

REPLACEMENT OF JOHN H. CHAFEE COASTAL BARRIER  
RESOURCES SYSTEM MAP FOR UNITS IN NORTH CARO-  
LINA

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

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

R E P O R T

[To accompany H.R. 3572]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3572) to revise the boundaries of certain John H. Chafee Coastal Barrier Resources System units in North 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. REPLACEMENT OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM MAPS.**

(a) **IN GENERAL.**—The maps subtitled “Lea Island Complex L07”; “Wrightsville Beach Unit L08, Masonboro Island Unit L09”; and “Masonboro Island Unit L09”, 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 North Carolina, are hereby replaced by other maps relating to the units entitled “Lea Island Complex L07”; “Wrightsville Beach Unit L08, Masonboro Island Unit L09”; and “Masonboro Island Unit L09”, respectively, and dated March 12, 2014.

(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)).

**PURPOSE OF THE BILL**

The purpose of H.R. 3572 is to revise the boundaries of certain John H. Chafee Coastal Barrier Resources System units in North Carolina.

## 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 (CBRA) 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 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 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 of the Department of the Interior.

Inclusion of property in the 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.

There are 271 "Otherwise Protected Areas" (OPAs) comprising approximately 1.7 million acres, which include 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.

H.R. 3572 would revise the boundaries of Lea Island Complex LO7, Wrightsville Beach Unit LO8, and Masonboro Island Unit LO9 in the Coastal Barrier Resources System in North Carolina. All of these units were established by the Coastal Barrier Resources Act of 1982. They are comprised of 712.4 acres of fastland and 12,532.3 acres of aquatic habitat.

Under this legislation, new proposed maps that correctly follow the shoreline and excludes areas that should not have been placed in the System would be enacted. This would affect 70 acres of fastland, which was developed prior to designation within the System, and 57 acres of aquatic habitat. This would cause the removal of 32 structures from the System.

At the same time, it adopts the recommendations of the Fish and Wildlife Service who has comprehensively examined these three CBRA units as part of its ongoing Digital Mapping Project. As a result, of their analysis, 73 acres of fastland and 818 acres of aquatic habitat would be added to CBRS. Therefore, the net effect of Congress implementing these new maps will be the addition of 764 acres of fastland and aquatic habitat to the System.

#### COMMITTEE ACTION

H.R. 3572 was introduced on November 21, 2013, by Congressman Mike McIntyre (D-NC). 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 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. 3572—A bill to revise the boundaries of certain John H. Chafee Coastal Barrier Resources System units in North Carolina*

H.R. 3572 would update a map of the Coastal Barrier Resources System (CBRS) near Wilmington, North 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. 3572 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, add 764 acres of land to the CBRS. The modified maps would exclude certain private acreage, which would enable owners of about 30 structures to purchase federal flood insurance. CBO estimates that, relative to current law, enacting H.R. 3572 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. 3572 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, spending 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. 3572 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.

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 certain John H. Chafee Coastal Barrier Resources System units in North 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.

