

115TH CONGRESS
2D SESSION

S. _____

To direct the Administrator of the National Oceanic and Atmospheric Administration to make grants to State and local governments and nonprofit organizations for purposes of carrying out shoreline stabilization projects utilizing natural materials that support natural habitats and ecosystem functions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To direct the Administrator of the National Oceanic and Atmospheric Administration to make grants to State and local governments and nonprofit organizations for purposes of carrying out shoreline stabilization projects utilizing natural materials that support natural habitats and ecosystem functions, 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 2018”.

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

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

4 (1) implementing large- and small-scale, cli-
5 mate-resilient living shoreline projects; and

6 (2) encouraging innovation in the use of natural
7 materials to protect coastal communities, habitats,
8 and natural system functions.

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

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

15 (2) demonstrate to the Administrator that the
16 entity has or will be able to obtain any local, State,
17 or Federal permits or other authorizations necessary
18 to carry out the project.

19 (c) PROJECT SELECTION.—

20 (1) DEVELOPMENT OF CRITERIA.—The Admin-
21 istrator shall select eligible entities to receive grants
22 under this section based on criteria developed by the
23 Administrator, in consultation with the heads of rel-
24 evant offices of the National Oceanic and Atmos-
25 pheric Administration, such as the Office of Habitat

1 Conservation, the Office for Coastal Management,
2 and the Restoration Center.

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

7 (A) the potential of the project to protect
8 the community and maintain the viability of the
9 environment, such as through protection of eco-
10 system functions, environmental benefits, or
11 habitat types, in the area where the project is
12 to be carried out;

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

17 (C) the ecological benefits of the project;
18 and

19 (D) the ability of the entity proposing the
20 project to demonstrate and quantify the poten-
21 tial of the project for the protection of the
22 coastal community where the project is to be
23 carried out, including through—

24 (i) mitigating the effects of erosion;

- 1 (ii) absorbing the impact of coastal
2 storms;
3 (iii) mitigating shoreline flooding;
4 (iv) mitigating the effects of sea level
5 rise;
6 (v) sustaining coastal ecosystems; and
7 (vi) such other forms of coastal pro-
8 tection as the Administrator considers ap-
9 propriate.

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

14 (A) for which the President has declared,
15 during the 10-year period preceding the submis-
16 sion of the proposal for the project under sub-
17 section (b), that a major disaster exists pursu-
18 ant to section 401 of the Robert T. Stafford
19 Disaster Relief and Emergency Assistance Act
20 (42 U.S.C. 5170) because of a hurricane, trop-
21 ical storm, coastal storm, or flooding; or

22 (B) that has a documented history of fre-
23 quent coastal inundation or coastal erosion dur-
24 ing that 10-year period.

25 (4) MINIMUM STANDARDS.—

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

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

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

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

13 (i) shall consult with the Chief of En-
14 gineers and the heads of relevant offices of
15 the National Oceanic and Atmospheric Ad-
16 ministration, such as the Office of Habitat
17 Conservation, the Office for Coastal Man-
18 agement, and the Restoration Center; and

19 (ii) may consult with relevant inter-
20 agency councils, such as the Estuary Habi-
21 tat Restoration Council, and State coastal
22 management agencies.

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

1 (1) to carry out the project; and

2 (2) to monitor and collect data on the successes
3 and deficiencies of the project, in accordance with
4 standards issued by the Administrator under sub-
5 section (f)(2).

6 (e) COST-SHARING.—An eligible entity that receives
7 a grant under this section to carry out a living shoreline
8 project shall provide, from non-Federal sources, not less
9 than 50 percent of the funds toward the total cost, includ-
10 ing administrative costs, of the project.

11 (f) MONITORING AND REPORTING.—

12 (1) IN GENERAL.—The Administrator shall re-
13 quire each eligible entity receiving a grant under this
14 section (or a representative of the entity) to carry
15 out a living shoreline project—

16 (A) to transmit to the Administrator data
17 collected under the project;

18 (B) to monitor the project and to collect
19 data on—

20 (i) the protection provided by the
21 project for the coastal community where
22 the project is carried out; and

23 (ii) the successes and deficiencies of
24 the project in 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) to, not later than December 31, 2022,
6 submit to the Administrator a report on the ef-
7 fectiveness of the project in increasing protec-
8 tion of the coastal community where the project
9 is carried out through living shorelines tech-
10 niques, including—

11 (i) a description of—

12 (I) the project;

13 (II) the activities carried out
14 under the project; and

15 (III) the techniques and mate-
16 rials used in carrying out the project;
17 and

18 (ii) data on the performance of the
19 project in providing protection to that
20 coastal community.

21 (2) STANDARDS.—

22 (A) IN GENERAL.—Not later than 90 days
23 after the date of the enactment of this Act, the
24 Administrator shall, in consultation with the
25 heads of relevant offices of the National Oce-

1 anic and Atmospheric Administration and non-
2 governmental organizations, issue standards for
3 the collection under paragraph (1) and sub-
4 section (d) of data regarding the successes and
5 deficiencies of living shoreline projects for which
6 grants are awarded under this section.

7 (B) REPORTING.—The standards issued
8 under subparagraph (A) shall require an eligi-
9 ble entity receiving a grant under this section
10 to report the data described in that subpara-
11 graph to the Administrator on a regular basis.

12 (g) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated \$20,000,000 to the Ad-
14 ministrator for each of fiscal years 2018 through 2023
15 for purposes of carrying out this section.

16 (h) DEFINITIONS.—In this section:

17 (1) ADMINISTRATOR.—The term “Adminis-
18 trator” means the Administrator of the National
19 Oceanic and Atmospheric Administration.

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

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

23 (B) An organization described in section
24 501(c)(3) of the Internal Revenue Code of 1986

1 that is exempt from taxation under section
2 501(a) of such Code.

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

5 (A) means a project to mitigate the effects
6 of erosion caused by shoreline flooding or
7 innundation, currents, or wave energy, through
8 project design that stabilizes a shoreline by
9 using natural materials to create buffers to ab-
10 sorb the impact of coastal storms, flooding, and
11 wave energy and to prevent or minimize shore-
12 line erosion, that—

13 (i) incorporates as many natural ele-
14 ments as possible, such as native wetlands,
15 submerged aquatic plants, native grasses,
16 shrubs, or trees;

17 (ii) utilizes techniques that incor-
18 porate ecological and coastal engineering
19 principles in shoreline stabilization; and

20 (iii) to the extent possible, maintains
21 or restores existing natural slopes and con-
22 nections between uplands and adjacent
23 wetlands or surface waters; and

24 (B) may include the use of—

1 (i) natural elements, such as sand,
2 wetland plants, logs, oysters or other shell-
3 fish, submerged aquatic vegetation, native
4 grasses, shrubs, trees, or coir fiber logs;

5 (ii) project elements that provide ben-
6 efits to coastal ecosystems in addition to
7 shoreline protection; and

8 (iii) structural materials, such as
9 stone, concrete, wood, vinyl, oyster domes,
10 or other approved engineered structures.

11 (4) STATE.—The term “State” means each of
12 the several States, the District of Columbia, the
13 Commonwealth of Puerto Rico, the United States
14 Virgin Islands, Guam, American Samoa, the Com-
15 monwealth of the Northern Mariana Islands, and
16 each federally recognized Indian Tribe.