Coastal Barrier Resources Act (CBRA)
Consultations Flow Chart

Federal Financial Assistance
(see definition in 16 U.S.C. 3502(3))

No CBRA Consultation needed

Is any activity within Coastal Barrier Resources System (CBRS)
(see mapper)

NO

Unit Type = System Unit
1. Most new Federal expenditures and financial assistance, including Federal flood insurance *, are prohibited within System Units.

Is Federal funding for the project used for any of the following actions within the CBRS?

16 U.S.C. 3504(a)(3): A project to prevent the erosion of, or to otherwise stabilize, any inlet, shoreline, or inshore area on CBRS units numbered S01 through S08 and LA-07 for purposes other than encouraging development, and in all units, in cases where an emergency threatens life, land, and property immediately adjacent to that unit.

16 U.S.C. 3505(a), (d): Highway expansion projects in Michigan, and certain activities relating to CBRS Unit T11.

NO

Is Federal funding for the project used for any of the following actions within the CBRS?

16 U.S.C. 3505(a)(1): Any use or facility necessary for the exploration, extraction, or transportation of energy resources which can be carried out only on, in, or adjacent to a coastal water area because the use or facility requires access to the coastal water body.

16 U.S.C. 3505(a)(2): The maintenance or construction of improvements of existing Federal navigation channels (including the Intracoastal Waterway) and related structures (such as jetties), including the disposal of dredge materials related to such maintenance or construction. A Federal navigation channel or a related structure is an existing channel or structure, respectively, if it was authorized before the date on which the relevant System unit or portion of the System unit was included within the CBRS.

16 U.S.C. 3505(a)(3): The maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly owned or publicly operated roads, structures, or facilities that are essential links in a larger network or system.


NO

Is funding the activity within the CBRS consistent with ALL three purposes of CBRA?

1. Minimize the loss of human life.
2. Minimize wasteful expenditure of federal revenues.
3. Minimize damage to fish, wildlife, and other natural resources.

"... by restricting future Federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers..."

(see definition in 16 U.S.C. 3501(b)
(see definition in 16 U.S.C. 3504)

YES

Funding activity may be consistent with the CBRA

Please complete the Template for Consultations and provide to the USFWS

Is Federal funding for the project used for any of the following actions within the CBRS?

16 U.S.C. 3505(a)(6)(A): Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.

16 U.S.C. 3505(a)(6)(B): Establishment, operation, and maintenance of aeronautical, atmospheric, space, geologic, marine, fish and wildlife, and other research, development, and applications.


16 U.S.C. 3505(a)(6)(D): Scientific research, including aeronautical, atmospheric, space, geologic, marine, fish and wildlife, and other research, development, and applications.

16 U.S.C. 3505(a)(6)(E): Assistance for emergency actions essential to the saving of lives and the protection of property and the public health and safety, if such actions are performed pursuant to sections 5170a, 5170b, and 5192 of title 42 and are limited to actions that are necessary to alleviate the emergency. This exception applies only to Presidentially declared disasters and should not be used as a justification for any projects that exceed the scope and needs of the true and immediate emergency (Senate Report 97-419, 8 (1982)).

16 U.S.C. 3505(a)(6)(F): Maintenance, replacement, reconstruction, or repair, but not the expansion (except with respect to United States route 1 in the Florida Keys), of publicly owned or publicly operated roads, structures, and facilities.

16 U.S.C. 3505(a)(6)(G): Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system.

YES

For additional information please see the CBRS website: https://www.fws.gov/cbra

* Funding used to pay NFIP claims
(https://www.fws.gov/cbra/Flood-Insurance.html)

This flow chart should not be used for flood insurance for FEMA’s National Flood Insurance Program (NFIP). For information regarding allowable federal expenditures and financial assistance through the NFIP, please see Section 19 of FEMA’s Flood Insurance Manuals.

Disclaimer: This flow chart is a tool designed by the U.S. Fish and Wildlife Service to aid other Federal agencies in complying with the provisions of the CBRA (16 U.S.C. 3501 et seq.). For additional information on the CBRA consultation process, visit: https://www.fws.gov/cbra/Consultations.html. The responsibility for complying with the CBRA and the final decision regarding the expenditure of funds for a particular action or project rests with the Federal funding agency.