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SENATE

{ REPORT
{ 105-214

COASTAL BARRIER RESOURCES SYSTEM MAP CORRECTION

JUNE 12, 1998.—Ordered to be printed

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

REPORT

[To accompany S. 1104]

The Committee on Environment and Public Works, to which was referred a bill (S. 1104) to direct the Secretary of the Interior to make corrections in maps relating to the Coastal Barrier Resources System, having considered the same, reports favorably thereon and recommends that the bill 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 restricted Federal expenditures and financial assistance, including Federal flood insurance, 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.

This bill makes a boundary change to Unit M09, Edisto Island, South Carolina. Unit M09 has been part of the coastal barrier system since the passage of the Coastal Barrier Resources Act in 1982. In 1987, Edisto Island was transferred to and annexed by Colleton County from Charleston County. In 1988, after public notice and comment, the Fish and Wildlife Service recommended that this unit be expanded to include additional areas on Edisto Island. The Fish and Wildlife Service was not advised that a jurisdictional transfer had occurred and provided maps relating to Edisto Island to Charleston County, rather than Colleton County. Because Colleton County did not have the appropriate maps, they provided inaccurate maps to landowners at a time when significant economic development decisions were being made.

The area in question was correctly mapped as an undeveloped coastal barrier, but extraordinary miscommunication at the Federal, State and local levels failed to ensure that the appropriate maps were being provided to the public. As a result, when the landowner inquired from Colleton County about the status of his land with respect to the CBRS, he was given inaccurate information. The change made by this bill is based solely on the unprecedented and unique procedural circumstances in this case. It is not anticipated that there would be other instances that would warrant similar changes. The law only requires CBRS maps to be on file at the United States Fish and Wildlife Service, and reporting this bill does not imply that landowners should rely on maps filed at any other location to determine whether or not their property is located within the CBRS.

OBJECTIVES OF THE LEGISLATION

S. 1104 directs the Secretary of the Interior to restore the boundary of Unit M09 (Edisto Island) to the original September 30, 1982 boundary on the portion of Edisto Island located immediately to the south and west of Jeremy Cay Causeway.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes evaluation of the regulatory impact of the reported bill. The reported bill will provide regulatory relief to landowners of the affected unit in Edisto Island. This bill will not have 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. 1104 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 July 31, 1997, Senator Hollings introduced S. 1104, a bill to direct the Secretary of the Interior to change maps relating to one unit, M09 (Edisto Island), to remove portions of that unit from the Coastal Barrier Resources System (System). No hearings were held on this bill. On Thursday, May 21, 1998, the Committee on Environment and Public Works held a business meeting to consider S. 1104, which was favorably reported by the committee by voice vote.

During the 104th Congress Senator Hollings introduced S. 810, legislation virtually identical to S. 1104. No committee action was taken on S. 810.

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, May 29, 1998.

Hon. JOHN H. CHAFEE, *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. 1104, a bill to direct the Secretary of the Interior to make corrections in maps 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,

JUNE E. O'NEILL,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1104, a bill to direct the Secretary of the Interior to make corrections in maps relating to the Coastal Barrier Resources System, as ordered reported by the Senate Committee on Environment and Public Works on May 21, 1998.

CBO estimates that enacting S. 1104 would result in no significant cost to the Federal Government. Because the bill would affect direct spending, pay-as-you-go procedures would apply, but we expect that net changes in direct spending would be negligible. S. 1104 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of State, local, or tribal governments.

S. 1104 would direct the Secretary of the Interior to exclude a portion of Edisto Island, South Carolina, from the Coastal Barrier Resources System. This change would enable local property owners to obtain Federal flood insurance for houses that have been or will be constructed on about 15 residential lots. Once insurance policies have been written on all of the affected properties, offsetting collections into the national flood insurance fund from premiums would increase by less than \$20,000 per year. Collections would be partially offset-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 occur, but CBO has no basis of predicting these.

The CBO staff contact is Deborah Reis, who can be reached at 226-2860. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

Section 12 of rule XXVI of the Standing Rules of the Senate requires that changes in existing law made by the bill as reported must be printed in the committee report. Although S. 1104 makes changes in the maps of the Coastal Barrier Resources System, no change in existing law will result from passage of this legislation.