

Coastal Barrier Resources System

Hurricane Sandy Remapping Project – Public Meeting

Delaware and New Jersey

May 8, 2018



*Photo: Long Beach Island, NJ
after Hurricane Sandy*

Background: Beach Haven

*Foreground: Forsythe NWR
and CBRS Unit NJ-07P*

Ecological Services – Division of Budget and Technical Support
U.S. Fish & Wildlife Service



Virtual Public Meeting

Introduction and Overview of the Coastal Barrier Resources Act (CBRA)

Katie Niemi, National CBRA Coordinator

CBRA's Federal Spending Prohibitions, Exceptions, and the Consultation Process

Cynthia Bohn, Northeast Regional CBRA Coordinator

U.S. Fish and Wildlife Service's Mapping Responsibilities

Dana Wright, CBRA Program Specialist

Hurricane Sandy Remapping Project Methodology, Results, and Outreach

Dana Wright and Paul Comlish, CBRA Program Specialists

How to Review the Draft Boundaries and Submit Comments and Next Steps

Paul Comlish, CBRA Program Specialist



Virtual Public Meeting

Question and Answer Session

Following the presentation, we will answer questions in the following order:

1. Questions received via email in advance
2. Questions received via chat during the presentation (**click on the chat icon on the top right of your screen to open a chat window**)
3. Live questions over the phone

If you have a very detailed question or a question that is specific to an individual property or project, please email us at cbra@fws.gov to schedule up a separate discussion where we can focus on your issue.



Overview of the Coastal Barrier Resources Act (CBRA)

Katie Niemi, National CBRA Coordinator
U.S. Fish & Wildlife Service



Coastal Barrier Resources Act

- Congress enacted the CBRA and created the Coastal Barrier Resources System (CBRS) in 1982
- Designated relatively undeveloped coastal barriers as part of the CBRS
- Market-based approach to conservation
- Prohibits most Federal funding and financial assistance within designated areas
- Does not restrict private, local, or state funded development



Shell Key, Florida – within CBRS Unit P24 (Credit: Pinellas County)

“The CBRA meets a national problem with less Federal involvement, not more.”

~ President Reagan, 1982

Purposes of CBRA

1. Keep people out of harm's way
2. Save taxpayer dollars
 - * More than \$1.3 billion estimated savings as of 2002
3. Protect valuable habitat for fish and wildlife
 - * Habitat for threatened and endangered species and commercial and sportfish species

A 2007 study found that **97% of all units remained undeveloped or experienced minimal development**. Three percent of units experienced significant development.



(Credit: USFWS)



*Gilchrist, TX following Hurricane Ike
(Credit: AP)*

People can develop, but taxpayers won't subsidize

Location of CBRS Units

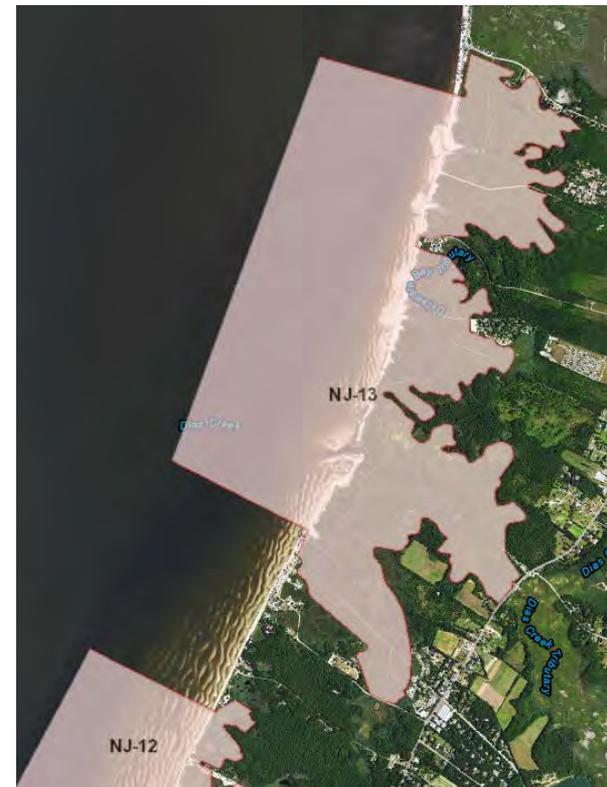


862 CBRS Units (approx. 3.5 million acres) located in 23 states and territories

Two Types of CBRS Areas

System Units

- Mostly privately-owned areas when first included (though some are now conserved)
- Full range of Federal spending prohibitions
 - Examples include flood insurance, road construction, dredging, beach nourishment
 - Consultation required between Federal funding agency and U.S. Fish & Wildlife Service (FWS) prior to the commitment of funds



System Units on the Delaware Bay side of Cape May, NJ

Two Types of CBRS Areas

Otherwise Protected Areas (OPAs)

- First designated in 1990 by the Coastal Barrier Improvement Act
- Denoted with a “P” at the end of the unit number (e.g., NJ-05P)
- Mostly conservation/recreation areas (also contain some private lands)
- Only Federal spending prohibition is flood insurance (with an exception for park related structures such as visitors centers and restrooms)
- No consultation required for Federal expenditures (unless related to flood insurance)



OPA Unit NJ-05P, Island Beach State Park

CBRA's Federal Spending Prohibitions, Exceptions, and the Consultation Process

Cynthia Bohn, Northeast Regional CBRA Coordinator
U.S. Fish & Wildlife Service



CBRA's Prohibitions

CBRA prohibits new Federal funding and financial assistance for most:

- * Construction or purchase of **structures, facilities, and related infrastructure**
- * Construction or purchase of **roads, airports, boat landings, or other facilities on, or bridges to, any System units**
- * Projects to **prevent the erosion of, or to otherwise stabilize, any inlet, shoreline, or inshore area**
- * **Federal flood insurance** for new or substantially improved structures

CBRA also contains many exceptions and does not prohibit financial assistance for federal permits or environmental assessments



These prohibitions are abridged. The full set of CBRA's prohibitions can be found in [16 U.S.C. 3504](#).



(Credit: Program for the Study of Developed Shorelines)

Exceptions to CBRA's Prohibitions

Part 1

After consultation with FWS, Federal agencies may fund the following within the CBRS:

- (1) Exploration, extraction or transportation of **energy resources**
- (2) Maintenance, replacement, reconstruction or repair (but not expansion) of **public roads, structures, or facilities that are essential links** in a larger network
- (3) Maintenance or improvements of **existing Federal navigation channels** and related structures, including disposal of dredge materials
Existing Federal navigation channels are those that were in place when the area was added to the CBRS.
- (4) **Military activities** essential to national security
- (5) Construction, operation, maintenance and rehabilitation of **Coast Guard facilities**

These exceptions are abridged. The full set of exceptions to CBRA's prohibitions are found in

[16 U.S.C. 3505.](#)

Exceptions to CBRA's Prohibitions

Part 2

The following can be funded within the CBRS,
if they are consistent with 3 purposes of CBRA:

- (A) Projects for the study, management, protection and enhancement of **fish and wildlife resources**, acquisition of **fish and wildlife habitats**, and **recreational projects**
- (B) Establishment, operation and maintenance of **air and water navigation aids**
- (C) Projects under the **Land and Water Conservation Fund Act and the Coastal Zone Management Act**
- (D) **Scientific research**, including aeronautical, atmospheric, space, geologic, marine, fish and wildlife
- (E) Assistance for **emergency actions** essential to saving lives and protection of property and the public health and safety (note: this is limited to Presidentially declared disasters and only actions necessary to alleviate the immediate emergency)
- (F) Maintenance, replacement, reconstruction or repair (but not expansion) of **public roads, structures and facilities**
- (G) **Nonstructural projects for shoreline stabilization** to enhance or restore a natural stabilization system (e.g., planting dune grass and beach nourishment)

These exceptions are abridged. The full set of exceptions to CBRA's prohibitions are found in [16 U.S.C. 3505](#). The purposes of the CBRA are found in [16 U.S.C. 3501\(b\)](#).

CBRA Consistency Consultations

- * The Federal funding agency is responsible for consulting with a [FWS Ecological Services Field Office](#) for any project within or affecting the CBRS
- * Consultation is to determine whether a Federal expenditure meets an exception to the CBRA
- * Consultation requests should include:
 - description of the project or action
 - the location of the project or action
 - the particular CBRA exception(s) that applies to the project or action
 - an explanation of how the project or action meets that exception(s)
 - any other supporting materials
- * **Any response from FWS is opinion only (no veto authority). The final decision (and justification for applicable exception(s)) rests with the Federal funding agency.**



*Beach nourishment on Cape San Blas, Florida in 2008
(Credit: Gulf County Tourist Development Council)*

- * A consultation template, flow chart, and additional information about consultations are available under the “[Project Consultations](#)” tab on the CBRA website

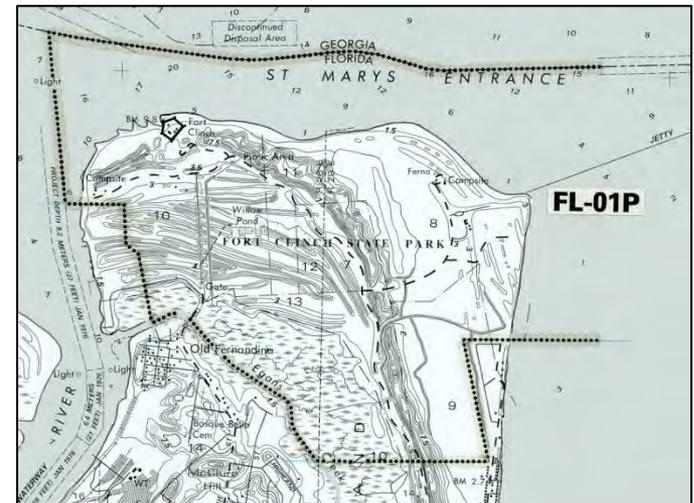
U.S. Fish and Wildlife Service's Mapping Responsibilities

Dana Wright, CBRA Program Specialist
U.S. Fish & Wildlife Service



CBRA is a Map-Based Law

- CBRS boundaries are depicted on maps that were first adopted by Congress through legislation
- With a few minor exceptions, only Congress can approve CBRS boundary revisions to add or remove land



FWS Mapping Responsibilities

Administrative map revisions (adopted by FWS through *Federal Register* notice):

- **5-year review** of CBRS maps to make modifications solely to reflect natural changes such as erosion and accretion (done for DE in 2013 and NJ in 2014)
- **Voluntary additions** of areas requested by property owners
- **Additions of excess Federal property**

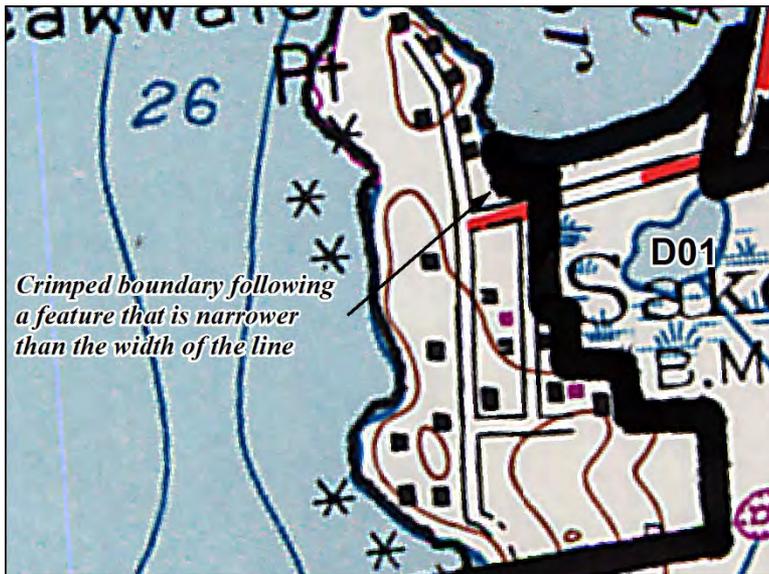
Comprehensive map modernization (adopted only through legislation)

The 2006 CBRA reauthorization requires FWS to:

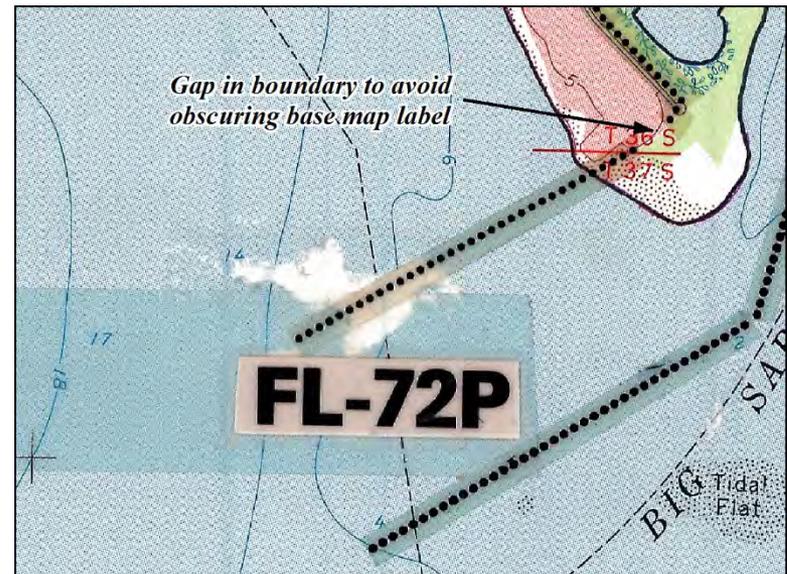
- prepare digital maps for the entire CBRS and make recommendations for expansion
 - Includes the correction of mapping errors using statutory criteria and objective mapping protocols
- describe the extent to which the revised boundaries differ from the existing
- hold public review period and summarize public comments
- make recommendations to Congress for the adoption of revised maps

Why Modernize the Maps?

- Entire set of CBRS maps last comprehensively updated in 1990
- Outdated quad-based maps (still effective in 4 states: CT, MA, NY, RI) are difficult to interpret and can result in inappropriate provision or denial of Federal financial assistance
- Due to manual methods and outdated base maps, some CBRS maps have errors that negatively affect property owners and project proponents



CBRS boundaries on the 1990's era maps can be difficult to interpret because they are typically about 80-100 feet wide on-the-ground. This 1990 map for Rhode Island Unit D01 shows a boundary segment that is about 165 feet wide in one area.



On the 1990's era maps, OPA boundaries were created with strips of tape depicting a dot pattern. The cartographers opted to avoid obscuring labels on the base maps by leaving gaps in the boundary, such as the one shown on the 1994 map for Florida Unit FL-72P.

Why Modernize the Maps?

Correcting Mapping Errors

- FWS has a backlog of CBRS units with requests from property owners and/or members of Congress for technical correction reviews
- About 40% of this backlog is addressed by the Hurricane Sandy Remapping Project
- About 30% of the existing CBRS units reviewed through the Hurricane Sandy Remapping Project have mapping errors affecting structures
- Correcting mapping errors requires an act of Congress, and is therefore more efficient in large batches



Hurricane Sandy Remapping Project Methodology, Results, and Outreach

Dana Wright, CBRA Program Specialist
U.S. Fish & Wildlife Service

Paul Comlish, CBRA Program Specialist
U.S. Fish & Wildlife Service



Hurricane Sandy Remapping Project

Types of Changes

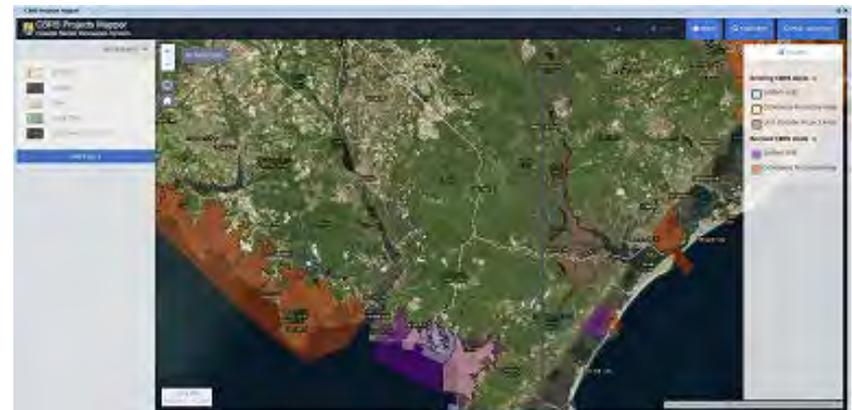
FWS applies **standard mapping protocols** and **objective criteria** to CBRS boundary changes. Additional information is available in the Federal Register notice for this project:
<https://www.federalregister.gov/d/2018-04889/p-34>.

Primary Types of Proposed Changes:

- Removals to correct mapping errors
- Additions of qualifying areas (consistent with statutory development criteria and additions made by Congress in 1982 and 1990)
- Unit type reclassifications from OPA to System Unit and vice-versa

Information about these types of changes is available online at:

<https://www.fws.gov/cbra/Change-Types.html>



Hurricane Sandy Remapping Project

Guiding Principles and Criteria for Boundary Modifications

Guiding Principles

- (1) **Whether the area may reasonably be considered to be a coastal barrier feature, or related to a coastal barrier ecosystem** (this generally includes areas that are inherently vulnerable to coastal hazards such as flooding, storm surge, wind, erosion, and sea level rise)
- (2) Whether inclusion of the area within the CBRS is **rationally related to the purposes of the CBRA** (i.e., to minimize the loss of human life, wasteful expenditure of Federal revenues, and damage to fish, wildlife, and other natural resources)



*Cape Cod National
Seashore, Eastham, MA*

*Credit: National Park
Service*

Hurricane Sandy Mapping Project

Guiding Principles and Criteria for Boundary Modifications

Development Criteria

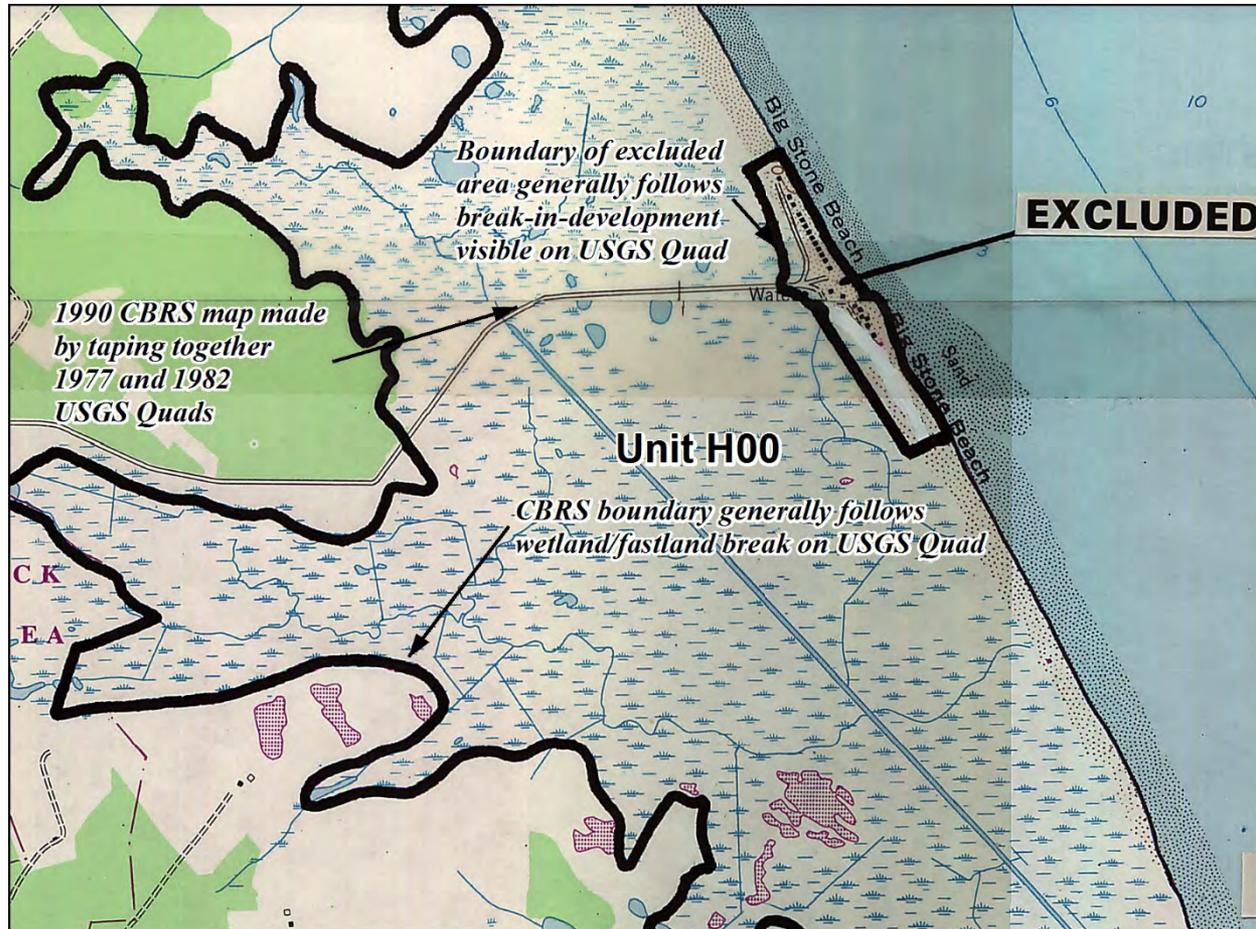
- (1) The **level of development on-the-ground** (structures and infrastructure) at the time the area was included within the CBRS
- (2) The **location of geomorphic, cultural, and development features on-the-ground** at the time the area was included within the CBRS (i.e., whether the CBRS boundary lines on the maps precisely follow the underlying features they were intended to follow on-the-ground)

Right: Historic imagery of Florida Unit P30 shows that the subdivision to the north did not have paved roads and therefore did not have a full complement of infrastructure. However, the subdivision to the south did have paved roads.



Hurricane Sandy Remapping Project

Types of Changes



See this area in the CBRS Projects Mapper (search on Unit H00): <https://www.fws.gov/cbra/Maps/Mapper.html>

Hurricane Sandy Remapping Project

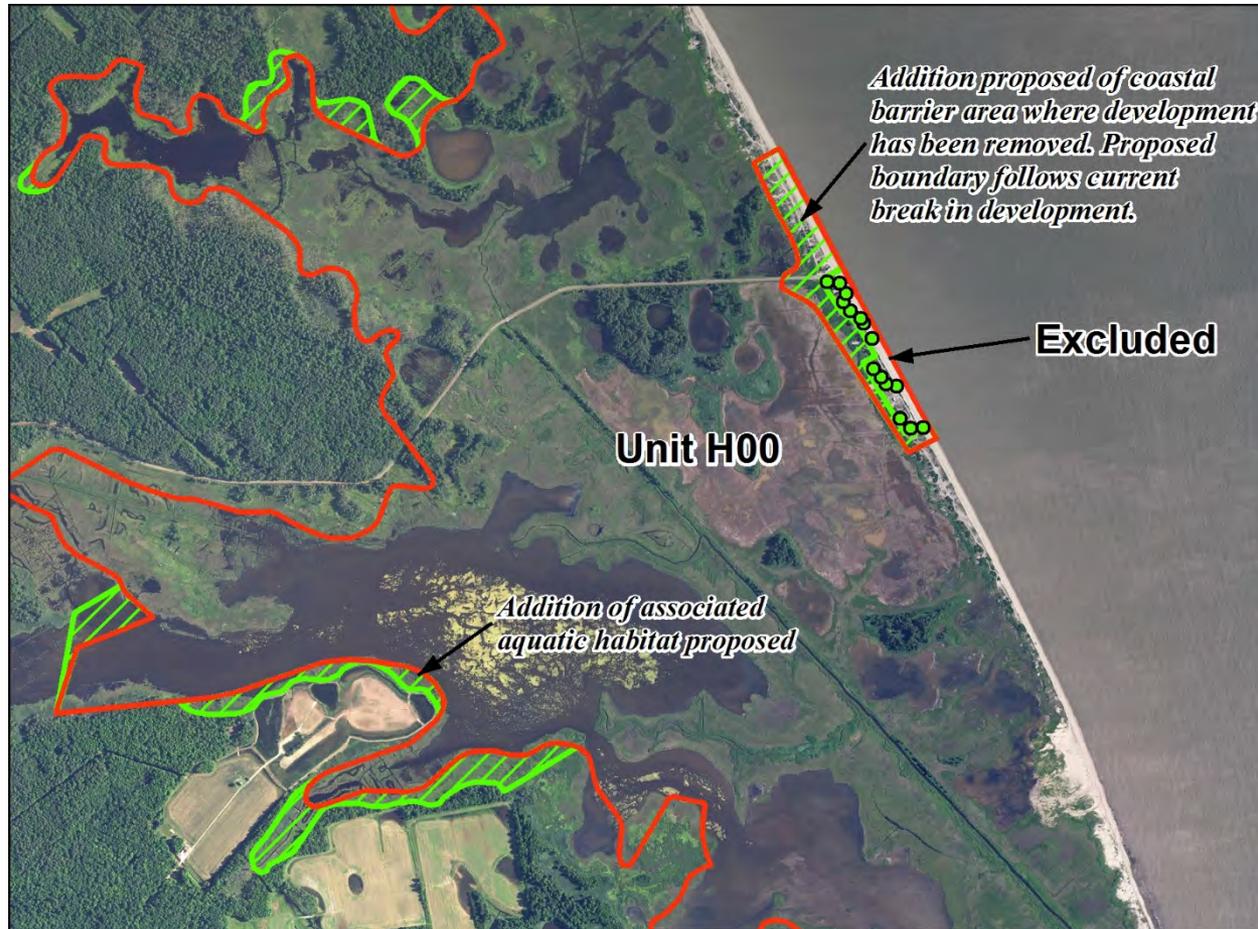
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Hurricane Sandy Remapping Project

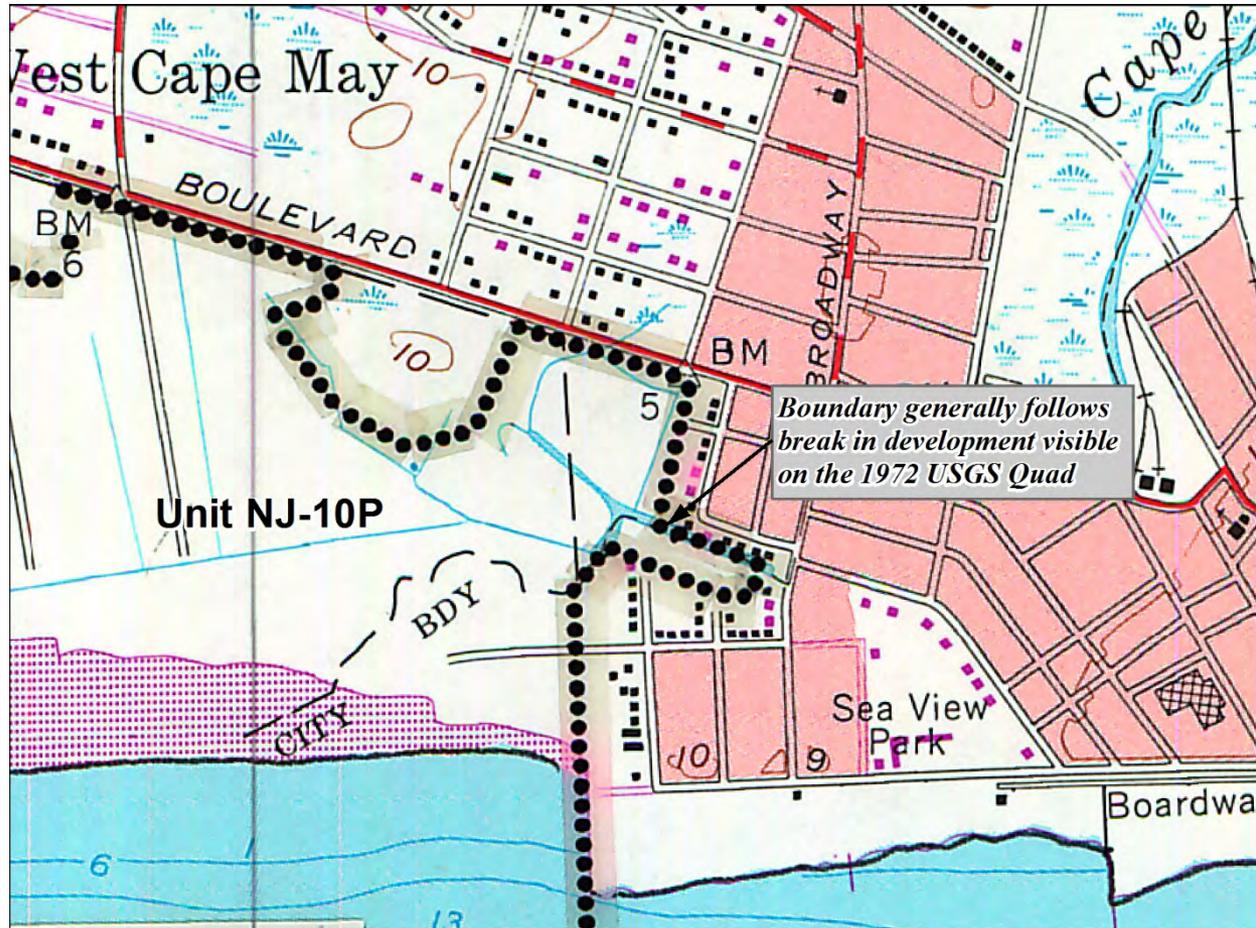
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Hurricane Sandy Remapping Project

Types of Changes



See this area in the CBRS Projects Mapper (search on Unit NJ-10P): <https://www.fws.gov/cbra/Maps/Mapper.html>

Hurricane Sandy Remapping Project

Types of Changes



See this area in the CBRS Projects Mapper (search on Unit NJ-10P): <https://www.fws.gov/cbra/Maps/Mapper.html>

Hurricane Sandy Remapping Project

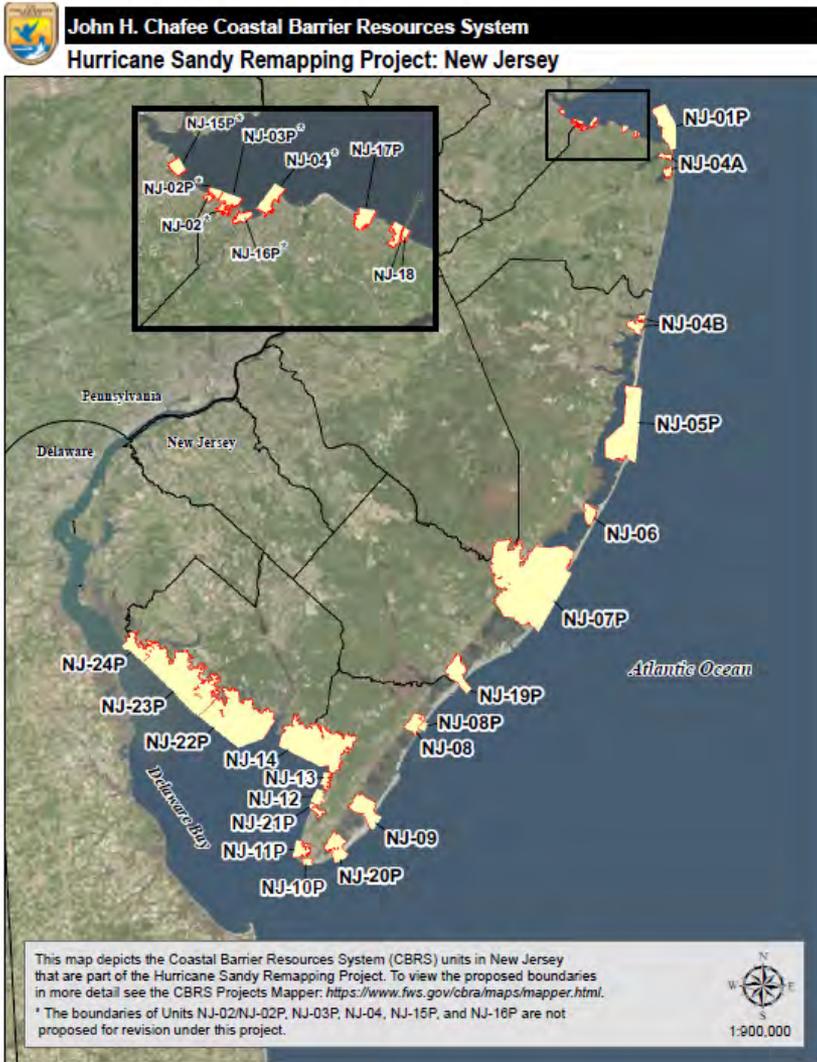
Types of Changes



See this area in the CBRS Projects Mapper (search on Unit NJ-10P): <https://www.fws.gov/cbra/Maps/Mapper.html>

Hurricane Sandy Remapping Project

Results for New Jersey



Total New Jersey Units: 27

18 existing and 9 proposed new

System Units: 9

7 existing and 2 proposed new

Otherwise Protected Areas (OPAs): 18

11 existing and 7 proposed new

Six other units (Union Beach vicinity) were remapped in 2016 as part of a separate project

Hurricane Sandy Remapping Project

Results for New Jersey

Proposed Additions to the CBRS in New Jersey

71,492 acres added (to both existing and new units)

- 2,156 acres of fastland (land above mean high tide)
- 69,336 acres of wetlands/open water

104 structures added (2 to System Units and 102 to OPAs)

- More than half are park-related and/or publicly-owned (including dozens acquired through floodplain buyouts and planned for demolition)
- Proposed additions are consistent with statutory criteria (e.g., less than 1 structure per 5 acres of fastland)
- Existing structures are grandfathered for flood insurance purposes



Above: System Unit NJ-04B located in Brick, NJ

The light purple and blue areas are currently within Unit NJ-04B. The dark purple area outlined in pink is proposed for addition to the unit. The light blue area (containing 13 structures) is proposed for removal.

Hurricane Sandy Remapping Project

Results for New Jersey

Proposed Removals from the CBRS in New Jersey

62 structures removed

- Mostly privately owned residential

140 acres removed

- 125 acres of fastland
- 15 acres of wetlands/open water

For additional information, please see the [state fact sheet for New Jersey](#) on the CBRA website.



Above: System Unit NJ-04B located in Brick, NJ

The light purple and blue areas are currently within Unit NJ-04B. The dark purple area is proposed for addition to the unit. The light blue area outlined in pink (containing 13 structures) is proposed for removal.

Hurricane Sandy Remapping Project

Results for Delaware



Total Delaware Units: 11

8 existing and 3 proposed new

System Units: 4

3 existing and 1 proposed new

OPAs: 7

5 existing and 2 proposed new

Two other existing units (DE-07P and H01) were remapped previously as part of a separate “Digital Mapping Pilot Project”

Hurricane Sandy Remapping Project

Results for Delaware

Proposed Additions to the CBRS in Delaware

31,216 acres added (to both existing and new units)

- 996 acres of fastland
- 30,220 acres of wetlands/open water

10 structures added (3 to System Units and 7 to OPAs)

- Proposed additions are consistent with statutory criteria (less than 1 structure per 5 acres of fastland)
- Existing structures are grandfathered for flood insurance purposes

Right: OPA Unit DE-08P located on Fenwick Island, DE

The light and medium orange areas are currently within Unit DE-08P. The dark orange areas (outlined in pink) are proposed for addition to the unit. The light orange areas are proposed for removal.



Hurricane Sandy Remapping Project

Results for Delaware

Proposed Removals from the CBRS in Delaware

41 structures removed

- Mostly privately owned residential

113 acres removed

- 84 acres of fastland
- 29 acres of wetlands/open water

For additional information, please see the [state fact sheet for Delaware](#) on the CBRA website.

Right: Otherwise Protected Area Unit DE-08P located on Fenwick Island, DE

The light and medium orange areas are currently within Unit DE-08P. The dark orange areas are proposed for addition to the unit. The light orange areas that are outlined in pink (containing 35 structures) are proposed for removal.



Hurricane Sandy Remapping Project

Outreach Efforts

- At the start of the comment period (March 2018), FWS sent letters sent to Federal, state, and local officials; members of Congress; NGOs; and owners of conservation lands
 - Letters went to more than 600 stakeholders; about 125 local communities in DE, MA, NH, and NJ
- Private individuals generally not contacted unless they have reached out to FWS in the past about potential mapping errors
- Stakeholder toolkits are available for local communities upon request (stakeholder outreach letter, fact sheets, state maps, unit summaries, GIS data, etc.)
 - Communities can use toolkits to target outreach to affected property owners
- Press release targeting media, including local papers in affected areas
- Virtual public meetings during comment period

How to Review the Draft Boundaries and Submit Comments and Next Steps

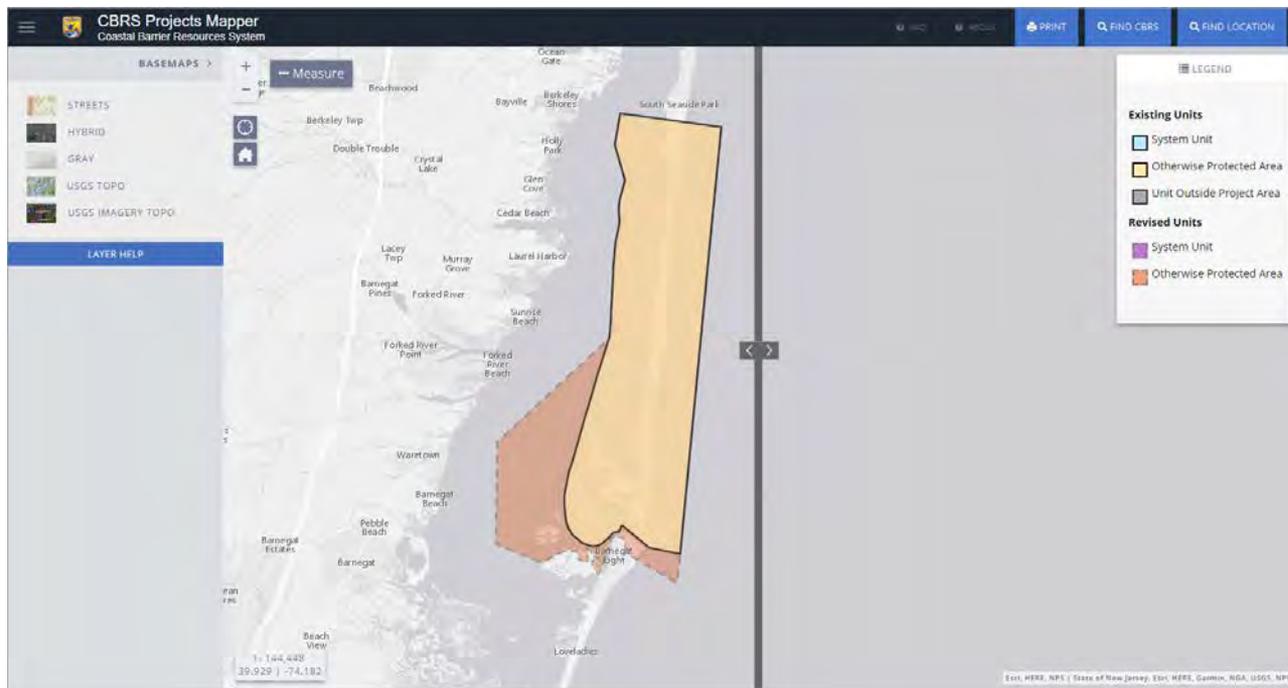
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Hurricane Sandy Remapping Project

CBRS Projects Mapper

FWS developed a new “CBRS Projects Mapper” to illustrate proposed changes



<https://www.fws.gov/cbra/Maps/Mapper.html>

Hurricane Sandy Remapping Project

Submitting Comments



We invite you to review the proposed boundaries and provide input to FWS during the **120-day public comment period** that will close on **July 10, 2018**.

You may submit written comments by one of the following methods:

Electronically: Go to the Federal e–Rulemaking Portal: <http://www.regulations.gov>
Search for FWS-HQ-ES-2018-0004 (the docket number)

Hard Copy: Submit by U.S. mail or hand–delivery to:

Public Comments Processing
Attn: Docket No. FWS-HQ-ES-2018-0004
Division of Policy, Performance, and Management Programs
U.S. Fish and Wildlife Service
5275 Leesburg Pike, MS: BPHC
Falls Church, VA 22041–3808

Comprehensive Map Modernization

Next Steps



John H. Chafee Coastal Barrier Resources System (CBRS) Comprehensive Map Modernization Process

Existing CBRS
Maps



U.S. Fish and Wildlife
Service Prepares
Proposed CBRS
Boundaries



Public Review
and Comment



U.S. Fish and
Wildlife Service
Prepares **Final
Recommended**
CBRS Maps



Transmittal of
Final
Recommended
Maps to Congress
for Consideration



Congress Enacts
Legislation to
Adopt Revised
Maps



Batch 1 is here
(comment period
ends July 10, 2018)



Anticipated
in 2019

Where can I get more information?

FWS CBRA website

<http://www.fws.gov/cbra>

CBRS Projects Mapper

<http://www.fws.gov/cbra/Maps/Mapper.html>

Hurricane Sandy CBRS Remapping Project Website:

<https://www.fws.gov/cbra/maps/Hurricane-Sandy-Project-Batch-1.html>

Contact us by email:

CBRA@fws.gov

Contact us by phone:

703-358-2171



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