

ENVIRONMENTAL ACTS

PUBLIC LAW 106-514—NOV. 13, 2000

Public Law 106-514
106th Congress

An Act

To reauthorize and amend the Coastal Barrier Resources Act.

Nov. 13, 2000
[S. 1752]*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,***SECTION 1. SHORT TITLE.**

This Act may be cited as the “Coastal Barrier Resources Reauthorization Act of 2000”.

Coastal Barrier
Resources
Reauthorization
Act of 2000.
16 USC 3501
note.**SEC. 2. GUIDELINES FOR CERTAIN RECOMMENDATIONS AND DETERMINATIONS.**

Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503), as otherwise amended by this Act, is further amended by adding at the end the following:

“(g) GUIDELINES FOR CERTAIN RECOMMENDATIONS AND DETERMINATIONS.—

“(1) IN GENERAL.—In making any recommendation to the Congress regarding the addition of any area to the System or in determining whether, at the time of the inclusion of a System unit within the System, a coastal barrier is undeveloped, the Secretary shall consider whether within the area—

“(A) the density of development is less than 1 structure per 5 acres of land above mean high tide; and

“(B) there is existing infrastructure consisting of—

“(i) a road, with a reinforced road bed, to each lot or building site in the area;

“(ii) a wastewater disposal system sufficient to serve each lot or building site in the area;

“(iii) electric service for each lot or building site in the area; and

“(iv) a fresh water supply for each lot or building site in the area.

“(2) STRUCTURE DEFINED.—In paragraph (1), the term ‘structure’ means a walled and roofed building, other than a gas or liquid storage tank, that—

“(A) is principally above ground and affixed to a permanent site, including a manufactured home on a permanent foundation; and

“(B) covers an area of at least 200 square feet.

“(3) SAVINGS CLAUSE.—Nothing in this subsection supersedes the official maps referred to in subsection (a).”.

SEC. 3. VOLUNTARY ADDITIONS TO JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM.

(a) IN GENERAL.—Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is amended by inserting after subsection (c) the following:

“(d) ADDITIONS TO SYSTEM.—The Secretary may add a parcel of real property to the System, if—

“(1) the owner of the parcel requests, in writing, that the Secretary add the parcel to the System; and

“(2) the parcel is an undeveloped coastal barrier.”.

(b) TECHNICAL AMENDMENTS RELATING TO ADDITIONS OF EXCESS PROPERTY.—

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(1) IN GENERAL.—Section 4(d) of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591)—

(A) is redesignated and moved so as to appear as subsection (e) of section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503); and

(B) is amended—

(i) in paragraph (1)—

(I) by striking “one hundred and eighty” and inserting “180”; and

(II) in subparagraph (B), by striking “shall”; and

(ii) in paragraph (2), by striking “subsection (d)(1)(B)” and inserting “paragraph (1)(B)”; and

(iii) by striking paragraph (3).

(2) CONFORMING AMENDMENTS.—Section 4 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591) is amended—

(A) in subsection (b)(2), by striking “subsection (d) of this section” and inserting “section 4(e) of the Coastal Barrier Resources Act (16 U.S.C. 3503(e))”; and

(B) by striking subsection (f).

(c) ADDITIONS TO SYSTEM.—Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is further amended by inserting after subsection (e) (as added by subsection (b)(1)) the following: “(f) MAPS.—The Secretary shall—

“(1) keep a map showing the location of each boundary modification made under subsection (c) and of each parcel of real property added to the System under subsection (d) or (e) on file and available for public inspection in the Office of the Director of the United States Fish and Wildlife Service and in such other offices of the Service as the Director considers appropriate;

“(2) provide a copy of the map to—

“(A) the State and unit of local government in which the property is located;

“(B) the Committees; and

“(C) the Federal Emergency Management Agency; and

“(3) revise the maps referred to in subsection (a) to reflect each boundary modification under subsection (c) and each addition of real property to the System under subsection (d) or (e), after publishing in the Federal Register a notice of any such proposed revision.”

(d) CONFORMING AMENDMENT.—Section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) is amended by striking “which shall consist of” and all that follows and inserting the following: “which shall consist of those undeveloped coastal barriers and other areas located on the coasts of the United States that are identified and generally depicted on the maps on file with the Secretary entitled ‘Coastal Barrier Resources System’, dated October 24, 1990, as those maps may be modified, revised, or corrected under—

“(1) subsection (f)(3);

“(2) section 4 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591); or

“(3) any other provision of law enacted on or after November 16, 1990, that specifically authorizes the modification, revision, or correction.”

SEC. 4. CLERICAL AMENDMENTS.

(a) COASTAL BARRIER RESOURCES ACT.—The Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.) is amended—

(1) in section 3(2) (16 U.S.C. 3502(2)), by striking “refers to the Committee on Merchant Marine and Fisheries” and inserting “means the Committee on Resources”;

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(2) in section 3(3) (16 U.S.C. 3502(3)), in the matter following subparagraph (D), by striking “Effective October 1, 1983, such” and inserting “Such”; and

(3) by repealing section 10 (16 U.S.C. 3509).

(b) COASTAL BARRIER IMPROVEMENT ACT OF 1990.—Section 8 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591) is repealed.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 12 of the Coastal Barrier Resources Act (16 U.S.C. 3510) is redesignated as section 10, moved to appear after section 9, and amended to read as follows:

“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to the Secretary to carry out this Act \$2,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005.”.

SEC. 6. DIGITAL MAPPING PILOT PROJECT.

16 USC 3503
note.

(a) IN GENERAL.—

(1) PROJECT.—The Secretary of the Interior (referred to in this section as the “Secretary”), in consultation with the Director of the Federal Emergency Management Agency, shall carry out a pilot project to determine the feasibility and cost of creating digital versions of the John H. Chafee Coastal Barrier Resources System maps referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) (as amended by section 3(d)).

(2) NUMBER OF UNITS.—The pilot project shall consist of the creation of digital maps for no more than 75 units and no fewer than 50 units of the John H. Chafee Coastal Barrier Resources System (referred to in this section as the “System”), $\frac{1}{3}$ of which shall be otherwise protected areas (as defined in section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591)).

(b) DATA.—

(1) USE OF EXISTING DATA.—To the maximum extent practicable, in carrying out the pilot project under this section, the Secretary shall use digital spatial data in the possession of State, local, and Federal agencies including digital orthophotos, and shoreline, elevation, and bathymetric data.

(2) PROVISION OF DATA BY OTHER AGENCIES.—The head of a Federal agency that possesses data referred to in paragraph (1) shall, upon request of the Secretary, promptly provide the data to the Secretary at no cost.

(3) ADDITIONAL DATA.—If the Secretary determines that data necessary to carry out the pilot project under this section do not exist, the Secretary shall enter into an agreement with the Director of the United States Geological Survey under which the Director shall obtain, in cooperation with other Federal agencies, as appropriate, and provide to the Secretary the data required to carry out this section.

(4) DATA STANDARDS.—All data used or created to carry out this section shall comply with—

(A) the National Spatial Data Infrastructure established by Executive Order 12906 (59 Fed. Reg. 17671 (April 13, 1994)); and

(B) any other standards established by the Federal Geographic Data Committee established by Office of Management and Budget Circular A-16.

(c) DIGITAL MAPS NOT CONTROLLING.—Any determination as to whether a location is inside or outside the System shall be made without regard to the digital maps created under this section.

(d) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the

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Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report that describes the results of the pilot project and the feasibility, data needs, and costs of completing digital maps for the entire System.

(2) CONTENTS.—The report shall include a description of—

(A) the cooperative agreements that would be necessary to complete digital mapping of the entire System;

(B) the extent to which the data necessary to complete digital mapping of the entire System are available;

(C) the need for additional data to complete digital mapping of the entire System;

(D) the extent to which the boundary lines on the digital maps differ from the boundary lines on the original maps; and

(E) the amount of funding necessary to complete digital mapping of the entire System.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$500,000 for each of fiscal years 2002 through 2004.

16 USC 3501
note.

SEC. 7. ECONOMIC ASSESSMENT OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM.

Deadline.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives an economic assessment of the John H. Chafee Coastal Barrier Resources System.

(b) REQUIRED ELEMENTS.—The assessment shall consider the impact on Federal expenditures of the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.), including impacts resulting from the avoidance of Federal expenditures for—

(1) disaster relief under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(2) the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.); and

(3) development assistance for roads, potable water supplies, and wastewater infrastructure.

Approved November 13, 2000.

LEGISLATIVE HISTORY—S. 1752 (H.R. 1431):

HOUSE REPORTS: No. 106-218 accompanying H.R. 1431 (Comm. on Resources).

SENATE REPORTS: No. 106-252 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 27, considered and passed Senate.

Oct. 24, considered and passed House.