

**Calendar No. 255**

115TH CONGRESS }  
*1st Session*

SENATE

{ REPORT  
115-180

A BILL TO REQUIRE THE UNDER SECRETARY FOR OCEANS AND ATMOSPHERE TO UPDATE PERIODICALLY THE ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FOR EACH COASTAL AREA OF THE GREAT LAKES, AND FOR OTHER PURPOSES

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R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION

ON

S. 1586



OCTOBER 31, 2017.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

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

### R E P O R T

[To accompany S. 1586]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1586) to require the Under Secretary for Oceans and Atmosphere to update periodically the environmental sensitivity index products of the National Oceanic and Atmospheric Administration for each coastal area of the Great Lakes, and for other purposes, having considered the same, reports favorably thereon with an amendment (in the nature of a substitute) and recommends that the bill (as amended) do pass.

#### PURPOSE OF THE BILL

S. 1586 would require the National Oceanic and Atmospheric Administration (NOAA) to begin updating its Environmental Sensitivity Index (ESI) maps for the Great Lakes not later than 180 days after the date of enactment of the Act and would direct the Under Secretary for Oceans and Atmosphere (Under Secretary) to endeavor to update all ESI maps not less frequently than once every 7 years, subject to availability of appropriations and certain enumerated priorities.

#### BACKGROUND AND NEEDS

##### **ESI maps**

ESI maps are concise compilations of information about coastal shoreline sensitivity, biological resources, and human resources.

This information is used in planning to create cleanup strategies before an accident occurs so that authorities are prepared to take action in the event of an accident. ESI maps are an integral part of emergency response planning, preparedness, and response efforts. They are crucial to assisting decision makers, like the Coast Guard, by providing information about sensitive habitats and species in an area that could be at risk. They often drive prioritization of response options during an emergency or disaster.<sup>1</sup>

Many ESI maps are out of date; some have not been updated since the 1980s (e.g., Great Lakes, Alaska). Updates to ESI maps involve compiling a wide range of data about shoreline type, biology, and socioeconomic resources, including those that are sensitive to oil. While the increase in digital data has reduced some development costs, the production of robust maps still requires substantial engagement with contract expertise and classification based on ESI criteria.

ESI updates are prioritized by NOAA based on a combination of criteria, including the following:

- Age of existing atlas.
- Dynamics of the regional shoreline and coastal environment (i.e., changes due to storms, routine erosion/accretion, man-made changes, etc.).
- Vessel traffic/vulnerability to spilled pollutants.
- Constituent needs and requests.
- ESI production costs/available funding.

The size, complexity, and accessibility of a region, as well as availability of experts and data, all influence the cost of an update. With limited resources for updates to date, NOAA's Office of Response and Restoration (OR&R) focuses on regions where partners are available to contribute funding or data.<sup>2</sup>

### **Scope of an ESI update effort**

In the aftermath of Superstorm Sandy, OR&R received \$5 million through the Disaster Relief Appropriations Act to conduct ESI updates for the East Coast from Maine to South Carolina. This massive 3 year effort, which concluded in fiscal year 2017, substantially improved the coverage and quality of ESI mapping in the region. NOAA has estimated that an update of the Great Lakes region, which was last mapped between 1985 and 2004, would be similar in scope and cost.<sup>3</sup>

### **SUMMARY OF PROVISIONS**

S. 1586 would require NOAA to update its ESI maps for the Great Lakes starting not later than 180 days after the date of enactment of this Act and endeavor to update them every 7 years, subject to available appropriations and certain enumerated priorities.

The bill also would do the following:

<sup>1</sup> National Oceanic and Atmospheric Administration (NOAA), "Office of Response and Restoration, Environmental Sensitivity Index Maps," at <http://response.restoration.noaa.gov/maps-and-spatial-data/environmental-sensitivity-index-esi-maps.html>.

<sup>2</sup> Correspondence with NOAA, "Information about NOAA's Environmental Sensitivity Index Maps for the Senate Commerce Committee," April 4, 2017.

<sup>3</sup> Ibid.

- Outline the priorities to consider when selecting geographic areas to update.
- Authorize appropriations of \$7.5 million to carry out the Great Lakes ESI update.

#### LEGISLATIVE HISTORY

S. 1586 was introduced by Senator Peters on July 19, 2017, and is cosponsored by Senator Young. On August 2, 2017, the Committee met in open Executive Session and, by voice vote, ordered S. 1586 reported favorably with an amendment (in the nature of a substitute).

#### 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. 1586—Great Lakes Environmental Sensitivity Index Act of 2017*

Summary: S. 1586 would authorize the appropriation of \$7.5 million for the National Oceanic and Atmospheric Administration (NOAA) to update the environmental sensitivity index (ESI) maps for each coastal area of the Great Lakes.

CBO estimates that implementing S. 1586 would cost \$7.5 million over the 2018–2022 period, subject to appropriation of the authorized amounts.

Enacting S. 1586 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting the legislation would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

S. 1586 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary effect of S. 1586 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—					
	2018	2019	2020	2021	2022	2018–2022
INCREASES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level .....	7.5	0	0	0	0	7.5
Estimated Outlays .....	5	2	*	*	0	7.5

Note \* = less than \$500,000.

Basis of estimate: For this estimate, CBO assumes that the legislation will be enacted near the end of fiscal year 2017, that the authorized amounts will be appropriated for fiscal year 2018, and that spending will follow historical patterns for similar programs.

S. 1586 would authorize the appropriation of \$7.5 million for NOAA's Office of Response and Restoration to update the ESI maps for the Great Lakes' coastal areas. ESI maps provide a concise summary of coastal resources that are at risk if an oil spill oc-

curs nearby. The information provided by those maps allows NOAA to establish protection priorities and identify cleanup strategies for locations vulnerable to substantial environmental damage from oil spills. In 2017, NOAA did not allocate any funding for activities related to ESI mapping.

Pay-As-You-Go considerations: None.

Increase in long-term direct spending and deficits: CBO estimates that enacting S. 1586 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

Intergovernmental and private-sector impact: S. 1586 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Federal costs: Robert Reese; Impact on state, local, and tribal governments: Jon Sperl; Impact on the private sector: Amy Petz.

Estimate approved by: H. Samuel Papenfuss, 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. 1586, as reported, would not create any new programs or impose any new regulatory requirements, and therefore would not subject any individuals or businesses to new regulations.

##### ECONOMIC IMPACT

S. 1586, as reported, is not expected to have a negative impact on the Nation's economy.

##### PRIVACY

The reported bill would have no impact on the personal privacy of individuals.

##### PAPERWORK

S. 1586, as reported, would not increase paperwork requirements for either the private or public sectors.

##### CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

#### SECTION-BY-SECTION ANALYSIS

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

This section would provide that the Act may be cited as the "Great Lakes Environmental Sensitivity Index Act of 2017."

*Section 2. Update to Environmental Sensitivity Index Products of National Oceanic and Atmospheric Administration for Great Lakes.*

This section would require NOAA to begin updating the ESI products for each coastal area of the Great Lakes not later than 180 days after the date of enactment of this Act and would require the Under Secretary to periodically update the ESI products, ideally not less frequently than once every 7 years, subject to the availability of appropriations and certain enumerated priorities. It also would set the priorities for the Under Secretary to consider when choosing a geographic area to update. This section would authorize to be appropriated \$7.5 million to carry out the first update of the Great Lakes region.

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.

