

Calendar No. 190

110TH CONGRESS }
1st Session

SENATE

{ REPORT
110-78

COASTAL AND ESTUARINE LAND
PROTECTION ACT

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 1142



JUNE 5, 2007.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

59-010

WASHINGTON : 2007

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

DANIEL K. INOUE, Hawaii, *Chairman*

TED STEVENS, Alaska, *Vice-Chairman*

JOHN D. ROCKEFELLER IV, West Virginia	JOHN McCain, Arizona
JOHN F. KERRY, Massachusetts	TRENT LOTT, Mississippi
BYRON L. DORGAN, North Dakota	KAY BAILEY HUTCHISON, Texas
BARBARA BOXER, California	OLYMPIA J. SNOWE, Maine
BILL NELSON, Florida	GORDON H. SMITH, Oregon
MARIA CANTWELL, Washington	JOHN ENSIGN, Nevada
FRANK R. LAUTENBERG, New Jersey	JOHN E. SUNUNU, New Hampshire
MARK PRYOR, Arkansas	JIM DEMINT, South Carolina
THOMAS CARPER, Delaware	DAVID VITTER, Louisiana
CLAIRE McCASKILL, Missouri	JOHN THUNE, South Dakota
AMY KLOBUCHAR, Minnesota	

MARGARET CUMMISKY, *Staff Director and Chief Counsel*

LILA HELMS, *Deputy Staff Director and Policy Director*

CHRISTINE KURTH, *Republican Staff Director and General Counsel*

KENNETH NAHIGIAN, *Republican Deputy Staff Director and Chief Counsel*

Calendar No. 190

110TH CONGRESS }
1st Session }

SENATE

{ REPORT
110-78

COASTAL AND ESTUARINE LAND PROTECTION ACT

JUNE 5, 2007.—Ordered to be printed

Mr. INOUE, from the Committee on Commerce, Science, and
Transportation, submitted the following

REPORT

[To accompany S. 1142]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1142) to authorize the acquisition of interests in undeveloped coastal areas in order better to ensure their protection from development, having considered the same, reports favorably thereon without an amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 1142, the Coastal and Estuarine Land Protection Act, is to establish a Coastal and Estuarine Land Protection Program within the National Oceanic and Atmospheric Administration (NOAA), and to authorize appropriations for such a program for fiscal years 2008 through 2012.

BACKGROUND AND NEEDS

Estuaries, wetlands, and the watersheds that flow into them support fisheries and wildlife and substantially contribute to coastal economies. These areas are critical to many life cycles of organisms and help improve surface water quality by filtering out wastes. The pressures of urbanization and pollution in coastal areas threaten to impair watersheds, undermine natural protections from coastal storms, impact wildlife habitat, and cause irreparable damage to coastal ecology.

Studies have shown that the abundance and diversity of aquatic species decline when the amount of impervious surface increases beyond about 10 percent. As our population grows, more and more people are moving to our coasts to enjoy their beauty and rec-

reational opportunities. By 2010, an estimated 60 percent of Americans will live along our coasts, which represent less than 17 percent of our land area, excluding Alaska. Approximately 3,000 people move to coastal areas every day; 10 of the Nation's 15 largest cities are coastal; and coastal areas are five times more densely populated than the interior of the country. Coastal tourism and recreation account for about 85 percent of all tourism in the United States.

The Coastal Zone Management Act of 1972 (CZMA) was enacted to provide clear policy objectives for States to establish coordinated coastal zone management programs and to help balance coastal development with preservation. This program has proven to be a successful partnership between the Federal government and the States, and 34 of the 35 coastal States have established approved programs to help preserve and utilize their coastal resources. However, CZMA grants do not generally provide sufficient support for land conservation projects.

Coastal land protection partnership programs increasingly have gained popularity throughout the Nation as a means of meeting a number of diverse priorities: promoting recreation, increasing wildlife, improving or conserving ecological quality and diversity, and preserving historical or cultural resources. Partnership programs among the Federal government, State agencies, local governments, private landowners, and non-profits can be effective management tools. These programs have been funded annually through the Congressional appropriations process, and only some smaller programs have authorizing legislation. The Forest Legacy Program administered by the Secretary of Agriculture demonstrates the effectiveness of leveraging Federal assistance for State and local land acquisition projects, but the majority of funds provided by this program are distributed to non-coastal states.

SUMMARY OF PROVISIONS

S. 1142 would direct the Secretary of Commerce, through NOAA, to create a Coastal and Estuarine Land Protection Program to protect important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, aesthetic, or watershed protection values, and that are threatened by conversion to other uses.

To carry out this program, the Secretary would be authorized to make competitive grants to coastal States with either approved coastal zone management plans or National Estuarine Research Reserves (NERRs), for the purpose of acquiring property or interests in property. Eligible States would submit proposals for areas of priority to the State. Awards would be based on the demonstrated need for protection, ability to effectively manage and protect the land, and ability to leverage the matching share of non-Federal funds among participating entities, including regional organizations, private landowners, corporations, or private organizations such as land trusts. All lands purchased through grants awarded under this Act would be acquired from willing sellers. States could allocate grants to local governments or agencies that are eligible for assistance under section 306A of the CZMA (16 U.S.C. 1455a).

S. 1142 would provide for a Federal-non-Federal match requirement, setting the maximum Federal cost share at 75 percent. This is the same match ratio that was included in the Forest Legacy Program of the United States Forest Service, on which the Coastal and Estuarine Land Protection Program is modeled. The bill would provide for certain circumstances under which the non-Federal share could be waived and would establish eligibility criteria for the non-Federal share. The value of land that is held by nongovernmental entities would be permitted to be used for this purpose if it is held in perpetuity by a qualified conservation organization.

S. 1142 would authorize appropriations of such sums as may be necessary for fiscal years 2008 through 2012. This funding level would account for the cost of coastal lands and allow flexibility to address variations in the availability of land parcels from year to year. Up to five percent of the funds made available to the Secretary could be used for planning or administration of the program.

LEGISLATIVE HISTORY

S. 1142 was introduced in the Senate on April 18, 2007, by Senator Gregg, along with 16 original cosponsors, and referred to the Senate Committee on Commerce, Science, and Transportation. On April 25, 2007, the Committee considered the bill in an open executive session. The Committee, without objection, ordered S. 1142 be reported as introduced.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

S. 1142—Coastal and Estuarine Land Protection Act

Summary: S. 1142 would direct the National Oceanic and Atmospheric Administration (NOAA) to establish a program to protect land near coastal areas and estuaries. Under the program, NOAA would make grants to coastal states that wish to purchase eligible lands or other property interests. For this purpose, the bill would authorize the appropriation of whatever amounts are necessary for each of fiscal years 2008 through 2012.

Assuming appropriation of the necessary amounts, CBO estimates that carrying out the grant program authorized by S. 1142 would cost NOAA \$35 million in 2008 and \$400 million over the 2008–2012 period. (An additional \$100 million would be spent after 2012.) Enacting the bill would not affect direct spending or revenues.

S. 1142 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill would benefit states and local governments along the coasts; any costs they incur would result from complying with conditions for receiving Federal assistance.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1142 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	100	100	100	100	100
Estimated Outlays	35	65	100	100	100

Basis of estimate: For this estimate, CBO assumes that S. 1142 will be enacted by the end of fiscal year 2007 and that the entire amounts estimated to be necessary to carry out the bill will be appropriated for each of fiscal years 2008 through 2012. Estimated outlays are based on historical patterns for similar grants made by NOAA.

Based on information provided by NOAA, CBO estimates that the agency would need about \$100 million annually to implement S. 1142. About 5 percent of this amount would be used to administer the grant program. The balance would be used to provide between 40 to 60 grants a year to states for land acquisition projects. This estimate is based on the number and size of proposals received by the agency under a very similar grant program that it has conducted under authority provided in annual appropriations acts since 2002.

Intergovernmental and private-sector impact: S. 1142 contains no intergovernmental or private-sector mandates as defined in UMRA. The grant program authorized by the bill would require matching funds from participating governments. Coastal states would be able to allocate a portion of the grant funds received under the program to qualified local entities, including local governments, to further their coastal management programs. Any costs to those states, including matching funds, would result from complying with conditions for receiving Federal assistance.

Estimate prepared by: Federal Costs: Deborah Reis; Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum; Impact on the Private Sector: Craig Cammarata.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

S. 1142 as reported by the Committee would authorize appropriations to continue and expand existing NOAA programs and make a number of changes to current law. The bill would have little, if any, regulatory impact.

ECONOMIC IMPACT

The bill, as reported, would authorize appropriations of such sums as may be necessary for fiscal years 2008 through 2012 for NOAA to carry out the purposes of the bill. The bill would not be expected to have a significant impact on the Nation's economy.

PRIVACY

The reported bill would have little, if any, impact on the personal privacy of United States citizens.

PAPERWORK

The reported bill would not increase paperwork requirements for the private sector. Those States that apply for Federal grants under the Coastal and Estuarine Land Protection Program likely would increase their written communications, data management, and technical expertise capacity related to coastal and estuarine land management.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section specifies that the title of the bill is the “Coastal and Estuarine Land Protection Act.”

Section 2. Findings

This section of the bill recognizes the national importance of coastal and estuarine areas, the need for protection of these areas, and the role of land acquisition from willing sellers as a cost-effective means to conserve these important areas.

Section 3. Establishment of program

This section would direct the Secretary of Commerce to create a Coastal and Estuarine Land Protection Program to protect important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, aesthetic, or watershed protection values, and that are threatened by conversion to other uses.

This section would authorize the Secretary to make competitive grants to coastal States with either approved coastal zone management plans or NERRs, for the purpose of acquiring property or interests in property. Eligible States would submit proposals for areas of priority to the State. At least 15 percent of the funds would be reserved for acquisitions that benefit NERRs. Awards would be based on the demonstrated need for protection, ability to effectively manage and protect the land, and ability to leverage the matching share of non-Federal funds among participating entities, including regional organizations, private landowners, corporations, or private organizations such as land trusts. All lands purchased through grants awarded under this Act would be acquired from willing sellers. States could allocate grants to local governments or agencies that are eligible for assistance under section 306A of the CZMA (16 U.S.C. 1455a).

The bill would provide for a Federal-non-Federal match requirement, setting the maximum Federal cost share at 75 percent. This is the same match ratio that was included in the Forest Legacy Program of the United States Forest Service, on which the Coastal and Estuarine Land Protection Program is modeled. The bill would provide for certain circumstances under which the non-Federal share could be waived and would establish eligibility criteria for the non-Federal share. The value of land that is held by nongovern-

mental entities would be permitted to be used for this purpose if it is held in perpetuity by a qualified conservation organization.

The bill would authorize appropriations for the Coastal and Estuarine Land Protection Program of such sums as may be necessary for fiscal years 2008 through 2012. Up to five percent of the funds made available to the Secretary could be used for planning or administration of the program.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.

