

Coastal Barrier Resources Act

Storm Recovery and Disaster Assistance Fact Sheet

The Coastal Barrier Resources Act (CBRA) ([16 U.S.C. § 3501 et seq.](#)) saves American taxpayers' money and encourages the conservation of hurricane-prone coastal barriers. No new federal expenditures or financial assistance may be made available under authority of any federal law for any purpose within the System Units of the John H. Chafee Coastal Barrier Resources System (CBRS), including:

- Construction or purchase of roads, structures, facilities, or related infrastructure
- Most erosion prevention or shoreline stabilization projects
- Loans, grants, and other financial assistance (e.g., flood insurance and easements)

However, federal agencies, after [consultation](#) with the U.S. Fish and Wildlife Service (Service), may make federal expenditures and financial assistance available within System Units for actions and projects that meet one or more of CBRA's exceptions ([16 U.S.C. § 3505](#)). **The responsibility for complying with CBRA and the final decision regarding the expenditure of funds for a particular action or project rests with the federal funding agency.**

CBRA does not prohibit:

- Expenditure of private, state, or local funds
- Federal agencies from issuing permits or other authorizations
- Federally funded environmental studies, planning, and assessments required incident to the issuance of permits or other authorizations under federal law ([16 U.S.C. § 3502\(a\)\(3\)\(iii\)](#)).

This document provides information for federal agencies funding storm recovery projects and activities. While the statutory provisions of CBRA contain legally binding requirements, the information provided in this document is not regulatory and does not impose legally binding requirements on any federal agency or other entity.

Types of CBRS Units

CBRA established the CBRS, a defined set of geographic units along the



Jocelyn Augustino/FEMA

Crews work to repair the roadway over to Pine Island, in Matlacha, Florida.

Atlantic, Gulf of America, Great Lakes, U.S. Virgin Islands, and Puerto Rico coasts. The units are depicted on a set of [maps](#) maintained by the Service. There are two types of units within the CBRS, System Units and Otherwise Protected Areas (OPAs). OPAs are denoted with a "P" at the end of the unit number (e.g., FL-64P).

- **System Units** carry CBRA's full suite of restrictions on federal expenditures and the consultation requirement applies within System Units.
- **OPAs** prohibit only federal flood insurance ([16 U.S.C. § 3505\(e\)](#)). Consultation is not required for proposed actions or projects within OPAs. However, prior to commitment of disaster relief funds, we recommend that federal agencies disclose OPA designations to applicants because they are often required to purchase flood insurance as a condition of certain forms of disaster aid, but federally backed insurance may not be available.

CBRA's Exceptions

Examples of storm recovery projects that may be eligible for federal funding or financial assistance under the CBRA

[exceptions](#) include:

- Repair of a facility related to the exploration, extraction, or transportation of **energy resources requiring access to a coastal water body**
- Restoration of existing **federal navigation channels** (including the Intracoastal Waterway) and repair of related structures
- Maintenance, replacement, reconstruction, or repair of certain **publicly owned roads, structures, or facilities**
- **Military activities** essential to national security
- Rehabilitation of **Coast Guard facilities**
- Projects for the study, management, protection, and enhancement of **fish and wildlife resources**
- Acquisition of, and stabilization projects for, **fish and wildlife habitat** (including floodplain buyouts), and repair of **recreational projects or facilities** (e.g., bike path or bird watching platform)
- Repair of **air and water navigation aids and devices**
- **Scientific research**, including repair of related facilities

- Actions necessary to alleviate an immediate emergency in a **Presidentially declared emergency or major disaster** (e.g., debris removal, provision of emergency food and shelter, restoration of utilities)
- **Nonstructural projects for shoreline stabilization** (e.g., planting of dune grass and beach nourishment)
- Certain **aquaculture operations**
- Extraction of sand for certain **federal coastal storm risk management projects** (see [our website](#) for the list of eligible projects)

Many of the exceptions require consistency with the [purposes of CBRA](#), and some projects in the categories above may not qualify. See [16 U.S.C. § 3505](#) for the full text and conditions of the exceptions.

In addition, walled and roofed buildings in areas added to the CBRS on November 25, 2024, that are on the ground within a year of that date remain eligible for all federal funding (e.g., flood insurance and disaster relief) (16 U.S.C. § 3505(f)). See our [fact sheet](#) on the Bolstering Ecosystems Against Coastal Harm Act (Pub. L. 118-117) for more information about grandfathering for existing structures.

Emergency Disaster Assistance

To address emergencies affecting life, land, and property within the CBRS, federal agencies may consider the exception at 16 U.S.C. § 3505(a)(6)(E) for “Emergency actions necessary 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](#), [5173](#), and [5192](#) of title 42 and are **limited to actions that are necessary to alleviate the applicable emergency**” (emphasis added). This exception requires that the actions be consistent with the [purposes of CBRA](#) (16 U.S.C. § 3505(a)(6)(E)). Examples of such activities include debris removal; emergency restoration of essential community services such as electricity, water, or sewer; provision of emergency shelter; and relocation of individuals out of danger.

Only actions performed pursuant to the four sections of the Robert T. Stafford Disaster Relief and Emergency Assistance Act listed in the exception are eligible. In enacting CBRA, Congress omitted hazard mitigation

projects conducted under section 5170c of title 42 from this exception. The legislative history for this exception states that “Such actions shall be limited to the extent necessary to alleviate the emergency and **shall not be used as a justification for any projects that exceed the scope and needs of the true and immediate emergency**”¹ (emphasis added).

As some emergency work is urgent in nature and must be accomplished immediately (e.g., search and rescue; providing barricades, signs, and detours; and removal of health hazards), consultation before the fact is not always possible. FEMA has already completed advance CBRA consultation with the Department of the Interior for such urgent activities. FEMA must notify the Service after the activities have been carried out, and the Service is responsible for providing an opinion after the fact ([44 C.F.R. 206.34\(b\)\(2\)](#)). Notification may be emailed to the appropriate Ecological Services [Field Office](#). Other agencies that routinely provide funding for emergencies that are urgent in nature may contact the Service at cbra@fws.gov to discuss a streamlined approach (such as advance programmatic consultations) to address emergency activities within the CBRS. Permanent restoration assistance must go through the regular consultation process (see below).

Permanent Restoration Assistance

Most federal funding for permanent restoration assistance is prohibited within the CBRS unless the project or action meets an exception. Federal funding generally may not be used within System Units to replace private roads; dredge new channels; provide structural beach or shoreline stabilization; expand publicly owned or operated roads, structures, or facilities (e.g., sewer lines or wastewater treatment plants); or for other projects or actions that promote development or provide for new or expanded services within the CBRS. FEMA’s regulations ([44 C.F.R. 206.348](#)) require consultation with the Service before approving any action involving permanent restoration of a facility or structure on or attached to a System Unit. The Service has 12 working days to respond to FEMA’s consultation requests for permanent restoration assistance, though an extension may be arranged.

Emergencies Immediately Adjacent to the CBRS

CBRA prohibits a wide variety of federal expenditures including “the carrying out of any project to prevent the erosion of, or to otherwise stabilize, any inlet, shoreline, or inshore area, except that such assistance and expenditures may be made available...in all units, in cases where an emergency threatens life, land, and property immediately adjacent to that unit” (16 U.S.C. § 3504(a)(3)). CBRA’s legislative history makes it clear that the emergency provisions were intended for actions to address immediate emergencies. It is the responsibility of the federal funding agency to determine what constitutes an emergency that threatens life, land, and property immediately adjacent to a unit. Unlike most of CBRA’s exceptions, there is no consultation requirement for this provision. However, the Service appreciates a notification of the project or activity occurring under this exception. Notification may be emailed to the appropriate Ecological Services [Field Office](#).

Additional Resources

- [CBRA Project Consultation](#)
- [Interagency Consultation Template](#)
- [CBRS Mapper](#) to view the existing CBRS units and download the official maps
- [CBRS Validation Tool](#) a self-serve tool accessible through the CBRS Mapper that produces documentation indicating whether a property or project site is within or outside of the CBRS
- [CBRS GIS data](#)
- [FEMA’s disaster relief regulations implementing CBRA](#)
- [Information for Planning and Consultation \(IPaC\)](#) a decision support tool that can check project locations for CBRS units, endangered and threatened species, and more

**U.S. Fish and Wildlife Service
Ecological Services
5275 Leesburg Pike
Falls Church, VA 22041
703-358-2171
cbra@fws.gov
<https://www.fws.gov/cbra>**

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¹ U.S. Congress, Senate, Committee on Environment and Public Works, *Coastal Barrier Resources Act: Report Together with Additional Views (to Accompany S. 1018)*, 97th Congress, 2d Session, 1982, S. Rep. 97-419, 8.

