

Calendar No. 638

115TH CONGRESS
2D SESSION

S. 3265

[Report No. 115–348]

To require the Secretary of Commerce to undertake certain activities to support waterfront community revitalization and resiliency, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 25, 2018

Ms. BALDWIN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

NOVEMBER 13, 2018

Reported by Mr. THUNE, without amendment

A BILL

To require the Secretary of Commerce to undertake certain activities to support waterfront community revitalization and resiliency, 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 “Waterfront Community
5 Revitalization and Resiliency Act of 2018”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) many communities in the United States
4 were developed along waterfronts;

5 (2) water proximity and access is a recognized
6 economic driver;

7 (3) water shortages faced by parts of the
8 United States underscore the need to manage water
9 sustainably and restore water quality;

10 (4) interest in waterfront revitalization and de-
11 velopment has grown, while the circumstances driv-
12 ing waterfront development have changed;

13 (5) waterfront communities face challenges to
14 revitalizing and leveraging water resources, such as
15 outdated development patterns, deteriorated water
16 infrastructure, industrial contamination of soil and
17 sediment, and lack of public access to the water-
18 front, which are often compounded by overarching
19 economic distress in the community;

20 (6) public investment in waterfront community
21 development and infrastructure should reflect chang-
22 ing ecosystem conditions and extreme weather pro-
23 jections to ensure strategic, resilient investments;

24 (7) individual communities have unique prior-
25 ities, concerns, and opportunities related to water-
26 front restoration and community revitalization; and

1 (8) the Secretary of Commerce has unique ex-
2 pertise in Great Lakes and ocean coastal resiliency
3 and economic development.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) INDIAN TRIBE.—The term “Indian tribe”
7 has the meaning given the term in section 4 of the
8 Indian Self-Determination and Education Assistance
9 Act (25 U.S.C. 5304).

10 (2) RESILIENT WATERFRONT COMMUNITY.—
11 The term “resilient waterfront community” means a
12 unit of local government or Indian tribe that is—

13 (A)(i) bound in part by—

14 (I) the Great Lakes; or

15 (II) the ocean; or

16 (ii) bordered or traversed by a riverfront or
17 an inland lake;

18 (B) self-nominated as a resilient water-
19 front community; and

20 (C) designated by the Secretary as a resil-
21 ient waterfront community on the basis of the
22 development by the community of an eligible re-
23 silient waterfront community plan, with eligi-
24 bility determined by the Secretary after consid-

1 ering the requirements of subsections (b) and
2 (c) of section 4.

3 (3) SECRETARY.—The term “Secretary” means
4 the Secretary of Commerce.

5 **SEC. 4. RESILIENT WATERFRONT COMMUNITIES DESIGNA-**
6 **TION.**

7 (a) DESIGNATION.—

8 (1) IN GENERAL.—Subject to paragraph (2),
9 the Secretary shall designate resilient waterfront
10 communities based on the extent to which a commu-
11 nity meets the criteria described in subsection (b).

12 (2) COLLABORATION.—For inland lake and
13 riverfront communities, in making the designation
14 described in paragraph (1), the Secretary shall work
15 with the Administrator of the Environmental Protec-
16 tion Agency and the heads of other Federal agen-
17 cies, as the Secretary determines to be necessary.

18 (b) RESILIENT WATERFRONT COMMUNITY PLAN.—
19 A resilient waterfront community plan is a community-
20 driven vision and plan that is developed—

21 (1) voluntarily at the discretion of the commu-
22 nity—

23 (A) to respond to local needs; or

24 (B) to take advantage of new water-ori-
25 ented opportunities;

1 (2) with the leadership of the relevant govern-
 2 mental entity or Indian tribe with the active partici-
 3 pation of—

4 (A) community residents;

5 (B) utilities; and

6 (C) interested business and nongovern-
 7 mental stakeholders;

8 (3) as a new document or by amending or com-
 9 piling community planning documents, as necessary,
 10 at the discretion of the Secretary;

11 (4) in consideration of all applicable State and
 12 Federal coastal zone management planning require-
 13 ments;

14 (5) to address economic competitive strengths;
 15 and

16 (6) to complement and incorporate the objec-
 17 tives and recommendations of applicable regional
 18 economic plans.

19 (c) COMPONENTS OF A RESILIENT WATERFRONT
 20 COMMUNITY PLAN.—A resilient waterfront community
 21 plan shall—

22 (1) consider all, or a portion of, the waterfront
 23 area and adjacent land and water to which the wa-
 24 terfront is connected ecologically, economically, or
 25 through local governmental or tribal boundaries;

1 (2) describe a vision and plan for the commu-
2 nity to develop as a vital and resilient waterfront
3 community, integrating consideration of—

4 (A) the economic opportunities resulting
5 from water proximity and access, including—

6 (i) water-dependent industries;

7 (ii) water-oriented commerce; and

8 (iii) recreation and tourism;

9 (B) the community relationship to the
10 water, including—

11 (i) quality of life;

12 (ii) public health;

13 (iii) community heritage; and

14 (iv) public access, particularly in areas
15 in which publicly funded ecosystem res-
16 toration is underway;

17 (C) ecosystem challenges and projections,
18 including unresolved and emerging impacts to
19 the health and safety of the waterfront and pro-
20 jections for extreme weather and water condi-
21 tions;

22 (D) infrastructure needs and opportunities,
23 to facilitate strategic and sustainable capital in-
24 vestments in—

25 (i) docks, piers, and harbor facilities;

1 (ii) protection against storm surges,
2 waves, and flooding;

3 (iii) stormwater, sanitary sewer, and
4 drinking water systems, including green in-
5 frastructure and opportunities to control
6 nonpoint source runoff; and

7 (iv) other community facilities and
8 private development; and

9 (E) such other factors as are determined
10 by the Secretary to align with metrics or indica-
11 tors for resiliency, considering environmental
12 and economic changes.

13 (d) DURATION.—After the designation of a commu-
14 nity as a resilient waterfront community under subsection
15 (a), a resilient waterfront community plan developed in ac-
16 cordance with subsections (b) and (c) may be—

17 (1) effective for the 10-year period beginning on
18 the date on which the Secretary approves the resil-
19 ient waterfront community plan; and

20 (2) updated by the resilient waterfront commu-
21 nity and submitted to the Secretary for the approval
22 of the Secretary before the expiration of the 10-year
23 period.

1 **SEC. 5. RESILIENT WATERFRONT COMMUNITIES NETWORK.**

2 (a) IN GENERAL.—The Secretary shall develop and
3 maintain a resilient waterfront communities network to fa-
4 cilitate the sharing of best practices among waterfront
5 communities.

6 (b) PUBLIC RECOGNITION.—In consultation with
7 designated resilient waterfront communities, the Secretary
8 shall provide formal public recognition of the designated
9 resilient waterfront communities to promote tourism, in-
10 vestment, or other benefits.

11 **SEC. 6. WATERFRONT COMMUNITY REVITALIZATION AC-**
12 **TIVITIES.**

13 (a) IN GENERAL.—To support a community in
14 leveraging other sources of public and private investment,
15 the Secretary may use existing authority to support—

16 (1) the development of a resilient waterfront
17 community plan, including planning and feasibility
18 analysis; and

19 (2) the implementation of strategic components
20 of a resilient waterfront community plan after the
21 resilient waterfront community plan has been ap-
22 proved by the Secretary.

23 (b) NON-FEDERAL PARTNERS.—

24 (1) LEAD NON-FEDERAL PARTNERS.—A unit of
25 local government or an Indian tribe shall be eligible

to be considered as a lead non-Federal partner if the unit of local government or Indian tribe is—

(A) bound in part by—

(i) the Great Lakes; or

(ii) the ocean; or

(B) bordered or traversed by a riverfront or an inland lake.

(2) NON-FEDERAL IMPLEMENTATION PARTNERS.—Subject to subsection (d)(3), a lead non-Federal partner may contract with an eligible non-Federal implementation partner for implementation activities described in subsection (d)(2).

(c) PLANNING ACTIVITIES.—

(1) IN GENERAL.—Technical assistance may be provided for the development of a resilient waterfront community plan.

(2) ELIGIBLE PLANNING ACTIVITIES.—In developing a resilient waterfront community plan, a resilient waterfront community may—

(A) conduct community visioning and outreach;

(B) identify challenges and opportunities;

(C) develop strategies and solutions;

(D) prepare plan materials, including text, maps, design, and preliminary engineering;

1 (E) collaborate across local agencies and
2 work with regional, State, and Federal agencies
3 to identify, understand, and develop responses
4 to changing ecosystem and economic circum-
5 stances; and

6 (F) conduct other planning activities that
7 the Secretary considers necessary for the devel-
8 opment of a resilient waterfront community
9 plan that responds to revitalization and resil-
10 iency issues confronted by the resilient water-
11 front community.

12 (d) IMPLEMENTATION ACTIVITIES.—

13 (1) IN GENERAL.—Implementation assistance
14 may be provided—

15 (A) to initiate implementation of a resilient
16 waterfront community plan and facilitate high-
17 quality development, including leveraging local
18 and private sector investment; and

19 (B) to address strategic community prior-
20 ities that are identified in the resilient water-
21 front community plan.

22 (2) ASSISTANCE.—Assistance may be provided
23 to advance implementation activities, such as—

24 (A) site preparation;

25 (B) environmental review;

1 (C) engineering and design;

2 (D) acquiring easements or land for uses
3 such as green infrastructure, public amenities,
4 or assembling development sites;

5 (E) updates to zoning codes;

6 (F) construction of—

7 (i) public waterfront or boating amen-
8 ities; and

9 (ii) public spaces;

10 (G) infrastructure upgrades to improve
11 coastal resiliency;

12 (H) economic and community development
13 marketing and outreach; and

14 (I) other activities at the discretion of the
15 Secretary.

16 (3) IMPLEMENTATION PARTNERS.—

17 (A) IN GENERAL.—To assist in the com-
18 pletion of implementation activities, a lead non-
19 Federal partner may contract or otherwise col-
20 laborate with a non-Federal implementation
21 partner, including—

22 (i) a nonprofit organization;

23 (ii) a public utility;

24 (iii) a private entity;

25 (iv) an institution of higher education;

1 (v) a State government; or

2 (vi) a regional organization.

3 (B) LEAD NON-FEDERAL PARTNER RE-
4 SPONSIBILITY.—The lead non-Federal partner
5 shall ensure that assistance and resources re-
6 ceived by the lead non-Federal partner to ad-
7 vance the resilient waterfront community plan
8 of the lead non-Federal partner and for related
9 activities are used for the purposes of, and in
10 a manner consistent with, any initiative ad-
11 vanced by the Secretary for the purpose of pro-
12 moting waterfront community revitalization and
13 resiliency.

14 (e) USE OF NON-FEDERAL RESOURCES.—

15 (1) IN GENERAL.—A resilient waterfront com-
16 munity receiving assistance under this section shall
17 provide non-Federal funds toward completion of
18 planning or implementation activities.

19 (2) NON-FEDERAL RESOURCES.—Non-Federal
20 funds may be provided by—

21 (A) one or more units of local or tribal
22 government;

23 (B) a State government;

24 (C) a nonprofit organization;

25 (D) a private entity;

- 1 (E) a foundation;
- 2 (F) a public utility; or
- 3 (G) a regional organization.

4 **SEC. 7. INTERAGENCY AWARENESS.**

5 At regular intervals, the Secretary shall provide a list
6 of resilient waterfront communities to the applicable
7 States and the heads of national and regional offices of
8 interested Federal agencies, including at a minimum—

- 9 (1) the Secretary of Transportation;
- 10 (2) the Secretary of Agriculture;
- 11 (3) the Administrator of the Environmental
12 Protection Agency;
- 13 (4) the Administrator of the Federal Emer-
14 gency Management Agency;
- 15 (5) the Assistant Secretary of the Army for
16 Civil Works;
- 17 (6) the Secretary of the Interior; and
- 18 (7) the Secretary of Housing and Urban Devel-
19 opment.

20 **SEC. 8. NO NEW REGULATORY AUTHORITY.**

21 Nothing in this Act may be construed as establishing
22 new authority for any Federal agency.

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