

Committee on Natural Resources

Rob Bishop, Chairman
Markup Memorandum

January 29, 2016

To: All Natural Resources Committee Members

From: Majority Committee Staff
Subcommittee on Water, Power and Oceans (x5-8331)

Markup: Markup on H.R. 890 (Rep. Curt Clawson, R-FL), To correct the boundaries of the John H. Chaffee Coastal Barrier Resources System Unit P 16.
February 2-3, 2016 1324 Longworth HOB

H.R. 890 (Rep. Curt Clawson, R-FL), To correct the boundaries of the John H. Chaffee Coastal Barrier Resources System Unit P16.

Bill Summary:

H.R. 890 codifies federal corrections to a map covering the John H. Chaffee Coastal Barrier Resources System Unit P16 located in Collier County, Florida.

Cosponsors:

Rep. Don Beyer (D-VA)

Background:

The John H. Chafee Coastal Barrier Resources System (CBRS) comprises coastal barrier units on the Atlantic and Gulf of Mexico coasts as delineated on maps adopted by Congress. Except for very minor technical changes to account for natural accretion and erosion, boundaries cannot be adjusted unless a law is enacted to revise a map. These units consist of undeveloped sections of coastal barrier islands and the associated aquatic habitat which lies behind these barriers. The Coastal Barrier Resources Act (CBRA) of 1982 and the Coastal Barrier Improvement Act of 1990 created and expanded, respectively, the CBRS. The entire CBRS, including `Otherwise Protected Areas' (OPAs), has 856 units and more than three million acres of land and associated aquatic habitat.¹

The U.S. Fish and Wildlife Service (USFWS) administers the CBRS. According to the agency, the CBRA encourages the conservation of hurricane prone, biologically rich coastal barriers by restricting federal expenditures that encourage development, such as federal flood insurance. Areas within the CBRS can be developed provided that private developers or other non-federal parties bear the full cost.² Congress expanded the CBRS as part of the 1990

¹ [Testimony of Mr. Gary Frazer, Assistant Director for Ecological Services, USFWS, before the House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs on April 8, 2014, p. 1](#)

² <http://www.fws.gov/ecological-services/habitat-conservation/coastal.html>

reauthorization, adding coastal lands along the Great Lakes, Florida Keys, Puerto Rico and the U.S. Virgin Islands.³

While there are no federal development or permit restrictions associated with lands being included in the CBRS, inclusion does place significant restrictions on the availability of federal assistance related to development.⁴ Under the CBRA, no federal flood insurance policies could be issued for properties within the system after October 1, 1989; however, any such policies issued prior to October 1, 1983 date were grandfathered and allowed to remain.⁵ According to USFWS, restricting federal flood insurance and subsidies for CBRS lands saved over \$1 billion in taxpayer expenditures from 1982 to 2010.⁶

H.R. 890 makes boundary adjustments to CBRS Unit P16 in Collier County, Florida. Local homeowners believe that lands were erroneously included in P16 maps.⁷ The USFWS concurs with that assessment and recently re-mapped the area.⁸ H.R. 890, as amended, will codify the revised map. This measure would remove 43.6 acres of private land on Marco Island and 17 acres of private land on the Isles of Capri. Based on research by the local homeowners associations, the required infrastructure that made land ineligible for inclusion in the System was in place prior to the 1990 reauthorization.⁹

This bill specifically affects 315 condominium owners on Marco Island, of which 110 are not currently eligible for the National Flood Insurance Program and 205 were 'grandfathered' under the program. A full complement of infrastructure including paved roads, electricity, sewer, and water was present as of December 1988. In terms of the Isles of Capri, 190 condominium owners are impacted, including 54 that are not eligible for participation in the National Flood Insurance Program.¹⁰ All of these homeowners not currently eligible to participate in the National Flood Insurance Program will be allowed to participate if H.R. 890 is signed into law.

Identical legislation, H.R. 5139, passed out of the Committee on Natural Resources in the 113th Congress by voice vote.¹¹ However, USFWS was unable to finalize the replacement maps by the end of the Congress, so the bill never received consideration by the full House.

Major Provisions of H.R. 890 (as introduced):

Section 1 of H.R. 890 makes an adjustment to the boundaries of CBRS Unit P16 by replacing the current map of the unit with another map.

³ <http://www.fws.gov/ecological-services/habitat-conservation/cbra/Act/index.html#CBRS>

⁴ [Public Law 97-348, October 18, 1982.](#)

⁵ [Id at 4](#)

⁶ [Id at 3](#)

⁷ [Testimony of Dr. Robert Rohde, on behalf of the Marco Island and Isles of Capri Homeowners Associations before the House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs on April 8, 2014.](#)

⁸ [Dan Ashe letter to Chairman Rob Bishop, Committee on Natural Resources, August 28, 2015.](#)

⁹ [Id at 7](#)

¹⁰ [Id at 7](#)

¹¹ [Committee on Natural Resources Full Committee Markup of H.R. 5139, 113th Congress, September 18, 2014.](#)

Cost:

The Congressional Budget Office analyzed an identical bill in the 113th Congress and found that the legislation would have “no significant effect on the federal budget”, specifying that the bill “could increase premium collections of the National Flood Insurance Fund by less than \$150,000 annually. Such collections would be offset by new mandatory spending for underwriting and administrative expenses and new flood insurance claims over the 2015-2024 period.”¹²

Administration position:

The Administration testified on a prior bill that it “could support the bill (H.R. 1811) if the legislation were amended to reference a final recommended map that will be prepared” by the Service (USFWS) in accordance with the comprehensive CBRS remapping protocols.”¹³ The USFWS updated the map following these protocols.¹⁴

Anticipated Amendments:

An amendment will be offered to replace the placeholder map with the new maps of Units P15, P16, and FL63-P as provided by the USFWS.

¹² [Congressional Budget Office Cost Estimate of H.R. 5139, October 7, 2014.](#)

¹³ [Testimony of Mr. Gary Frazer, Assistant Director for Ecological Services, USFWS, before the House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs on April 8, 2014, p. 8](#)

¹⁴ <http://www.fws.gov/ecological-services/habitat-conservation/cbra/Maps/draft-maps.html>