

Subcommittee on Water, Power and Oceans

Doug Lamborn, Chairman

Hearing Memorandum

February 23, 2018

To: All Subcommittee on Water, Power and Oceans Members

From: Majority Committee Staff, Subcommittee on Water, Power and Oceans (x58331)

Hearing: **Legislative hearing on H.R. 2947 (Rep. Neal P. Dunn, R-FL)**, To replace certain Coastal Barrier Resources System maps.
February 27, 2018 at 10:00 AM; 1324 Longworth HOB

H.R. 2947 (Rep. Neal P. Dunn), *“Strengthening Coastal Communities Act of 2017”*

Bill Summary

H.R. 2947 codifies federal corrections to the maps covering the John H. Chaffee Coastal Barrier Resources System Units and Otherwise Protected Areas St. Andrew Complex P31 (1 of 3), St. Andrew Complex P31 (2 of 3), and St. Andrew Complex P31/P31P (3 of 3) located in Bay County, Florida.

This hearing will also include consideration of one other bill.

Invited Witnesses (in alphabetical order)

Mr. Philip Griffiths
Commissioner
Bay County Board of County Commissioners
Panama City, Florida

Hon. Ryan Zinke
Secretary
U.S. Department of the Interior
Washington, D.C.

Ms. Karen Hyun
Vice President, Coastal Conservation
National Audubon Society
Washington, D.C.

Background

In 1981, due to the high risk that coastal developments carry, Congress directed the Secretary of the Interior (Secretary) to draw maps designating undeveloped coastal barriers unsuitable for new federal flood insurance¹, and in 1982 Congress enacted the *Coastal Barrier Resources Act* (CBRA). CBRA codified the maps drawn pursuant to P.L. 97-35 and established the Coastal Barrier Resources System (CBRS) administered by the U.S. Fish and Wildlife Service (USFWS).² CBRA prohibits the use of federal dollars to subsidize new development of coastal areas with limited exceptions as not to impede maintenance of federal navigation channels, military readiness and certain other federal actions.³ The *Coastal Barrier Improvement Act of 1990* added the new designation of an “Otherwise Protected Area” (OPA).⁴ While CBRS units carry the full funding prohibitions of CBRA, structures within OPAs⁵ are prohibited only from receiving flood insurance under the National Flood Insurance Program.⁶

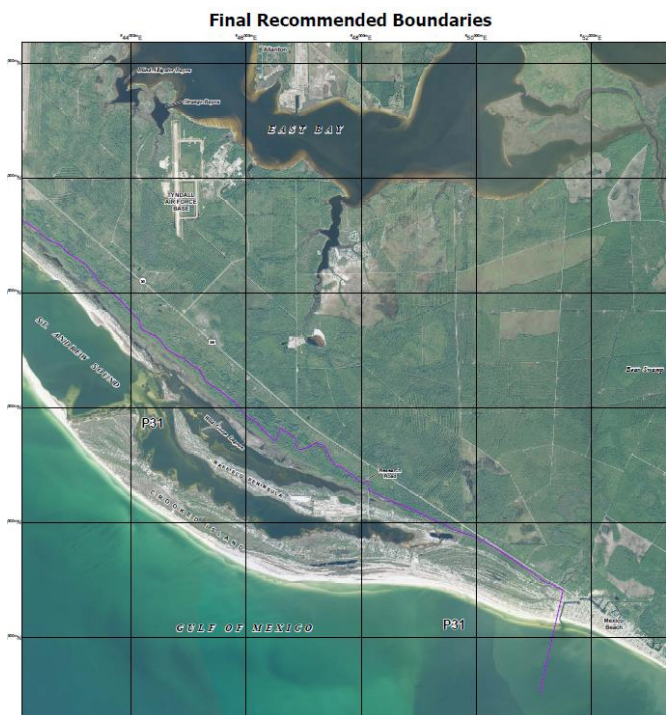


Figure 1: Final USFWS recommendation for the St. Andrews Complex P31 (1of 3) unit map that depicts existing and recommended boundaries. This is one of three maps that H.R. 2947 would codify.

CBRA impacted only coastal areas that were undeveloped at the time of enactment so that existing coastal communities would not be adversely impacted. Further, CBRA did not apply to the approximately 47% of coastal areas that were undeveloped but already protected by existing law.⁷ At the time of enactment, approximately 13% of coastal areas along the Atlantic and Gulf Coasts were undeveloped and unprotected,⁸ and the original CBRS included approximately 590,000 acres.⁹ In 2002, USFWS published a report commemorating the 20th

¹ [P.L. 97-35](#) §341(d), *Omnibus Budget and Reconciliation Act*.

² [P.L. 97-348](#), *Coastal Barrier Resources Act*.

³ [16 U.S.C. 3505](#).

⁴ [P.L. 101-591](#), *Coastal Barrier Improvement Act of 1990*.

⁵ As defined by [P.L. 101-591](#), otherwise protected areas may be comprised of “undeveloped coastal barrier[s] within the boundaries of an area established under Federal, State, or local law, or held by a qualified organization, primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes”.

⁶ [42 U.S.C. 4028\(b\)](#), *National Flood Insurance Act of 1968* as amended by [P.L. 101-591](#).

⁷ S. Rpt. No. 97-419, Senate Committee on Environment and Public Works Report to accompany S. 1018, p. 1.

⁸ *Id.*

⁹ [The Coastal Barrier Resources Act: Harnessing the Power of Market Forces to Conserve America’s Coasts and Save Taxpayers’ Money](#); United States Fish and Wildlife Service Report; August, 2002; p. 1.

anniversary of CBRA. This report conservatively estimated that the program was on track to save taxpayers \$1.3 billion through 2010 and that an additional \$200 million in federal disaster relief could be saved by 2050.¹⁰ Furthermore, a 2007 GAO report found that approximately 84% of CBRS units remained undeveloped and only 3% of units have experienced significant development since the passage of CBRA.¹¹ Currently the system consists of 3.3 million acres in 23 states and territories along the Atlantic, Gulf of Mexico, Great Lakes, U.S. Virgin Islands and Puerto Rico coasts.¹²

Congress has reauthorized CBRA three times.¹³ In 2006, Congress enacted the most recent reauthorization, *Coastal Barrier Resources Reauthorization Act of 2005*. This act directed the Secretary to finalize and submit to Congress a report on the digitization of CBRA maps.¹⁴ USFWS transmitted the final report to Congress in November 2016 which included final recommended boundaries for CBRS units and OPAs.¹⁵ The recommendations in the report impact maps in Delaware, North Carolina, South Carolina, Florida and Louisiana. In general, under current law, Congress must codify significant changes to CBRA maps for any new maps to take effect.¹⁶

In response to the 2016 report, Congressman Neal P. Dunn (R-FL) introduced H.R. 2947.¹⁷ This bill implements the USFWS recommendations for the St. Andrew Complex P31 and P31P units of the Coastal Barrier Resources System. The proposed changes to Units P30/P30P and P31/P31P remove 200 structures, including 198 private properties and 2 structures associated with Tyndall Air Force Base, from the CBRA System. The private properties include approximately 90 homes and a portion of one of Northwest Florida's most popular marinas. The Service found these structures were added to the CBRA System in error due to limitations and inaccuracies of the original base map, a 1956 U.S. Geological Survey Topographic Quadrangle. Removing these structures from the system has been a priority of both Democrat and Republican Members of Congress who have represented the area over the years. The Service also received supportive comments for the proposed changes from the Finisterre and Martinique Homeowners Associations and the Florida Wildlife Federation.¹⁸

¹⁰ Id., p. 2.

¹¹ [Coastal Barrier Resources System: Status of Development That Has Occurred and Financial Assistance Provided by Federal Agencies](#); Government Accountability Office Report; March, 2007; p. 4.

¹² Id., pp. 1-2, 7.

¹³ <https://www.fws.gov/cbra/Legislation.html>.

¹⁴ P.L. 109-226 §4, *Coastal Barrier Resources Reauthorization Act of 2005*.

¹⁵ [Final Report to Congress: John H. Chafee Coastal Barrier Resources System Digital Mapp Pilot Project](#), November 29, 2016.

¹⁶ [16 U.S.C. 3503\(a\)\(3\)](#).

¹⁷ <https://www.congress.gov/bill/115th-congress/house-bill/2947>.

¹⁸ [Final Report to Congress: John H. Chafee Coastal Barrier Resources System Digital Mapp Pilot Project](#), pp. C-111 – C-116, C-118.

Major Provisions/Analysis of H.R. 2947

Section 2 of the bill replaces the existing CBRS unit maps entitled “St. Andrew Complex P31 (1 of 3)”, “St. Andrew Complex P31 (2 of 3)”, and “St. Andrew Complex P31/P31P (3 of 3)” dated January 11, 2016, with the maps of the same names, respectively, and dated October 7, 2016.

Cost

The Congressional Budget Office has yet to complete a cost estimate of this bill.

Administration Position

Unknown.

Effect on Current Law (Ramseyer)

N/A