

## Calendar No. 920

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2d Session }

SENATE

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### COASTAL BARRIER RESOURCES SYSTEM MAP CORRECTION—CAPTIVA ISLAND, FLORIDA, UNIT P19-P

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OCTOBER 3 (legislative day, SEPTEMBER 22), 2000.—Ordered to be printed

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Mr. SMITH of New Hampshire, from the Committee on  
Environment and Public Works, submitted the following

### REPORT

[to accompany H.R. 34]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (H.R. 34) to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System, having considered the same, reports favorably thereon, with amendments, and recommends that the bill, as amended, do pass.

#### GENERAL STATEMENT AND BACKGROUND

The Coastal Barrier Resources System (CBRS) is comprised of undeveloped coastal barriers along the coasts of the Atlantic Ocean, Gulf of Mexico, the Great Lakes, Puerto Rico and the U.S. Virgin Islands. Coastal barriers are landscape features that shield the mainland from the full force of wind, wave and tidal energies. Coastal barriers come in a variety of forms that include bay barriers, tombolos, barrier spits, barrier islands, dune or beach barriers, and fringing mangroves. Besides bearing the brunt of impacts from storms and erosion, most coastal barriers are composed of unconsolidated sediment such as sand or gravel. The geological composition makes coastal barriers highly unstable areas. Despite their instability, many coastal barriers are under heavy development pressure.

Congress passed the Coastal Barrier Resources Act of 1982 in an effort to address problems caused by coastal barrier development. The Coastal Barrier Resources Act restricts Federal expenditures

and financial assistance, including Federal flood insurance, for development on coastal barriers in the CBRS. By restricting funding for Federal programs that encourage development of coastal barriers, Congress sought to minimize loss of human life; reduce wasteful expenditure of Federal funds; and protect the natural resources associated with coastal barriers.

The Coastal Barrier Improvement Act of 1990 added "Otherwise Protected Areas" (OPAs) to the System. OPAs are undeveloped coastal barriers within the boundaries of lands reserved for conservation purposes, such as wildlife refuges and parks. In addition, the 1990 Act added to the System coastal barriers in Puerto Rico, the U.S. Virgin Islands, the Great Lakes and along the Atlantic and Gulf coasts. The CBRS currently includes 850 units, comprising approximately 3 million acres and approximately 2,500 shoreline miles.

Undeveloped coastal barriers were identified and mapped using criteria developed by the Department of the Interior and later approved by Congress. Aerial photographs and ground inspections were used to verify the boundaries, and the results were then mapped on U.S. Geological Survey quadrangle maps. 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.

The bill would clarify the boundaries of the OPAs on Captiva Island in Lee County, Florida (Units P-19 and P19-P). First, 14 acres of private property on the northern tip of the Island would be removed from the System. The northern tip of the Island was originally excluded in the 1990 amendments to CBRA; an additional 12 acres (approximately) were removed from the System in 1994. The map referred to in H.R. 34 would remove the 14 acres of remaining private property on the tip of the Island in order to accurately reflect the boundaries of Cayo Costa State Park, which is an OPA in the System (included in P-19P). This change is being made to correct a 1990 mapping error and eliminate confusion that has arisen, since then, regarding Congressional intent regarding the appropriate status of the 14 acre area. The change is not intended to establish a precedent for the treatment of other OPAs. Specifically, it is not intended to establish a precedent that land outside the boundary of the relevant conservation area is, in all cases, inappropriate for inclusion in an OPA. That issue is left open for future consideration, either as a matter of general policy or on a case-by-case basis.

Secondly, this bill would redesignate 26 acres of land on the southern portion of the island. These parcels are currently within the full CBRS Unit P19, but are owned by the State of Florida for conservation purposes. In order to properly reflect the boundaries of all OPAs on Captiva Island, this bill would redesignate these parcels as P-19P.

The U.S. Fish and Wildlife Service supports H.R. 34 as amended.

#### REGULATORY IMPACT STATEMENT

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 reported bill. The bill will have no

direct regulatory impact. However, by eliminating the 14 acre area from the OPA, it will make landowners in that area eligible for Federal flood insurance.

#### MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the committee finds that S. 574 would impose no Federal intergovernmental unfunded mandates on State, local, or tribal governments. All of its governmental directives are imposed on Federal agencies. The bill does not directly impose any private sector mandates.

#### LEGISLATIVE HISTORY

On November 19, 1999, H.R. 34 was received in the Senate and referred to the Senate Committee on Environment and Public Works. No hearings were held on this bill. On September 21, 2000, the Committee on Environment and Public Works held a business meeting to consider H.R. 34. A technical amendment to H.R. 34 was adopted by voice vote. The business meeting was continued on September 28, 2000 and H.R. 34 was favorably reported out of committee as amended by voice vote.

#### 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. That statement follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, October 3, 2000.*

Hon. ROBERT C. SMITH, *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 H. R. 34, an act to direct the Secretary of the Interior to make technical correction to a map relating to 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, who can be reached at 226-2860.

Sincerely,

DAN L. CRIPPEN.

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#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

*H.R. 34, An act to direct the Secretary of the Interior make technical corrections to a map relating to the Coastal Barrier Resources System, as ordered reported by the Senate Committee on Environment and Public Works on September 28, 2000*

CBO estimates that enacting H.R. 34 would result in no significant cost to the Federal Government. The legislation could affect

direct spending; therefore, pay-as-you-go procedures would apply, but we expect that net changes in direct spending would be negligible for each year. H.R. 34 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. 34 would correct a map of the Coastal Barrier Resources System in Florida. The proposed correction would revise the boundaries of unit P19-P to exclude about 14 acres of land. This change would enable local property owners who might develop the excluded acreage to obtain Federal flood insurance. If the affected properties are developed and insurance policies are written, offsetting collections from premiums paid into the national flood insurance fund should increase by less than \$50,000 a year. Those 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 for this estimate is Deborah Reis, who can be reached at 226–2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### CHANGES IN EXISTING LAW

Section 12 of rule XXVI of the Standing Rules of the Senate, provides that reports to the Senate should show changes in existing law made by the bill as reported. Passage of this bill will make no changes to existing law.

