

STRENGTHENING COASTAL COMMUNITIES ACT OF 2018

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OCTOBER 30, 2018.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. BISHOP of Utah, from the Committee on Natural Resources,  
submitted the following

R E P O R T

[To accompany H.R. 5787]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 5787) to amend the Coastal Barrier Resources Act to give effect to more accurate maps of units of the John H. Chafee Coastal Barrier Resources System that were produced by digital mapping of such units, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Strengthening Coastal Communities Act of 2018”.

**SEC. 2. REPLACEMENT OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM MAPS.**

(a) **IN GENERAL.**—Subject to subsection (c), each map included in the set of maps referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) that relates to a Unit of such System referred to in subsection (b) of this section is replaced in such set with the map described in subsection (b) with respect to that Unit.

(b) **REPLACEMENT MAPS DESCRIBED.**—The replacement maps referred to in subsection (a) are the following:

(1) The map entitled “Delaware Seashore Unit DE-07/DE-07P North Bethany Beach Unit H01” and dated March 18, 2016, with respect to Unit DE-07, Unit DE-07P, and Unit H01.

(2) The map entitled “Pine Island Bay Unit NC-01/NC-01P” and dated March 18, 2016, with respect to Unit NC-01 and Unit NC-01P.

(3) The map entitled “Roosevelt Natural Area Unit NC-05P” and dated March 18, 2016, with respect to Unit NC-05P.

(4) The map entitled “Hammocks Beach Unit NC-06/NC-06P (2 of 2) Onslow Beach Complex L05 (1 of 2)” and dated March 18, 2016, with respect to Unit L05.

(5) The map entitled “Onslow Beach Complex L05 (2 of 2) Topsail Unit L06 (1 of 2)” and dated November 20, 2013, with respect to Unit L05 and Unit L06.

(6) The map entitled “Topsail Unit L06 (2 of 2)” and dated November 20, 2013, with respect to Unit L06.

(7) The map entitled “Litchfield Beach Unit M02 Pawleys Inlet Unit M03” and dated March 18, 2016, with respect to Unit M02 and Unit M03.

(8) The map entitled “Fort Clinch Unit FL-01/FL-01P” and dated March 18, 2016, with respect to Unit FL-01 and Unit FL-01P.

(9) The map entitled “Usina Beach Unit P04A Conch Island Unit P05/P05P” and dated March 18, 2016, with respect to Unit P04A, Unit P05, and Unit P05P.

(10) The map entitled “Ponce Inlet Unit P08/P08P” and dated March 18, 2016, with respect to Unit P08 and Unit P08P.

(11) The map entitled “Spessard Holland Park Unit FL-13P Coconut Point Unit P09A/P09AP” and dated March 18, 2016, with respect to Unit FL-13P, Unit P09A, and Unit P09AP.

(12) The map entitled “Blue Hole Unit P10A Pepper Beach Unit FL-14P” and dated March 18, 2016, with respect to Unit P10A and Unit FL-14P.

(13) The map entitled “Hutchinson Island Unit P11/P11P (1 of 2)” and dated March 18, 2016, with respect to Unit P11 and Unit P11P.

(14) The map entitled “Hutchinson Island Unit P11 (2 of 2)” and dated March 18, 2016, with respect to Unit P11.

(15) The map entitled “Blowing Rocks Unit FL-15 Jupiter Beach Unit FL-16P Carlin Unit FL-17P” and dated March 18, 2016, with respect to Unit FL-15, Unit FL-16P, and Unit FL-17P.

(16) The map entitled “MacArthur Beach Unit FL-18P” and dated March 18, 2016, with respect to Unit FL-18P.

(17) The map entitled “Birch Park Unit FL-19P” and dated March 18, 2016, with respect to Unit FL-19P.

(18) The map entitled “Lloyd Beach Unit FL-20P North Beach Unit P14A” and dated March 18, 2016, with respect to Unit FL-20P and Unit P14A.

(19) The map entitled “Tavernier Key Unit FL-39 Snake Creek Unit FL-40” and dated March 18, 2016, with respect to Unit FL-39 and Unit FL-40.

(20) The map entitled “Channel Key Unit FL-43 Toms Harbor Keys Unit FL-44 Deer/Long Point Keys Unit FL-45” and dated March 18, 2016, with respect to Unit FL-43, Unit FL-44, and FL-45.

(21) The map entitled “Boot Key Unit FL-46” and dated March 18, 2016, with respect to Unit FL-46.

(22) The map entitled “Bowditch Point Unit P17A Bunche Beach Unit FL-67/FL-67P Sanibel Island Complex P18P (1 of 2)” and dated March 18, 2016, with respect to Unit P17A, Unit FL-67, and Unit FL-67P.

(23) The map entitled “Bocilla Island Unit P21/P21P” and dated March 18, 2016, with respect to Unit P21 and Unit P21P.

(24) The map entitled “Venice Inlet Unit FL-71P Casey Key Unit P22” and dated March 18, 2016, with respect to Unit P22.

(25) The map entitled “Lido Key Unit FL-72P” and dated March 18, 2016, with respect to Unit FL-72P.

(26) The map entitled “De Soto Unit FL-73P Rattlesnake Key Unit FL-78 Bishop Harbor Unit FL-82” and dated March 18, 2016, with respect to Unit FL-73P, Unit FL-78, and Unit FL-82.

(27) The map entitled “Passage Key Unit FL-80P Egmont Key Unit FL-81/FL-81P The Reefs Unit P24P (1 of 2)” and dated March 18, 2016, with respect to Unit FL-80P, Unit FL-81, and Unit FL-81P.

(28) The map entitled “Cockroach Bay Unit FL-83” and dated March 18, 2016, with respect to Unit FL-83.

(29) The map entitled “Sand Key Unit FL-85P” and dated March 18, 2016, with respect to Unit FL-85P.

(30) The map entitled “Pepperfish Keys Unit P26” and dated March 18, 2016, with respect to Unit P26.

(31) The map entitled “Peninsula Point Unit FL-89” and dated March 18, 2016, with respect to Unit FL-89.

(32) The map entitled “Phillips Inlet Unit FL-93/FL-93P Deer Lake Complex FL-94” and dated March 18, 2016, with respect to Unit FL-93, Unit FL-93P, and Unit FL-94.

(33) The map entitled “St. Andrew Complex P31 (1 of 3)” and dated October 7, 2016, with respect to Unit P31.

(34) The map entitled “St. Andrew Complex P31 (2 of 3)” and dated October 7, 2016, with respect to Unit P31.

(35) The map entitled “St. Andrew Complex P31/P31P (3 of 3)” and dated October 7, 2016, with respect to Unit P31 and Unit P31P.

(c) LIMITATIONS.—For purposes of subsection (a)—

(1) nothing in this section affects the boundaries of any of Units NC–06 and NC–06P;

(2) the occurrence in subsection (b) of the name of a Unit solely in the title of a map shall not be construed to be a reference to such Unit; and

(3) the depiction of boundaries of any of Units P18P, FL–71P, and P24P in a map referred to in paragraph (22), (24), or (27) of subsection (b) shall not be construed to affect the boundaries of such Unit.

(d) CONFORMING AMENDMENT.—Section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting “replaced,” after “may be”; and

(2) in paragraph (3), by inserting “replaces such a map or” after “that specifically”.

### SEC. 3. DIGITAL MAPS OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM UNITS.

Section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)) is amended—

(1) by inserting before the first sentence the following:

“(1) IN GENERAL.—”; and

(2) by adding at the end the following:

“(2) DIGITAL MAPS.—

“(A) AVAILABILITY.—The Secretary shall make available to the public on the Internet web site of the United States Fish and Wildlife Service digital versions of the maps included in the set of maps referred to in subsection (a).

“(B) EFFECT.—Any determination as to whether a location is inside or outside the System shall be made without regard to the digital maps available under this paragraph, except that this subparagraph does not apply with respect to any printed version of such a digital map if the printed version is included in the maps referred to in subsection (a).”.

### PURPOSE OF THE BILL

The purpose of H.R. 5787 is to amend the Coastal Barrier Resources Act to give effect to more accurate maps of units of the John H. Chafee Coastal Barrier Resources System that were produced by digital mapping of such units.

### BACKGROUND AND NEED FOR LEGISLATION

In 1981, due to the high risk that coastal developments carry, Congress directed the Secretary of the Interior to draw maps designating undeveloped coastal barriers unsuitable for new federal development subsidies, including federal flood insurance.<sup>1</sup> In 1982 Congress enacted the Coastal Barrier Resources Act (CBRA, 16 U.S.C. 3501 et seq.). CBRA established the Coastal Barrier Resources System (CBRS) administered by the U.S. Fish and Wildlife Service (USFWS).<sup>2</sup> CBRS units are depicted on maps on file with the USFWS. CBRA prohibits the use of federal dollars to subsidize new development on CBRS units, except for limited exceptions such as maintenance of federal navigation channels and military readiness.<sup>3</sup> The Coastal Barrier Improvement Act of 1990 added “Otherwise Protected Areas” (OPAs) to the CBRS.<sup>4</sup> While CBRS units carry the full funding prohibitions of CBRA, structures within

<sup>1</sup>Public Law 97–35 § 341(d), *Omnibus Budget and Reconciliation Act*.

<sup>2</sup>Public Law 97–348, *Coastal Barrier Resources Act*.

<sup>3</sup>16 U.S.C. 3505.

<sup>4</sup>Public Law 101–591, *Coastal Barrier Improvement Act of 1990*.

OPAs<sup>5</sup> are prohibited only from receiving flood insurance under the National Flood Insurance Program.<sup>6</sup>

CBRA was intended to impact only coastal areas that were undeveloped at the time of enactment so that existing coastal communities would not be adversely affected. Further, CBRA did not apply to the approximately 47% of coastal areas that were undeveloped but already protected by existing law.<sup>7</sup> At the time of enactment, approximately 13% of coastal areas along the Atlantic and Gulf Coasts were undeveloped and unprotected,<sup>8</sup> and the original CBRS included approximately 590,000 acres.<sup>9</sup> In 2002, USFWS published a report commemorating the 20th anniversary of CBRA. This report conservatively estimated that the program was on track to save taxpayers \$1.3 billion through 2010 and that an additional \$200 million in federal disaster relief could be saved by 2050.<sup>10</sup> Furthermore, a 2007 Government Accounting Office report found that approximately 84% of CBRS units remained undeveloped, and only 3% of units have experienced significant development since the passage of CBRA.<sup>11</sup> Currently the CBRS consists of 3.3 million acres in 23 states and territories along the Atlantic, Gulf of Mexico, Great Lakes, U.S. Virgin Islands and Puerto Rico coasts.<sup>12</sup>

Congress has reauthorized CBRA three times.<sup>13</sup> The most recent reauthorization, the Coastal Barrier Resources Reauthorization Act of 2005, directed USFWS to finalize and submit to Congress a report on the digitization of CBRA maps.<sup>14</sup> USFWS transmitted the final report in November 2016 which included final recommended boundaries for CBRS units and OPAs.<sup>15</sup> The recommendations in the report impact maps in Delaware, North Carolina, South Carolina, Florida and Louisiana. In general, under current law, Congress must codify significant changes to CBRA maps for any new maps to take effect.<sup>16</sup>

In response to the 2016 report, several members of Congress, including Representatives Neal P. Dunn (R-FL), Lisa Blunt Rochester (D-DE) and Thomas Rooney (R-FL), introduced bills to codify the revised, digital maps that impact their districts. The Subcommittee on Water, Power and Oceans held a legislative hearing on two of these bills on February 27, 2018: H.R. 2947 (Dunn) and H.R. 4880 (Blunt Rochester). Representing USFWS, Mr. Gary Fraz-

<sup>5</sup>As defined by Public Law 101-591, otherwise protected areas may be comprised of “undeveloped coastal barrier[s] within the boundaries of an area established under Federal, State, or local law, or held by a qualified organization, primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes”.

<sup>6</sup>42 U.S.C. 4028(b), *National Flood Insurance Act of 1968* as amended by Public Law 101-591.

<sup>7</sup>S. Rpt. No. 97-419, Senate Committee on Environment and Public Works Report to accompany S. 1018, p. 1.

<sup>8</sup>*Id.*

<sup>9</sup>The Coastal Barrier Resources Act: Harnessing the Power of Market Forces to Conserve America’s Coasts and Save Taxpayers’ Money; United States Fish and Wildlife Service Report; August 2002; p. 1.

<sup>10</sup>*Id.*, p. 2.

<sup>11</sup>Coastal Barrier Resources System: Status of Development That Has Occurred and Financial Assistance Provided by Federal Agencies; Government Accountability Office Report; March 2007; p. 4.

<sup>12</sup>*Id.*, pp. 1-2, 7.

<sup>13</sup><https://www.fws.gov/cbra/Legislation.html>.

<sup>14</sup>Public Law 109-226 § 4, *Coastal Barrier Resources Reauthorization Act of 2005*.

<sup>15</sup>Final Report to Congress: John H. Chafee Coastal Barrier Resources System Digital Mapp Pilot Project, November 29, 2016.

<sup>16</sup>16 U.S.C. 3503(a)(3).

er testified in support of both two bills.<sup>17</sup> After this hearing, the bill sponsors worked together to codify these maps in a more comprehensive fashion.

H.R. 5787, codifies 32 CBRS maps that were revised and digitized as part of the Digital Mapping Pilot Project by USFWS. Further, the bill implements the USFWS recommendations for the St. Andrew's Complex P31 and P31P CBRS units, for a total of 35 new maps.

As the Committee considered this legislation, several questions arose related to the efficacy and legal integrity of digital maps in general. Digital documents lack the permanence and constancy of hard copy documents, and there are few examples, if any, throughout the federal government where digital documents carry the full force of law and are authorized for official use. Accordingly, section 3 of H.R. 5787 requires the USFWS Director to keep a printed, hard copy of each digital map authorized by law and make final determinations as to whether a location is inside or outside the CBRS based solely on this printed version.

USFWS also developed advanced mapping systems, including GIS technology, to accompany these digital maps, increasing their accuracy and aiding in interpretation. These mapping systems capitalize on the benefits that digital maps can provide, and their appropriate use can improve the CBRA program. However, as with digital maps in general, there are several concerns that arose with respect to mapping integrity as this legislation was considered by the Committee. These maps and the agency interpretation thereof can have significant impacts on people's lives. Under 16 U.S.C. 3504, when a certain area of land is determined to be within the boundaries of the CBRS, the residents of that area lose federally-subsidized flood insurance under the National Flood Insurance Program, the area may become ineligible for certain types of federally-supported dredging projects that are important for navigation and human safety, and other federal benefits like sewage treatment system grants, can be affected. Before Congress can authorize the use of these new mapping systems to interpret the boundaries of CBRS units and OPAs, USFWS must certify and document that these maps and GIS systems are developed and maintained in a manner that will preserve the integrity of the program and the rule of law.

The Committee expects that when this legislation reaches the House floor, it will include language directing USFWS to submit a report to Congress related to the successes and challenges of the transition from paper maps to digital maps. It is the Committee's expectation that in this report, as part of a larger analysis on the subject, USFWS will address, with a high degree of specificity, the following questions:

- (1) How accurate are the mapper data?
- (2) What is the source of the mapper data?
- (3) Are these data digitized or born digital?
- (4) For digitized data, how were the data ingested into the database?
- (5) For digital data, how were the data created?

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<sup>17</sup> Legislative Hearing on H.R. 2947 and H.R. 4880: Hearing before the Natural Resources Committee Subcommittee on Water, Power and Oceans, House of Representatives, 115th Cong., 2 (2018) (Testimony of Gary Frazer), at 1.

(6) Are those data sources consistent at a national level? If not, how do they vary in detail, and what are the implications for implementing a common dispute resolution process when parties differ over boundaries?

(7) Is there a national mapping data standard or many local standards based on available data?

(8) What written publicly available guidance, rule, or regulation governing boundary dispute resolution processes have been released?

(9) What are USFWS's plans to maintain mapper data, hardware, and software?

(10) What migration plans are in place to ensure that consistent data and renderings will be available over time as operating systems, applications, and user interfaces evolve?

(11) How do these plans comply with existing statutory requirements or those proposed under H.R. 5787?

Answers to these questions and the entirety of this report should determine the degree to which, if at all, it is appropriate for USFWS to utilize the GIS and other advanced digital mapping systems in the agency's interpretation of these new digital maps.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title*

This Act may be cited as the "Strengthening Coastal Communities Act of 2018".

##### *Section 2. Replacement of John H. Chafee Coastal Barrier Resources System maps*

This section codifies certain CBRS maps transmitted to Congress in 2016 by the USFWS.

##### *Section 3. Digital maps of John H. Chafee Coastal Barrier Resources system units*

This section requires the USFWS to maintain a hard copy of any digital map that has been codified by Congress to serve as the official version for purposes of CBRA and to maintain a digitally available version on the agency's website.

#### COMMITTEE ACTION

H.R. 5787 was introduced on May 15, 2018, by Congressman Neal P. Dunn (R-FL). The bill was referred to the Committee on Natural Resources. On June 13, 2018, the Natural Resources Committee met to consider the bill. Congressman Doug Lamborn (R-CO) offered an amendment designated #1; it was adopted by voice vote. No further amendments were offered and the bill, as amended, was ordered favorably reported to the House of Representatives by voice vote.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET  
ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 9, 2018.*

Hon. ROB BISHOP,  
*Chairman, Committee on Natural Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5787, the Strengthening Coastal Communities Act of 2018.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeff LaFave.

Sincerely,

MARK P. HADLEY  
(For Keith Hall, Director).

Enclosure.

*H.R. 5787—Strengthening Coastal Communities Act of 2018*

H.R. 5787 would update the maps for various units of the Coastal Barrier Resources System (CBRS). Using information provided by the U.S. Fish and Wildlife Service, CBO estimates that updating the maps would have no significant effect on spending subject to appropriation.

The bill would revise the CBRS maps for 35 units within the system and would add, on net, about 18,000 acres to the system (increasing the size of the CBRS by 0.5 percent). CBO expects that the new maps would exclude lands containing about 500 structures, which would enable owners of those structures to purchase flood insurance from the federal government. CBO estimates that enacting H.R. 5787 could increase premium collections of the National Flood Insurance Fund by less than \$1 million annually. On an expected-value basis those collections, which are recorded as offsets to direct spending, would be roughly offset by new mandatory spending for underwriting, administrative expenses, and new flood insurance claims over the 2019–2028 period.

Because enacting the bill could affect direct spending, pay-as-you-go procedures apply. However, CBO estimates that any net change in direct spending would be negligible over the 2019–2028 period. Enacting the bill would not affect revenues.

CBO estimates that enacting H.R. 5787 would not significantly increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 5787 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to amend the Coastal Barrier Resources Act to give effect to more accurate maps of units of the John H. Chafee Coastal Barrier Resources System that were produced by digital mapping of such units.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### COMPLIANCE WITH H. RES. 5

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

### COASTAL BARRIER RESOURCES ACT

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#### SEC. 4. ESTABLISHMENT OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM.

(a) ESTABLISHMENT.—There is established the John H. Chafee Coastal Barrier Resources System, which shall consist of those undeveloped coastal barriers and other areas located on the coasts of the United States that are identified and generally depicted on the maps on file with the Secretary entitled “Coastal Barrier Resources System”, dated October 24, 1990, as those maps may be *replaced*, modified, revised, or corrected under—

- (1) subsection (f)(3);
  - (2) section 4 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591); or
  - (3) any other provision of law enacted on or after November 16, 1990, that specifically *replaces such a map* or authorizes the modification, revision, or correction.
- (b) SYSTEM MAPS.—
- (1) *IN GENERAL.*—The Secretary shall keep the maps referred to in subsection (a) on file and available for public inspection in the Office of the Director of the United States Fish and Wildlife Service, and in such other offices of that service as the Director considers appropriate.
  - (2) *DIGITAL MAPS.*—
    - (A) *AVAILABILITY.*—*The Secretary shall make available to the public on the Internet web site of the United States Fish and Wildlife Service digital versions of the maps included in the set of maps referred to in subsection (a).*
    - (B) *EFFECT.*—*Any determination as to whether a location is inside or outside the System shall be made without regard to the digital maps available under this paragraph, except that this subparagraph does not apply with respect to any printed version of such a digital map if the printed version is included in the maps referred to in subsection (a).*
- (c) BOUNDARY REVIEW AND MODIFICATION.—At least once every 5 years, the Secretary shall review the maps referred to in subsection (a) and shall make, in consultation with the appropriate State, local, and Federal officials, such minor and technical modifications to the boundaries of System units as are necessary solely to reflect changes that have occurred in the size or location of any System unit as a result of natural forces.
- (d) ADDITIONS TO SYSTEM.—The Secretary may add a parcel of real property to the System, if—
- (1) the owner of the parcel requests, in writing, that the Secretary add the parcel to the System; and
  - (2) the parcel is an undeveloped coastal barrier.
- (e) ADDITION OF EXCESS FEDERAL PROPERTY.—
- (1) CONSULTATION AND DETERMINATION.—Prior to transfer or disposal of excess property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) that may be an undeveloped coastal barrier, the Administrator of General Services shall consult with and obtain from the Secretary a determination as to whether and what portion of the property constitutes an undeveloped coastal barrier. Not later than 180 days after the initiation of such consultation, the Secretary shall make and publish notice of such determination. Immediately upon issuance of a positive determination, the Secretary shall—
    - (A) prepare a map depicting the undeveloped coastal barrier portion of such property; and
    - (B) publish in the Federal Register notice of the addition of such property to the System.
  - (2) EFFECTIVE DATE OF INCLUSION.—An area to be added to the System under this subsection shall be part of the System effective on the date on which the Secretary publishes notice

in the Federal Register under paragraph (1)(B) with respect to that area.

(f) MAPS.—The Secretary shall—

(1) keep a map showing the location of each boundary modification made under subsection (c) and of each parcel of real property added to the System under subsection (d) or (e) on file and available for public inspection in the Office of the Director of the United States Fish and Wildlife Service and in such other offices of the Service as the Director considers appropriate;

(2) provide a copy of the map to—

(A) the State and unit of local government in which the property is located;

(B) the Committees; and

(C) the Federal Emergency Management Agency; and

(3) revise the maps referred to in subsection (a) to reflect each boundary modification under subsection (c) and each addition of real property to the System under subsection (d) or (e), after publishing in the Federal Register a notice of any such proposed revision.

(g) GUIDELINES FOR CERTAIN RECOMMENDATIONS AND DETERMINATIONS.—

(1) IN GENERAL.—In making any recommendation to the Congress regarding the addition of any area to the System or in determining whether, at the time of the inclusion of a System unit within the System, a coastal barrier is undeveloped, the Secretary shall consider whether within the area—

(A) the density of development is less than 1 structure per 5 acres of land above mean high tide; and

(B) there is existing infrastructure consisting of—

(i) a road, with a reinforced road bed, to each lot or building site in the area;

(ii) a wastewater disposal system sufficient to serve each lot or building site in the area;

(iii) electric service for each lot or building site in the area; and

(iv) a fresh water supply for each lot or building site in the area.

(2) STRUCTURE DEFINED.—In paragraph (1), the term “structure” means a walled and roofed building, other than a gas or liquid storage tank, that—

(A) is principally above ground and affixed to a permanent site, including a manufactured home on a permanent foundation; and

(B) covers an area of at least 200 square feet.

(3) SAVINGS CLAUSE.—Nothing in this subsection supersedes the official maps referred to in subsection (a).

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