[DISCUSSION DRAFT]

116TH CONGRESS  
1ST SESSION  

H. R. _____

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.

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IN THE HOUSE OF REPRESENTATIVES

Mr. PALLONE introduced the following bill; which was referred to the Committee on ___________________

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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,
SECTION 1. SHORT TITLE.

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

SEC. 2. LIVING SHORELINE GRANT PROGRAM.

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

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

(2) applying innovative uses of natural materials and systems to protect coastal communities, habitats, and natural system functions.

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

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

(2) demonstrate to the Administrator that the entity has any permits or other authorizations from local, State, and Federal government agencies necessary to carry out the living shoreline project or provide evidence demonstrating general support from such agencies.

(c) PROJECT SELECTION.—
(1) **DEVELOPMENT OF CRITERIA.**—The Administrator shall select eligible entities to receive grants under this section based on criteria developed by the Administrator, in consultation with relevant offices of the National Oceanic and Atmospheric Administration, such as the Office of Habitat Conservation, the Office for Coastal Management, and the Restoration Center.

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

(A) the potential of the project to protect the community and maintain the viability of the environment, such as through protection of ecosystem functions, environmental benefits, or habitat types, in the area where the project is to be carried out;

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

(C) the ecological benefits of the project; and
(D) the ability of the entity proposing the project to demonstrate the potential of the project to protect the coastal community where the project is to be carried out, including through—
(i) mitigating the effects of erosion;
(ii) attenuating the impact of coastal storms and storm surge;
(iii) mitigating shoreline flooding;
(iv) mitigating the effects of sea level rise and extreme tides;
(v) sustaining, protecting, or restoring the functions and habitats of coastal ecosystems; or
(vi) such other forms of coastal protection as the Administrator considers appropriate.

(3) PRIORITY.—In selecting living shoreline projects to receive grants under this section, the Administrator shall give priority consideration to a proposed project to be conducted in an area—
(A) for which the President has declared, during the 10-year period preceding the submission of the proposal for the project under subsection (b), that a major disaster exists pursu-
Discussion Draft

ant to section 401 of the Robert T. Stafford
Disaster Relief and Emergency Assistance Act
(42 U.S.C. 5170) because of a hurricane, trop-
cical storm, coastal storm, or flooding; or

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

(4) MINIMUM STANDARDS.—

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

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

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

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

(i) shall consult with relevant offices
of the National Oceanic and Atmospheric
Administration, such as the Office of Habiti-
tat Conservation, the Office for Coastal
Management, and the Restoration Center;
and

(ii) may consult with—

(I) relevant interagency councils,

such as the Estuary Habitat Restoration Council;

(II) State coastal management agencies; and

(III) relevant nongovernmental organizations.

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

(1) to carry out the project, including administration, design, permitting, entry into negotiated indirect cost rate agreements, and construction; and

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

(e) COST-SHARING.—

(1) IN GENERAL.—Except as provided in paragraph (2), an eligible entity that receives a grant under this section to carry out a living shoreline project shall provide, from non-Federal sources,
funds or other resources (such as land or conservation easements or in-kind matching from private entities) valued at not less than 50 percent of the total cost, including administrative costs, of the project.

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

(A) the eligible entity submits to the Administrator in writing—

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

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

(B) the Administrator agrees with the justification.

(f) MONITORING AND REPORTING.—

(1) IN GENERAL.—The Administrator shall require each eligible entity receiving a grant under this section (or a representative of the entity) to carry out a living shoreline project—

(A) to transmit to the Administrator data collected under the project;
(B) to monitor the project and to collect data on—

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

(I) mitigating the effects of erosion;

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

(III) mitigating shoreline flooding;

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

(V) sustaining, protecting, or restoring the functions and habitats of coastal ecosystems; or

(VI) such other forms of coastal protection as the Administrator considers appropriate; and

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

(C) to make data collected under the project available on a publicly accessible inter-
net website of the National Oceanic and Atmospheric Administration; and

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

(i) the measures described in subparagraph (B); and

(ii) the effectiveness of the project in increasing protection of the coastal community where the project is carried out through living shorelines techniques, including—

(I) a description of—

(aa) the project;

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

(cc) the techniques and materials used in carrying out the project;

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

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

(3) Standards.—

(A) In general.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall, in consultation with relevant offices of the National Oceanic and Atmospheric Administration, relevant interagency councils, and relevant nongovernmental organizations, issue standards for the monitoring, collection, and reporting under subsection (d)(2) of data regarding the performance of living shoreline projects for which grants are awarded under this section.

(B) Reporting.—The standards issued under subparagraph (A) shall require an eligible entity receiving a grant under this section to report the data described in that subparagraph to the Administrator on a regular basis.

(g) Authorization of Appropriations.—There are authorized to be appropriated $50,000,000 to the Administrator for each of fiscal years 2020 through 2025 for purposes of carrying out this section.
(h) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means any of the following:

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

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

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

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

(A) means a project that—

(i) restores or stabilizes a shoreline, including marshes, wetlands, and other vegetated areas that are part of the shoreline ecosystem, by using natural materials and systems to create buffers to attenuate the impact of coastal storms, currents, flooding, and wave energy and to prevent
or minimize shoreline erosion while supporting coastal ecosystems and habitats;

(ii) incorporates as many natural elements as possible, such as native wetlands, submerged aquatic plants, oyster shells, native grasses, shrubs, or trees;

(iii) utilizes techniques that incorporate ecological and coastal engineering principles in shoreline stabilization; and

(iv) to the extent possible, maintains or restores existing natural slopes and connections between uplands and adjacent wetlands or surface waters;

(B) may include the use of—

(i) natural elements, such as sand, wetland plants, logs, oysters or other shellfish, submerged aquatic vegetation, native grasses, shrubs, trees, or coir fiber logs;

(ii) project elements that provide ecological benefits to coastal ecosystems and habitats in addition to shoreline protection; and

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

(C) may include a project that expands upon or restores natural living shorelines or existing living shoreline projects.

(4) State.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.