

## Calendar No. 354

108TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
108-179

### REPLACEMENT OF MAPS FROM CAPE FEAR UNITS NC-07P (NORTH CAROLINA) IN THE COASTAL BARRIER RESOURCES SYSTEM

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OCTOBER 30, 2003.—Ordered to be printed

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

### REPORT

[to accompany S. 1663]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 1663) to revise certain Coastal Barrier Resources System maps, having considered the same, reports favorably thereon and recommends that the bill do pass.

#### GENERAL STATEMENT AND BACKGROUND

Coastal barriers are unique land areas that form the bridge between low-lying coastal areas and seawater. They perform functions supporting fragile ecosystems and serve as prized recreational areas for the public. Because of their inherent beauty and hydrological values, coastal barriers are under significant development pressures. However, coastal barriers are composed of unstable elements and are susceptible to storm damage and chronic erosion.

Recognizing the environmental and economic risks associated with developing coastal barriers, Congress enacted the Coastal Barrier Resources Act (CBRA) in 1982. The law established a prohibition against Federal spending, primarily Federal flood insurance assistance and Federal infrastructure spending, in areas denoted in designated CBRA units. No prohibitions exist against private expenditures in CBRA units and individuals who chose to build and

invest in these hazard-prone areas will incur the full cost of that risk. Approximately 590,000 acres were established as CBRA units along the Atlantic and Gulf coasts of the United States.

The U.S. Fish and Wildlife Service (USFWS) manages the CBRA program and provides information to the public, as well as city, State, and local officials on questions pertaining to the delineations of CBRA units. The Service also maintains the official maps outlining the individual units. Congress enacts periodic revisions to official unit maps that replace previous maps.

In 1990, Congress passed the Coastal Barrier Improvement Act, which extended CBRA units into the Great Lakes, Puerto Rico, and the U.S. Virgin Islands. The 1990 statute also established designations of “otherwise protected areas” (OPAs) into the unit system. Properties located within an OPA unit are ineligible for Federal flood insurance.

The 2000 Coastal Barrier Resources Reauthorization Act made a series of programmatic changes to the USFWS operation of the program. The statute also renamed the unit system as the “John H. Chafee Coastal Barrier Resources System.”

When disputes arise as to the application of CBRA OPA unit prohibitions on private property, the USFWS reviews the case history establishing the unit and compares that to the official contours on the official map. Because the accuracy of map information creating the otherwise protected areas can vary widely, a Service investigation of the official unit boundaries may not correspond with the case history or congressional intent that exists for the OPA unit.

Responding to a request to look into cases of private lands being included in the OPA NC-07P unit, the USFWS conducted research of the administrative record that identified several inconsistencies with what the Service believes to be the original intent of the OPA boundaries.

As is its preference, the USFWS seeks to review all boundaries of a specific unit when one comes into question. As such, a Service review of the NC-07P unit found that the existing 1990 map incorrectly includes 49 acres of privately owned property that are not “inholdings” and does not follow the actual protected area boundary totaling approximately 5,961 acres.

USFWS supports S. 1663, which adopts new official maps for the NC-07P unit, making a series of alterations to the current official map to more accurately reflect the contours of the otherwise protected area.

#### OBJECTIVES OF THE LEGISLATION

This legislation will revise several technical errors on the maps corresponding to the NC-07P unit of the John H. Chafee Coastal Barrier Resources System to reflect the original intent of Congress. S. 1663 will adopt two new maps for the NC-07P unit that exclude 49 acres of privately owned property and include 5,961 acres of additional OPA property to more accurately depict the protected area boundaries. The new maps were developed in collaboration with local landowners and officials from local property owners, conservancy groups, the North Carolina Department of Natural Resources, and the U.S. military.

## SECTION-BY-SECTION ANALYSIS

*Section 1. Replacement of Certain Coastal Barrier Resources System Maps*

This section replaces the two original official maps subtitled “NC-07P” relating to the Coastal Barrier Resources System Cape Fear Unit NC-07P, that are included in the set of maps entitled “Coastal Barrier Resources System” with two new official maps that reflect the technical corrections that exclude 49 acres of privately owned property and include 5,961 acres of additional OPA property to more accurately depict the protected area boundaries.

## LEGISLATIVE HISTORY

S. 1663 was introduced on September 25, 2003, by Senator Dole and referred to the Committee on Environment and Public Works. The committee met on October 15, 2003 to consider the bill.

## ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 1663 on October 15, 2003. The committee favorably reported the bill by voice vote.

## REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee finds that S. 1663 does not create any additional regulatory burdens, nor will it cause 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. 1663 would impose no Federal intergovernmental unfunded mandates on State, local, or tribal governments.

## 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, October 30, 2003.*

Hon. JAMES M. INHOFE, *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. 1663, a bill to replace certain Coastal Barrier Resources System maps.

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,

DOUGLAS HOLTZ-EAKIN

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*S. 1663, A bill to replace certain Coastal Barrier Resources System maps, as ordered reported by the Senate Committee on Environment and Public Works on October 15, 2003*

CBO estimates that enacting S. 1663 would have no significant impact on the Federal budget over the next 5 years. The bill could affect direct spending, but we expect that net changes would be negligible.

S. 1663 would replace two maps of otherwise protected areas (OPAs) in the Cape Fear Unit of North Carolina’s Coastal Barrier Resources System. (OPAs are lands owned by government agencies or certain nonprofit organizations.) The new maps would exclude from the Cape Fear OPAs around 49 acres of private property and include 5,960 acres of Federal and State land. Enacting the bill would enable the owners of the excluded property to participate in the Federal flood insurance program. CBO estimates that, once insurance policies have been written on all of that property, premium collections into the national flood insurance fund would increase by less than \$500,000 a year. New 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 future floods that might affect the newly insured properties, but CBO has no basis for predicting such events.

The bill 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 Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### CHANGES IN EXISTING LAW

Section 12 of rule XXVI of the Standing Rules of the Senate requires the committee to publish changes in existing law made by the bill as reported. Passage of this bill will replace two maps entitled “NC–07P,” designated as Coastal Barrier Resources System Cape Fear Unit NC07P, authorized by the Coastal Barrier Resources Act [16 U.S.C., 3503(a)], as amended.