

TO REVISE THE BOUNDARIES OF CERTAIN JOHN H.
CHAFEE COASTAL BARRIER RESOURCES SYSTEM UNITS
IN FLORIDA

FEBRUARY 9, 2016.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 890]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 890) to correct the boundaries of the John H. Chafee Coastal Barrier Resources System Unit P16, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are 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 maps subtitled “Cape Romano Unit P15, Tigertail Unit FL–63P” and “Keewaydin Island Unit P16” included in the set 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 certain John H. Chafee Coastal Barrier Resources System units in Florida are hereby replaced by other maps relating to the units subtitled “Cape Romano Unit P15/P15P”, “Keewaydin Island Unit P16/P16P, Tigertail Unit FL–63P”, and “Keewaydin Island Unit P16/P16P”, respectively, and dated April 10, 2015.

(b) **AVAILABILITY.**—The Secretary of the Interior shall keep the replacement maps referred to in 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)).

Amend the title so as to read:

A bill to revise the boundaries of certain John H. Chafee Coastal Barrier Resources System units in Florida.

PURPOSE OF THE BILL

The purpose of H.R. 890, as ordered reported, is to revise the boundaries of certain John H. Chafee Coastal Barrier Resources System Units in Florida.

BACKGROUND AND NEED FOR LEGISLATION

The John H. Chafee Coastal Barrier Resources System (CBRS) comprises coastal barrier units on the Atlantic and Gulf of Mexico coasts as 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 Coastal Barrier Resources Act (CBRA) of 1982 and the Coastal Barrier Improvement Act of 1990 created and expanded, respectively, the CBRS. According to U.S. Fish and Wildlife Service (USFWS) testimony, the entire CBRS has 856 units and more than three million acres of land and associated aquatic habitat. The USFWS oversees the CBRS. According to the agency, CBRA encourages the conservation of hurricane prone, biologically rich coastal barriers by restricting federal expenditures, such as federal flood insurance, that encourage development. Areas within the CBRS can be developed provided that private developers or other non-federal parties bear the full cost. Congress expanded the CBRS as part of the 1990 reauthorization, adding coastal lands along the Great Lakes, Florida Keys, Puerto Rico and the U.S. Virgin Islands.

While there are no federal development or permit restrictions associated with lands being included in the CBRS, Public Law 97-348 states that inclusion does place significant restrictions on the availability of federal assistance related to development. Under CBRA, no federal flood insurance policies could be issued for properties within the system after October 1, 1989; however, any such policies issued prior to October 1, 1983, were grandfathered and allowed to remain. According to USFWS, restricting federal flood insurance for CBRS lands saved over \$1 billion in taxpayer expenditures from 1982 to 2010.

Except for very minor technical changes to account for natural accretion and erosion, boundaries cannot be adjusted unless a law is enacted to revise a map. As amended, H.R. 890 makes boundary adjustments to three maps in Collier County, Florida. Local homeowners believe that lands were erroneously included in such maps. The USFWS concurred with that assessment and recently remapped the area. These maps were transmitted to the House Natural Resources Committee by USFWS with a request to adopt them by legislative means.

H.R. 890, as amended, specifically adopts three revised maps: CBRS Units P15, P16, and FL63-P. According to USFWS, together these maps remove 43.6 acres of private land on Marco Island and 17 acres of private land on the Isles of Capri from the CBRS. Based on research by the local homeowners associations, the required infrastructure that made land ineligible for inclusion in the CBRS was in place prior to the 1990 reauthorization. According to 2014

testimony by Dr. Robert Rohde, this bill affects 315 condominium owners on Marco Island, of which 110 are not currently eligible for the National Flood Insurance Program. A full complement of infrastructure including paved roads, electricity, sewer, and water was present as of December 1988. In terms of the Isles of Capri, 190 condominium owners are impacted, including 54 that are not eligible for participation in the National Flood Insurance Program, according to the same testimony. All of these homeowners not currently eligible to participate in the National Flood Insurance Program will be allowed to participate if this bill, as amended, is enacted into law.

COMMITTEE ACTION

H.R. 890 was introduced on February 11, 2015, by Congressman Curt Clawson (R-FL). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On February 2, 2016, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman Donald S. Beyer, Jr. (D-VA) offered an amendment designated 001. The amendment was adopted by unanimous consent. No other amendments were offered, and the bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent on February 3, 2016.

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. 890—A bill to revise the boundaries of certain John H. Chafee Coastal Barrier Resources System units in Florida

H.R. 890 would update a map for a portion of the Coastal Barrier Resources System (CBRS) located in Florida. Based on information provided by 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. 890 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 2017–2026 period. Enacting the bill would not affect revenues.

CBO estimates that enacting H.R. 890 would not increase net direct spending or budget deficits by more than \$5 billion in any of the four consecutive 10-year periods beginning in 2027.

The bill would revise the CBRS map for several units within the system and would add, on net, about 17,000 acres to the system (increasing the size of the CBRS by about 1 percent). Based on information provided by the agency, CBO expects that the new map would exclude lands containing about 30 structures, which would enable owners of those structures to purchase federal flood insurance. CBO estimates that enacting H.R. 890 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 2017–2026 period.

H.R. 890 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by H. Samuel Papenfuss, 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. The Congressional Budget Office estimates that enactment of this bill “would have no significant effect on the federal budget.” Enacting H.R. 890 could increase premium collections under the National Flood Insurance Program by less than \$100,000 per year; however, these would be offset by new mandatory spending for underwriting and administrative expenses and new flood insurance claims over the 2017–2026 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, as ordered reported, is to revise the boundaries of certain John H. Chafee Coastal Barrier Resources System Units in Florida.

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.

