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.

“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.

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

**People can develop, but taxpayers won’t subsidize**
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
  
  o Examples include flood insurance, road construction, dredging, beach nourishment

  o Consultation required between Federal funding agency and U.S. Fish & Wildlife Service (FWS) prior to the commitment of funds
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)
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.
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.*
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).
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.

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.
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.

Why Modernize the Maps?
Correcting Mapping Errors
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

- 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
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
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)
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
Types of Changes

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

Paul Comlish, CBRA Program Specialist
U.S. Fish & Wildlife Service
FWS developed a new “CBRS Projects Mapper” to illustrate proposed changes

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

  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
Question and Answer Session

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