

CLARIFICATION OF BOUNDARIES OF COASTAL BARRIER
RESOURCES SYSTEM UNIT NC01

JUNE 6, 2000.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

[To accompany H.R. 4435]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4435) to clarify certain boundaries on the map relating to Unit NC01 of the Coastal Barrier Resources System, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 4435 is to clarify certain boundaries on the map relating to Unit NC01 of the Coastal Barrier Resources System.

BACKGROUND AND NEED FOR LEGISLATION

Coastal barriers are landscape features that protect sensitive areas from the full force of wind, wave and tidal energy. The Coastal Barrier Resources System consists of undeveloped coastal barrier units delineated on maps adopted by Congress. The System was created by the Coastal Barrier Resources Act of 1982 (CBRA, Public Law 97-348) and greatly expanded by the CBRA amendments adopted in the Coastal Barrier Improvement Act of 1990 (Public Law 101-591). The 1990 amendments added, among other areas, “otherwise protected areas” to the System. These are areas which are already protected under federal, State or local law, or held for conservation purposes. Land included in the System is not acquired by the government, and CBRA does not prevent or regulate development on private lands. CBRA does prohibit the use of federal development assistance, including federal flood insurance, on prop-

erty included in the System. Since 1990, Congress has enacted legislation on several occasions to amend the boundaries of System units. See Public Law 106–128; Public Law 106–116; Public Law 105–277 (Section 101(e)); Public Law 104–333 (Section 220); Public Law 104–265 (Section 201); Public Law 104–148; Public Law 103–461; Public Law 102–440 (Section 303); and Public Law 101–591 (Section 4).

Coastal barrier unit NC–01P was included in the System as an “otherwise protected area” in 1990. The underlying conservation area that was supposed to constitute the otherwise protected area was a wildlife sanctuary owned by the National Audubon Society. Unfortunately, a significant amount of privately and publicly owned developed property was inadvertently, and incorrectly, included within the boundary of the otherwise protected area. In 1992, Congress directed the Secretary of the Interior to redraw the boundary of the unit to consist of the area “owned by the National Audubon Society, along with the associated aquatic habitat of Pine Island Bay and Goat Island Bay.” At the request of the Audubon Society, the otherwise protected area designation was dropped and the unit became NC–01. A new map was prepared. That map, however, also failed to accurately portray the boundary of the wildlife sanctuary, and again included privately owned developed property. The Fish and Wildlife Service, which oversees the System, recently discovered this error, and supports the proposed correction. The correction embodied in H.R. 4435 removes the incorrectly labeled private property, and adds associated aquatic habitat that was left out of the unit in 1992. This change leads to a net increase of 2,326 acres in the System.

COMMITTEE ACTION

H.R. 4435 was introduced on May 11, 2000, by Congressman Walter B. Jones, Jr. (R–NC). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife and Oceans. On May 11, 2000, the Subcommittee held a hearing which discussed boundary corrections to NC–01. The Administration testified in support of the corrections. On May 18, 2000, the Subcommittee met to mark up the bill. There were no amendments and the bill was ordered favorably reported to the Full Committee by voice vote. On May 24, 2000, the Full Resources Committee met to consider the bill. There were no amendments and the bill was ordered favorably reported by voice vote to the House of Representatives.

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 Resources’ oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. *Cost of Legislation.* Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. *Congressional Budget Act.* As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of this bill would increase offsetting collections from flood insurance premiums by less than \$50,000 per year. These collections would be partially offset by spending for administrative and underwriting expenses.

3. *Government Reform Oversight Findings.* Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. *Congressional Budget Office Cost Estimate.* Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 5, 2000.

Hon. Don Young,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4435, a bill to clarify boundaries on the map relating to Unit NC01 of the Coastal Barrier Resources System.

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

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 4435—A bill to clarify certain boundaries on the map relating to Unit NC01 of the Coastal Barrier Resources System

CBO estimates that enacting H.R. 4435 would result in no significant cost to the federal government. Because the bill could affect direct spending, pay-as-you-go procedures would apply, but we expect that net charges in direct spending would be negligible. H.R. 4435 contains no intergovernmental or private-sector mandates as

defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

H.R. 4435 would correct a map of the Coastal Barrier Resources System in North Carolina. The proposed correction would revise the boundaries of Unit NC01 to include 2,330 acres of aquatic habitat and exclude about 4 acres of developed land. This change would enable local property owners occupying the excluded acreage to obtain federal flood insurance. Once insurance policies have been written on the affected properties, offsetting collections from premiums paid into the national flood insurance fund would increase by less than \$50,000 per year. Collections would be partially offset by new mandatory spending for underwriting and administrative expenses. The federal government might also incur additional costs for losses associated with any future floods that might affect this land, but CBO has no basis for predicting such floods or their resulting costs.

The CBO staff contact is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

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

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.