

# Coastal Barrier Resources System

Hurricane Sandy Remapping Project – Public Meeting

Massachusetts and New Hampshire

May 9, 2018

*Photo: Monomoy NWR  
and CBRS Unit MA-20P  
Credit: NASA Earth Observatory*

**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 – please send your chat to “Everyone”**)
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](mailto: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)*

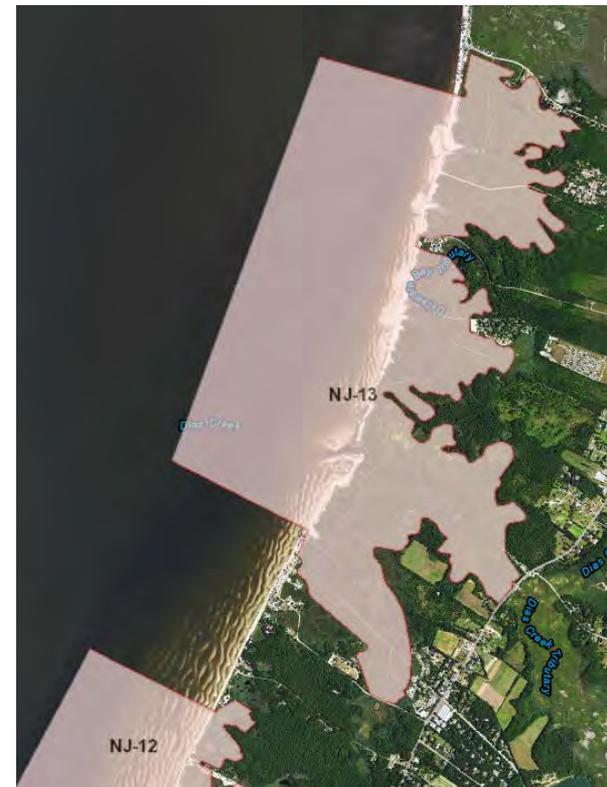
*People can develop, but taxpayers won't subsidize*



# 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

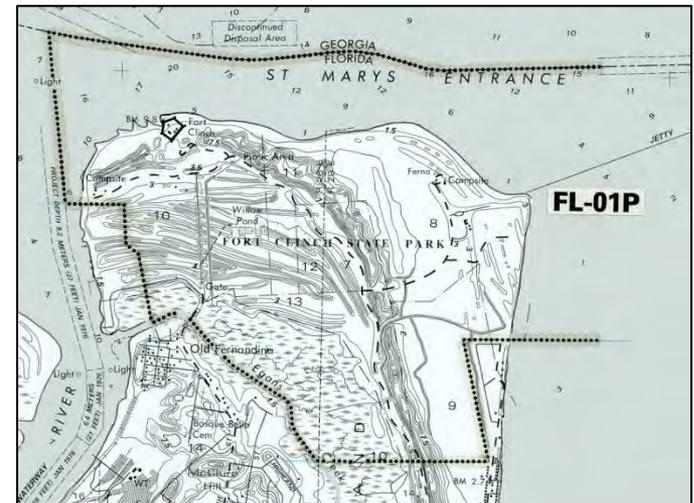
# U.S. Fish and Wildlife Service's Mapping Responsibilities

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
- **Voluntary additions** of areas requested by property owners
- **Additions of excess Federal property**

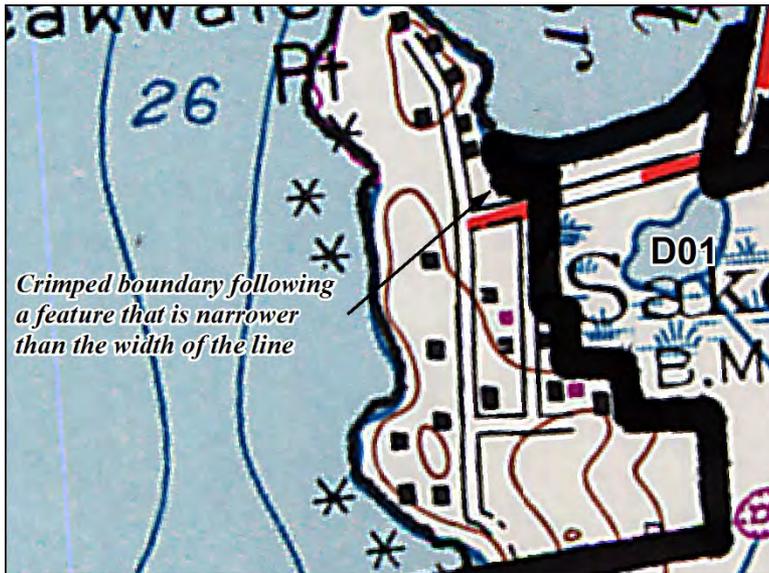
## **Comprehensive map modernization** (adopted only through legislation)

The 2006 CBRA reauthorization requires FWS to:

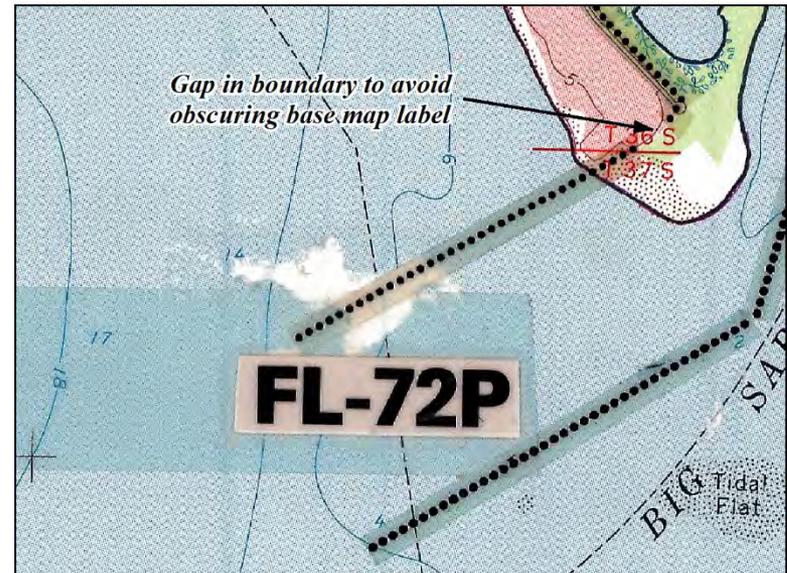
- prepare digital maps for the entire CBRS and make recommendations for expansion
  - Includes the correction of mapping errors using statutory criteria and objective mapping protocols
- describe the extent to which the revised boundaries differ from the existing
- hold public review period and summarize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

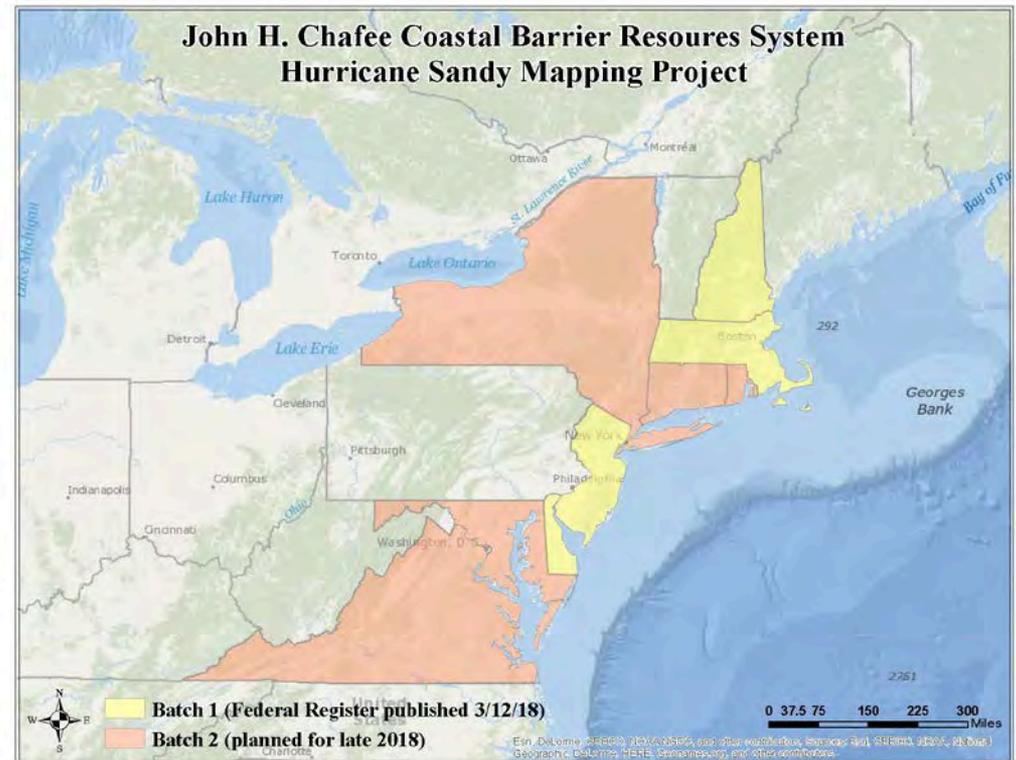
Dana Wright, CBRA Program Specialist  
U.S. Fish & Wildlife Service

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U.S. Fish & Wildlife Service



# Hurricane Sandy Remapping Project

- Funded in October 2013 with Department of the Interior Hurricane Sandy supplemental funds
- 9 states from NH to VA
- More than 500,000 acres (16% of total existing CBRS acreage)
- 368 existing CBRS units (43% of total existing units)
- Helps fulfill Congressional mandate to modernize all CBRS maps and recommend additions to the CBRS
- Batch 1: DE, MA, NH, and NJ (112 existing units, 36 new units, and 40% of project acreage) – public review open through July 10
- Batch 2: CT, MD, NY (Long Island only), RI, and VA (256 existing units and 60% of project acreage) – public review anticipated late 2018



# Hurricane Sandy Remapping Project

## Types of Changes

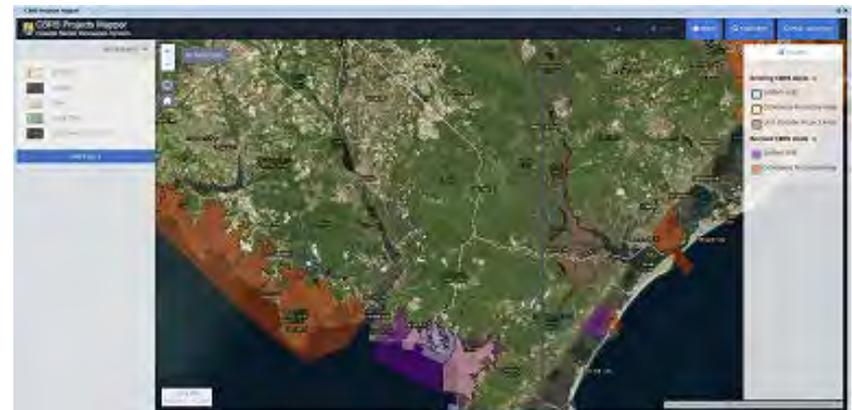
FWS applies **standard mapping protocols** and **objective criteria** to CBRS boundary changes. Additional information is available in the Federal Register notice for this project:  
<https://www.federalregister.gov/d/2018-04889/p-34>.

### 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

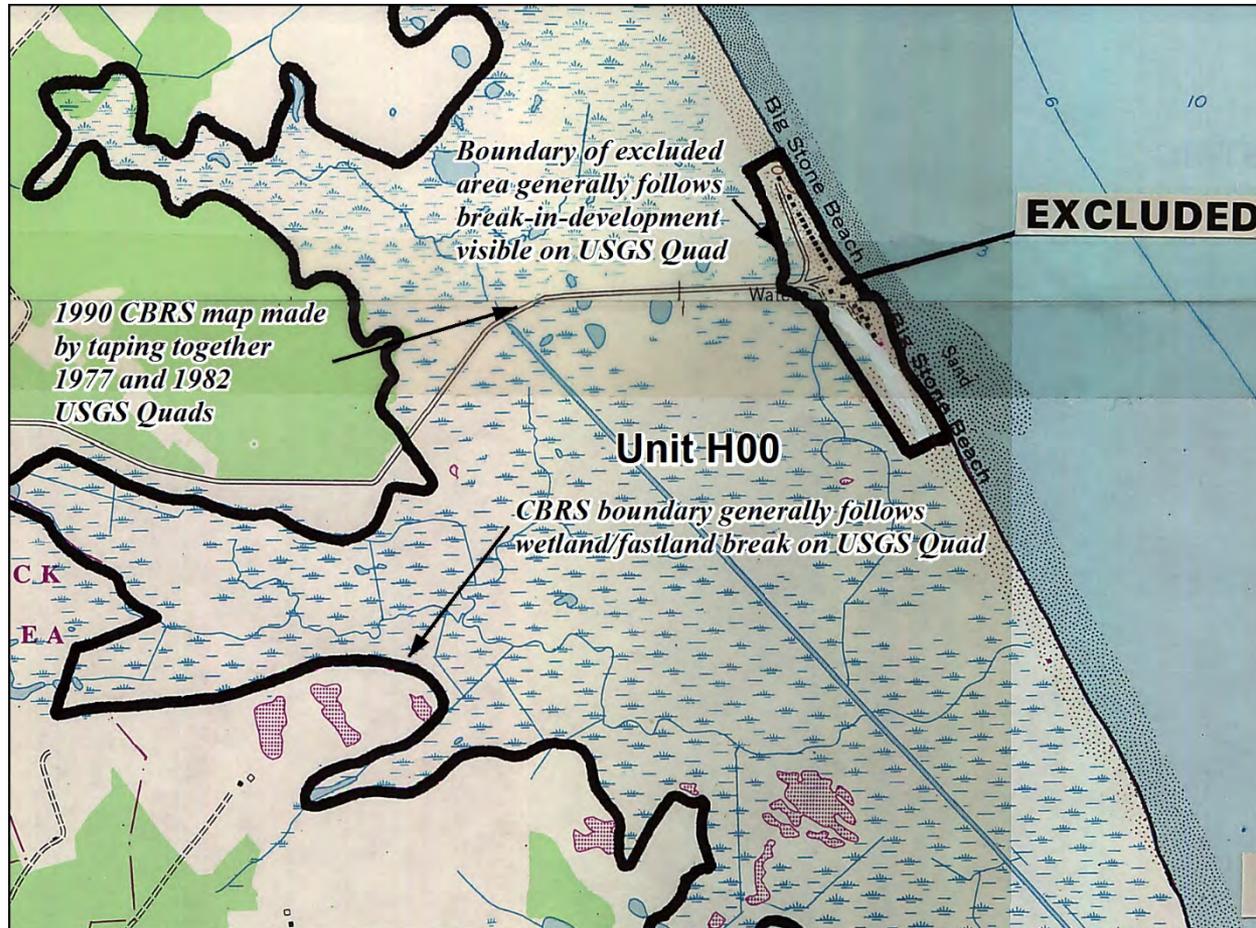
- (1) The **level of development on-the-ground** (structures and infrastructure) at the time the area was included within the CBRS
- (2) The **location of geomorphic, cultural, and development features on-the-ground** at the time the area was included within the CBRS (i.e., whether the CBRS boundary 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

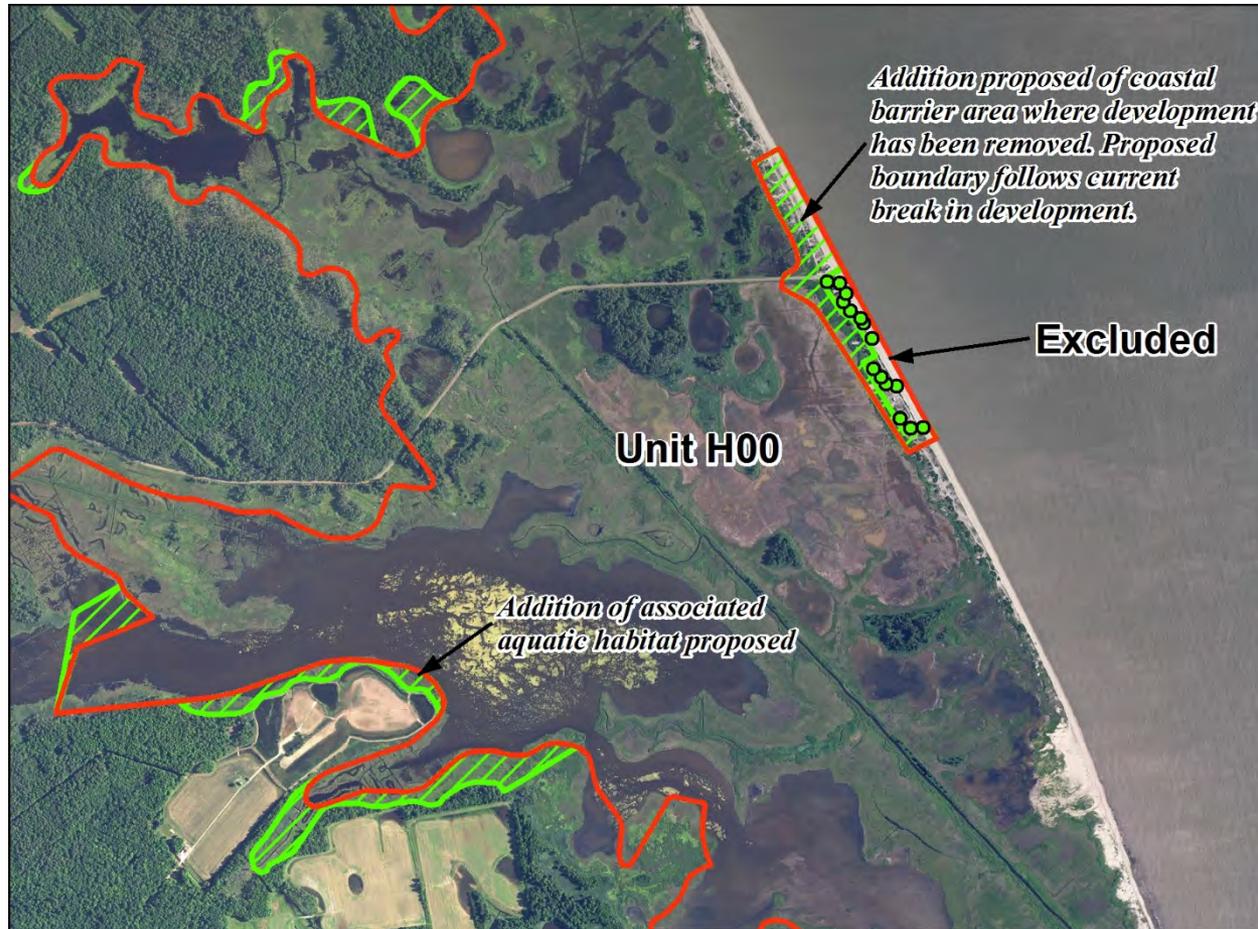
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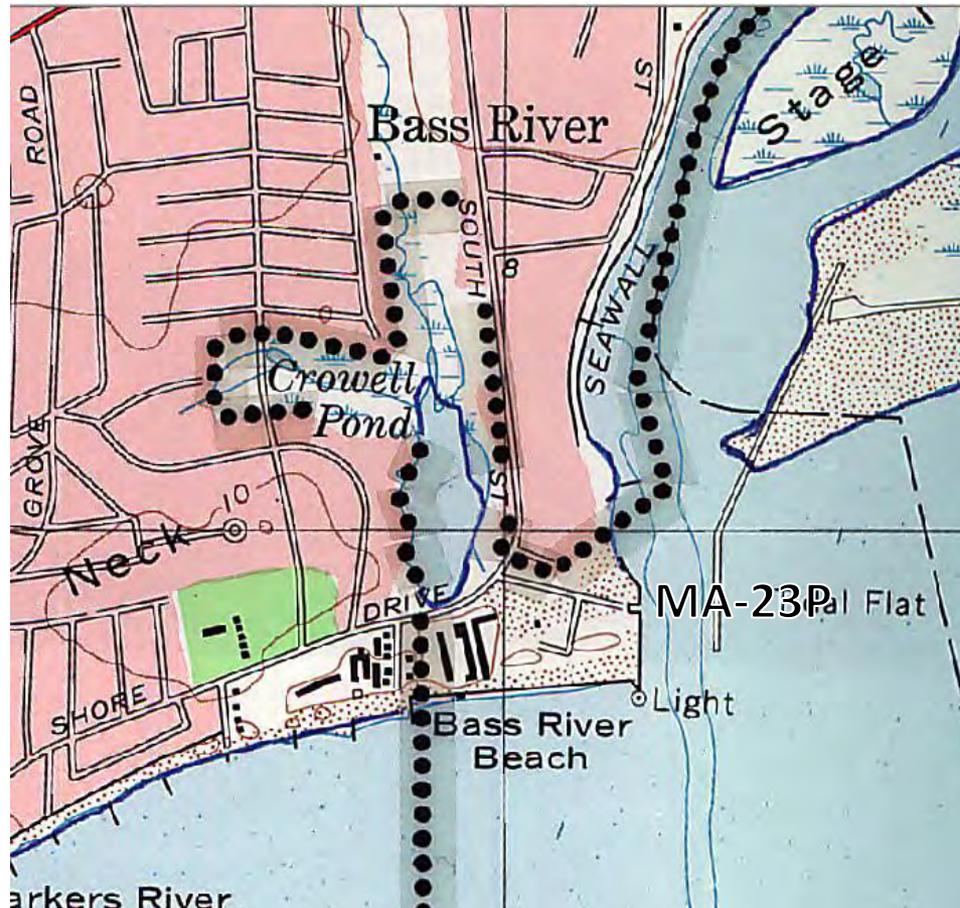
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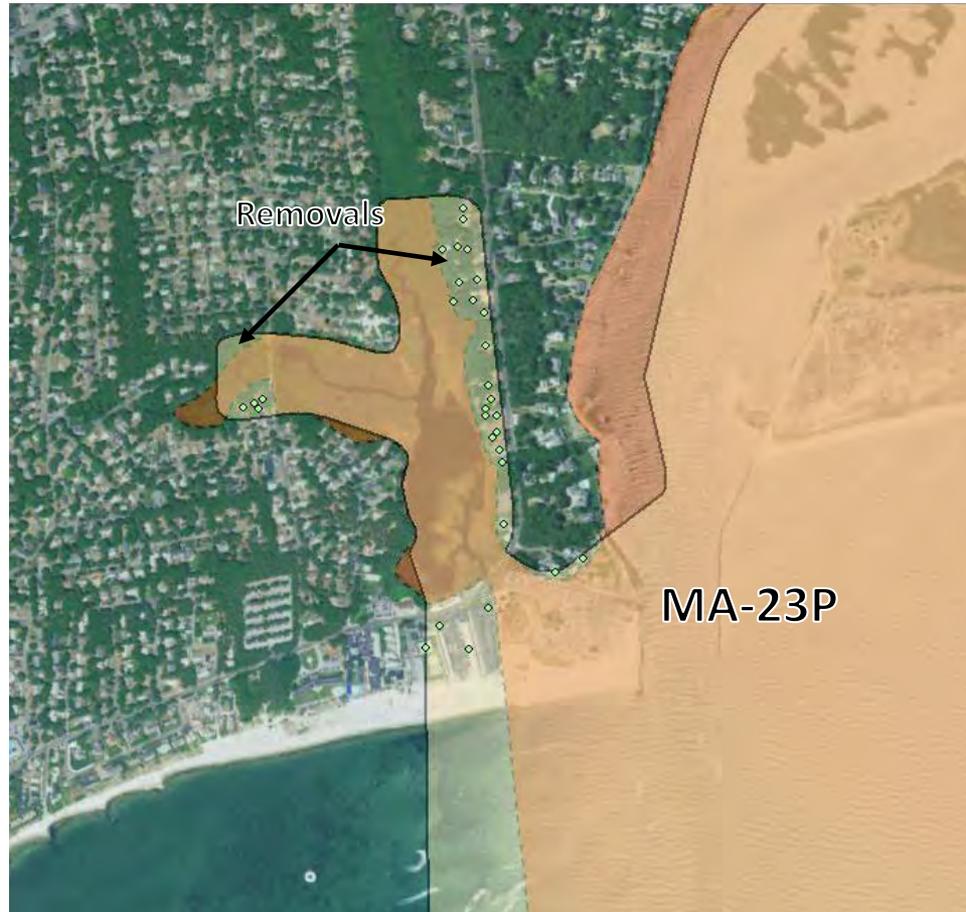
## Types of Changes



See this area in the CBRS Projects Mapper (search on Unit MA-23P): <https://www.fws.gov/cbra/Maps/Mapper.html>

# Hurricane Sandy Remapping Project

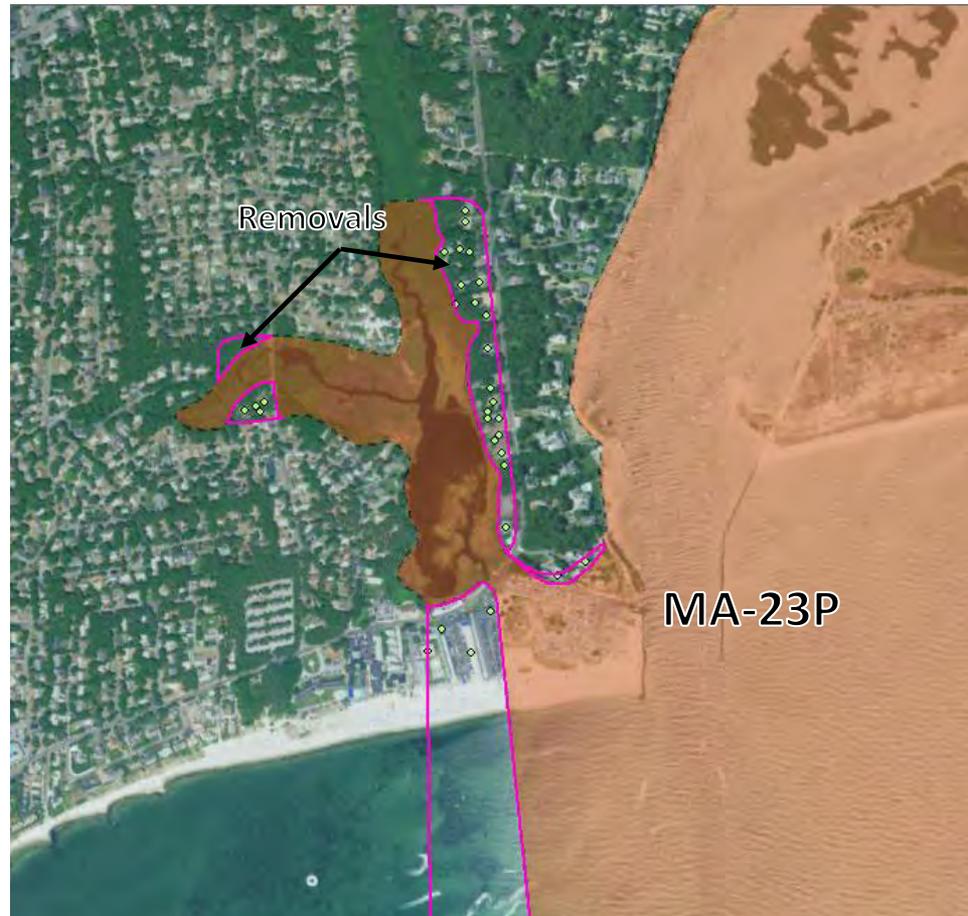
## Types of Changes



See this area in the CBRS Projects Mapper (search on Unit MA-23P): <https://www.fws.gov/cbra/Maps/Mapper.html>

# Hurricane Sandy Remapping Project

## Types of Changes



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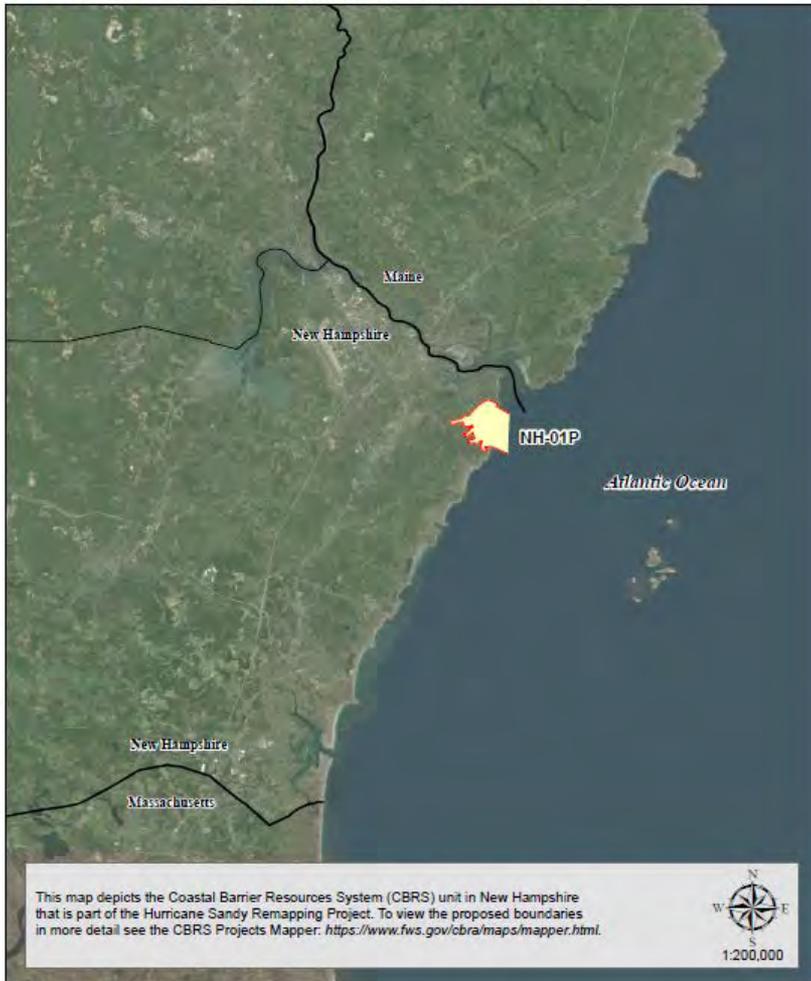
# Hurricane Sandy Remapping Project

## Results for New Hampshire



John H. Chafee Coastal Barrier Resources System

Hurricane Sandy Remapping Project: New Hampshire



**No existing units in New Hampshire**

***1 proposed new Otherwise Protected Area (OPA)***

***Located in the vicinity of Odiorne Point State Park in the Town of Rye***

# Hurricane Sandy Remapping Project

## Results for New Hampshire

### Proposed Addition to the CBRS in New Hampshire

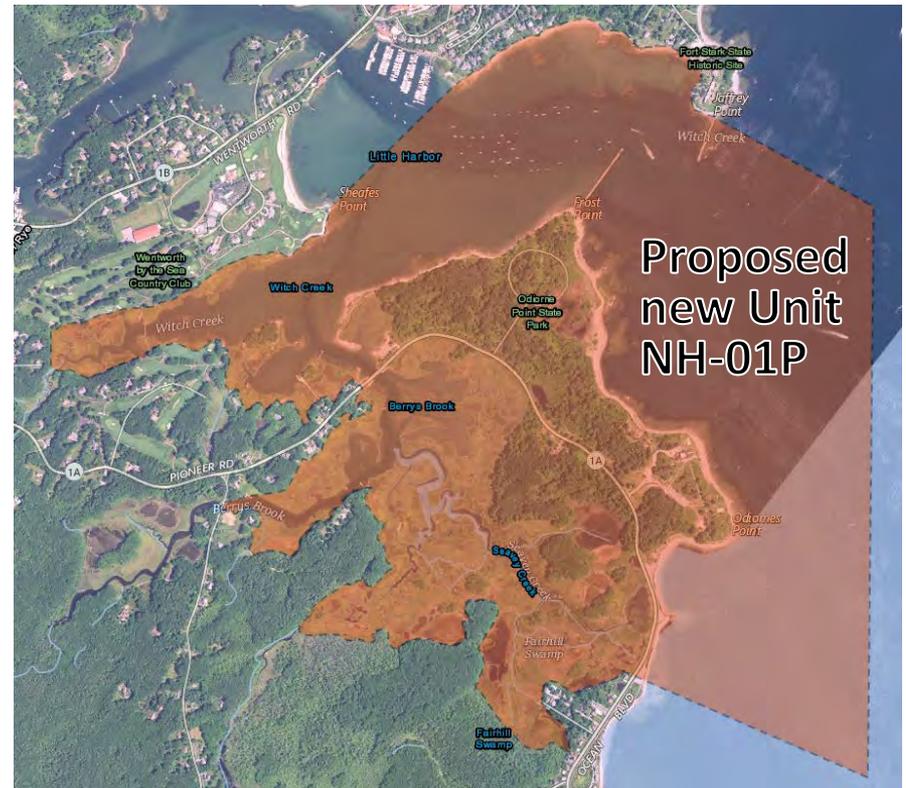
**679 acres added** to the new unit

- 121 acres of fastland (land above mean high tide)
- 558 acres of wetlands/open water

**5 structures added**

- All are park-related
- Park-related structures in OPAs are exempt from the restriction on federal flood insurance

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



*Proposed new OPA Unit NH-01P, located at Odiorne Point, NH*

# Hurricane Sandy Remapping Project

## Results for Massachusetts



John H. Chafee Coastal Barrier Resources System

Hurricane Sandy Remapping Project: Massachusetts



**Total Massachusetts Units: 109**

*86 existing and 23 proposed new*

**System Units: 64**

*61 existing and 3 proposed new*

**OPAs: 45**

*25 existing and 20 proposed new*

# Hurricane Sandy Remapping Project

## Results for Massachusetts

### Proposed Additions to the CBRS in Massachusetts

**32,881 acres added** (to both existing and new units)

- 2,778 acres of fastland
- 30,103 acres of wetlands/open water

**80 structures added** (26 to System Units and 54 to OPAs)

- More than half are park-related and/or publicly-owned
- Proposed additions are consistent with statutory criteria (fewer than 1 structure per 5 acres of fastland)
- Existing structures are grandfathered for flood insurance purposes



*Above: System Unit MA-16 located in Dennis, MA*

*The light purple area is existing Unit MA-16. The dark purple areas outlined in pink are proposed for addition to the unit.*

# Hurricane Sandy Remapping Project

## Results for Massachusetts

### Proposed Removals from the CBRS in Massachusetts

#### 168 structures removed

- Mostly privately owned residential

#### 304 acres removed

- 162 acres of fastland
- 142 acres of wetlands/open water

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



*Above: System Unit MA-06 located in Swampscott, MA*

*The light purple and light blue areas are existing Unit MA-06. The light blue areas outlined in pink (containing 11 structures) are proposed for removal from the unit.*

# 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

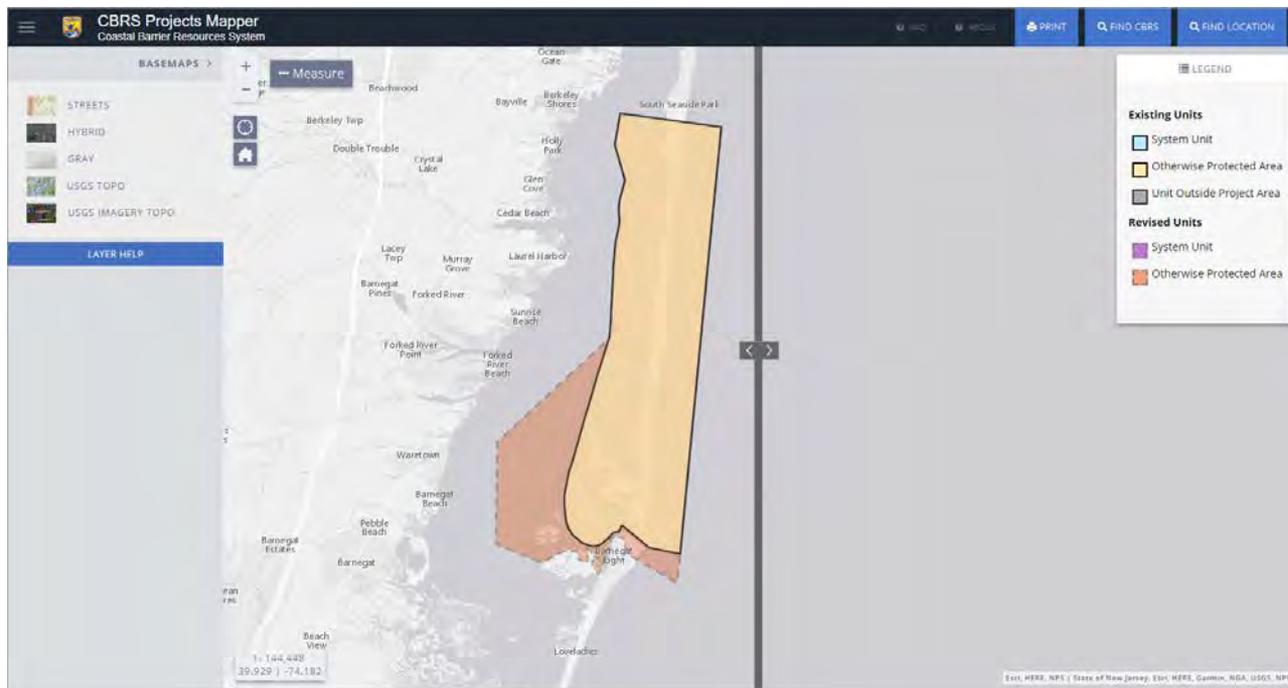
Paul Comlish, CBRA Program Specialist  
U.S. Fish & Wildlife Service



# 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](mailto:CBRA@fws.gov)

**Contact us by phone:**

703-358-2171



# Question and Answer Session

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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](mailto:cbra@fws.gov) to set up a separate discussion where we can focus on your issue

