Coastal Barrier Resources Act Property Determinations Process

FREQUENTLY ASKED QUESTIONS

What is the Coastal Barrier Resources System?
The Coastal Barrier Resources Act (CBRA) of 1982 established the John H. Chafee Coastal Barrier Resources System (CBRS), a defined set of coastal barrier units located along the Atlantic, Gulf of Mexico, Great Lakes, Puerto Rico, and U.S. Virgin Island coasts. These areas are delineated on a set of maps that are enacted into law by Congress and maintained by the Department of the Interior through the U.S. Fish and Wildlife Service (Service). Most new Federal expenditures and financial assistance are prohibited within the CBRS. The prohibition that is most significant to homeowners and insurance agents is the denial of Federal flood insurance through the National Flood Insurance Program (NFIP) for new or substantially improved structures within the CBRS. CBRA does not prevent development, and it imposes no restrictions on development conducted with non-Federal funds. Congress enacted CBRA to minimize the loss of human life, wasteful Federal expenditures, and the damage to natural resources associated with coastal barriers.

Where are the CBRS units located?
CBRS units are located in 23 states and territories along the Atlantic, Gulf of Mexico, Great Lakes, Puerto Rico, and U.S. Virgin Island coasts (Federal Emergency Management Agency (FEMA) Regions 1-6). The official CBRS maps and statewide locator maps are available at http://www.fws.gov/ecological-services/habitat-conservation/cbra/Maps/index.html.

What are the differences between System Units and Otherwise Protected Areas?
The CBRS contains two types of units, System units and Otherwise Protected Areas (OPAs). OPAs are denoted with a "P" at the end of the unit number (e.g., FL-64P, P10P).

Credit: USGS

System units are generally comprised of private lands that were relatively undeveloped at the time of their designation within the CBRS. The boundaries of these units are generally intended to follow geomorphic, development, or cultural features. Most new Federal expenditures and financial assistance, including Federal flood insurance, are prohibited within System units.

OPAs are generally comprised of lands held by a qualified organization primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes. The boundaries of these units are generally intended to coincide with the boundaries of conservation or recreation areas such as state parks and national wildlife refuges. The only Federal spending prohibition within OPAs is the prohibition on Federal flood insurance.

What is a CBRA property determination?
A "CBRA property determination" is a determination made by the Service of whether or not a specific property is located within the CBRS. The Service's determination is based upon materials provided by the requester and the official CBRS map of the area. The Service's response contains an in/out determination and the prohibition date for Federal flood insurance if the property is located within the CBRS. This information is then used by the insurance agent and the NFIP to determine the Federal flood insurance eligibility of the property in question.

Who is authorized to make official CBRA determinations?
Official CBRA determinations are made only by the Service. The determinations are generally made either by the Service's Ecological Services Field Office for the jurisdiction in which the property in question is located, or by the Service's Washington Office.

Who should I contact to request a CBRA determination?

All interested parties **except insurance agents** should contact the appropriate Service's Ecological Service Field Office for the jurisdiction in which the property in question is located. The table below contains contact information for each Field Office and the Washington Office. Insurance agents should send requests for CBRA determinations to the NFIP Direct Servicing Agent, or NFIP Write Your Own insurer to whom application for flood insurance coverage is being made. The insurer will send the request to the NFIP Bureau, who will in turn submit the case to the Service for an official determination. The NFIP Bureau will ensure that all needed documentation is provided and will track the case through to resolution. After receiving the official CBRA determination from the Service, the NFIP Bureau will send formal notice to the insurer.

Jurisdiction	U.S. Fish and Wildlife Service Office Address	Phone
Alabama	Alabama Ecological Services Field Office 1208-B Main Street Daphne, AL 36526	251-441-5181
Connecticut, Rhode Island, and Massachusetts	New England Field Office 70 Commercial Street, Suite 300 Concord, NH 03301	603-223-2541
Florida Panhandle: Franklin, Gulf, Bay, Walton, Escambia, Santa Rosa, Wakulla, and Okaloosa Counties	Panama City Ecological Services and Fisheries Resources Field Office 1601 Balboa Avenue Panama City, FL 32405	850-769-0552
North Florida: Nassau, Duval, St. Johns, Flagler, Volusia, Brevard, Manatee, Hillsborough, Pinellas, Levy, Dixie, and Pasco Counties	North Florida Ecological Services Field Office 7915 Baymeadows Way, Suite 200 Jacksonville, FL 32256	904-731-3336
South Florida: Martin, Palm Beach, Broward, Dade, Monroe, Collier, Lee, Charlotte, Indian River, St. Lucie, and Sarasota Counties	South Florida Ecological Services Field Office 1339 20th Street Vero Beach, FL 32960	772-562-3909
Georgia	Georgia Ecological Services Coastal Sub Office 4980 Wildlife Drive, NE Townsend, GA 31331	912-832-8739
Louisiana	Lafayette Ecological Services Field Office 646 Cajundome Boulevard, Suite 400 Lafayette, LA 70506	337-291-3100
Maine	Maine Ecological Services Field Office 17 Godfrey Dr., Suite #2 Orono, ME 04473	207-866-3344
Maryland and Delaware	Chesapeake Bay Field Office 177 Admiral Cochrane Drive Annapolis, MD 21401	410-573-4573
Michigan	East Lansing Ecological Services Field Office 2651 Coolidge Road, Suite 101 East Lansing, MI 48823	517-351-2555
Minnesota	Twin Cities Ecological Services Field Office 4101 American Boulevard East Bloomington, MN 55425	612-725-3548
Mississippi	Mississippi Ecological Services Field Office 6578 Dogwood View Parkway, Suite A Jackson, MS 39213	601-965-4900
New Jersey	New Jersey Field Office Atlantic Professionals Park, Unit 4 4 East Jimmie Leeds Road Galloway, New Jersey 08205	609-646-9310
New York	Long Island Field Office 3 Old Barto Road Brookhaven, NY 11719	631-776-1401

North Carolina	Raleigh Ecological Services Field Office P.O. Box 33726 Raleigh, NC 27636	919-856-4520
Ohio	Ohio Ecological Services Field Office 4625 Morse Road, Suite 104 Columbus, OH 43230	614-416-8993
Puerto Rico and the Virgin Islands	Ecological Services in the Caribbean P.O. Box 491 Boquerón, PR 00622	787-851-7297
South Carolina	Charleston Ecological Services Field Office 176 Croghan Spur Road, Suite 200 Charleston, SC 29407	843-727-4707
North Texas Coast: Jefferson, Galveston, Brazoria, Matagorda, and Chambers Counties	Clear Lake Ecological Services Field Office 17629 El Camino Real, Suite 211 Houston, TX 77058	281-286-8282
South Texas Coast: Calhoun, Aransas, Nueces, Kleberg, Willacy, Cameron, and Kenedy Counties	Corpus Christi Ecological Services Field Office c/o TAMU-CC 6300 Ocean Drive, Unit 5837 Corpus Christi, TX 78412	361-994-9005
Virginia	Virginia Field Office 6669 Short Lane Gloucester, VA 23061	804-693-6694
Wisconsin	Green Bay Ecological Services Field Office 2661 Scott Tower Drive New Franken, WI 54229	920-866-1717
Washington Office	U.S. Fish and Wildlife Service 4401 N. Fairfax Drive, Suite 840 Arlington, VA 22203	703-358-2161

What materials should I submit to the Service for a CBRA determination?
When submitting a CBRA determination request to the Service, please provide a valid property address and include the following:

- A map showing the location of the property – this can be a tax map, survey, plat map, or a map from a county GIS system. Maps from Google, Yahoo, or MapQuest are generally not accurate enough for a determination and are unnecessary. ***Please ensure that the correct property location is marked on all maps that are submitted, and that the correct address has been provided.*** The Service often receives conflicting information regarding the location and address of the property in question.

- At least two of the following – a property record card, deed, elevation certificate, flood insurance application, flood policy declarations, copy of FEMA's Flood Insurance Rate Map (FIRM), and/or flood hazard determination. These items are used in conjunction with local government resources available online to confirm the location of the subject property.

If sufficient information to complete the determination is not submitted, additional information will be requested and the case will be put on hold until the necessary information is received.

Is there a fee associated with CBRA determinations?
No. The Service does not charge a fee to process CBRA determinations.

How does the Service make a CBRA determination?
The submitted materials are examined and the location of the property in question is confirmed, often using online resources such as property records and mapping tools provided by the local government. The property is then located in relation to the CBRS boundaries using digital parcel data, a plat or tax map, and/or aerial imagery, along with the official CBRS map for the area in question. The FIRM is not used to determine the placement of the CBRS boundary for official CBRA determinations.

How long does it take to make a CBRA determination?
It generally takes several months to complete a CBRA determination. The turn-around time depends on the staff resources available at the time and the CBRA Program's pending workload.

Are some structures located within the CBRS eligible for Federal flood insurance?
Federal flood insurance is available within the CBRS if the subject structure was constructed (or permitted and under construction) before the CBRS unit's prohibition date (which is included in the Service's CBRA determination letter and shown on FEMA's FIRMs). If an existing insured structure within the CBRS is substantially improved or damaged (i.e., over 50 percent of the structure's market value), the Federal flood insurance policy cannot be renewed.

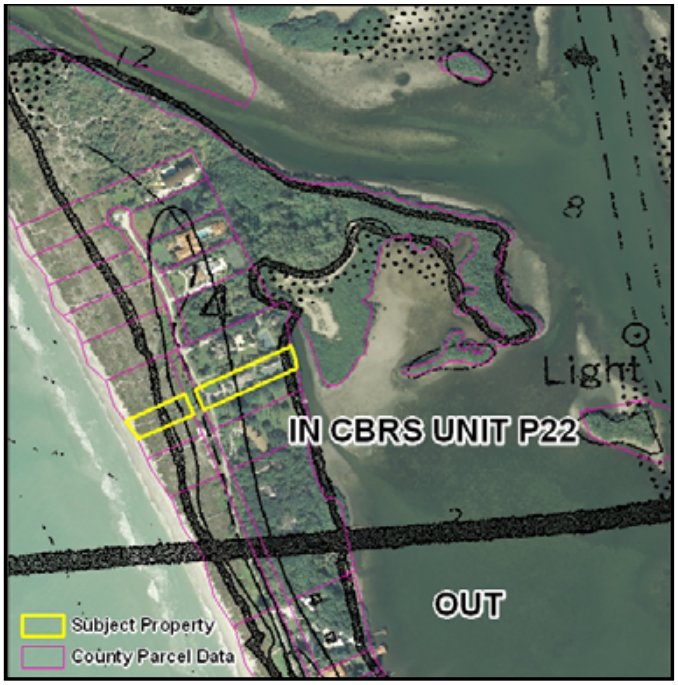
For new or substantially improved structures located within an OPA, Federal flood insurance may be available if written documentation is provided certifying that the structure is used in a manner consistent with the purposes for which the area is protected (e.g., a park visitors center) and the Service agrees with that assessment.

FEMA's regulations concerning the denial of Federal flood insurance within the CBRS (44 CFR Part 71) are

available at http://www.access.gpo.gov/nara/cfr/waisidx_07/44cfr71_07.html.

What happens if a Federal flood insurance policy is issued within the CBRS in error?
If a Federal flood insurance policy is issued within the CBRS in error, it will be canceled and the premium refunded; no claim can be paid, even if the error is not found until a claim is made.

Is there an appeals process for CBRA determinations?
There is not an official appeals process, however, interested parties may submit new information to the Service and ask for a reevaluation of the case if they believe a CBRA determination is incorrect. If the location of the property has been correctly determined in relation to the CBRS boundary, then the Service's determination will not be changed.



Has the Service issued any incorrect CBRA determinations?
Yes. The Service has issued a limited number of incorrect CBRA determinations over the years. Most of these incorrect determinations were made as a result of incorrect information provided by the requester. ***It is critical that the correct location of the property in question is marked on the submitted materials, as incorrect determinations can result in the issuance of invalid Federal flood insurance policies with serious consequences for the homeowner.***

If the Service discovers an incorrect CBRA determination, it reevaluates the case and issues a new letter to NFIP that contains the correct determination.

If I have an official CBRA determination letter from the Service that is a few years old, how can I tell if it is still valid?
If the Service's determination letter states that the property is located within the CBRS, the letter should list the CBRS unit number and date of the official CBRS map that was used to make the determination. To confirm whether the determination is still valid, the interested party can visit the Service's CBRS website at http://www.fws.gov/ecological-services/habitat-conservation/coastal.html and click on "Download Official CBRS Maps" to locate the controlling map for the unit referenced in the letter. If the date of the map on the website is the same as the date of the map referenced in the Service's letter, then the determination is still valid.

If the determination letter states that the property is not located within the CBRS, there will be no unit number referenced in the letter, and therefore no way to check online to see if it is still valid. In cases such as this, the interested party should contact the Service office that issued the CBRA determination letter to see if a new map has been adopted that affects the subject property.

If the determination letter is no longer valid due to the adoption of a new map, the interested party should request a new CBRA determination from the Service.

Can the FIRMs be used to make official CBRA determinations?
No. CBRA determinations should only be made using the official CBRS maps, which are available on the Service's website at http://www.fws.gov/ecological-services/habitat-conservation/cbra/Maps/index.html. Since 2006, CBRS boundaries have been placed on updated FIRMs by the Service through an interagency agreement with FEMA. However, the CBRS boundaries shown on the FIRMs are for informational purposes only and can serve as a first alert that a property may be located within the CBRS, but the FIRM should not be used to make definitive in/out CBRA property determinations.

What is the process to change a CBRS boundary?

The Service is frequently contacted by property owners and other interested parties who seek to remove private lands from the CBRS so they can develop them with Federal subsidies, including Federal flood insurance. In the past, Congress has enacted legislation to correct a limited number of technical mapping errors on CBRS maps. In order to provide Congress with a recommendation regarding such legislation, and to determine whether a technical mapping error exists, the Service conducts a comprehensive review of the history of the CBRS unit in question. This review process is time and resource intensive. The interested party must provide compelling information to the Service that supports their claim that a technical mapping error exists on the CBRS map. The Service reviews the agency's records, the controlling and historical CBRS maps, the historical development status of the area, and the materials submitted by the interested party. When conducting such reviews, the Service considers several factors, including: (1) the development status of the area when it was included in the CBRS by Congress and (2) whether the CBRS lines on the map appropriately reflect the original intent of the boundaries on the ground (i.e., whether the lines are precisely where Congress intended them to be). In recent years, when mapping errors were found, the Service has worked with Congress on a case-by-case basis

to produce comprehensively revised maps using digital technology that correct existing mapping errors and accurately reflect the original intent of the boundaries. The final decision to modify a CBRS boundary lies with Congress; the Service can only make recommendations to Congress. Due to limited resources, the Service undertakes only a limited number of technical correction reviews each year, and as a result, the agency has a large backlog of these types of requests.

Can a CBRS boundary be changed via a Letter of Map Amendment?
No. CBRS boundaries cannot be changed by a Letter of Map Amendment. Aside from three minor exceptions, only Congress has the authority to modify boundaries of the CBRS through legislation. These exceptions include: (1) the CBRA five-year review requirement that solely considers changes that have occurred to the CBRS by natural forces such as erosion and accretion; (2) voluntary additions to the CBRS by property owners; and (3) additions of excess Federal property.

What is the status of the Service's CBRA map modernization effort?
The maps that currently depict the CBRS are outdated and difficult to use. Recognizing the challenges associated with the existing set of CBRS maps, Congress directed the Service to modernize the maps using digital technology. In 2006, Public Law 109-226 directed the Service to: (1) finalize a digital mapping pilot project that creates digital maps for approximately 10 percent of the CBRS and (2) create digital maps for the remainder of the CBRS. In 2009, the Service conducted a 120-day public review and comment period of the draft pilot project maps. The Service plans to finalize the pilot project in Fiscal Year 2010, and create a limited number of new digital maps for Congressional consideration as resources are made available for this effort. If enacted by Congress, the pilot project maps will modify the boundaries of about 70 CBRS units. As a result, some properties would be added to the CBRS and other properties would be removed from the CBRS.

How is the public informed of a CBRS mapping change?
A notice is published in the *Federal Register* when a new CBRS map is enacted by Congress or modified administratively by the Service. The new map is posted on the Service's CBRS website. The Service also coordinates with FEMA to update the affected FIRM(s) with the revised CBRS boundaries.

Are the CBRS boundaries available in digital format?
Yes. Digital shapefiles of the CBRS boundaries are available for download on the Service's CBRS website at http://www.fws.gov/ecological-services/habitat-conservation/coastal.html. These digital boundaries are only representations of the official CBRS boundaries and should not be relied upon to determine eligibility for Federal financial assistance such as Federal flood insurance.

Where can I get more information?

Service website: **http://www.fws.gov/ecological-services/habitat-conservation/coastal.html**

FEMA website: **http://www.fema.gov/plan/prevent/floodplain/nfipkeywords/cbrs.shtm**

CBRS FIRM Panel Database: **http://www.fema.gov/business/nfip/cbrs/cbrs.shtm**

Flood Insurance Manual: **http://www.fema.gov/business/nfip/manual.shtm**

Contact Information:
U.S. Fish and Wildlife Service
5275 Leesburg Pike, MS:ES
Falls Church, VA 22041
Phone (703) 358-2171
Email: cbra@fws.gov
Website: *http://www.fws.gov/ecological-services/habitat-conservation/coastal.html*

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