

SUPPORT INSTALLATION OF LIVING SHORELINES

America’s coastal communities face persistent challenges due to the dynamic forces at the water’s edge. Congress must address coastal erosion in order to protect property, the environment, and valuable fisheries.

BACKGROUND

The loss of valuable coastal property and critical wetlands occurs at an alarming rate. At 3 million acres (40 percent of total wetlands in the United States), Louisiana's wetlands “are lost at the rate about 75 square kilometers annually.”¹ The annual losses amount to an area about 127 percent of Manhattan Island in New York. Every year, the United States loses about \$500 million worth of coastal structures due to erosion.²

Currently, about 14 percent of America’s shoreline is “armored” with fixed structures such as seawalls, jettis, and groins.³ While such structures may protect valuable property for some time, conventional methods of armoring shorelines may actually accelerate erosion and loss of beaches adjacent to the armoring.⁴ As such, the practice may directly impact property rights of other private landowners as well as enjoyment of public resources such as beaches.

Living shorelines provide a safeguard against coastal erosion without many of the negative side effects of coastal armoring. According to the National Oceanic and Atmospheric Administration (NOAA), “Living shorelines can reduce damage and erosion while simultaneously providing ecosystem services to society, including food production, nutrient and sediment removal, and water quality improvement.”⁵

A living shoreline “incorporates natural vegetation or other living, natural soft elements alone or in combination with some type of harder shoreline structure, like oyster reefs, rock sills, or anchored large wood for added stability.”⁶ Most significantly, living shorelines retain the critical connection between the water and shore where many traditional coastal armoring techniques do not.

NOAA currently funds a wide range of living shoreline projects around the nation.⁷ Coastal states such as Alabama have used RESTORE Act⁸ funds to lead the way on developing living shorelines.⁹

Unfortunately, adoption of living shorelines as techniques to combat coastal erosion is relatively limited due to complex, intergovernmental regulations and permitting requirements.¹⁰ For example, the U.S. Army Corps of Engineers generally has permitting jurisdiction of navigable waters up to the mean high water line.¹¹ State and local governments may also impose requirements. The numerous regulatory layers favor traditional coastal armoring even where more natural options may be most appropriate.

Quick Take

Coastal erosion imposes significant costs on Americans. Conventional efforts to armor shorelines frequently harm adjacent properties and fisheries.

Streamlining permitting, updating regulations, and incentivizing living shorelines protects private property, sensitive environmental areas, and valuable fisheries.

CONSTITUTIONAL AUTHORITY AND REPUBLICAN PRINCIPLES

Congress has the constitutional authority to regulate waters related to interstate and foreign commerce¹² and manage federal lands.¹³ Policymakers should provide strong incentives to conserve America's natural resources and create efficient regulatory systems that support rather than hinder evidence-based conservation techniques.

POLICY SOLUTIONS

Congress should consider opportunities to streamline permitting and regulatory compliance for the installation of living shorelines. Given the potential revenue loss association with disappearing public beaches and critical habitat for economically significant fisheries, Congress should also consider tax incentives to support the adoption of living shorelines.

Additionally, Congress should ensure that living shorelines are appropriately weighted in the National Flood Insurance Program's Community Rating System,¹⁴ a voluntary floodplain management program which has the potential to significantly reduce flood insurance premiums for consumers.

Please contact Cameron Smith or Kelsey Wall with the Republican Policy Committee at (202) 225-4921 with any questions.

¹ United States Geological Survey, Coastal and Marine Geology Program, *USGS Fact Sheet: Louisiana Coastal Wetlands: A Resource at Risk*, <https://pubs.usgs.gov/fs/la-wetlands/>.

² Priya Shukla, *Nearly 75% Of Coastal States Aren't Prepared For Sea Level Rise*, Forbes, Dec. 27, 2018, <https://www.forbes.com/sites/priyashukla/2018/12/27/nearly-75-of-coastal-states-arent-prepared-for-sea-level-rise/#4b5d0aaa3205>.

³ Rachel K. Gittman, *Engineering away our natural defenses: an analysis of shoreline hardening in the US*, 13 *Frontiers in Ecology and the Environment* 301-307 (August 1, 2015).

⁴ United States Geological Survey, *Puget Sound Shorelines and the Impacts of Armoring—Proceedings of a State of the Science Workshop* (May 2009), <https://pubs.usgs.gov/sir/2010/5254/pdf/sir20105254.pdf>.

⁵ National Oceanic and Atmospheric Administration, *Habitat Blueprint*, <https://www.habitatblueprint.noaa.gov/living-shorelines/>

⁶ *Id.*

⁷ National Oceanic and Atmospheric Administration, *NOAA's Restoration Center Funded Living Shorelines Projects*, <https://www.habitatblueprint.noaa.gov/storymap/ls/index.html/>.

⁸ 33 U.S.C. § 1321(t).

⁹ Deepwater Horizon Natural Resource Damage Assessment, *Alabama Living Shorelines Projects: Shell Belt and Coden Belt Roads Living Shoreline Point aux Pins Living Shoreline* (2015), <https://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Alabama-Living-Shorelines-5-19-15-2.pdf>.

¹⁰ Jennifer E.D. O'Donnell, *Regulatory Issues for Implementing Living Shorelines*, 38 *National Wetlands Newsletter* 19-24 (Mar.-Apr. 2016), <https://pdfs.semanticscholar.org/f41c/08d5225118d34e8e42fa07a1241000d544a1.pdf>

¹¹ *Id.*

¹² U.S. Const. art. I, § 8, cl. 3.

¹³ U.S. Const. art. IV, § 3, cl. 2.

¹⁴ Federal Emergency Management Agency, *National Flood Insurance Community Rating System* (2019), <https://www.fema.gov/national-flood-insurance-program-community-rating-system>.