

REPLACEMENT OF JOHN H. CHAFEE COASTAL BARRIER
RESOURCES SYSTEM MAP FOR UNITS IN RHODE ISLAND

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

R E P O R T

[To accompany H.R. 277]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 277) to revise the boundaries of John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI-04P, Easton Beach Unit RI-05P, Almy Pond Unit RI-06, and Hazards Beach Unit RI-07 in Rhode Island, 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. REPLACEMENT OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM MAP.

(a) **IN GENERAL.**—The map subtitled “Sachuest Point Unit RI-04P, Easton Beach Unit RI-05P, Almy Pond Unit RI-06, Hazards Beach Unit RI-07”, included in the set of maps entitled “John H. Chafee 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 certain John H. Chafee Coastal Barrier Resources System units in Rhode Island, is hereby replaced by another map relating to the units entitled “John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI-04P, Easton Beach Unit RI-05P, Almy Pond Unit RI-06, and Hazards Beach Unit RI-07” and dated September 16, 2013.

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

PURPOSE OF THE BILL

The purpose of H.R. 277 is to revise the boundaries of John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI-

04P, Easton Beach Unit RI-05P, Almy Pond Unit RI-06, and Hazards Beach Unit RI-07 in Rhode Island.

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. Despite their vulnerability, these areas are attractive places to locate private homes and resorts.

The John H. Chafee Coastal Barrier Resources System is made up of coastal barrier units delineated on maps adopted by Congress. 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. It affects properties along the Atlantic Ocean, Great Lakes and the Gulf of Mexico. There are no designations along the Pacific Ocean.

The Coastal Barrier Resources System was initially comprised of 186 units totaling 666 miles of shoreline and 452,834 acres of undeveloped, unprotected coastal barriers on the Atlantic and Gulf of Mexico coasts. 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. The entire Coastal Barrier Resources System, including "Otherwise Protected Areas" has 856 units and more than 3 million acres of fastland and associated aquatic habitat. The System is administered by the U.S. Fish and Wildlife Service and the Department of the Interior.

There are 271 "Otherwise Protected Areas" (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, unlike the System units, OPAs are eligible for other federal financial assistance. 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 continues to uncover cases where OPA boundaries do not coincide with the actual legal land boundaries.

Inclusion of property in the Coastal Barrier Resources System 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.

H.R. 277 would revise four Coastal Barrier Resources System units in Rhode Island. Two of the units were created by the Coastal Barrier Resources Act of 1982 and the other two are OPAs which were established in the Coastal Barrier Improvement Act of 1990. The Fish and Wildlife Service was initially contacted in 2004 relative to the cancellation of federal flood insurance for a homeowner who had property in the Easton Beach OPA (RI-05P). As a result of its investigation, the Fish and Wildlife Service ruled that private property should not have been incorporated within this OPA.

Since the Fish and Wildlife Service lacks statutory authority to correct mapping errors, H.R. 277 will remove certain homeowners from the System and it makes a number of other modifications. In total, the legislation removes 20 acres of fastland and two acres of associated aquatic habitat from the Coastal Barrier Resources System. At the same time, the measure adds 34 acres of fastland and 33 acres of aquatic habitat to the System. These lands included boundary changes to the Norman Bird Sanctuary and several local beaches. The net effect of these changes is that 45 new acres will be added to the System.

COMMITTEE ACTION

H.R. 277 was introduced on January 15, 2013, by Congressman David N. Cicilline (D-RI). 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 on Fisheries, Wildlife, Oceans, and Insular Affairs held a hearing on the bill. On July 16, 2014, the 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 unanimous consent. The bill as amended was then adopted and ordered favorably reported to the House of Representatives by unanimous consent.

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 sec-

tion 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. 277—A bill to revise the boundaries of John H. Chafee Coastal Barrier Resources Systems Sachuest Point Unit RI-04P, Easton Beach Unit RI-05P, Almy Pond Unit RI-06, and Hazards Beach Unit RI-07 in Rhode Island

H.R. 277 would update a map of the Coastal Barrier Resources System (CBRS) near Newport, Rhode Island. 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. 277 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 CBRS maps for several units within the system and, on net, would add 45 acres of land to the CBRS. The modified maps would exclude certain private acreage, which would enable owners of several structures to purchase federal flood insurance. CBO estimates that, relative to current law, enacting H.R. 277 could increase premium collections of the National Flood Insurance Fund by less than \$50,000 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. 277 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 contacts for this estimate are Jeff LaFave and Daniel Hoople. 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, credit authority, or an increase or decrease in revenues or tax expenditures. CBO estimates that implementing the bill would have no significant effect on the federal budget. According to CBO, relative to current law, enacting H.R. 277 could increase premium collections of the National Flood Insurance Fund by less than \$50,000 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.

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 revise the boundaries of John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI-04P, Easton Beach Unit RI-05P, Almy Pond Unit RI-06, and Hazards Beach Unit RI-07 in Rhode Island.

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.

