

Committee on Resources

Subcommittee on Fisheries Conservation, Wildlife and Oceans

Statement

TESTIMONY BEFORE THE U.S. HOUSE OF REPRESENTATIVES

COMMITTEE ON RESOURCES

SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS

REGARDING THE COASTAL BARRIER RESOURCES ACT

BY THE HONORABLE THOMAS B. EVANS, JR.

THURSDAY, MAY 6, 1999

Mr. Chairman, I very much appreciate the opportunity to appear before your subcommittee today and am grateful to you and others for supporting the goals of the Coastal Barrier Resources Act. I also appreciate the work your committee did in 1990 to greatly expand the number of acres in the system. I would certainly support very strongly most of the provisions in your draft legislation reauthorizing the Act.

It hardly seems possible that the Coastal Barrier bill, which I had the pleasure of authoring in the House, actually became law almost 17 years ago. I might add that the author of the bill in the Senate was John Chafee of Rhode Island. His leadership on a variety of environmental issues, including the Coastal Barrier Resources Act, has been outstanding over the years.

In preparing for my testimony, I again read the Congressional Record from September 28, 1982. It brought back very pleasant memories of my service in this body and reminded me of the widespread support for the bill from a wide-ranging group of organizations as well as Members of the House. A few of the individuals who participated in the debate on the floor are still Members of Congress. I know all of you have limited time and many issues to address, but if you have a few spare minutes, it might be helpful to review the debate. The points that were made in that debate were valid in 1982 and, if anything, are even more important today.

As you ladies and gentlemen of the subcommittee know, the law I hope you will reauthorize, set aside in the Coastal Barrier Resources System, hundreds of thousands of low-lying, storm-prone acres in their natural state. They are the mainland's first line of defense against the full fury of storms and hurricanes, and they create and maintain, among other things, the estuaries which nurture fish stocks so important for recreational and commercial fishing. These barrier islands protect natural habitat areas for a variety of wildlife, and the wetlands they protect also act as spawning grounds for fish and shellfish. Maintaining them in their natural state is important to our economy, not to mention future generations of Americans.

So, all of you who are proud to consider yourselves environmentalists should never let anyone say that you are opposed to jobs and a strong economy. More often than not, good environmental policy makes good economic sense. That is certainly the case with the goals being achieved by the Coastal Barrier Resources Act. It is fiscally conservative and environmentally sound. The concept set forth in the Act of reducing wasteful Federal expenditures by restricting Federal development assistance on coastal barriers is a worthy goal that discourages development, which could destroy natural resources of incalculable value. The law also helps to minimize the loss of life by discouraging development in high-hazard areas. Saving lives, saving dollars and protecting fragile areas of our environment just makes eminently good sense.

I might add that it is not often that you see something that is supported by the Coast Alliance and other environmental groups including the National Wildlife Federation along with the American Red Cross and the National Taxpayers

Union.

It is very difficult indeed for anyone to fight the principles that form the foundation of the Coastal Barrier Resources Act. I do not believe there are many Members of Congress who would ever want to turn the clock backward by totally destroying the legislation that was so painstakingly developed in order to be fair.

In spite of it all, many Members still face tremendous pressure from developers to take certain areas out of the system and in so doing, permit the Federal Government to act as their financial safety net.

Some developers make arguments that on the surface sound good. For example, we only want a few acres and this is a drop in the bucket, assuming that over a million acres are protected in the system. Well, you could apply the statement made years ago by Senator Everett Dirksen of Illinois, Aa million here and a million there--soon you=re talking about real money.@ A few acres here and a few acres there can add up to a lot of land over time. Also, I believe we should keep in mind that this should not just be a numbers game, because the quality of the acres is even more important than the number of acres involved. Unfortunately, the pressure for development usually occurs in areas that are the most exposed to storms and the high winds and water that accompany them.

My plea today is to ask you not to allow anyone to chip away at the heart of the Act. Little by little you can reduce the areas designated within the system. Please resist the temptation of believing that a bite here or there will not be harmful. Over the years, small bites become feasts, and you may end up some day with a skeleton of what was both a fiscally sound and environmentally responsible law. The overwhelming burden of proof should always be on those advocating a reduction in the Coastal Barrier Resources System.

I realize that most of the deletions have occurred as riders on appropriations bills where Members of this subcommittee have not necessarily been involved. The Omnibus spending bill last year was one example where land that should never have been removed from the system was, in fact, removed. It was done so by a small group of Members and staff and probably done late in the evening. To give them the benefit of the doubt, the Members involved may not have even been aware of the damage being done to sensitive environmental areas or the fiscal irresponsibility of their actions. Please be diligent and be aware that there will most likely be continuing pressure, as most coastal areas have already been developed.

A prominent Alabama real estate developer recently told a friend of mine that as far as developing the Atlantic and Gulf Coast was concerned, the only game still left in town was the Coastal Barrier Resources System. He was referring to the opportunity, using political pressure, to take acres out of the system.

Although the law prohibits any kind of Federal involvement on acreage within the system, including water and sewer lines, roads, etc., the primary interest by developers is securing Federal flood insurance at bargain basement prices. That appears to be the lynchpin that makes or breaks a development project. However, some developers move ahead anyway and that has happened in my own state of Delaware. Expensive homes have been erected within the Coastal Barrier Resources System, especially in the area north of Bethany Beach. In 1990, as a result of the Coastal Barrier Resources Improvement Act, it appears that a few of these acres were removed and a substantial number were added in other places within our state. All of us need to be especially watchful to prevent land like this from being removed from the system.

One of the most egregious examples of improperly taking land out of the Coastal Barrier Resources System occurred in South Florida at a place called Pumpkin Key. Its exclusion from the system now puts human life at risk, property and the environment at risk and could be a step in undermining the integrity of the system itself. I understand that the developer is planning to build about a dozen homes in the \$2,000,000 plus category on the 25 acres that were removed from the system. I think it=s fair to say that most of the owners will be multi-millionaires. Many taxpayers with far less money than these wealthy owners will be subsidizing them. This has been referred to before as Awelfare for the wealthy@ and it is absurd.

I would like to emphasize here that the Coastal Barrier Resources Act does not take anyone=s property or restrict its use. It discourages, but does not prohibit, development in environmentally sensitive areas. While the law is designed to encourage preservation of priceless natural resources, it says to developers that if you wish to build in these sensitive

areas, go ahead, but do it on your own nickel. You should pay the full economic cost for your development and not expect the Federal Government to subsidize you by providing super low-cost disaster insurance and, in the process, expending hundreds of millions of tax dollars to indemnify property owners for their inevitable storm losses.

Mr. Chairman, the draft bill you are considering is a good one. Digitizing the maps makes good sense, and the study of development impacts and voluntary additions to the system are all excellent.

I would respectfully suggest that you might consider adding some additional provisions in your bill or in separate bills. They are as follows:

\$ I believe it would be helpful to codify the criteria for including parcels in the Coastal Barrier Resources System. If the standards now used were codified, it would make it more difficult to remove acres that properly belong in the system. Codification would also ensure fair consideration, based on merit, not politics, on all initiatives to remove acreage from the system.

\$ You might also consider making the necessary changes to the definition of a coastal barrier to include some West Coast parcels in the system. I understand that the Interior Department may have completed a study on this issue and it would be good to see it.

\$ I would suggest asking the U.S. Fish and Wildlife Service to review opportunities to expand the Coastal Barrier Resources System. This would entail a slightly higher figure in the amount you are requesting in your draft bill reauthorizing the Act, but overall the cost/benefit ratio would be most favorable. Additional millions of Federal dollars could potentially be saved.

\$ I would also make the U.S. Fish and Wildlife Service the final arbiter in all internal battles within the bureaucracy. The Corps of Engineers would complain, but the Fish and Wild life Service should quite properly have the final Executive Branch authority on matters related to land within the Coastal Barrier Resources System. The Congress would, of course, continue to have final authority.

\$ The subcommittee should also consider adding a new section to the bill authorizing the U.S. Fish and Wildlife Service to encourage and provide technical assistance to foreign governments in protecting their coastal barrier areas. This could be accomplished, in my view, by working through the U.S. Agency for International Development.

Many thanks again Mr. Chairman and members of the subcommittee. I appreciate very much being invited to testify today and, more importantly, I appreciate your support for the Coastal Barrier Resources Act.

#####