

TO CORRECT THE BOUNDARIES OF THE JOHN H.  
CHAFEE COASTAL BARRIER RESOURCES SYSTEM  
GASPARILLA ISLAND UNIT FL-70P

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JULY 9, 2012.—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

together with

ADDITIONAL VIEWS

[To accompany H.R. 2154]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2154) to correct the boundaries of the John H. Chafee Coastal Barrier Resources System Gasparilla Island Unit FL-70P, 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 MAP.**

(a) **IN GENERAL.**—The map subtitled “Gasparilla Island Unit FL-70P” 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 the Gasparilla Island Unit in Florida is hereby replaced by another map relating to the same unit entitled “John H. Chafee Coastal Barrier Resources System Corrected Gasparilla Unit FL-70P” and dated July 8, 2011.

(b) **AVAILABILITY.**—The Secretary of the Interior shall keep the replacement map referred to in subsection (a) on file and available for inspection in accordance with the section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

## PURPOSE OF THE BILL

The purpose of H.R. 2154, as ordered reported, is to correct the boundaries of the John H. Chafee Coastal Barrier Resources System Gasparilla Island Unit FL-70P.

## 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, tombolos, 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 build private homes and resorts.

The John H. Chafee Coastal Barrier Resources System (CBRS) is made up of coastal barrier units delineated on maps adopted by Congress. 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 coastal barrier units consist of undeveloped sections of coastal barrier islands and the associated aquatic habitat which lies behind these barriers. The CBRS was created by the Coastal Barrier Resources Act (Public Law 97-348) and expanded by the Coastal Barrier Improvement Act of 1990 (Public Law 101-591). The law is administered by the U.S. Fish and Wildlife Service of the U.S. Department of the Interior.

Inclusion of property in CBRS 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 financial assistance to develop the property. For example, after October 1, 1983, no new federal flood insurance can be issued for properties in CBRS. For those homeowners who were issued flood insurance policies before the deadline, the policies 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 is substantially expanded or replaced with more intensive development, insurance coverage is lost.

In addition to the federal flood insurance limitation, CBRA prohibits most new federal financial assistance, if those expenditures encourage development. This would include funds for certain types of disaster relief, community block grants, Federal Home Administration housing loans, water systems and wastewater treatment grants, flood control and beach erosion projects, and highway construction projects.

There are also 271 "Otherwise Protected Areas" (OPAs) included in the CBRS, comprising approximately 1.7 million acres. These areas include national wildlife refuge lands, national parks and seashores, state parks, military bases and conservation lands owned by private organizations. These units were incorporated within the CBRS with the enactment of the Coastal Barrier Im-

provement Act of 1990. While federal flood insurance is not available within these areas, 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 U.S. Fish and Wildlife Service (FWS) continues to uncover cases where OPA boundaries do not coincide with the actual legal land boundaries.

The entire CBRS, including OPAs, has 856 units and more than 3 million acres of fastland and associated aquatic habitat along the Atlantic Ocean, the Gulf of Mexico, and the Great Lakes. Since its enactment almost thirty years ago, CBRS has saved taxpayers at least \$1.3 billion.

H.R. 2154 would affect a single 132-acre CBRS unit in Florida (FL-70P) which was established as an OPA and is located near Fort Myers. The unit was designed to coincide with the boundaries of Gasparilla State Park but the map included in the CBRS does not. H.R. 2154 is written to accurately reflect the boundaries of the State Park, thereby removing 5.2 acres of privately owned land containing 23 residential homes along Boca Bay from the CBRS. This mapping mistake has been confirmed by aerial photography, maps and public records reviewed by the Florida Department of Environmental Protection, Gasparilla Island Conservation and Improvement Association and Lee County, Florida, officials who all indicate that this property proposed for removal was never within the boundaries of Gasparilla State Park.

According to the Lee County Property Appraiser, the 23 homes were built between 1993 and 1999. While initially the property owners were able to obtain federal flood insurance, a number of those policies have been cancelled. As a result, these homeowners have had to either obtain private insurance, which is prohibitively expensive, or forgo insurance, which makes it nearly impossible to sell their property. This legislation will correct an honest mapping mistake and allow affected homeowners to maintain federal flood insurance in the future.

#### COMMITTEE ACTION

H.R. 2154 was introduced on June 13, 2011, by Congressman Connie Mack (R-FL). 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 October 25, 2011, the Subcommittee held a hearing on the bill. On November 17, 2011, the Full 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 amendment designated .019 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. 2154—A bill to correct the boundaries of the John H. Chafee Coastal Barrier Resources System Gasparilla Island Unit FL-70P*

H.R. 2154 would update a map of the Coastal Barrier Resources System (CBRS) near Boca Raton, Florida. Based on information from the U.S. Fish and Wildlife Service, CBO estimates that implementing the legislation would have no significant impact on the federal budget. H.R. 2154 could affect direct spending; therefore, pay-as-you-go procedures apply. However, we estimate that any net change in direct spending would be negligible over the 2012–2021 period. Enacting the bill would not affect revenues.

H.R. 2154 would revise CBRS maps for the Gasparilla Island Unit to exclude lands containing about 20 homes. Enacting the bill would enable those homeowners to purchase federal flood insurance. CBO estimates that, relative to current law, implementing H.R. 2154 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 2012–2021 period.

H.R. 2154 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 Jeff LaFave. 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, credit authority, or an increase or decrease in revenues or tax expenditures. H.R. 2154 could affect direct spending; therefore, pay-as-you-go procedures apply. However, CBO estimates that any net change in direct spending would be negligible over the 2012–2021 period. CBO estimates that, relative to current law, implementing H.R. 2154 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 2012–2021 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 correct the boundaries of the John H. Chafee Coastal Barrier Resources System Gasparilla Island Unit FL–70P.

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.

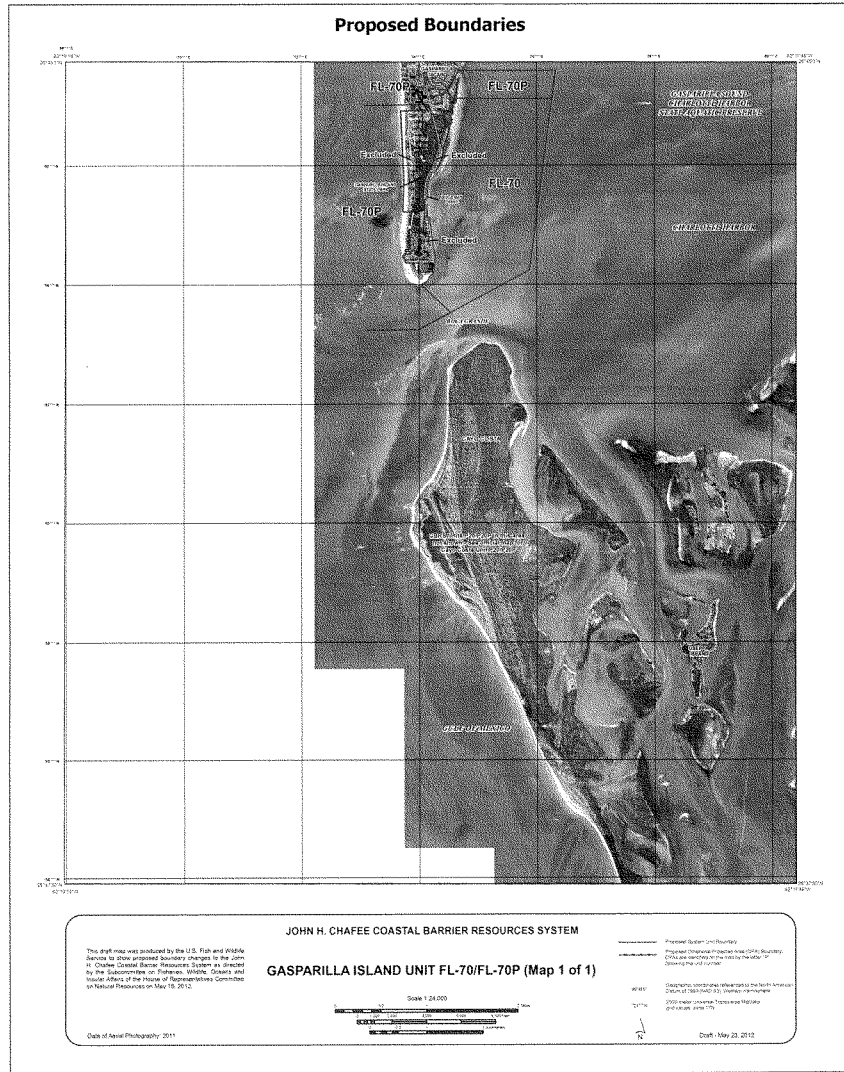
PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

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.

APPENDIX I: MAP



## APPENDIX II: ADDITIONAL VIEWS

H.R. 2154, as amended, proposes revisions to the boundaries of one unit of the Coastal Barrier Resources System (CBRS), the Gasparilla Island Unit FL-70P in Lee County, Florida using a third-party map dated July 8, 2011. The proposed boundary revisions would remove 23 homes in the Boca Bay development from the unit, which would allow these homeowners to be eligible for federal flood insurance. The Fish and Wildlife Service (FWS) expressed concern in amending CBRS boundaries using a third-party map as it circumvents a comprehensive review of the unit, in accordance with the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.). The FWS currently has a large backlog of requests to conduct technical correction reviews of CBRS units, as these reviews are time and resource intensive. On November 17, 2011, at the mark-up on H.R. 2154, the Chairman of the Committee on Natural Resources and the Ranking Member of the Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs entered into a colloquy confirming that the FWS had agreed to produce a new draft map, subject to public review, that accurately reflects the boundaries of the Gasparilla Island Unit FL-70P, which will be incorporated into the bill prior to any floor action.

EDWARD J. MARKEY.  
RUSH HOLT.  
MADELEINE Z. BORDALLO.  
GRACE F. NAPOLITANO.  
NIKI TSONGAS.  
JOHN GARAMENDI.  
DALE E. KILDEE.  
FRANK PALLONE, Jr.  
RAÚL M. GRIJALVA.  
GREGORIO KILILI CAMACHO  
SABLAN.  
BEN RAY LUJÁN.

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