

Digest of Federal Resource Laws of Interest to the U.S. Fish and Wildlife Service

Coastal Barrier Resources Act

Coastal Barrier Resources Act (CBRA), Public Law 97-348 (96 Stat. 1653; 16 U.S.C. 3501 et seq.), enacted October 18, 1982, designated various undeveloped coastal barrier islands, depicted by specific maps, for inclusion in the Coastal Barrier Resources System (System). Areas so designated were made ineligible for direct or indirect Federal financial assistance that might support development, including flood insurance, except for emergency life-saving activities. Exceptions for certain activities, such as fish and wildlife research, are provided, and National Wildlife Refuges and other, otherwise protected areas are excluded from the System.

A forerunner to the Act was section 341 of the Omnibus Reconciliation Act of 1981 (P.L. 97-35), which terminated Federal flood insurance after October 1, 1983, for new construction or substantial improvement of structures located on undeveloped coastal barriers, as designated by the Secretary of the Interior.

The Act also assigned various mapping and study requirements to the Secretary of the Interior. A Departmental Coastal Barriers Task Force was formed, including the Service, the National Park Service, and the Geological Survey, which completed a comprehensive followup study of non-designated coastal barriers that was transmitted to Congress in 1989. The Service was assigned the responsibility to implement the statute's funding prohibitions.

Public Law 97-396 (December 31, 1982; 96 Stat. 2007) made several amendments with respect to specifically designated coastal barrier maps, and P.L. 99-272 (April 7, 1986; 100 Stat. 329) deleted general revenue-sharing grants from the limitations on Federal expenditures.

Public Law 100-707, the Great Lakes Coastal Barrier Act of 1988 (November 28, 1988; 102 Stat. 4713) required that the Secretary prepare maps and recommend to Congress undeveloped barriers along the Great Lakes appropriate for inclusion in the System. The Secretary was precluded from recommending coastal barriers that were publicly owned or protected by nonprofit organizations, and highways in the State of Michigan were to be exempt from the limitation on Federal expenditures.

The Coastal Barrier Improvement Act of 1990 (CBIA, P.L. 101-591; 104 Stat. 2931) included in the System additional areas along the Great Lakes, Puerto Rico, the Florida Keys, the Virgin Islands, and secondary barriers within large embayments. The term "unconsolidated sediment" was deleted from the definition of "coastal barrier" so as to cover areas such as the Florida Keys. After a 1-year grace period, Federal flood insurance was prohibited on all "otherwise-protected" lands. The 1990 amendments also authorized additional activities by the Secretary of

the Interior, including to:

- Complete maps for the new units added to the System, after making technical boundary modifications and consulting with the States. (A process is provided to resolve any differences between the States and the Secretary regarding boundary modifications. The Coastal Barrier Resources System will now consist of 1,271,395 acres comprising 1,211 miles of shoreline.)
- Assume consultation responsibilities for additional exemptions from the Act's funding prohibition, including water resource development projects; Route 1 in the Florida Keys; Michigan highways; and a limited exemption for South Padre Island, Texas.
- Review certifications by each Federal agency that it has complied with the funding prohibitions in the law.
- Provide for voluntary inclusion of new coastal barrier units recommended by State, local governments, or nonprofit conservation organizations for lands they own.
- Provide for automatic inclusion of undeveloped coastal barriers that are excess Federal properties.
- Complete a study, within 6 months, to examine the need for protecting undeveloped coastal barriers along the Pacific Coast (excluding Alaska). Maps were to be submitted to Congress within 12 months identifying undeveloped barriers considered appropriate for inclusion by both the Secretary and the Governor of the affected State.
- Establish an interagency task force to be chaired by the Secretary of the Interior to study and report (within 2 years and after public hearings) on the impacts of tax policy on System units, Federal costs for development on barriers, the number of structures for which flood insurance has not been available, and recommendations for Federal policies and legislative action regarding both developed and undeveloped barriers.

The law also established a process for the RTC and FDIC to transfer interests in land to public or nonprofit conservation organizations. Lands covered include those within the Coastal Barrier Resources System and undeveloped lands (greater than 50 acres in size) adjacent to or contiguous with lands managed for conservation purposes.

Lastly, it authorized the Secretary to purchase property within unit T-12 (Boca Chica) for addition to the refuge system and authorized \$15 million for this purpose over a 3-year period from FY91 through FY93.

The pertinent documents comprising the legislative history of the 1990 amendments include: H.R. 2840, the Coastal Barrier Improvement Act, as introduced, June 29, 1989; the Department of the Interior Legislative Report on H.R. 2840, dated June 18, 1990; the report by the House Committee on Merchant Marine and Fisheries (H. Rept. 101-657, Part I); the report by the House Committee on Banking, Finance, and Urban Affairs (H. Rept. 101-657, Part II); H.R. 2840, as passed by the House of Representatives, June 28, 1990; S. 2729, the Coastal Barrier

Resources Act Amendments of 1990, as introduced, June 13, 1990; the report by the Senate Committee on Environment and Public Works (S. Rept. 101-529); floor statements during Senate passage, October 26, 1990, Congressional Record; and floor statements during final passage by the House, October 27, 1990, Congressional Record.

Public Law 102-440, approved October 23, 1992, (106 Stat. 2234) directed the Secretary to modify the boundaries of certain barrier resource units.

Public Law 103-461 (108 Stat. 4804), approved November 2, 1994, authorized appropriations of not more than \$1M to the Secretary for fiscal years 1990 to 1993 and directed the Secretary to modify boundaries of certain barrier resource units.

Public Law 104-148 (110 Stat. 1378, May 24, 1996), Public Law 104-265 (110 Stat. 3289, October 9, 1996), and Public Law 104-333 (110 Stat. 4115, November 12, 1996) each directed the Secretary to make boundary corrections to specific barrier maps and barrier resource units.

[Return to List of Resource Laws](#)