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SENATE

{ REPORT
105-352

COASTAL BARRIER RESOURCES SYSTEM MAP CORRECTION—UNIT FL-35, FLORIDA

SEPTEMBER 28, 1998.—Ordered to be printed

Mr. CHAFEE, from the Committee on Environment and Public
Works, submitted the following

REPORT

[to accompany S. 2470]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 2470) to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System, having considered the same and an amendment thereto, reports favorably thereon and recommends that the bill, as amended, do pass.

GENERAL STATEMENT AND BACKGROUND

The Coastal Barrier Resources System (CBRS) is comprised of undeveloped coastal barriers along the coasts of the Atlantic Ocean, Gulf of Mexico, the Great Lakes, Puerto Rico and the U.S. Virgin Islands. Coastal barriers are landscape features that shield the mainland from the full force of wind, wave and tidal energies. Coastal barriers come in a variety of forms that include bay barriers, tombolos, barrier spits, barrier islands, dune or beach barriers, and fringing mangroves. Besides bearing the brunt of impacts from storms and erosion, most coastal barriers are composed of unconsolidated sediment such as sand or gravel. The geological composition makes coastal barriers highly unstable areas. Despite their instability, many coastal barriers are under heavy development pressure.

Congress passed the Coastal Barrier Resources Act of 1982 in an effort to address problems caused by coastal barrier development.

The Coastal Barrier Resources Act restricted Federal expenditures and financial assistance, including Federal flood insurance, in the CBRs. By restricting funding for Federal programs that encourage development of coastal barriers Congress sought to minimize loss of human life; reduce wasteful expenditure of Federal funds; and protect the natural resources associated with coastal barriers.

The Coastal Barrier Improvement Act of 1990 added "Otherwise Protected Areas" (OPAs) to the System. OPAs are undeveloped coastal barriers within the boundaries of lands reserved for conservation purposes such as wildlife refuges and parks. In addition, the 1990 Act added to the System coastal barriers in Puerto Rico, the U.S. Virgin Islands, the Great Lakes and along the Atlantic and Gulf coasts. The CBRs currently includes 850 units, comprising approximately 3 million acres and approximately 2,500 shoreline miles.

Undeveloped coastal barriers were identified and mapped using criteria developed by the Department of the Interior and later approved by Congress. Aerial photographs and ground inspections were used to verify the boundaries, and the results were then mapped on U.S. Geological Survey quadrangle maps. Except for minor and technical modifications to the CBRs unit boundaries to reflect changes that have occurred as a result of natural forces, modifications of CBRs unit boundaries require Congressional approval.

Pumpkin Key is a 25.6 acre island in upper Key Largo, Florida. Based on information available to the U.S. Fish and Wildlife Service, Pumpkin Key was added to the coastal barrier resources system in 1990 as an "undeveloped coastal barrier". This determination was based on evidence that the island had only three insurable structures, which did not satisfy the 1-structure per 5-acre requirement, and that it lacked a "full complement of infrastructure", defined to include water supply, wastewater disposal, electricity and paved roads.

Based on more recent information, the U.S. Fish and Wildlife Service has now concluded that the island met the requirements to be considered "developed" in 1990. In addition to evidence that electricity, water and wastewater disposal capacity existed for every building lot on the island prior to 1990, the island contained more than two miles of paved golf cart paths. Since there is no bridge or ferry access to the island and no automobiles, these paths provide the transportation infrastructure for the island. The U.S. Fish and Wildlife Service has concluded that this modification to the boundary constitutes a technical correction.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes evaluation of the regulatory impact of the reported bill. The reported bill will provide regulatory relief to landowners in the affected unit. This bill will not have any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the Committee finds that S. 2470 would impose no Federal intergovernmental unfunded mandates on State, local, or tribal governments. All of its governmental directives are imposed on Federal agencies. The bill does not directly impose any private sector mandates.

LEGISLATIVE HISTORY

On September 15, 1998, Senator Graham introduced S. 2470, a bill to direct the Secretary of the Interior to make technical corrections to a map relating to one unit, FL-35, to remove portions of that unit from the Coastal Barrier Resources System. On Tuesday, September 22, 1998, the committee held a hearing on S. 2470. Testimony was given by Mr. Gerry Jackson, Assistant Director of Ecological Services, the U.S. Fish and Wildlife Service; Ms. Jacqueline Savitz, Executive Director, Coast Alliance; Mr. Thomas Z. Hayward, Jr., President, Terra Cotta Realty, Inc.; and Mr. Ralph DeGennarro, Executive Director, Taxpayers for Common Sense. On Wednesday, September 23, 1998, the committee held a business meeting to consider S. 2470. Senator Graham offered an amendment, which was adopted by voice vote. S. 2470, as amended, was favorably reported out of the committee by voice vote. No rollcall votes occurred on this bill.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 25, 1998.

Hon. JOHN H. CHAFEE, *Chairman,*
Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2470, a bill to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

JUNE E. O'NEILL,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 2470, A bill to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System, as ordered reported by the Senate Committee on Environment and Public Works on September 23, 1998.

CBO estimates that enacting S. 2470 would result in no significant cost to the Federal Government. Because the bill could affect direct spending, pay-as-you-go procedures would apply, but we expect that net changes in direct spending would be negligible. S. 2470 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments.

S. 2470 would direct the Secretary of the Interior to exclude 25-acre Pumpkin Key, Florida, from the Coastal Barrier Resources System. This change would enable local property owners to obtain Federal flood insurance. Once insurance policies have been written on all of the affected properties, offsetting collections into the national flood insurance fund from premiums would increase by about \$20,000 per year. Collections would be partially offset by new mandatory spending for underwriting and administrative expenses. The Federal Government may also incur additional costs for losses associated with any future floods that might affect this land, but CBO has no basis for predicting such floods or their resulting costs.

The CBO staff contact is Deborah Reis, who can be reached at 226-2860. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

Section 12 of rule XXVI of the Standing Rules of the Senate requires the committee to publish changes in existing law made by the bill as reported. Passage of this bill will make no changes to existing law.

