

GREAT LAKES ENVIRONMENTAL
SENSITIVITY INDEX ACT OF 2019

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 1342



DECEMBER 10, 2019.—Ordered to be printed

U.S. GOVERNMENT PUBLISHING OFFICE

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

ROGER F. WICKER, Mississippi, *Chairman*

JOHN THUNE, South Dakota	MARIA CANTWELL, Washington
ROY BLUNT, Missouri	AMY KLOBUCHAR, Minnesota
TED CRUZ, Texas	RICHARD BLUMENTHAL, Connecticut
DEB FISCHER, Nebraska	BRIAN SCHATZ, Hawaii
JERRY MORAN, Kansas	EDWARD J. MARKEY, Massachusetts
DAN SULLIVAN, Alaska	TOM UDALL, New Mexico
CORY GARDNER, Colorado	GARY C. PETERS, Michigan
MARSHA BLACKBURN, Tennessee	TAMMY BALDWIN, Wisconsin
SHELLEY MOORE CAPITO, West Virginia	TAMMY DUCKWORTH, Illinois
MIKE LEE, Utah	JON TESTER, Montana
RON JOHNSON, Wisconsin	KYRSTEN SINEMA, Arizona
TODD C. YOUNG, Indiana	JACKY ROSEN, Nevada
RICK SCOTT, Florida	

JOHN KEAST, *Staff Director*

DAVID STRICKLAND, *Minority Staff Director*

Calendar No. 320

116TH CONGRESS }
1st Session }

SENATE

{ REPORT
{ 116-170

GREAT LAKES ENVIRONMENTAL SENSITIVITY INDEX ACT OF 2019

DECEMBER 10, 2019.—Ordered to be printed

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

R E P O R T

[To accompany S. 1342]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1342) to require the Under Secretary for Oceans and Atmosphere to update periodically the environmental sensitivity index products of the National Oceanic and Atmospheric Administration (NOAA) for each coastal area of the Great Lakes, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill (as amended) do pass.

PURPOSE OF THE BILL

The purpose of S. 1342, the Great Lakes Environmental Sensitivity Index Act of 2019, is to direct NOAA to update its environmental sensitivity index (ESI) maps for the Great Lakes within 180 days after the enactment of the Act, as well as continue to update all ESI maps at least once every 7 years, if funds are appropriated.

BACKGROUND AND NEEDS

ESI maps are concise compilations of information about coastal shoreline sensitivity, biological resources, and human-use resources.¹ The maps are valuable management tools used to inform

¹ National Oceanic and Atmospheric Administration, Office of Response and Restoration, Environmental Sensitivity Index Maps (<http://response.restoration.noaa.gov/maps-and-spatial-data/environmental-sensitivity-index-esi-maps.html>) (accessed 6/12/2019).

emergency response planning, preparedness, and response efforts in the event of an oil spill.² They are crucial to assisting responders, like the Coast Guard, by providing information about vulnerable locations, protection priorities, and cleanup strategies.³ They often drive prioritization of response options during an emergency or disaster.⁴

Many ESI maps are out of date. For example, the ESI maps for the Great Lakes and Alaska were last updated in the 1980s. Updates to ESI maps involve updating 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 the following criteria:

- Age of existing atlas;
- Dynamics of the regional shoreline and coastal environment (i.e. changes due to storms, routine erosion or accretion, man made changes, etc.);
- Vessel traffic and vulnerability to spilled pollutants;
- Constituent needs and requests; and
- ESI production costs and 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.⁵

In the aftermath of Superstorm Sandy, OR&R received \$5 million through the Disaster Relief Appropriations Act⁶ 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.

SUMMARY OF PROVISIONS

S. 1342, the Great Lakes Environmental Sensitivity Index Act of 2019, would do the following:

- Require NOAA to update its ESI maps for the Great Lakes starting within 180 days of the enactment of this Act.
- Update all ESI maps every 7 years, subject to available appropriations.

²Id.

³Id. See also National Oceanic and Atmospheric Administration, Office for Coastal Management, Environmental Sensitivity Index (<https://coast.noaa.gov/digitalcoast/data/esi.html>) (accessed 10/21/2019).

⁴Id.

⁵Correspondence with NOAA, "Information about NOAA's Environmental Sensitivity Index Maps for the Senate Commerce Committee," April 4, 2017.

⁶Pub. L. 113-2; 127 Stat. 19.

LEGISLATIVE HISTORY

S. 1342 was introduced on May 7, 2019, by Senator Peters (for himself and Senator Young) and was referred to the Committee on Commerce, Science, and Transportation of the Senate. On July 10, 2019, the Committee met in Executive Session, and by voice vote, ordered S. 1342 reported favorably with amendments.

An identical bill, H.R. 2551, was introduced on May 7, 2019, by Representative Kildee (for himself and Representatives Dingell, Huizenga, and Joyce) and was referred to the Committee on Natural Resources of the House of Representatives. On May 21, 2019, H.R. 2551 was referred to that Committee's Subcommittee on Water, Oceans, and Wildlife.

In the 115th Congress, a similar bill, S. 1586, was introduced on July 19, 2017, by Senator Peters (for himself and Senator Young) and was referred to the Committee on Commerce, Science, and Transportation of the Senate. Senator Franken was an additional cosponsor. On October 31, 2017, S. 1586 was reported favorably with an amendment (in the nature of a substitute), and on September 6, 2018, that bill passed the Senate with an amendment by voice vote.

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. 1342, Great Lakes Environmental Sensitivity Index Act of 2019			
As ordered reported by the Senate Committee on Commerce, Science, and Transportation on July 10, 2019			
By Fiscal Year, Millions of Dollars	2019	2019-2024	2019-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Deficit Effect	0	0	0
Spending Subject to Appropriation (Outlays)	0	2	n.e.
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
n.e. = not estimated.			

S. 1342 would direct the National Oceanic and Atmospheric Administration (NOAA) to update the environmental sensitivity index (ESI) maps for the Great Lakes' coastal areas. Under the bill, NOAA would be required to update those maps every seven years. ESI maps provide a concise summary of coastal resources that are at risk if an oil spill occurs 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 2019, no funds were allocated for ESI mapping.

Using information from NOAA, CBO estimates that updating those ESI maps would take about three years and would require approximately seven additional employees at an average annual cost of \$100,000 and would total \$2 million over the 2020–2024 period. Any spending would be subject to the availability of appropriated funds.

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

REGULATORY IMPACT STATEMENT

Because S. 1342 does not create any new programs, the legislation will have no additional regulatory impact, and will result in no additional reporting requirements. The legislation will have no further effect on the number or types of individuals and businesses regulated, the economic impact of such regulation, the personal privacy of affected individuals, or the paperwork required from such individuals and businesses.

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 bill may be cited as the “Great Lakes Environmental Sensitivity Index Act of 2019”.

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 within 180 days after the enactment of this Act and require updates to all ESI products at least every 7 years, if funds are appropriated. It also would set priorities for the Under Secretary to consider when choosing a geographic area to update. This section would authorize \$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.