

115TH CONGRESS
1ST SESSION

H. R. 4525

To direct the Administrator of the National Oceanic and Atmospheric Administration to make grants to States and local governments and nongovernmental organizations for purposes of carrying out shoreline stabilization projects utilizing natural materials.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 1, 2017

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

A BILL

To direct the Administrator of the National Oceanic and Atmospheric Administration to make grants to States and local governments and nongovernmental organizations for purposes of carrying out shoreline stabilization projects utilizing natural materials.

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 2017”.

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

2 (a) ESTABLISHMENT.—The Administrator of the Na-
3 tional Oceanic and Atmospheric Administration shall
4 make grants to eligible entities for purposes of—

5 (1) carrying out large- and small-scale, climate-
6 resilient living shoreline projects; and

7 (2) encouraging innovation in the use of natural
8 materials to protect coastal communities.

9 (b) PROJECT AND SELECTION.—

10 (1) IN GENERAL.—To be eligible to receive a
11 grant under this section, an eligible entity shall sub-
12 mit to the Administrator a proposed living shoreline
13 project, including monitoring and data collection
14 with respect to the project.

15 (2) SELECTION.—

16 (A) IN GENERAL.—The Administrator
17 shall select recipients based on criteria to be
18 prescribed by the Administrator in consultation
19 with relevant National Oceanic and Atmos-
20 pheric Administration offices, such as the Office
21 of Habitat Conservation, the Office for Coastal
22 Management, and the Restoration Center, and
23 taking into account the potential of proposed
24 projects submitted under this subsection to pro-
25 tect communities and maintain the viability of

1 the environment in areas where such proposed
2 projects are to be carried out.

3 (B) PRIORITY.—In selecting recipients the
4 Administrator shall give priority consideration
5 to a proposed project to be conducted in an
6 area for which the President has declared, with-
7 in the 10-year period preceding the submission
8 of a proposed project, that a major disaster ex-
9 ists pursuant to section 401 of the Robert T.
10 Stafford Disaster Relief and Emergency Assist-
11 ance Act (42 U.S.C. 5170) due to a hurricane,
12 tropical storm, coastal storm, or flooding.

13 (3) MINIMUM LEVEL OF PROTECTION.—

14 (A) IN GENERAL.—The Administrator
15 shall select proposed projects for grants under
16 this section that—

17 (i) are primarily focused on providing
18 protection for a coastal community; and

19 (ii) demonstrate and quantify the abil-
20 ity of the project to meet a minimal level
21 of such protection.

22 (B) PROTECTION DEFINED.—In this para-
23 graph the term “protection” includes—

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; and

6 (v) other forms of protection as deter-
7 mined by the Administrator.

8 (4) COMMUNITY PROTECTION STANDARDS.—

9 (A) IN GENERAL.—The Administrator—

10 (i) shall make the determination
11 under paragraph (3) under standards es-
12 tablished by the Administrator in consulta-
13 tion with the Corps of Engineers and rel-
14 evant National Oceanic and Atmospheric
15 Administration offices, such as the Office
16 of Habitat Conservation, the Office for
17 Coastal Management, and the Restoration
18 Center; and

19 (ii) in establishing such standards,
20 may consult with relevant interagency
21 councils, such as the Estuary Habitat Res-
22 toration Council.

23 (B) CONSIDERATIONS.—Such standards
24 shall take into account historic flooding and
25 projected flooding, climate change, erosion, the

1 value of properties in the community, and eco-
2 logical benefits of a proposed project.

3 (c) USE OF FUNDS.—Grants made under this section
4 may be used by recipients only to—

5 (1) carry out living shoreline projects; and

6 (2) monitor and collect data on the success and
7 deficiencies of projects, in accordance with standards
8 issued by the Administrator under subsection (e)(2).

9 (d) COST-SHARING.—An eligible entity that receives
10 a grant under this section shall provide, from non-Federal
11 sources, not less than 50 percent of the funds towards the
12 total cost, including administrative costs, of each living
13 shoreline project funded by such grant.

14 (e) MONITORING AND REPORT.—

15 (1) IN GENERAL.—The Administrator shall re-
16 quire each recipient of a grant under this section (or
17 their representative) to—

18 (A) transmit to the Administrator data col-
19 lected with the grant;

20 (B) monitor approved projects conducted
21 with grants under this section and collect data
22 on the protection provided by such projects and
23 the success and deficiencies of such projects in
24 providing such protection;

1 (C) make such data available to the public
2 through the website of the National Oceanic
3 and Atmospheric Administration; and

4 (D) by not later than December 31, 2022,
5 publish a report on the effectiveness of the pro-
6 gram under this section in increasing protection
7 of coastal communities through living shorelines
8 techniques, including—

9 (i) descriptions of—

10 (I) the projects that were award-
11 ed grants;

12 (II) the construction carried out
13 under such projects; and

14 (III) what techniques and mate-
15 rials were used in such projects; and

16 (ii) data on the performance of such
17 projects in providing such protection.

18 (2) STANDARDS.—

19 (A) IN GENERAL.—Not later than 90 days
20 after the date of the enactment of this Act the
21 Administrator shall, in consultation with rel-
22 evant offices of the National Oceanic and At-
23 mospheric Administration and nongovernmental
24 organizations, issue standards for the collection
25 under subsection (c) and this subsection of data

1 regarding the success and deficiencies of
2 projects conducted with grants under this sec-
3 tion.

4 (B) REPORTING.—The standards shall re-
5 quire reporting of such data to the Administra-
6 tion on a regular basis.

7 (f) DEFINITIONS.—For purposes of this section:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the National
10 Oceanic and Atmospheric Administration.

11 (2) ELIGIBLE ENTITY.—The term “eligible enti-
12 ty” means each of the following:

13 (A) A State or a unit of general local gov-
14 ernment in a State.

15 (B) Nongovernmental organizations that
16 are described in section 501(c)(3) of the Inter-
17 nal Revenue Code of 1986 and exempt from tax
18 under section 501(a) of such Code.

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

21 (A) means a project to mitigate the effects
22 of erosion caused by shoreline flooding or
23 innundation, currents, and wave energy,
24 through project design that stabilizes a shore-
25 line by using natural materials to create buffers

1 to absorb the impact of coastal storms, flood-
2 ing, and wave energy and to prevent or mini-
3 mize (or both) shoreline erosion, that—

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

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

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

15 (B) may include, but not be limited to, the
16 use of—

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

22 (ii) structural materials, such as
23 stone, concrete, wood, vinyl, oyster domes,
24 or other approved engineered structures.

1 (4) STATE.—The term “State” means each of
2 the several States, the Commonwealth of Puerto
3 Rico, the United States Virgin Islands, Guam,
4 American Samoa, the Commonwealth of the North-
5 ern Mariana Islands, and each Federally recognized
6 Indian Tribe.

7 (g) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated \$20,000,000 to the Ad-
9 ministrators for each of fiscal years 2018 through 2023
10 for purposes of carrying out this section.

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