AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Calendar No. 331

104TH CONGRESS, 2d Session | SENATE | REPORT 104–229

TECHNICAL CORRECTIONS IN COASTAL BARRIER RESOURCES SYSTEMS MAP

FEBRUARY 1, 1996.—Ordered to be printed

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

REPORT

[To accompany H.R. 2005]

The Committee on Environment and Public Works, to which was referred the bill (H.R. 2005) to direct the Secretary of the Interior to make technical corrections in maps relating to the Coastal Barrier Resources System, having considered the same reports favorably thereon without amendment and recommends that the bill do pass.

GENERAL STATEMENT

The purpose of H.R. 2005 is to direct the Secretary of the Interior to make technical corrections to the boundary of an "otherwise protected area" depicted on a map that relates to the unit of the Coastal Barrier Resources System entitled Fire Island Unit NY–59P.

BACKGROUND

Coastal barriers are depositional landforms that protect the mainland and landward associated aquatic habitats from the forces of water and wind. These areas provide important habitat for migratory birds and other wildlife and for finfish, shellfish and other aquatic organisms. Coastal barriers are vulnerable to hurricane and other storm damage.

The Coastal Barrier Resources System (CBRS) was created in 1982 by the Coastal Barrier Resources Act (CBRA, Public Law 97–348), and expanded by the Coastal Barrier Improvement Act of 1990 (Public Law 101–591).

Under CBRA, Federal expenditures and financial assistance (with some specific exceptions) are prohibited within the coastal

29–010

barrier units that comprise the CBRS. By restricting funding for Federal programs, including Federal flood insurance coverage, that encourage development of undeveloped coastal barriers, Congress intended to: minimize the loss of human life; reduce wasteful expenditure of Federal funds; and, conserve fish and wildlife and other natural resources associated with coastal barriers. Inclusion of property within the CBRS, however, does not prevent use of private funds to develop CBRS units, nor does it prevent actions necessary to process and issue Federal permits necessary for development.

The Coastal Barrier Improvement Act of 1990 defined a new category of coastal barriers as "otherwise protected areas." These areas include undeveloped coastal barriers 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. Under the Coastal Barrier Improvement Act of 1990, sale of new Federal flood insurance is prohibited within "otherwise protected areas," except for coverage of structures that are used in a manner consistent with the purpose for which the area is protected.

The CBRA references a series of maps, maintained by the Department of the Interior, that depict the boundaries of the units of the CBRS. Except for minor and technical modifications to the CBRS unit boundaries to reflect changes that have occurred as a result of natural forces, modifications of CBRS unit boundaries require Congressional approval.

H.R. 2005 corrects a technical mapping error in which private property, not owned for conservation purpose, was inaccurately included within an "otherwise protected area" within the Fire Island unit of the CBRS. The bill directs the Secretary of the Interior to amend the CBRS map to adjust the western boundary of the "otherwise protected area" to conform with the border of the Federally-protected Sunken Forest Preserve to ensure that the private property owned by the Point O'Woods Association is not erroneously depicted as an "otherwise protected area."

SECTION-BY-SECTION ANALYSIS

Section 1. Correction to map

Section 1 directs the Secretary of the Interior to move the boundary of the "otherwise protected area" depicted on the map that relates to the unit of the Coastal Barrier Resources System entitled Fire Island Unit NY–59P as is necessary to ensure that the areas depicted as "otherwise protected areas" do not include private property that is owned by the Point O'Woods Association.

HEARINGS

The Committee held no hearings on H.R. 2005. The views of the Department of the Interior on H.R. 2005 are provided here:

U.S. DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Washington, DC, January 29, 1996.

Hon. JOHN H. CHAFEE,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your January 26, 1996, request for the Department of the Interior's position regarding H.R. 2005, a bill proposing to make technical corrections to the Coastal Barrier Resources System.

Bill H.R. 2005 proposes to make technical corrections to the area identified as NY–59P which is part of the Fire Island National Seashore and is mapped as an "otherwise protected area" within the Coastal Barrier Resources System. This area was added to the System as a result of the Coastal Barrier Improvement Act in 1990.

"Otherwise protected areas" are defined by the Coastal Barrier Resources Act as coastal barriers which are "included within the boundaries of an area established under Federal, State, or local law, or held by a qualified organization as defined in Section 170(h)(3) of the Internal Revenue Code of 1954, primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes." Congress with passage of the 1990 legislation, prohibited the sale of Federal flood insurance within "otherwise protected areas."

Bill H.R. 2005 will modify the area currently excluded from NY–59P which includes the subdivisions of Ocean Beach, Seaview, Ocean Bay Park and a part of Point O'Woods by extending this excluded area to the western boundary of the Sunken Forest Preserve; thus, removing a part of NY–59P from the System. Bill H.R. 2005 also proposes "to ensure that the depiction of areas as 'otherwise protected areas' does not include any area that is owned by the Point O'Woods Association (a privately held corporation under the laws of the State of New York)."

The Point O'Woods Association property is not a part of the Fire Island National Seashore. Therefore, the Service recommends that the boundary of NY–59P be modified to remove the Point O'Woods property from within the boundary of NY–59P.

After careful consideration, we have determined that this change is consistent with the "technical corrections" that were approved by Congress with passage of the recent Public Law 103–461, November 2, 1994, using the delineation criteria formerly developed by the Department and later approved by Congress. Therefore, the area should not remain in the System and does require "correction."

The Department supports passage of H.R. 2005.

We appreciate the opportunity to provide you with this information If you have any questions, please contact the Office of Legislative Services at (202) 208–5403.

Sincerely,

JOHN G. ROGERS, *Acting Director.*

ROLLCALL VOTES

Section 7(b) of rule XXVI of the Standing Rules of the Senate and the rules of the Committee on Environment and Public Works require that any rollcall votes taken during consideration of legislation be noted in the report.

No rollcall votes were taken. The bill was ordered reported by voice vote.

REGULATORY IMPACT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact of the bill.

The bill does not create any additional regulatory burdens.

COST OF THE 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. That statement follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 20, 1995.

Hon. JOHN H. CHAFEE,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 2005, an act to direct the Secretary of the Interior to make technical corrections in maps relating to the Coastal Barrier Resources System. H.R. 2005 was ordered reported by the Senate Committee on Environment and Public Works on December 19, 1995. Because the legislation could affect direct spending, pay-as-you-go procedures would apply. However, CBO estimates that enacting H.R. 2005 would result in no significant effect on the federal budget.

H.R. 2005 would direct the Secretary of the Interior to exclude property adjacent to Fire Island National Seashore, New York, from the Coastal Barrier Resources System. This change would enable local property owners to relocate previously constructed houses to a portion of their property that was inadvertently included in the system. Because these homeowners already have federal flood insurance, and because it is unlikely that any of the property affected by the revision would be used for new homesites, CBO estimates that the act would have no significant impact on the federal budget.

CBO expects that enacting this legislation would have no impact on the budgets of state or local governments.

On October 19, 1995, CBO prepared a cost estimate for H.R. 2005, as ordered reported by the House Committee on Resources on September 27, 1995. The two estimates are identical.

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

Sincerely,

JUNE E. O'NEILL.

CHANGES IN EXISTING LAW

Section 12 of rule XXVI of the Standing Rules of the Senate requires publication of any changes in existing law made by the reported bill. This bill does not change existing law.

○