113TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
113–637

REMOVAL OF PROPERTIES IN SOUTH CAROLINA FROM JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM

DECEMBER 1, 2014.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

REPORT

[To accompany H.R. 3227]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3227) to remove from the John H. Chafee Coastal Barrier Resources System certain properties in South Carolina, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. REMOVAL OF PROPERTIES IN SOUTH CAROLINA FROM JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM.

(a) IN GENERAL.—The map subtitled "Huntington Beach Unit SC–03" included in the sets of maps entitled "Coastal Barrier Resources System" referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) and relating to the Huntington Beach Unit in South Carolina is hereby replaced by another map relating to the same unit entitled "John H. Chafee Coastal Barrier Resources System Corrected Huntington Beach Unit SC–03" dated September 30, 2014.

(b) AVAILABILITY.—The Secretary of the Interior shall keep each map revised under subsection (a) on file and available for inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

PURPOSE OF THE BILL

The purpose of H.R. 3227 is to remove from the John H. Chafee Coastal Barrier Resources System certain properties in South Carolina.

49–006

BACKGROUND AND NEED FOR LEGISLATION

Coastal barriers are natural landscape features that protect the mainland, lagoons, wetlands and salt marshes from the full force of wind, wave and tidal energy. Major types of coastal barriers include fringing mangroves, barrier islands, barrier spits and bay barriers. Composed of sand and other loose sediments, these elongated, narrow land forms are dynamic ecosystems and prone to frequent disruption by storms. They are the first line of defense against the strong winds, huge waves and powerful storm surges that accompany hurricanes. However, despite their vulnerability, these areas are attractive places to locate private homes and resorts.

The John H. Chafee Coastal Barrier Resources System (CBRS) is comprised of coastal barrier units delineated on maps adopted by Congress. Except for very minor technical changes to account for natural accretion and erosion, boundaries cannot be adjusted unless Congress passes a law adopting revised maps. These units consist of undeveloped sections of coastal barrier islands and the associated aquatic habitat which lies behind these barriers. The System was created by the Coastal Barrier Resources Act of 1982 and was expanded by the Coastal Barrier Improvement Act of 1990. The entire Coastal Barrier Resources System, including "Otherwise Protected Areas" (OPAs) has 856 units and more than 3 million acres of fastland and associated aquatic habitat.

Inclusion of property in the CBRS does not prevent private development of land nor does it prevent actions necessary to process and issue federal permits necessary for development. However, it does place significant restrictions on the availability of any new federal assistance to develop the property. After October 1, 1983, no new federal flood insurance can be issued for properties in the System. For those homeowners who were issued flood insurance policies before the deadline, they remain in force. However, if the property is damaged more than 50 percent of its value, and a claim is placed, the claim will be paid but the insurance policy cannot be renewed. In addition, if an insured structure in the System is substantially expanded or replaced with more intensive development, insurance coverage is lost.

There are 271 OPAs comprising approximately 1.7 million acres which includes national wildlife refuge lands, national parks and seashores, state parks, military bases and conservation lands owned by private organizations. While federal flood insurance is not available within these areas, OPAs are eligible for other federal financial assistance, unlike System units. When OPAs were included in the System, they were delineated with rudimentary mapping tools based upon pre-existing boundary data. As a result of technological advancements in geographic information systems, databases and digital mapping techniques, OPA boundaries have been shown to have embedded inaccuracies. The Fish and Wildlife Service (FWS) continues to uncover cases where OPA boundaries do not coincide with the actual legal land boundaries.

This legislation would revise the boundaries of Huntington Beach Unit SC–03 within the CBRS in South Carolina. SC–03 was established by the Coastal Barrier Improvement Act of 1990 and is currently comprised of 1,847 acres of land in Georgetown County. At the time of designation, at least 16 property lots were fully developed. In fact, development within the subdivision known as Inlet Harbor was almost completely built by 1990. This legislation would direct the Secretary of the Interior to revise the existing map and to remove 21 specific parcels of private property land from the System. This land is comprised of 12 acres of fastland areas.

During the legislative hearing on this legislation, it became clear that there is no dispute that these property owners were mistakenly incorporated within the CBRS. This bill is necessary to correct the mapping errors because FWS lacks the statutory authority to administratively fix the problem.

COMMITTEE ACTION

H.R. 3227 was introduced on October 1, 2013, by Congressman Tom Rice (R–SC). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs. On April 8, 2014, the Subcommittee held a hearing on the bill. On September 18, 2014, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs was discharged by unanimous consent. Congressman John Fleming (R–LA) offered an amendment designated .001 to the bill; the amendment was adopted by voice vote. No further amendments were offered, and the bill, as amended, was then adopted and ordered favorably reported to the House of Representatives by voice vote.

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

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) 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)(2)(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. 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:

H.R. 3227—A bill to remove from the John H. Chafee Coastal Barrier Resources System certain properties in South Carolina

HR. 3227 would update a map for a portion of the Coastal Barrier Resources System (CBRS) located in Georgetown County, South Carolina. Based on information from the U.S. Fish and Wildlife Service, CBO estimates that implementing the legislation would have no significant effect on the federal budget. Because

H.R. 3227 could affect direct spending, pay-as-you-go procedures apply. However, we estimate that any net change in direct spending would be negligible over the 2015–2024 period. Enacting the bill would not affect revenues.

The bill would revise the CBRS map for a unit within the system and remove 13 acres of land from the CBRS. The modified maps would exclude certain privately owned acreage, which would enable owners of about 20 structures to purchase federal flood insurance. CBO estimates that, relative to current law, enacting H.R. 3227 could increase premium collections of the National Flood Insurance Fund by less than $100,000 annually. Such collections would be offset by new mandatory spending for underwriting and administrative expenses and new flood insurance claims over the 2015–2024 period.

H.R. 3227 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 Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of 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 revenues or tax expenditures. Based on information from the U.S. Fish and Wildlife Service, CBO estimates that implementing the legislation would have no significant effect on the federal budget. H.R. 3227 could affect direct spending, but any net change would be negligible over the 2015–2024 time period.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to remove from the John H. Chafee Coastal Barrier Resources System certain properties in South Carolina.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

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.

○