

Summary of Coastal Appropriations and Legislative Provisions in Senate Infrastructure Bill (H.R. 3684 As Amended)

Overview

The information in this document is a summary of provisions related to coastal investments in H.R. 3684 as amended and passed by the Senate on August 10, 2021.

NOAA

For all NOAA appropriations:

- The NOAA level appropriations are divided over five years (\$557.25M in FY22, \$515.584M in FY23, \$515.583M in FY24, \$515.583 in FY25, and \$507M in FY26). One program under the section has varying allocations each year, the remainder are divided have equal appropriations for each of the five years.
- All NOAA funds are two-year funds (must be obligated within two years of becoming available).
- NOAA is required to develop and submit to Congress detailed spend plans.

Coastal Zone Management:

- \$207M to be allocated over five years (FY22-FY26)
- The amounts are to be allocated under Section 310 Technical Assistance and Section 307a CELCP of the CZMA.
 - The language removes (“notwithstanding”) the requirement for 15% of CELCP funds to be for acquisitions benefiting NERRS.
 - The division between these two is not specified in the bill and will be left to NOAA to decide allocation.

National Estuarine Research Reserves

- \$77M to be allocated over five years (FY22-FY26)
- To be allocated under Section 315 NERRS and Section 307 CELCP of the CZMA.
 - The language here does not remove the provision for 15% funds to be used for acquisition benefiting NERRS and would be safe to assume the intention is that funds allocated under this section would be 100% for NERRS.
 - The division between these two is not specified in the bill and will be left to NOAA to decide allocation.

Regional Ocean Partnerships

- \$56M to be allocated over five years (FY22-FY26)
- Generally, for the establishment of ROPs to coordinate the interstate and intertribal management of ocean and coastal resources and to implement priority actions.
- Funding level approximately mirrors authorization level in (as of yet, unpassed) ROP Act - \$10 million per year, plus \$1 million per year for tribes.

National Oceans and Coastal Security Fund (National Coastal Resilience Fund)

- \$492M to be allocated over five years (FY22-FY26)
- Only for the competitive grants under Section 906(c), not for the allocation to states under 906(b)

Habitat Restoration

- \$492M to be allocated over five years (FY22-FY26)
- Summary document allocated this funding to NOAA Fisheries’ Community-Based Habitat Restoration Program

Marine Debris

- \$150M to be allocated over five years (FY22-FY26)
 - For marine debris assessment, prevention, mitigation, and removal – under NOAA’s Marine Debris Program
- \$50M for National Sea Grant Program marine debris prevention and removal to be allocated over five years (FY22-FY26)

Ocean Observing

- \$100M for coastal, ocean, and Great Lake observing systems over five years (FY22-FY26)
 - Assumed to be going to IOOS not international ocean observing under Global Ocean Observing Program or Global Ocean Monitoring and Observation Program
- \$50M in PAC for coastal, ocean, and Great Lakes observing systems over five years (FY22-FY26)
 - Assumed to be going to IOOS not international ocean observing under Global Ocean Observing Program or Global Ocean Monitoring and Observation Program

Restoring Fish Passages

- \$400M for restoring fish passage over five years (FY22-FY26)
 - Assumed to be going through NOAA Fisheries Habitat Conservation
 - 15% reserved for Indian Tribes

NOAA Mapping, Observations, and Modeling

- \$492M to be allocated over five years (FY22-26)
- For coastal and inland flooding and inundation mapping and forecasting and next-generation water modeling activities
 - Summary noted that this would include Coastal Mapping Program, nextGen National Water Model Framework, Atlas 14 & Probable Maximum Precipitation, and flood inundation mapping

EPA

For all EPA appropriations unless further specified:

- EPA level annual appropriations are specified but the amount per program is not broken up by year in the bill. This may be provided for in report language or left the EPA to decide.
- All EPA funds are available until expended.

EPA Great Lakes Restoration Initiative

- \$1B to be allocated over five years (FY22-FY26)

EPA Clean Water State Revolving Funds

- \$11.713B to be allocated over five years (FY22-26), increasing allocations per year (\$1.902B, \$2.202B, \$2.403B, \$2.603B, \$2.603B)

EPA Geographic Programs

- \$238M for Chesapeake Bay to be allocated over five years (FY22-FY26)
- \$24M for San Francisco Bay to be allocated over five years (FY22-FY26)
- \$89M for Puget Sound to be allocated over five years (FY22-FY26)
- \$106M for Long Island Sound to be allocated over five years (FY22-FY26)
- \$53M for Gulf of Mexico to be allocated over five years (FY22-FY26)
- \$16M for South Florida to be allocated over five years (FY22-FY26)

- \$40M for Lake Champlain to be allocated over five years (FY22-FY26)
- \$53M for Lake Pontchartrain to be allocated over five years (FY22-FY26)
- \$15M for Southern New England Estuaries to be allocated over five years (FY22-FY26)
- \$79M for Columbia River Basin to be allocated over five years (FY22-FY26)

EPA National Estuaries Program

- \$132M to be allocated at \$26.4M per year over five years (FY22-FY26)
- Allows the EPA to reduce the requirements for non-federal match

FEMA

FEMA Pre-disaster Hazard Mitigation Assistance (Section 203(i) Stafford Act, BRIC)

- \$1B to be allocated at \$200M per year over five years (FY22-FY26)
- To remain available until expended

FEMA Hazard Mitigation Revolving Loan Fund (Section 205 Stafford Act)

- \$500M to be allocated at \$100M per year over five years (FY22-FY26)
- To remain available until expended

FEMA National Flood Insurance Fund

- \$3.5B to be allocated at \$700M per year over five years (FY22-FY26)
- To remain available until expended

USACE

For all USACE appropriations unless further specified:

- No annual appropriations, the full amount is immediately available and is to remain available until expended.

Army Corps of Engineers

- Investigations
 - \$75M for completion, or initiation and completion of studies which are authorized prior to enactment of the bill
 - \$30M of which for WRDA 2020 Section 118 projects for rural and economically disadvantaged communities
 - Must submit a detailed spend plan
 - \$30M for planning assistance to States and Tribes (WRDA 1974 Section 22 as amended)
 - \$45M for flood hazard studies under the Flood Control Act
- Construction
 - New starts are authorized with funding provided in the bill
 - Must submit a detailed spend plan
 - \$200M for water-related environmental infrastructure assistance
 - \$2.55B for coastal storm risk management, hurricane and storm damage reduction projects, and related activities targeting States that have been impacted by federally declared disasters over the last six years
 - No less than \$1B shall be used for multi-purpose projects or programs that include flood risk management benefits as a purpose
 - \$200M shall be used for shore protection projects allocated at \$100M for FY22, \$50M for FY23, and \$50M for FY24 to remain available until expended.

- \$465 million on a mix of water project groupings (streambank and shoreline protection, sediment management, small flood control projects, modifications of structures for environmental quality, etc.)
 - Of which \$115M shall be used for aquatic (and estuarine) ecosystem restoration to restore fish and wildlife passageways (WRDA 1996 Section 206; CAP 206)
- \$1.5B for major rehabilitation, construction, and related activities for rivers and harbors
- \$1.9B for aquatic ecosystem restoration projects
 - \$1B of which shall be used for multi-purpose projects or programs
- Operations and Maintenance
 - \$4B allocated at \$2B in FY22, \$1B in FY23, and \$1B in FY24 to remain available until expended
 - \$626M of which is to be obligated within 90 days of enactment for dredge of Federal navigation projects in response to, and repair damages of Corps federal projects cause by, natural disasters
 - Must submit a detailed spend plan
- Flood Control and Coastal Emergencies
 - \$251M to remain available until expended to restore authorized shore protection projects to the full project profile at full Federal expense where it meets the emergency requirements set out by Congress.

Legislative Provisions of Interest

- Section 40307 amends the Outer Continental Shelf Lands Act to authorize leases, easements, and rights of way for the injection of carbon dioxide into sub-seabed geologic formulations for the purpose of long-term carbon sequestration.
- Section 11405 amends Chapter 1 of Title 23, U.S.C. (Federal-Aid Highways) to establish a Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) program which includes new “At-Risk Coastal Infrastructure Grants” to states, tribes, and other relevant entities to strengthen, stabilize, harden, elevate, relocate, or otherwise enhance the resilience of highway and non-rail infrastructure (including bridges, roads, pedestrian walkways, bike lanes, culverts, and tide gates) that is subject to increased risks of weather events, natural disasters, or changing conditions including coastal flooding, coastal erosion, wave action, storm surge, and sea level rise