



Public Employees for Environmental Responsibility

June 21, 2019

Representative Nancy Pelosi
1236 Longworth H.O.B.
Washington, DC 20515

Representative Kevin McCarthy
2468 Rayburn House Office Building
Washington, DC 20515

Representative Nita Lowey
2365 Rayburn HOB
Washington, DC 20515

Representative Kay Granger
1026 Longworth HOB
Washington, DC 20515

Dear Representatives Pelosi, McCarthy, Lowey, and Granger,

Public Employees for Environmental Responsibility (PEER)¹ is writing to express concern over Amendment No. 94 to H.R. 3055, offered by Representative Jeff Van Drew of New Jersey, Representative Garret Graves of Louisiana, and Representative David Rouzer of North Carolina. The proposed Amendment to the Commerce, Justice, Science, and Related Agencies Appropriations Act, for Fiscal Year 2020 would allow sand and sediment mining from undeveloped areas in the Coastal Barrier Resources System (CBRS) to conduct beach renourishment on developed beaches outside of the system.

The Coastal Barrier Resources Act (CBRA)² protects coastal areas that serve as barriers against wind and tides from coastal storms and provide habitat for numerous species. The CBRA was signed into law in 1982, protecting 3.5 million acres of wetlands, beaches, and coastal barrier islands along the eastern seaboard, Gulf of Mexico, and Great Lakes as a federal-subsidy-free zone. By removing the incentive to develop these areas by prohibiting things like federal flood insurance, conservation of these areas is encouraged. The CBRA does not prohibit development; private developers or other non-federal entities simply have to assume the total cost. According

¹ Public Employees for Environmental Responsibility (PEER) is a Washington D.C.-based non-profit, non-partisan public interest organization concerned with honest and open government. Specifically, PEER serves and protects public employees working on environmental issues. PEER represents thousands of local, state and federal government employees nationwide.

² 16 U.S.C. 3501, et seq.

to a recent study, the CBRA “has reduced federal coastal disaster expenditures by \$9.5 billion (in 2016 dollars) between 1989 and 2013. Future CBRA savings are forecast to range between \$11 billion and \$108 billion by 2068 (in 2016 dollars).”³

The proposed amendment states that “None of the funds made available by this Act may be used to implement the Department of Interior Solicitor’s opinion (FWS.CW.0380) issued in 1994 interpreting the applicability of Section 6(a)(6)(G) of the Coastal Barrier Resources Act (16 U.S.C. 3505 5(a)(6)(G)).” Specifically, the proposed amendment overturns a 1994 Department of Interior Solicitor’s opinion which stated that sand and/or sediments dredged from the CBRS can only be used to restore or protect the CBRS units themselves; they could not be used to renourish developed beaches elsewhere. If this amendment passes, these undeveloped barrier islands and inlets will be ravaged by beach renourishment projects in developed areas, which would result in severe environmental damage, and would put additional areas at risk from storm damage.

This proposed amendment has not been subject to Congressional review, let alone any debate. It would threaten millions of acres of wildlife habitat and would potentially result in billions of dollars of storm damage. Finally, the proposed amendment would overturn existing precedent, and allow the pillage of CBRS areas. Climate change is resulting in more powerful storms and sea level rise; to allow dredging of sands and sediments from our vulnerable barrier resources is only going to exacerbate these problems.

PEER believes that the 1994 Solicitor’s Opinion should be retained. Allowing the use of federal funds to renourish developed beaches to the detriment of CBRS areas violates the CBRA. The purpose of the CBRA is to “to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damage to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf coasts and along the shore areas of the Great Lakes...”⁴ The proposed amendment will reverse decades of protection, and increase the vulnerability of our coastal areas in a time when climate change demands that we protect these areas even more. We therefore urge you to vote no on Amendment No. 94 to H.R. 3055.

Thank you for consideration of this matter.

Sincerely,



Timothy Whitehouse

³ Andrew S. Coburn and John C. Whitehead (2019), An Analysis of Federal Expenditures Related to the Coastal Barrier Resources Act (CBRA) of 1982.

⁴ 16 U.S.C. 3501(b)