

116TH CONGRESS  
1ST SESSION

# H. R. 3596

To amend the Coastal Zone Management Act of 1972 to establish a Working Waterfront Task Force and a working waterfronts grant program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2019

Ms. PINGREE (for herself, Mr. WITTMAN, Mr. HUFFMAN, Mr. ROUDA, Mr. CARBAJAL, and Mr. KEATING) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To amend the Coastal Zone Management Act of 1972 to establish a Working Waterfront Task Force and a working waterfronts grant program, 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 “Keep America’s Water-  
5 fronts Working Act”.

6 **SEC. 2. WORKING WATERFRONTS GRANT PROGRAM.**

7 The Coastal Zone Management Act of 1972 (16  
8 U.S.C. 1451 et seq.) is amended by adding at the end  
9 the following:

1 **“SEC. 320. WORKING WATERFRONTS GRANT PROGRAM.**

2 “(a) FINDINGS AND PURPOSE.—

3 “(1) FINDINGS.—The Congress finds the fol-  
4 lowing:

5 “(A) Water-dependent commercial activi-  
6 ties are the economic and cultural heart of  
7 many coastal communities. These activities in-  
8 clude commercial fishing, recreational fishing  
9 businesses, aquaculture, boatbuilding, transpor-  
10 tation, and many other water-dependent busi-  
11 nesses.

12 “(B) Water-dependent commercial activi-  
13 ties depend on coastal access in the form of—

14 “(i) docks, wharfs, boat lifts, wet and  
15 dry marinas, and boat ramps;

16 “(ii) boat hauling, repair, and con-  
17 struction facilities;

18 “(iii) commercial fishing facilities; and

19 “(iv) other support structures on,  
20 over, or adjacent to navigable bodies of  
21 water.

22 “(C) The coastal zone of the United States  
23 is experiencing rising property values and taxes,  
24 and related development pressure, as more peo-  
25 ple move to the coastal zone and as coastal

1 areas experience a demographic shift favoring  
2 wealthier individuals.

3 “(D) The coastal zone is facing numerous  
4 challenges due to extreme weather events, sea  
5 level rise, and other changes.

6 “(E) Privately owned access areas for  
7 water-dependent commercial activity in many  
8 States are under increasing threat from private  
9 residential development and other conversion.  
10 Such development and investment is often not  
11 conducted in ways that accounts for resilience.

12 “(F) Loss of access for water-dependent  
13 commercial activity would have economically  
14 and culturally devastating consequences for  
15 many coastal communities.

16 “(2) PURPOSE.—The purpose of this section is  
17 to preserve and protect coastal access for persons  
18 engaged in water-dependent commercial activities,  
19 including commercial fishing, recreational fishing  
20 businesses, aquaculture, boatbuilding, or other  
21 water-dependent coastal-related businesses.

22 “(b) WORKING WATERFRONT TASK FORCE.—

23 “(1) ESTABLISHMENT AND FUNCTIONS.—The  
24 Secretary of Commerce shall establish a task force  
25 to work directly with coastal States, user groups,

1 and coastal stakeholders to identify and address crit-  
2 ical needs with respect to working waterfronts.

3 “(2) MEMBERSHIP.—The members of the task  
4 force shall be appointed by the Secretary of Com-  
5 merce, and shall include—

6 “(A) experts in the unique economic, so-  
7 cial, cultural, ecological, geographic, and re-  
8 source concerns of working waterfronts; and

9 “(B) representatives from the National  
10 Oceanic and Atmospheric Administration’s Of-  
11 fice of Coastal Management, the United States  
12 Fish and Wildlife Service, the Department of  
13 Agriculture, the Environmental Protection  
14 Agency, the United States Geological Survey,  
15 the Navy, the National Marine Fisheries Serv-  
16 ice, the Economic Development Agency, and  
17 such other Federal agencies as the Secretary  
18 considers appropriate.

19 “(3) FUNCTIONS.—The task force shall—

20 “(A) identify and prioritize critical needs  
21 with respect to working waterfronts in States  
22 that have a management program approved by  
23 the Secretary of Commerce pursuant to section  
24 306, in the areas of—

1 “(i) economic and cultural importance  
2 of working waterfronts to communities;

3 “(ii) changing environments and  
4 threats working waterfronts face from en-  
5 vironment changes, trade barriers, sea level  
6 rise, extreme weather events, ocean acidifi-  
7 cation, and harmful algal blooms; and

8 “(iii) identifying working waterfronts  
9 and highlighting them within communities;

10 “(B) outline options, in coordination with  
11 coastal States and local stakeholders, to address  
12 such critical needs, including adaptation and  
13 mitigation where applicable;

14 “(C) identify Federal agencies that are re-  
15 sponsible under existing law for addressing such  
16 critical needs; and

17 “(D) recommend Federal agencies best  
18 suited to address any critical needs for which  
19 no agency is responsible under existing law.

20 “(4) INFORMATION TO BE CONSIDERED.—In  
21 identifying and prioritizing policy gaps pursuant to  
22 paragraph (3), the task force shall consider the find-  
23 ings and recommendations contained in section VI of  
24 the report entitled ‘The Sustainable Working Water-  
25 fronts Toolkit: Final Report’, dated March 2013.

1           “(5) REPORT.—Not later than 18 months after  
2           the date of the enactment of this section, the task  
3           force shall submit a report to Congress on its find-  
4           ings.

5           “(6) IMPLEMENTATION.—The head of each  
6           Federal agency identified in the report pursuant to  
7           paragraph (3)(C) shall take such action as is nec-  
8           essary to implement the recommendations contained  
9           in the report by not later than 1 year after the date  
10          of the issuance of the report.

11          “(c) WORKING WATERFRONT GRANT PROGRAM.—

12                 “(1) The Secretary shall establish a Working  
13                 Waterfront Grant Program, in cooperation with ap-  
14                 propriate State, regional, and other units of govern-  
15                 ment, under which the Secretary may make a grant  
16                 to any coastal State for the purpose of implementing  
17                 a working waterfront plan approved by the Secretary  
18                 under subsection (d).

19                 “(2) Subject to the availability of appropria-  
20                 tions, the Secretary shall award matching grants  
21                 under the Working Waterfronts Grant Program to  
22                 coastal States with approved working waterfront  
23                 plans through a regionally equitable, competitive  
24                 funding process in accordance with the following:

1           “(A) The Governor, or the lead agency  
2           designated by the Governor for coordinating the  
3           implementation of this section, where appro-  
4           priate in consultation with the appropriate local  
5           government, shall determine that the applica-  
6           tion is consistent with the State’s or territory’s  
7           approved coastal zone plan, program, and poli-  
8           cies prior to submission to the Secretary.

9           “(B) In developing guidelines under this  
10          section, the Secretary shall consult with coastal  
11          States, other Federal agencies, and other inter-  
12          ested stakeholders with expertise in working  
13          waterfront planning.

14          “(C) Coastal States may allocate grants to  
15          local governments, agencies, or nongovern-  
16          mental organizations eligible for assistance  
17          under this section.

18          “(3) In awarding a grant to a coastal State, the  
19          Secretary shall consider—

20               “(A) the economic, cultural, and historical  
21               significance of working waterfront to the coast-  
22               al State;

23               “(B) the demonstrated working waterfront  
24               needs of the coastal State as outlined by a  
25               working waterfront plan approved for the coast-

1 al State under subsection (d), and the value of  
2 the proposed project for the implementation of  
3 such plan;

4 “(C) the ability to successfully leverage  
5 funds among participating entities, including  
6 Federal programs, regional organizations, State  
7 and other government units, landowners, cor-  
8 porations, or private organizations;

9 “(D) the potential for rapid turnover in  
10 the ownership of working waterfront in the  
11 coastal State, and where applicable the need for  
12 coastal States to respond quickly when prop-  
13 erties in existing or potential working water-  
14 front areas or public access areas as identified  
15 in the working waterfront plan submitted by  
16 the coastal State come under threat or become  
17 available; and

18 “(E) the impact of the working waterfront  
19 plan approved for the coastal State under sub-  
20 section (d) on the coastal ecosystem and the  
21 users of the coastal ecosystem.

22 “(4) The Secretary shall approve or reject an  
23 application for such a grant within 60 days after re-  
24 ceiving an application for the grant.

25 “(d) WORKING WATERFRONT PLANS.—



1           “(1) To be eligible for a grant under subsection  
2           (c), a coastal State must submit and have approved  
3           by the Secretary a comprehensive working water-  
4           front plan in accordance with this subsection, or be  
5           in the process of developing such a plan and have an  
6           established working waterfront program at the State  
7           or local level, or the Secretary determines that an  
8           existing coastal land use plan for that State is in ac-  
9           cordance with this subsection.

10           “(2) Such plan—

11                   “(A) must provide for preservation and ex-  
12                   pansion of access to coastal waters to persons  
13                   engaged in commercial fishing, recreational  
14                   fishing businesses, aquaculture, boatbuilding, or  
15                   other water-dependent, coastal-related business;

16                   “(B) shall include one or more of—

17                           “(i) an assessment of the economic,  
18                           social, cultural, and historic value of work-  
19                           ing waterfront to the coastal State;

20                           “(ii) a description of relevant State  
21                           and local laws and regulations affecting  
22                           working waterfront in the geographic areas  
23                           identified in the working waterfront plan;

24                           “(iii) identification of geographic  
25                           areas where working waterfronts are cur-

1           rently under threat of conversion to uses  
2           incompatible with commercial fishing, rec-  
3           reational fishing businesses, aquaculture,  
4           boatbuilding, or other water-dependent,  
5           coastal-related business, and the level of  
6           that threat;

7           “(iv) identification of geographic areas  
8           with a historic connection to working wa-  
9           terfronts where working waterfronts are  
10          not currently available, and, where appro-  
11          priate, an assessment of the environmental  
12          impacts of any expansion or new develop-  
13          ment of working waterfronts on the coastal  
14          ecosystem;

15          “(v) identification of other working  
16          waterfront needs including improvements  
17          to existing working waterfronts and work-  
18          ing waterfront areas;

19          “(vi) a strategic and prioritized plan  
20          for the preservation, expansion, and im-  
21          provement of working waterfronts in the  
22          coastal State;

23          “(vii) for areas identified under  
24          clauses (iii), (iv), (v), and (vi), identifica-  
25          tion of current availability and potential

1 for expansion of public access to coastal  
2 waters;

3 “(viii) a description of the degree of  
4 community support for such strategic plan;  
5 and

6 “(ix) a contingency plan for properties  
7 that revert to the coastal State pursuant to  
8 determinations made by the coastal State  
9 under subsection (h)(4)(C);

10 “(C) may include detailed environmental  
11 impacts on working waterfronts, including haz-  
12 ards, sea level rise, inundation exposure, and  
13 other resiliency issues;

14 “(D) may be part of the management pro-  
15 gram approved under section 306;

16 “(E) shall utilize to the maximum extent  
17 practicable existing information contained in  
18 relevant surveys, plans, or other strategies to  
19 fulfill the information requirements under this  
20 paragraph; and

21 “(F) shall incorporate the policies and reg-  
22 ulations adopted by communities under local  
23 working waterfront plans or strategies in exist-  
24 ence before the date of the enactment of this  
25 section.

1 “(3) A working waterfront plan—

2 “(A) shall be effective for purposes of this  
3 section for the 5-year period beginning on the  
4 date it is approved by the Secretary;

5 “(B) must be updated and re-approved by  
6 the Secretary before the end of such period; and

7 “(C) shall be complimentary to and incor-  
8 porate the policies and objectives of regional or  
9 local working waterfront plans as in effect be-  
10 fore the date of enactment of this section or as  
11 subsequently revised.

12 “(4) The Secretary may—

13 “(A) award planning grants to coastal  
14 States for the purpose of developing or revising  
15 comprehensive working waterfront plans; and

16 “(B) award grants consistent with the pur-  
17 poses of this section to States undertaking the  
18 working waterfront planning process under this  
19 section, for the purpose of preserving and pro-  
20 tecting working waterfronts during such proc-  
21 ess.

22 “(5) Any coastal State applying for a working  
23 waterfront grant under this title shall—

1           “(A) develop a working waterfront plan,  
2           using a process that involves the public and  
3           those with an interest in the coastal zone;

4           “(B) coordinate development and imple-  
5           mentation of such a plan with other coastal  
6           management programs, regulations, and activi-  
7           ties of the coastal State; and

8           “(C) if the coastal State allows qualified  
9           holders (other than the coastal State) to enter  
10          into working waterfront covenants, provide as  
11          part of the working waterfront plan under this  
12          subsection a mechanism or procedure to ensure  
13          that the qualified holders are complying their  
14          duties to enforce the working waterfront cov-  
15          enant.

16       “(e) USES, TERMS, AND CONDITIONS.—

17           “(1) Each grant made by the Secretary under  
18          this section shall be subject to such terms and condi-  
19          tions as may be appropriate to ensure that the grant  
20          is used for purposes consistent with this section.

21           “(2) A grant under this section may be used—

22               “(A) to acquire a working waterfront, or  
23               an interest in a working waterfront;

1           “(B) to make improvements to a working  
2 waterfront, including the construction or repair  
3 of wharfs, boat ramps, or related facilities; or

4           “(C) for necessary climate adaptation miti-  
5 gation.

6       “(f) PUBLIC ACCESS REQUIREMENT.—A working  
7 waterfront project funded by grants made under this sec-  
8 tion must provide for expansion, improvement, or preser-  
9 vation of reasonable and appropriate public access to  
10 coastal waters at or in the vicinity of a working water-  
11 front, except for commercial fishing or other industrial ac-  
12 cess points where the coastal State determines that public  
13 access would be unsafe.

14       “(g) LIMITATIONS.—

15           “(1) Except as provided in paragraph (2), a  
16 grant awarded under this section may be used to  
17 purchase working waterfront or an interest in work-  
18 ing waterfront, including an easement, only from a  
19 willing seller and at fair market value.

20           “(2) A grant awarded under this section may  
21 be used to acquire working waterfront or an interest  
22 in working waterfront at less than fair market value  
23 only if the owner certifies to the Secretary that the  
24 sale is being entered into willingly and without coer-  
25 cion.

1           “(3) No Federal, State, or local entity may ex-  
2       ercise the power of eminent domain to secure title to  
3       any property or facilities in connection with a  
4       project carried out under this section.

5       “(h) ALLOCATION OF GRANTS TO LOCAL GOVERN-  
6       MENTS AND OTHER ENTITIES.—

7           “(1) The Secretary shall encourage coastal  
8       States to broadly allocate amounts received as  
9       grants under this section among working water-  
10      fronts identified in working waterfront plans ap-  
11      proved under subsection (d).

12          “(2) Subject to the approval of the Secretary,  
13      a coastal State may, as part of an approved working  
14      waterfront plan, designate as a qualified holder any  
15      unit of State or local government or nongovern-  
16      mental organization, if the coastal State is ulti-  
17      mately responsible for ensuring that the property  
18      will be managed in a manner that is consistent with  
19      the purposes for which the land entered into the pro-  
20      gram.

21          “(3) A coastal State or a qualified holder des-  
22      ignated by a coastal State may allocate to a unit of  
23      local government, nongovernmental organization,  
24      fishing cooperative, or other entity, a portion of any  
25      grant made under this section for the purpose of

1 carrying out this section, except that such an allocation shall not relieve the coastal State of the responsibility for ensuring that any funds so allocated are applied in furtherance of the coastal State's approved working waterfront plan.

6 “(4) A qualified holder may hold title to or interest in property acquired under this section, except that—

9 “(A) all persons holding title to or interest in working waterfront affected by a grant under this section, including a qualified holder, private citizen, private business, nonprofit organization, fishing cooperative, or other entity, shall enter into a working waterfront covenant;

15 “(B) such covenant shall be held by the coastal State or a qualified holder designated under paragraph (2);

18 “(C) if the coastal State determines, on the record after an opportunity for a hearing, that the working waterfront covenant has been violated—

22 “(i) all right, title, and interest in and to the working waterfront covered by such covenant shall, except as provided in sub-



1 paragraph (D), revert to the coastal State;

2 and

3 “(ii) the coastal State shall have the  
4 right of immediate entry onto the working  
5 waterfront;

6 “(D) if a coastal State makes a determina-  
7 tion under subparagraph (C), the coastal State  
8 may convey or authorize the qualified holder to  
9 convey the working waterfront or interest in  
10 working waterfront to another qualified holder;  
11 and

12 “(E) nothing in this subsection waives any  
13 legal requirement under any Federal or State  
14 law.

15 “(i) MATCHING CONTRIBUTIONS.—

16 “(1) Except as provided in paragraph (2), the  
17 Secretary shall require that each coastal State that  
18 receives a grant under this section, or a qualified  
19 holder designated by that coastal State under sub-  
20 section (h), shall provide matching funds in an  
21 amount equal to at least 25 percent of the total cost  
22 of the project carried out with the grant.

23 “(2) The Secretary may waive the application  
24 of paragraph (1) for any qualified holder that is an  
25 underserved community, a community that has an

1 inability to draw on other sources of funding because  
2 of the small population or low income of the commu-  
3 nity, or for other reasons the Secretary considers ap-  
4 propriate.

5 “(3) A local community designated as a quali-  
6 fied holder under subsection (h) may utilize funds or  
7 other in-kind contributions donated by a nongovern-  
8 mental partner to satisfy the matching funds re-  
9 quirement under this subsection.

10 “(4) As a condition of receipt of a grant under  
11 this section, the Secretary shall require that a coast-  
12 al State provide to the Secretary such assurances as  
13 the Secretary determines are sufficient to dem-  
14 onstrate that the share of the cost of each eligible  
15 project that is not funded by the grant awarded  
16 under this section has been secured.

17 “(5) If financial assistance under this section  
18 represents only a portion of the total cost of a  
19 project, funding from other Federal sources may be  
20 applied to the cost of the project. Each portion shall  
21 be subject to match requirements under the applica-  
22 ble provision of law.

23 “(6) The Secretary shall treat as non-Federal  
24 match the value of a working waterfront or interest  
25 in a working waterfront, including conservation and

1 other easements, that is held in perpetuity by a  
2 qualified holder, if the working waterfront or inter-  
3 est is identified in the application for the grant and  
4 acquired by the qualified holder within 3 years of  
5 the grant award date, or within 3 years after the  
6 submission of the application and before the end of  
7 the grant award period. Such value shall be deter-  
8 mined by an appraisal performed at such time before  
9 the award of the grant as the Secretary considers  
10 appropriate.

11 “(7) The Secretary shall treat as non-Federal  
12 match the costs associated with acquisition of a  
13 working waterfront or an interest in a working wa-  
14 terfront, and the costs of restoration, enhancement,  
15 or other improvement to a working waterfront, if the  
16 activities are identified in the project application and  
17 the costs are incurred within the period of the grant  
18 award, or, for working waterfront described in para-  
19 graph (6), within the same time limits described in  
20 that paragraph. These costs may include either cash  
21 or in-kind contributions.

22 “(j) LIMIT ON ADMINISTRATIVE COSTS.—No more  
23 than 5 percent of the funds made available to the Sec-  
24 retary under this section may be used by the Secretary

1 for planning or administration of the program under this  
2 section.

3 “(k) OTHER TECHNICAL AND FINANCIAL ASSIST-  
4 ANCE.—

5 “(1) Up to 5 percent of the funds appropriated  
6 under this section may be used by the Secretary for  
7 purposes of providing technical assistance as de-  
8 scribed in this subsection.

9 “(2) The Secretary shall—

10 “(A) provide technical assistance to coastal  
11 States and local governments in identifying and  
12 obtaining other sources of available Federal  
13 technical and financial assistance for the devel-  
14 opment and revision of a working waterfront  
15 plan and the implementation of an approved  
16 working waterfront plan;

17 “(B) provide technical assistance to States  
18 and local governments for the development, im-  
19 plementation, and revision of comprehensive  
20 working waterfront plans, which may include,  
21 subject to the availability of appropriations,  
22 planning grants and assistance, pilot projects,  
23 feasibility studies, research, and other projects  
24 necessary to further the purposes of this sec-  
25 tion;

1           “(C) assist States in developing other tools  
2           to protect working waterfronts;

3           “(D) collect and disseminate to States  
4           guidance for best storm water management  
5           practices in regards to working waterfronts;

6           “(E) provide technical assistance to States  
7           and local governments on integrating resilience  
8           planning into working waterfront preservation  
9           efforts; and

10          “(F) collect and disseminate best practices  
11          on working waterfronts and resilience planning.

12          “(I) REPORTS.—

13               “(1) The Secretary shall—

14                       “(A) develop performance measures to  
15                       evaluate and report on the effectiveness of the  
16                       program under this section in accomplishing the  
17                       purpose of this section; and

18                       “(B) submit to Congress a biennial report  
19                       that includes such evaluations, an account of all  
20                       expenditures, and descriptions of all projects  
21                       carried out using grants awarded under this  
22                       section.

23               “(2) The Secretary may submit the biennial re-  
24               port under paragraph (1)(B) by including it in the  
25               biennial report required under section 316.

1 “(m) DEFINITIONS.—In this section:

2 “(1) The term ‘qualified holder’ means a coast-  
3 al State or a unit of local or coastal State govern-  
4 ment or a non-State organization designated by a  
5 coastal State under subsection (h).

6 “(2) The term ‘Secretary’ means the Secretary,  
7 acting through the National Oceanic and Atmos-  
8 pheric Administration.

9 “(3) The term ‘working waterfront’ means real  
10 property (including support structures over water  
11 and other facilities) that provides access to coastal  
12 waters to persons engaged in commercial fishing,  
13 recreational fishing businesses, boatbuilding, aqua-  
14 culture, or other water-dependent, coastal-related  
15 business and is used for, or that supports, commer-  
16 cial fishing, recreational fishing businesses,  
17 boatbuilding, aquaculture, or other water-dependent,  
18 coastal-related business.

19 “(4) The term ‘working waterfront covenant’  
20 means an agreement in recordable form between the  
21 owner of working waterfront and one or more quali-  
22 fied holders, that provides such assurances as the  
23 Secretary may require that—

24 “(A) the title to or interest in the working  
25 waterfront will be held by a grant recipient or

1 qualified holder in perpetuity, except as pro-  
2 vided in subparagraph (C);

3 “(B) the working waterfront will be man-  
4 aged in a manner that is consistent with the  
5 purposes for which the property is acquired  
6 pursuant to this section, and the property will  
7 not be converted to any use that is inconsistent  
8 with the purpose of this section;

9 “(C) if the title to or interest in the work-  
10 ing waterfront is sold or otherwise exchanged—

11 “(i) all working waterfront owners  
12 and qualified holders involved in such sale  
13 or exchange shall accede to such agree-  
14 ment; and

15 “(ii) funds equal to the fair market  
16 value of the working waterfront or interest  
17 in working waterfront shall be paid to the  
18 Secretary by parties to the sale or ex-  
19 change, and such funds shall, at the dis-  
20 cretion of the Secretary, be paid to the  
21 coastal State in which the working water-  
22 front is located for use in the implementa-  
23 tion of the working waterfront plan of the  
24 State approved by the Secretary under this  
25 section; and

1           “(D) such covenant is subject to enforce-  
 2           ment and oversight by the coastal State or by  
 3           another person as determined appropriate by  
 4           the Secretary.

5           “(n) AUTHORIZATION OF APPROPRIATIONS.—There  
 6 is authorized to be appropriated to the Grant Program  
 7 \$12,000,000.”.

8   **SEC. 3. WORKING WATERFRONTS PRESERVATION FUND;**  
 9           **GRANTS.**

10       The Coastal Zone Management Act of 1972 (16  
 11 U.S.C. 1451 et seq.) is further amended by adding at the  
 12 end the following:

13   **“SEC. 321. WORKING WATERFRONTS PRESERVATION LOAN**  
 14           **FUND.**

15       “(a) FUND.—There is established in the Treasury a  
 16 separate account that shall be known as the ‘Working Wa-  
 17 terfronts Preservation Loan Fund’ (in this section re-  
 18 ferred to as the ‘Fund’).

19       “(b) USE.—

20           “(1) Subject to the availability of appropria-  
 21 tions, amounts in the Fund may be used by the Sec-  
 22 retary to make loans to coastal States for the pur-  
 23 pose of implementing a working waterfront plan ap-  
 24 proved by the Secretary under section 320(d)  
 25 through preservation, improvement, restoration, re-



1 habilitation, acquisition of working waterfront prop-  
2 erties under criteria established by the Secretary.

3 “(2) Upon enactment of this Act, the Secretary  
4 of Commerce shall conduct a feasibility study on the  
5 administration of the development and management  
6 of a Working Waterfronts Preservation Loan Fund.

7 “(3) Upon the completion of the study under  
8 paragraph (2), the Secretary shall establish a fund  
9 in accordance with the results of that study, and es-  
10 tablish such criteria as referenced in subsection (c)  
11 in consultation with States that have a management  
12 program approved by the Secretary of Commerce  
13 pursuant to section 306 and local government coast-  
14 al management programs.

15 “(c) AWARD CRITERIA.—The Secretary shall award  
16 loans under this section through a regionally equitable,  
17 competitive funding process, and in accordance with the  
18 following:

19 “(1) The Governor, or the lead agency des-  
20 ignated by the Governor for coordinating the imple-  
21 mentation of this section, where appropriate in con-  
22 sultation with the appropriate local government,  
23 shall determine that an application for a loan is con-  
24 sistent with the State’s approved coastal zone plan,

1 program, and policies prior to submission to the Sec-  
2 retary.

3 “(2) In developing guidelines under this section,  
4 the Secretary shall consult with coastal States, other  
5 Federal agencies, and other interested stakeholders  
6 with expertise in working waterfront planning.

7 “(3) Coastal States may allocate amounts  
8 loaned under this section to local governments, agen-  
9 cies, or nongovernmental organizations eligible for  
10 loans under this section.

11 “(4) In awarding a loan for activities in a  
12 coastal State, the Secretary shall consider—

13 “(A) the economic and cultural significance  
14 of working waterfront to the coastal State;

15 “(B) the demonstrated working waterfront  
16 needs of the coastal State as outlined by a  
17 working waterfront plan approved for the coast-  
18 al State under subsection 320(d), and the value  
19 of the proposed loan for the implementation of  
20 such plan;

21 “(C) the ability to successfully leverage  
22 loan funds among participating entities, includ-  
23 ing Federal programs, regional organizations,  
24 State and other government units, landowners,  
25 corporations, or private organizations;

1           “(D) the potential for rapid turnover in  
2           the ownership of working waterfront in the  
3           coastal State, and where applicable the need for  
4           coastal States to respond quickly when prop-  
5           erties in existing or potential working water-  
6           front areas or public access areas as identified  
7           in the working waterfront plan submitted by  
8           the coastal State come under threat or become  
9           available;

10           “(E) the impact of the loan on the coastal  
11           ecosystem and the users of the coastal eco-  
12           system; and

13           “(F) the extent of the historic connection  
14           between working waterfronts for which the loan  
15           will be used and the local communities within  
16           the coastal State.

17           “(d) LOAN AMOUNT AND TERMS.—

18           “(1) The amount of a loan under this section—

19                   “(A) shall be not less than \$100,000; and

20                   “(B) shall not exceed 15 percent of the  
21           amount in the Fund as of July 1 of the fiscal  
22           year in which the loan is made.

23           “(2) The interest rate for a loan under this sec-  
24           tion shall not exceed 4 percent.

1           “(3) The repayment term for a loan under this  
2           section shall not exceed 20 years.

3           “(e) DEADLINE FOR APPROVAL.—The Secretary  
4           shall approve or reject an application for a loan under this  
5           section within 60 days after receiving an application for  
6           the loan.

7           “(f) LIMIT ON ADMINISTRATIVE COSTS.—No more  
8           than 5 percent of the funds made available to the Sec-  
9           retary under this section may be used by the Secretary  
10          for planning or administration of the program under this  
11          section.

12          “(g) DEFINITIONS.—The definitions in section  
13          320(m) shall apply to this section.

14          “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
15          is authorized to be appropriated to the Fund  
16          \$12,000,000.”.

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