

# Calendar No. 483

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1752

[Report No. 106-252]

To reauthorize and amend the Coastal Barrier Resources Act.

---

## IN THE SENATE OF THE UNITED STATES

OCTOBER 20, 1999

Mr. CHAFEE (for himself, Mr. CRAPO, Mr. MOYNIHAN, Mr. LIEBERMAN, Mr. L. CHAFEE, and Mr. SMITH of New Hampshire) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

APRIL 4, 2000

Reported by Mr. SMITH of New Hampshire, with amendments

[Omit the part struck through and insert the part printed in italics]

---

## A BILL

To reauthorize and amend the Coastal Barrier Resources Act.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Coastal Barrier Re-  
5       sources Reauthorization Act of 1999”.

1 **SEC. 2. DEFINITIONS.**

2 Section 3 of the Coastal Barrier Resources Act (16  
3 U.S.C. 3502) is amended—

4 (1) by striking “For purposes of” and all that  
5 follows through the end of paragraph (1) and insert-  
6 ing the following:

7 “In this Act:

8 “(1) UNDEVELOPED COASTAL BARRIER.—

9 “(A) IN GENERAL.—The term ‘undevel-  
10 oped coastal barrier’ means—

11 “(i) a geologic feature (such as a bay  
12 barrier, tombolo, barrier spit, or barrier is-  
13 land) that—

14 “(I) is subject to wave, tidal, and  
15 wind energies; and

16 “(II) protects landward aquatic  
17 habitats from direct wave attack; and

18 “(ii) all associated aquatic habitats,  
19 including the adjacent wetlands, marshes,  
20 estuaries, inlets, and nearshore waters.

21 “(B) EXCLUSIONS.—The term ‘undevel-  
22 oped coastal barrier’ excludes a feature or habi-  
23 tat described in subparagraph (A) if, as of the  
24 date on which the feature or habitat is added  
25 to the System—

1           “(i) the density for the unit in which  
2           the feature or habitat is located is equal to  
3           or greater than 1 structure per 5 acres of  
4           land above the mean high tide, which  
5           structure—

6                   “(I) is a walled and roofed build-  
7                   ing (other than a gas or liquid storage  
8                   tank) that is principally above ground  
9                   and affixed to a permanent site, in-  
10                  cluding a manufactured home on a  
11                  permanent foundation; and

12                   “(II) covers at least 200 square  
13                  feet; or

14                  “(ii) the feature or habitat contains  
15                  infrastructure consisting of—

16                   “(I) a road, to each lot or build-  
17                   ing site, that is under the jurisdiction  
18                   of, and maintained by, a public au-  
19                   thority and is open to the public;

20                   “(II) a wastewater disposal sys-  
21                   tem for each lot or building site;

22                   “(III) electric service for each lot  
23                   or building site; and

24                   “(IV) availability of a fresh water  
25                   supply for each lot or building site.”;

1           (2) in paragraph (2), by striking “refers to the  
2           Committee on Merchant Marine and Fisheries” and  
3           inserting “means the Committee on Resources”; and  
4           (3) in paragraph (3), by striking the second  
5           sentence.

6 **~~SEC. 3. VOLUNTARY ADDITIONS TO COASTAL BARRIER RE-~~**  
7 **~~SOURCES SYSTEM.~~**

8 ***SEC. 3. VOLUNTARY ADDITIONS TO JOHN H. CHAFEE***  
9 ***COASTAL BARRIER RESOURCES SYSTEM.***

10           (a) IN GENERAL.—Section 4 of the Coastal Barrier  
11 Resources Act (16 U.S.C. 3503) is amended by adding  
12 at the end the following:

13           “(d) ADDITIONS TO SYSTEM.—

14                   “(1) IN GENERAL.—The Secretary may add a  
15           parcel of real property to the System, if—

16                           “(A) the owner of the parcel requests, in  
17           writing, that the Secretary add the parcel to the  
18           System; and

19                           “(B) the parcel is a feature or habitat cov-  
20           ered by section 3(1).

21                   “(2) MAPS.—The Secretary shall—

22                           “(A) keep a map showing the location of  
23           each parcel of real property added to the Sys-  
24           tem under paragraph (1) on file and available  
25           for public inspection in the Office of the Direc-

1           tor of the United States Fish and Wildlife Serv-  
2           ice and in such other offices of the Service as  
3           the Director considers appropriate;

4           “(B) provide a copy of the map to—

5                   “(i) the State in which the property is  
6           located;

7                   “(ii) the Committees; and

8                   “(iii) the Federal Emergency Manage-  
9           ment Agency; and

10           “(C) revise the maps referred to in sub-  
11           section (a) to reflect each addition of real prop-  
12           erty to the System under paragraph (1), after  
13           publishing in the Federal Register a notice of  
14           any such proposed revision.”.

15           (b) CONFORMING AMENDMENT.—Section 4(a) of the  
16           Coastal Barrier Resources Act (16 U.S.C. 3503(a)) is  
17           amended by striking “which shall consist of” and all that  
18           follows and inserting the following: “which shall consist  
19           of those undeveloped coastal barriers and other areas lo-  
20           cated on the coasts of the United States that are identified  
21           and generally depicted on the maps on file with the Sec-  
22           retary entitled ‘Coastal Barrier Resources System’, dated  
23           October 24, 1990, as those maps may be modified, revised,  
24           or corrected under—

25           “(1) subsection (c) or (d);

1           “(2) section 4 of the Coastal Barrier Improve-  
2           ment Act of 1990 (16 U.S.C. 3503 note; Public Law  
3           101–591); or

4           “(3) any other provision of law enacted on or  
5           after November 16, 1990, that specifically author-  
6           izes the modification, revision, or correction.”.

7   **SEC. 4. TECHNICAL AMENDMENTS.**

8           (a) IN GENERAL.—Sections 10 and 11 of the Coastal  
9   Barrier Resources Act (16 U.S.C. 3509, 96 Stat. 1658)  
10 are repealed.

11          (b) EFFECT ON PRIOR AMENDMENTS.—Nothing in  
12 subsection (a) or the amendments made by subsection (a)  
13 affects the amendments made by section 11 of the Coastal  
14 Barrier Resources Act (96 Stat. 1658), as in effect on the  
15 day before the date of enactment of this Act.

16 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

17          The Coastal Barrier Resources Act is amended by  
18 striking section 12 (16 U.S.C. 3510) and inserting the fol-  
19 lowing:

20 **“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

21          “There are authorized to be appropriated to the Sec-  
22 retary to carry out this Act \$2,000,000 for each of fiscal  
23 years 2001 through 2004 and \$3,000,000 for each of fis-  
24 cal years 2005 through 2007.”.

1 **SEC. 6. DIGITAL MAPPING PILOT PROJECT.**

2 (a) IN GENERAL.—

3 (1) PROJECT.—The Secretary of the Interior  
4 (referred to in this section as the “Secretary”) shall  
5 carry out a pilot project to determine the feasibility  
6 and cost of creating digital versions of the ~~Coastal~~  
7 ~~Barrier Resources System~~ *John H. Chafee Coastal*  
8 *Barrier Resources System* maps referred to in section  
9 4(a) of the Coastal Barrier Resources Act (16  
10 U.S.C. 3503(a)) (as amended by section 3(b)).

11 (2) MINIMUM NUMBER OF UNITS.—The pilot  
12 project shall consist of the creation of digital maps  
13 for at least 75 units of the ~~Coastal Barrier Re-~~  
14 ~~sources System~~ *John H. Chafee Coastal Barrier Re-*  
15 *sources System* (referred to in this section as the  
16 “System”), 25 of which shall be otherwise protected  
17 areas (as defined in section 12 of the Coastal Bar-  
18 rier Improvement Act of 1990 (16 U.S.C. 3503  
19 note; Public Law 101–591)).

20 (b) DATA.—

21 (1) USE OF EXISTING DATA.—To the maximum  
22 extent practicable, in carrying out the pilot project  
23 under this section, the Secretary shall use—

24 (A) digital spatial data (including digital  
25 orthophotos) in existence at the time at which  
26 the project is carried out;

1 (B) shoreline, elevation, and bathymetric  
2 data; and

3 (C) electronic navigational charts in the  
4 possession of other Federal agencies, including  
5 the United States Geological Survey and the  
6 National Oceanic and Atmospheric Administra-  
7 tion.

8 (2) PROVISION OF DATA BY OTHER AGEN-  
9 CIES.—The head of a Federal agency that possesses  
10 data or a chart referred to in paragraph (1) shall,  
11 upon request of the Secretary, promptly provide the  
12 data or chart to the Secretary at no cost.

13 (3) ADDITIONAL DATA.—If the Secretary deter-  
14 mines that data or a chart necessary to carry out  
15 the pilot project under this section does not exist,  
16 the Secretary shall enter into an agreement with the  
17 Director of the United States Geological Survey  
18 under which the Director shall obtain, in cooperation  
19 with other Federal agencies, as appropriate, and  
20 provide to the Secretary the data or chart required  
21 to carry out this section.

22 (4) DATA STANDARDS.—All data and charts  
23 used or created to carry out this section shall comply  
24 with—

1 (A) the National Spatial Data Infrastruc-  
2 ture established by Executive Order 12906 (59  
3 Fed. Reg. 17671 (1994)); and

4 (B) any other standards established by the  
5 Federal Geographic Data Committee estab-  
6 lished by the Office of Management and Budget  
7 Circular A-16.

8 (c) DIGITAL MAPS NOT CONTROLLING.—Any deter-  
9 mination as to whether a location is inside or outside the  
10 System shall be made without regard to the digital maps  
11 created under this section.

12 (d) REPORT.—

13 (1) IN GENERAL.—Not later than 3 years after  
14 the date of enactment of this Act, the Secretary  
15 shall submit to the Committee on Environment and  
16 Public Works of the Senate and the Committee on  
17 Resources of the House of Representatives a report  
18 that describes the results of the pilot project and the  
19 feasibility, data needs, and costs of completing dig-  
20 ital maps for the entire System.

21 (2) CONTENTS.—The report shall include a de-  
22 scription of—

23 (A) the cooperative agreements that would  
24 be necessary to complete digital mapping of the  
25 entire System;

1 (B) the extent to which the data necessary  
 2 to complete digital mapping of the entire Sys-  
 3 tem are available;

4 (C) the need for additional data to com-  
 5 plete digital mapping of the entire System;

6 (D) the extent to which the boundary lines  
 7 on the digital maps differ from the boundary  
 8 lines of the original maps; and

9 (E) the amount of funding necessary to  
 10 complete digital mapping of the entire System.

11 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
 12 authorized to be appropriated to the Secretary to carry  
 13 out this section \$500,000 for each of fiscal years 2001  
 14 through 2003.

15 ~~SEC. 7. ECONOMIC ASSESSMENT OF COASTAL BARRIER RE-~~  
 16 ~~SOURCES SYSTEM.~~

17 *SEC. 7. ECONOMIC ASSESSMENT OF JOHN H. CHAFEE*  
 18 *COASTAL BARRIER RESOURCES SYSTEM.*

19 (a) IN GENERAL.—Not later than 180 days after the  
 20 date of enactment of this Act, the Secretary of the Interior  
 21 shall submit to the Committee on Environment and Public  
 22 Works of the Senate and the Committee on Resources of  
 23 the House of Representatives an economic assessment of  
 24 the ~~Coastal Barrier Resources System~~ *John H. Chafee*  
 25 *Coastal Barrier Resources System.*

1           (b) REQUIRED ELEMENTS.—The assessment shall  
2 consider the past and estimated future savings of Federal  
3 expenditures attributable to the Coastal Barrier Resources  
4 Act (16 U.S.C. 3501 et seq.), including the savings result-  
5 ing from avoidance of Federal expenditures for—

6                   (1) disaster relief under the Robert T. Stafford  
7 Disaster Relief and Emergency Assistance Act (42  
8 U.S.C. 5121 et seq.);

9                   (2) the national flood insurance program estab-  
10 lished under chapter 1 of the National Flood Insur-  
11 ance Act of 1968 (42 U.S.C. 4011 et seq.); and

12                   (3) development assistance for roads, potable  
13 water supplies, and wastewater infrastructure.

**Calendar No. 483**

106TH CONGRESS  
2D SESSION

**S. 1752**

**[Report No. 106-252]**

---

---

**A BILL**

To reauthorize and amend the Coastal Barrier  
Resources Act.

---

---

APRIL 4, 2000

Reported with amendments