

Calendar No. 214

115TH CONGRESS }
1st Session }

SENATE

{ REPORT
{ 115-149

A BILL TO REVISE THE BOUNDARIES OF CERTAIN JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM UNITS IN DELAWARE

SEPTEMBER 7, 2017.—Ordered to be printed

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

R E P O R T

[To accompany S. 1395]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred the bill (S. 1395) to revise the boundaries of certain John H. Chafee Coastal Barrier Resources System units in Delaware, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

GENERAL STATEMENT AND BACKGROUND

The Coastal Barrier Resources Act (CBRA) (Pub. L. 97-348), is a map-based law enacted in 1982 that recognizes certain actions and programs of the Federal Government subsidize and encourage development on coastal barriers. 16 U.S.C. 3501 *et seq.* Building on coastal barriers can contribute to the loss of natural resources and threaten human life, health and property. The CBRA system currently contains 859 geographic units in 23 States and territories along the Atlantic, Gulf of Mexico, Great Lakes, U.S. Virgin Islands, and Puerto Rico coasts. The CBRA units are depicted on maps that are maintained by the Secretary of the Interior through the U.S. Fish and Wildlife Service (FWS).

While CBRA does not prohibit or regulate development, it removes the Federal incentives to build on these unstable and environmentally sensitive areas. CBRA seeks to save taxpayers' money, keep people out of harm's way, and conserve natural resources by restricting most new Federal expenditures and financial assistance

(e.g., beach nourishment, disaster assistance, and flood insurance) in areas designated within the CBRA system (CBRS).

The FWS last revised the CBRA maps in 1990 using now antiquated manual cartographic technologies and paper base maps. Congress mandated a digital mapping pilot project in the 2000 Coastal Barrier Resources Reauthorization Act (Pub. L. 106–514). The 2006 Coastal Barrier Resources Reauthorization Act (Pub. L. 109–226) required a public review of the mapping results, finalization of the pilot project maps, and the preparation of digital maps for the remainder of the CBRS units. Delaware was part of the initial pilot project.

In November 2016, the FWS released a report to Congress on the results of the coastal barrier islands digital mapping pilot project required by the 2006 Coastal Barrier Resources Reauthorization Act. As a result, the FWS recommended that the CBRA map unit for North Bethany Beach be modified to remove an area encompassing the South Shore Marina development that was erroneously included on the paper map. While the FWS may make technical modifications to a CBRA map to reflect changes resulting from natural forces, only Congress has the authority to make changes to correct mapping errors. 16 U.S.C. 3503(c).

OBJECTIVES OF THE LEGISLATION

The objective of this legislation is to update the current paper map for a CBRS unit in North Bethany, Delaware with the new digital maps that remove the area encompassing the South Shore Marina development.

SECTION-BY-SECTION ANALYSIS

Section 1. Replacement of the John H. Chafee Coastal Barrier Resources Map

This section updates the current CBRS paper map for a CBRS unit in North Bethany, Delaware with the new digital maps developed with stakeholders. These updated digital maps remove the area encompassing the South Shore Marina development that was mistakenly included in the CBRS unit when the existing map was created in 1990, thus removing the limitations on eligibility for federal assistance and expenditures, including FEMA federal flood insurance, DOT highway and airport funding, and Corps of Engineers navigation or flood protection projects.

This section also requires the Secretary of Interior to keep the replacement map available for inspection in the Office of the Director of the United States Fish and Wildlife Service and other offices deemed appropriate.

LEGISLATIVE HISTORY

S. 1395, to revise the boundaries of certain John H. Chafee Coastal Barrier Resources System units in Delaware, was introduced by Senators Thomas Carper and Christopher Coons on June 21, 2017. The bill was referred to the Committee on Environment and Public Works. The Committee ordered S. 1395 to be reported favorably on July 12, 2017.

HEARINGS

No committee hearings were held on S. 1395.

ROLLCALL VOTES

On July 21, 2017, the Committee conducted a business meeting to consider S. 1395. The Committee ordered the bill to be reported favorably by voice vote.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee finds that S. 1395 does not create any additional regulatory burdens, nor will it cause 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 notes that the Congressional Budget Office found that S. 1395 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

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, if available. That statement follows:

AUGUST 16, 2017.

Hon. JOHN BARRASSO,
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. 1395, a bill to revise the boundaries of certain John H. Chafee Coastal Barrier Resources System units in Delaware.

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

Sincerely,

KEITH HALL.

Enclosure.

S. 1395—A bill to revise the boundaries of certain John H. Chafee Coastal Barrier Resources System units in Delaware

S. 1395 would update the map for a portion of the Coastal Barrier Resources System (CBRS) located in Delaware. Based on information provided by the U.S. Fish and Wildlife Service, CBO estimates that implementing the legislation would have no significant effect on the federal budget.

The bill would revise the CBRS map for several units within the system and would add, on net, about 800 acres to the system (increasing the size of the CBRS by less than 0.1 percent). Based on information provided by the agency, CBO expects that the new map would exclude lands containing 98 structures, which would en-

able owners of those structures to purchase flood insurance from the federal government. CBO estimates that enacting S. 1395 could increase premium collections of the National Flood Insurance Fund by less than \$500,000 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 2017–2027 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 2017–2027 period. Enacting the bill would not affect revenues.

CBO estimates that enacting S. 1395 would not significantly increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

S. 1395 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

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

CHANGES IN EXISTING LAW

Section 12 of rule XXVI of the Standing Rules of the Senate requires changes in existing law made by the bill as reported to be shown. S. 1395 does not amend existing law.