

**Testimony of Gary Frazer,
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**Before the House Committee on Natural Resources, Subcommittee on Water, Power and
Oceans**

**Legislative Hearing on Two Bills to Revise the Boundaries of Certain Units of the John H.
Chafee Coastal Barrier Resources System: H.R. 2947, the “Strengthening Coastal
Communities Act of 2017”; and H.R. 4880, “To revise the boundaries of certain John H.
Chafee Coastal Barrier Resources System units in Delaware”**

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Good morning Chairman Lamborn, Ranking Member Huffman, and Members of the Subcommittee. I am Gary Frazer, Assistant Director for Ecological Services with the U.S. Fish and Wildlife Service (Service). I appreciate the opportunity to testify today on two bills related to the John H. Chafee Coastal Barrier Resources System (CBRS). My testimony provides the Administration’s views on each of the bills and includes information on the Coastal Barrier Resources Act (CBRA) and the Service’s efforts to modernize the maps of the CBRS. The Administration supports CBRA and its objectives to save lives, save taxpayer dollars, and conserve coastal barrier habitat through the law’s non-regulatory approach of removing federal incentives to build in areas subject to hurricanes and erosion. The Administration also supports the two bills that are the subject of today’s hearing and looks forward to working with the Subcommittee on legislative efforts to update the maps of the CBRS.

Background

Established by CBRA of 1982, the CBRS consists of geographic units that were relatively undeveloped at the time they were designated. Coastal barrier ecosystems are not only home to vital natural resources such as coastal wetlands, diverse wildlife, and flyways for migratory birds; they also protect public safety and the substantial investments within coastal communities that are vulnerable to intense storms and hurricanes. Undeveloped coastal barriers and wetlands absorb the brunt of the destructive forces of hurricanes and storm surges, reducing wave energy and inland flooding and providing resistance to the flow of water. A 2016 study by Lloyd’s Tercentenary Research Foundation shows that coastal wetlands prevented \$625 million in direct flood damages during Hurricane Sandy in 2012.

Nationally, the CBRS contains 862 geographic units that encompass 3.5 million acres of relatively undeveloped areas along the Atlantic, Gulf of Mexico, Great Lakes, U.S. Virgin Islands, and Puerto Rico coasts. CBRA limits most new federal funding for development within these identified areas, saving American taxpayers millions of dollars in spending for roads, wastewater and potable water systems, disaster assistance, and subsidized flood insurance. CBRA imposes no restrictions on development conducted with private, state, or local funds. In his 1982 signing statement, President Reagan stated that CBRA “simply adopts the sensible

approach that risk associated with new private development in these sensitive areas should be borne by the private sector, not underwritten by the American taxpayer.”

The devastating 2017 hurricane season, with three major hurricanes making landfall in the U.S. within one month, will cost taxpayers billions in disaster response, flood insurance payouts, and long-term recovery efforts. CBRA is a common sense law that tackles a national problem with less federal involvement rather than more. CBRA helps the Federal Government send appropriate price signals to property owners to indicate that the risk of developing on coastal barriers is high and ensures that the federal taxpayer does not underwrite further development in those areas, all without infringing upon the rights of landowners to develop their properties.

The CBRS units are identified and depicted on a series of maps entitled “John H. Chafee Coastal Barrier Resources System.” The Service is responsible for maintaining and updating the official maps of the CBRS. Aside from three minor exceptions, only legislation enacted by Congress can modify the CBRS boundaries to add or remove areas. These exceptions include: (1) CBRA’s five-year review requirement that solely considers changes that have occurred to the CBRS by natural forces such as erosion and accretion; (2) voluntary additions to the CBRS by property owners; and (3) additions of excess federal property to the CBRS.

CBRS Map Modernization

The official maps of the CBRS were first created more than 35 years ago. Today’s technology produces more refined maps that are more easily accessed and understood by the public. Congress recognized the challenges associated with the maps and, through the 2000 reauthorization of CBRA (Section 6 of Pub. L. 106-514), directed the Service to conduct a pilot project to remap 50-75 CBRS areas using digital technology. In the 2006 reauthorization of CBRA (Section 4 of Pub. L. 109-226), Congress directed the Service to prepare digital maps for the remainder of the CBRS and make recommendations for its expansion. The Service agrees that the maps should be modernized. To date, the Service has transmitted comprehensively revised draft maps for approximately 15 percent of the CBRS to Congress for consideration.

The Service uses a “comprehensive map modernization” process to update the CBRS maps that requires: (1) research by the Service into the intent of the original boundaries and the development status on the ground at the time the areas were originally included within the CBRS; (2) development of draft revised boundaries by the Service; (3) public review of the draft boundaries; (4) preparation of final recommended maps by the Service that take into consideration information provided during the public comment period; (5) transmittal of final recommended maps to the Congressional committees of jurisdiction; and (6) Congressional enactment of legislation to make the revised maps effective. This process will ensure that newly adopted maps are created in a transparent way that clearly identifies the location of CBRS lines and underlying justification. Information about the Service’s guiding principles and criteria for assessing modifications to the CBRS is available in Chapter 6 of the *Final Report to Congress: John H. Chafee Coastal Barrier Resources System Digital Mapping Pilot Project*. Information about the Service’s large-scale comprehensive remapping projects is below.

Digital Mapping Pilot Project

The Service submitted its Digital Mapping Pilot Project report and accompanying draft maps for 65 units (approximately 10 percent of the total acreage within the CBRS) to Congress in 2016. H.R. 4880 addresses two units that are part of the pilot project. However, there are an additional 59 units included in the pilot project that are not addressed by these bills. The Administration recommends that Congress adopt en bloc all of the final recommended maps for the 65 pilot project units that are included in Appendix C of the report to Congress. If adopted by Congress, the pilot project maps collectively would remove about 325 structures from the CBRS, correcting decades-old errors that affect property owners. The pilot project maps also add 24,510 acres of undeveloped coastal barrier areas to the CBRS (mainly wetlands and open water). Coastal barriers are highly dynamic areas that are subject to continual geomorphic change, and development conditions on the ground are also subject to change. Therefore, delays in the adoption of the final recommended maps will require updated reviews by the Service of on-the-ground conditions. Such reviews are costly to the government and will delay relief for those homeowners and project proponents with areas recommended for removal.

Legislation

The bills that are the subject of this hearing seek to enact certain revised CBRS maps that were prepared by the Service through the comprehensive map modernization process described above. If adopted by Congress, these revised maps would remove areas that were previously included within the CBRS in error and add new undeveloped coastal barrier areas to the CBRS. The areas removed from the CBRS would become eligible for federal subsidies, including federally backed flood insurance. The areas added to the CBRS would not be eligible for most new federal expenditures and financial assistance (including flood insurance).

H.R. 2947: Strengthening Coastal Communities Act of 2017

H.R. 2947 would revise the boundaries of two existing units of the CBRS in Bay County, Florida. These units are known as St. Andrew Complex P31/P31P. The legislation replaces the existing three maps for these two units dated January 11, 2016, with three revised maps dated October 7, 2016. These revised maps, prepared by the Service in 2014, would remove 200 structures (mainly residential) and 125 acres (98 acres of uplands and 27 acres of associated aquatic habitat) from the CBRS and add 1,582 acres (131 acres of uplands and 1,451 acres of associated aquatic habitat) to the CBRS.

The Administration supports H.R. 2947 as it would adopt three maps that the Service prepared through the comprehensive map modernization process.

H.R. 4880: To revise the boundaries of certain John H. Chafee Coastal Barrier Resources System units in Delaware

H.R. 4880 would revise the boundaries of two existing units of the CBRS in Sussex County, Delaware. These units are known as Delaware Seashore Unit DE-07P and North Bethany Beach Unit H01. The legislation replaces the existing map for the two existing units dated December 6,

2013, with a revised map dated March 18, 2016, which also adds one new unit known as Delaware Seashore Unit DE-07 to the CBRS. This map was prepared by the Service as part of the Digital Mapping Pilot Project. The revised map would remove 99 structures (mainly residential) and 83 acres (43 acres of uplands and 40 acres of associated aquatic habitat) from the CBRS. The revised map would also add 897 acres (409 acres of uplands and 488 acres of associated aquatic habitat) and 1 structure associated with a Delmarva Power electrical facility to the CBRS. This facility would be included within Otherwise Protected Area (OPA) Unit DE-07P. The only restriction within an OPA is on federal flood insurance for new construction (or substantially improved existing construction).

The Administration supports H.R. 4880 as it would adopt a map that the Service prepared through the comprehensive map modernization process. In addition, the Administration recommends that all of the maps included in Appendix C of the *Final Report to Congress: John H. Chafee Coastal Barrier Resources System Digital Mapping Pilot Project* also be adopted en bloc.

Conclusion

The Administration supports map modernization as a good government effort that will provide relief to landowners affected by inadvertent errors on old maps, make CBRS information more accessible to the public, and preserve the long-term integrity of the CBRS. Thank you for the opportunity to testify today on the Coastal Barrier Resources Act. I am happy to answer any questions, and look forward to working with the Subcommittee as it considers these two bills.