

**STATEMENT BY THE HONORABLE THOMAS B. EVANS, JR.
BEFORE THE COMMITTEE ON NATUARAL RESOURCES
SUBCOMMITTEE ON FISHERIES, WILDLIFE, OCEANS
AND INSULAR AFFAIRS
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As the co-author with former Senator John Chafee (R-RI) of the Coastal Barrier Resources Act, which established the Coastal Barrier Resources System (now called the John H. Chafee Coastal Barrier Resources System), I am pleased to appear before you today and appreciate the opportunity.

History of the Coastal Barrier Resources Act:

In April of 1981, Senator John Chafee of Rhode Island, graciously came to Delaware to announce that we were both introducing similar bills in the House and Senate. Few pundits gave us much of a chance to get the legislation passed in Congress and signed into law by President Reagan. On several occasions long prior to 1981, attempts were made in Congress to pass legislation similar to the Coastal Barrier Resources Act. Unfortunately, none came to a vote even in Committee.

In an effort to begin to make some headway towards the eventual passage of a more expansive bill to preserve Barrier Lands, I introduced in 1980 an amendment in the House Banking Committee that became part of the Omnibus Budget Reconciliation Act. The provision, known as the Evans – St. Germain amendment, prohibited the issuance of new federal flood insurance for any new construction or for substantial improvements of structures located on undeveloped coastal barriers.

It also called on the Interior Department to develop maps identifying those areas along the Atlantic and Gulf Coasts that should be protected. The Interior Department was a little slow in implementing Congressional intent and apparently they needed more explicit directions. This provision was the forerunner of the Coastal Barrier Resources Act, which ultimately became law on October 18, 1982. CBRA included Federal Flood Insurance, plus 51 other Federal subsidies that ranged from lights and sewers to jetties and roads.

There have been some changes in the law since late 1982 primarily expanding the area of land where federal subsidies were prohibited. A large increase in acreage was in the Great Lakes region because that area was not included in the original bill. By far, the largest increase was to otherwise protected areas known as OPA's. State and National Parks and land owned by conservation groups, such as the Nature Conservancy, was added to the Coastal Barrier Resources System. This was largely cosmetic because the land in almost every instance was already protected. However, it was an additional insurance policy, but the real protection remained the original barrier lands established by Congress in 1982. The maps designating these barrier lands are held by the Interior Department.

Passage of the bill in 1982 was not easy as there was opposition from some very powerful interests and it took a lot of patience and negotiations for almost two years. The overwhelming final passage did not nearly reflect the degree of difficulty in achieving that goal. A number of members and staff and especially my own staff and that of Senator Chafee worked diligently

over a period of many months in an attempt to reach consensus. We all knew that the goal of saving lives, saving dollars and preserving the environment made eminently good sense. IN THE END, FISCAL AND ENVIRONMENTAL RESPONSIBILITY WON OUT OVER NARROW SPECIAL INTERESTS.

Prior to 1980, developers and environmentalists could not even agree on a starting point. But the Coastal Barrier Resources Act ultimately was crafted by wide-ranging and diverse interests: Republicans and Democrats, conservatives and liberals, environmentalists and tax hawks, all worked together. This willingness to work together was there because the concepts embodied in the CBRA made eminently good sense then, as they do today.

Support for environmental protection, fiscal restraint and saving lives cannot and should not be partisan issues. The Act was supported by those with wide ranging philosophies. It was a marvelous example of our democratic system of government working in the best interests of our country. Members of Congress and their staffs along with Interior Department personnel were not alone in their quest for passage of CBRA. The legislation was supported by the Coast Alliance, the National Wildlife Federation and a number of other environmental organizations including the Florida Wildlife Federation now headed by Manley Fuller, a very well respected conservationist. The National Taxpayers Union, Taxpayers for Common Sense, the American Red Cross and a number of Boating, Fishing and Hunting Groups all provided their support. One of the most active advocates was Americans for the Coast, a group established by Larry Rockefeller that included about 100 of America's most well-known leaders from various fields of interest.

Over the years, there have been many attempts to modify the land in the CBRS. Many so-called technical amendments have been introduced by members of Congress over the years to take land out of the CBRS and make it available for subsidies. Hearings have been held in most instances but the amendments have not been publicized widely and some have passed. Removal of the land from the CBRS gives one a false sense of security, and serves to place more lives in harm's way. On several occasions I have been asked to testify on the amendments but in many instances I, along with others, have been unaware of the efforts to remove land from the Coastal Barrier Resources System.

This is just what development interest's desire. Unfortunately, the Coast Alliance on which I served as a board member is no longer in existence. Their top priority was to preserve the integrity of the CBRS and they followed the assault by some of the development interests and notified us when amendments were pending.

On several occasions, I have testified along with Steve Ellis of Taxpayers for Common Sense against egregious type amendments and sometimes we have been successful in helping to stop initiatives that would use tax dollars to develop in storm prone areas. The Coastal Barrier Resources Act does not ban development. THE OWNERS ARE FREE TO DEVELOP THE LAND BUT THEY SHOULD NOT GET A FREE RIDE. CBRA only withholds flood insurance and other federal subsidies on storm prone vulnerable land where the U.S. taxpayer should not be a part of taking unreasonable risks.

Importance of the Coastal Barrier Resources Act:

The legislation that was passed in 1982 by the U.S. House of Representatives and agreed to by

the U.S. Senate was established to save lives, hundreds of thousands of acres of fragile coastal land and literally billions of taxpayer dollars. It would be helpful in determining Congressional intent if you read the transcript from the debate in the full House that took place on September 28 of 1982.

To sum it up, we said to developers, if you want to build on these fragile storm prone barrier lands, **DO IT ON YOUR OWN NICKEL AND NOT THE AMERICAN TAXPAYER!**

This same philosophy might be helpful today as our budget deficit rises. I can recall voting for a debt-ceiling limit of one trillion dollars in 1980. That was a tough vote for most all of us and remember that it took almost 200 years in our nation's history to reach that figure. In the 8 years from 2001 to 2009 alone, the debt ceiling rose almost 5 trillion dollars and it is, of course, still rising dramatically.

The barrier lands that were protected by the initial legislation in 1982 are the first line of defense for the mainland against the full force of hurricanes and other strong storms. They create and maintain, among other things, the estuaries that nurture fish stocks so important for recreational and commercial fishing. These lands provide natural habitats for numerous species of birds and other wildlife, including federally endangered species.

The wetlands they protect are extremely important in many ways. In addition to being spawning grounds for fish and shellfish of all varieties, they also serve as a vital element in flood control and pollution reduction. The devastation brought about by Hurricane Katrina would not have been nearly as severe if so many wetlands in the area of New Orleans had not been destroyed.

The value of IBM or DuPont stock is easy to determine instantaneously. The value of the Coastal Barrier Resources Act is not so easily determined and especially if one is unaware of it or certainly unaware of its benefits.

Justin Gillis, a well-respected journalist for the New York Time called it “the most important environmental law that nobody has ever heard of.” He called its passage a “monumental triumph” and President Reagan said “the Evans-Chafee bill was a triumph for Natural Resource Conservation and fiscal responsibility.”

Our Nation's Barrier Lands are resources that should be preserved and not exploited. This is especially true in coastal states where tourism is so important to their economies. The value of Barrier Lands is priceless and the value of CBRA is incalculable. It is not easy to place a value on saving human lives or national resources. We must do it for ourselves and future generations as well as those who cannot speak for it themselves.

Conclusion and Recommendations:

As one who remembers so well the historic, bi-partisan, painstaking work that it took to devise the common sense principles that are embodied in the Coastal Barrier Resources Act, I appreciate having an opportunity to appear before you. Although Senator John Chafee, a great environmentalist, is no longer with us, I believe he would support these thoughts. I believe I also speak for the many House members who were so supportive in the passage of the Coastal Barrier Resources Act of 1982, who likewise are no longer with us. Many of them cared deeply about our environment and were strong advocates for fiscal responsibility.

In several hearings, I have suggested codifying in law the criteria for including parcels in the CBRS. In 2006 those standards were codified and I hope you take advantage of these standards to assist in preventing an assault on the integrity of CBRA. Codification should help ensure fair consideration, based on merit, not politics, on all initiatives to remove acreage from the system. That was certainly Congress' intent in the passage of the original bill.

Mr. Chairman, you have asked me to give my views on the specific bills being considered today. First, the burden of proof in most every instance should be on those supporting a bill requesting the removal from the CBRS.

We need transparency and every bill should be reviewed as you are doing today.

Secondly, Congress called for digitizing the maps containing the units in the system. The Interior Department is doing this as they should and in pilot programs in Florida, the Carolinas and Delaware. In these pilot programs they have recommended that some acres should be added to the system and some should be removed. A very few at Interior are continuing to do an outstanding job. There is a real need to properly fund their efforts. The P/E value would be incredibly high and the integrity of CBRA would be preserved and that is good for America.

Thomas B. Evans, Jr.
U.S. Congress (Retired)

Thomas B. Evans, Jr. was a Republican Member of the U.S. House of Representatives from Delaware from 1977-1983. He co-authored the Coastal Barrier Resources Act and was a principal supporter of the Alaska National Interest Lands Conservation Act, acting as Republican Floor Leader during its passage. He is a member of the board of directors of the Florida Wildlife Federation and was the founder of the Florida Coalition for Preservation. He has served on many boards including the Alaska Wilderness League and is the recipient of a number of national awards for his work in conserving national resources.