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### REPLACEMENT OF MAP FROM UNIT T-07 (TEXAS) IN THE JOHN H. CHAFEE COASTAL BARRIER SYSTEM

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OCTOBER 29, 2003.—Ordered to be printed

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

### REPORT

[to accompany S. 1066]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 1066) to correct a technical error to the T-07 unit of the John H. Chafee Coastal Barrier Resources System, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

#### GENERAL STATEMENT AND BACKGROUND

Coastal barriers are unique land areas that form the bridge between low-lying coastal areas and seawater. They perform functions supporting fragile ecosystems and serve as prized recreational areas for the public. Because of their inherent beauty and hydrological values, coastal barriers are under significant development pressures. However, coastal barriers are composed of unstable elements and are susceptible to storm damage and chronic erosion.

Recognizing the environmental and economic risks associated with developing coastal barriers, Congress enacted the Coastal Barrier Resources Act (CBRA) in 1982. The law established a prohibition against Federal spending, primarily Federal flood insurance assistance and Federal infrastructure spending, in areas denoted in designated CBRA units. No prohibitions exist against private expenditures in CBRA units and individuals who chose to build and

invest in these hazard-prone areas will incur the full cost of that risk. Approximately 590,000 acres were established as CBRA units along the Atlantic and Gulf coasts of the United States.

The U.S. Fish and Wildlife Service (USFWS) manages the CBRA program and provides information to the public, as well as city, State, and local officials on questions pertaining to the delineations of CBRA units. The Service also maintains the official maps outlining the individual units. Congress enacts periodic revisions to official unit maps that replace previous maps.

In 1990, Congress passed the Coastal Barrier Improvement Act, which extended CBRA units into the Great Lakes, Puerto Rico, and the U.S. Virgin Islands. The 1990 statute also established designations of “otherwise protected areas” (OPAs) into the unit system. Properties located within an OPA unit are ineligible for Federal flood insurance.

The 2000 Coastal Barrier Resources Reauthorization Act made a series of programmatic changes to the USFWS operation of the program. The statute also renamed the unit system as the “John H. Chafee Coastal Barrier Resources System.”

The original CBRA adopted by Congress in September 1982 incorrectly designated the Matagorda Dunes Homes subdivision located in Matagorda County, Texas, as “undeveloped coastal barrier.” This designation under CBRA prohibits individuals living on these lots from qualifying for Federal funding, including flood insurance through the National Flood Insurance Program.

Based on research of the administrative record, the USFWS believes that the subdivision should not have been included in the original T-07 unit map because a full complement of infrastructure—roads, potable water, wastewater, and electricity—was available in the subdivision before the T-07 unit map was adopted by Congress. The subdivision exceeded the infrastructure criterion used to designate “undeveloped coastal barriers” as part of the John H. Chafee Coastal Barrier Resources System.

Additionally, when the USFWS finds a technical mapping error in one part of a System map, it reviews all other nearby boundaries to ensure they are mapped accurately. However, due to a disagreement between the State and County over land ownership, the USFWS was unable to comprehensively revise the boundaries of the entire T-07/T-07P area.

The USFWS supports S. 1066, as amended, that adopts a new official map for T-07/T-07P that excludes the Matagorda Dunes Homesites Subdivision from T-07 and accurately depicts the T-07 and T-07P boundaries of the southern portion of the map to follow the shoreline.

#### OBJECTIVES OF THE LEGISLATION

This legislation will correct a technical error within Unit T-07 of the John H. Chafee Coastal Barrier Resources System to reflect the original intent of Congress. It will remove the 19-acre Matagorda Dunes Homesites Subdivision from the T-07 unit map, (making the subdivision eligible for flood insurance). S. 1066, as amended, will direct the USFWS to replace the official, outdated map with a new official map that reflects the correction.

## SECTION-BY-SECTION ANALYSIS

*Section 1. Replacement of John H. Chafee Coastal Barrier Resources System Map*

This section replaces the original official map with a new official map that reflects the technical correction that excludes the Matagorda Dunes Homesites Subdivision from the John H. Chafee Coastal Barrier Resources System.

## LEGISLATIVE HISTORY

S. 1066 was introduced on May 14, 2003, by Senators Hutchison and Cornyn and referred to the Committee on Environment and Public Works. The committee met on October 15, 2003 to consider the bill.

## ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 1066 on October 15, 2003. The committee agreed to an amendment by Senator Crapo that will conform the language to the format regularly used in CBRA revision bills. The committee favorably reported the bill by voice vote.

## REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee finds that S. 1066 does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

## MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the committee finds that S. 1066 would impose no Federal intergovernmental unfunded mandates on State, local, or tribal governments.

## 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 27, 2003.*

Hon. JAMES M. INHOFE, *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 S. 1066, a bill to correct a technical error from Unit T-7 of the John H. Chafee 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,

DOUGLAS HOLTZ-EAKIN

*S. 1066, A bill to correct a technical error from Unit T-07 of the John H. Chafee Coastal Barrier Resources System, as ordered reported by the Senate Committee on Environment and Public Works on October 15, 2003*

CBO estimates that enacting S. 1066 would not have any significant impact on the Federal budget over the next 5 years. The bill could affect direct spending, but we expect that net changes would be negligible.

S. 1066 would modify the boundaries of the Matagorda Peninsula Unit (in Texas) of the Coastal Barriers Resource System to exclude about 45 lots or houses on 19 acres of private land. This change would enable the owners of these properties to obtain Federal flood insurance. CBO estimates that, once insurance policies have been written on all properties, premium collections into the national flood insurance fund would increase by less than \$100,000 annually. Collections would be partially offset each year by new mandatory spending for underwriting and administrative expenses. The Federal Government may also incur additional costs for losses associated with any future floods that might affect the newly insured properties, but CBO has no basis for predicting such events.

The bill 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.

The CBO staff contact for this estimate is Deborah Reis. 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 requires the committee to publish changes in existing law made by the bill as reported. Passage of this bill will replace a map entitled "John H. Chafee Coastal Barrier Resources System Matagorda Peninsula Unit T07/T07P," authorized by the Coastal Barrier Resources Act (CBRA) of 1982 [16 U.S.C. 3503(a)], as amended.