, and often secure financing. However, many communities lack adequate resources to implement such plans. The cost savings and economic benefits of implementing waterfront resilience plans has been estimated to be approximately \$4.2 trillion.¹¹ For example, the water clean-up and restoration activities in the greater Detroit Metro area are estimated to drive a \$3.7 to \$7 billion increase in property values and long-run economic development.¹² Lessons learned from such initiatives can benefit other communities earlier in the planning process.

SUMMARY OF PROVISIONS

S. 3265, the Waterfront Community Revitalization and Resiliency Act of 2018, would do the following:

- Allow the Secretary of Commerce to designate resilient waterfront communities.
- Allow the Secretary of Commerce to establish networks of resilient communities to foster information sharing.

LEGISLATIVE HISTORY

S. 3265 was introduced by Senator Baldwin on July 25, 2018, and was referred to the Committee on Commerce, Science, and Transportation of the Senate. On August 1, 2018, the Committee met in open Executive Session and by voice vote ordered S. 3265 to be reported favorably without amendment.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

S. 3265—Waterfront Community Revitalization and Resiliency Act of 2018

S. 3265 would require the Department of Commerce (DOC) to develop criteria to designate as a resilient waterfront community, any community that voluntarily develops plans to revitalize and strengthen their unique water-related economic and ecological resources.

Under the bill, the National Oceanic and Atmospheric Administration in coordination with Economic Development Administration (two agencies within DOC) would develop guidance for local water-

¹⁰ Sutton-Grier, A. E., Wowk, K., and Bamford, H. 2015. Future of our coasts: The potential for natural and hybrid infrastructure to enhance the resilience of our coastal communities, economies and ecosystems. *Environmental Science & Policy*, Vol. 51, pp. 137–148 (accessed July 26, 2018).

¹¹ Carter, N.T., Upton, H.F., and McCarthy, F.X. Coastal Flood Resilience: Policy, Roles, and Funds. Congressional Research Service Report (www.crs.gov/Reports/IF10225?/pages/content.aspx?PRODCODE=IF10225&Source=search&Osource=search) (accessed July 25, 2018).

¹² Austin, J. C., Anderson, S. T., Courant, P. N., & Litan, R. E. (2016). Place-Specific Benefits of Great Lakes Restoration: A Supplement to the “Healthy Waters” Report. Washington, DC: Brookings Institution.

front communities that choose to develop a revitalization plan. The agencies also would evaluate plans submitted by communities and classify them as resilient waterfront communities, develop and maintain a network to facilitate the sharing of best practices among those communities, identify public and private investments that would further the goals of the resilient waterfront plans, and upon request, assist local communities with implementing the goals.

Using information from DOC, CBO estimates that implementing S. 3265 would require about four additional people to develop and administer the program and would cost \$3 million over the 2019–2023 period; such spending would be subject to the availability of appropriated funds.

Enacting S. 3265 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting S. 3265 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

S. 3265 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Stephen Rabent. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

S. 3265 as reported would not create any new programs or impose any new regulatory requirements, and therefore would not subject any individuals or businesses to new regulations.

ECONOMIC IMPACT

S. 3265 is not expected to have a negative impact on the Nation's economy.

PRIVACY

S. 3265 as reported would have no impact on the personal privacy of individuals.

PAPERWORK

S. 3265 would not create increases in paperwork burdens if enacted.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.

This section would provide that the bill may be cited as the “Waterfront Community Revitalization and Resiliency Act of 2018.”

Section 2. Findings.

This section would present the findings of Congress on the establishment, economics, and infrastructure needs of waterfront communities.

Section 3. Definitions.

This section would define the following terms: “Indian tribe,” “resilient waterfront community,” and “Secretary.”

Section 4. Resilient waterfront communities designation.

This section would allow the Secretary of Commerce to designate resilient waterfront communities. It would require the Secretary of Commerce to work with the heads of other Federal agencies as necessary to provide comparable services to waterfronts not located on the Great Lakes or ocean coasts. It would provide a definition of a Resilient Waterfront Community Plan and designate the components of that plan. It also would define the effective length of that plan to be 10 years.

Section 5. Resilient waterfront communities network.

This section would require the Secretary of Commerce to develop a resilient waterfront communities network. It also would require the Secretary of Commerce to provide formal recognition of the designated resilient waterfront communities.

Section 6. Waterfront community revitalization activities.

This section would allow the Secretary of Commerce to use existing authority to support the development of a resilient waterfront community plan and the implementation of strategic components of this plan after it has been approved by the Secretary. It would make eligible non-Federal partners that are units of local government or Indian tribes bound in part by the Great Lakes, the ocean, a riverfront, or an inland lake. It would allow technical assistance to be provided for resilient waterfront community plans. It would define eligible planning activities. It would allow assistance to aid in the implementation of the plan and to address strategic priorities. It would allow lead non-Federal partners to contract or collaborate with non-Federal implementation partners. It would require the lead non-Federal partner to ensure that assistance and resources are used for the purposes of any initiative advanced by the Secretary of Commerce for the purpose of promoting waterfront community revitalization. It would require resilient waterfront communities to provide funds toward the completion of implementation activities. It would allow funds to be provided by non-Federal resources. It is the Committee’s intention that the Secretary of Commerce provide technical assistance on issues that are already within the mission set of the National Oceanic and Atmospheric Administration (NOAA). NOAA should not encroach on

other agencies' missions or acquire new expertise in order to implement this section.

Section 7. Interagency awareness.

This section would require the Secretary of Commerce to provide a list of resilient waterfront communities to applicable States and the regional offices of interested Federal agencies. It would require the Secretary of Commerce to coordinate awareness of designated resilient waterfront communities of relevant Federal grant and loan programs that fund projects addressed in the resilient waterfront community plan.

Section 8. No new regulatory authority.

This section would clarify that nothing in this Act may be construed as establishing new authority for any Federal agency.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.