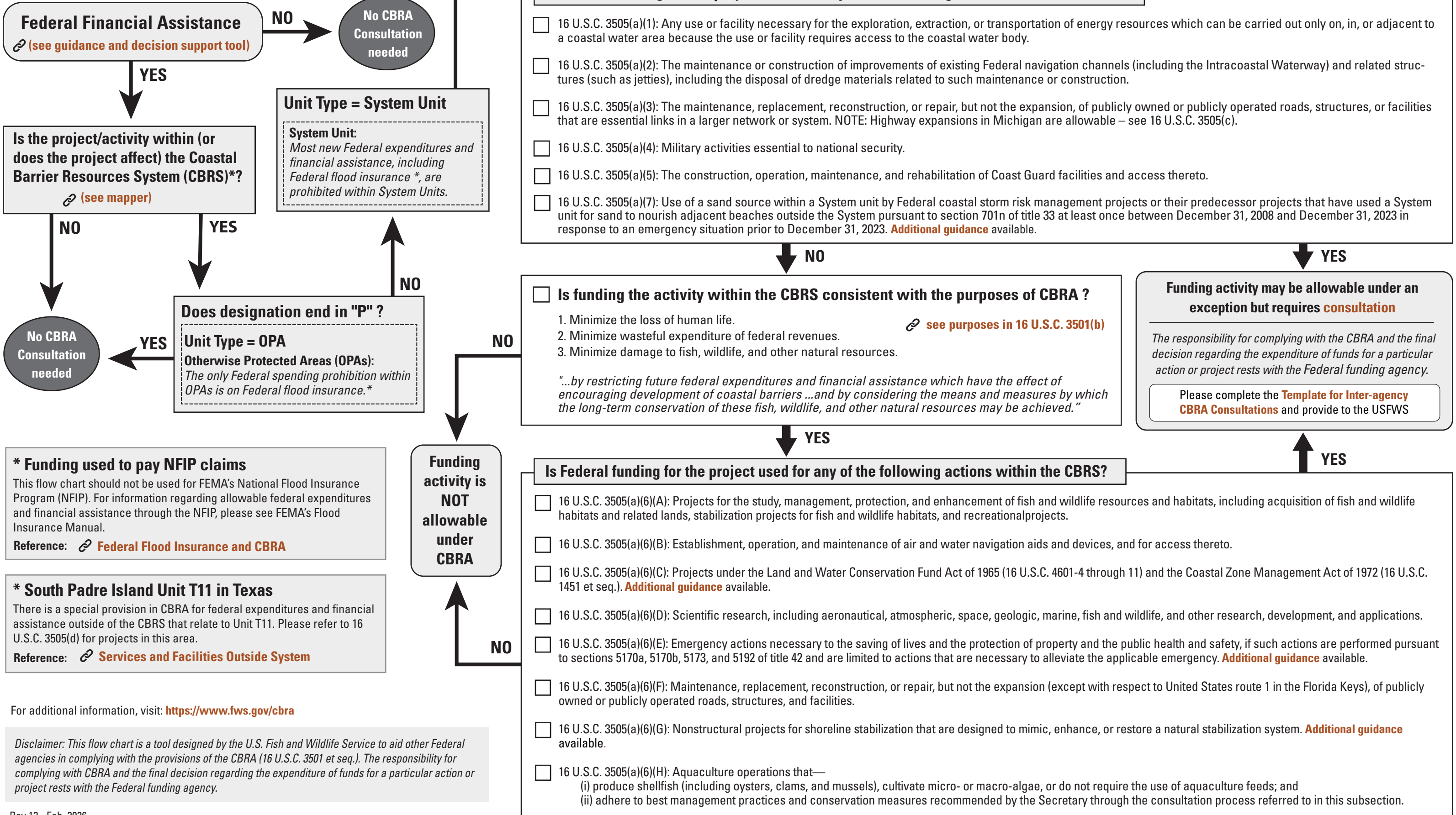




Coastal Barrier Resources Act (CBRA)

Consultations Flow Chart

To Assist Federal Agencies in Determining Whether CBRA Consultation is Required



Federal Financial Assistance
(see guidance and decision support tool)

Is the project/activity within (or does the project affect) the Coastal Barrier Resources System (CBRS)*?
(see mapper)

No CBRA Consultation needed

Does designation end in "P" ?
Unit Type = OPA
Otherwise Protected Areas (OPAs):
The only Federal spending prohibition within OPAs is on Federal flood insurance.*

Unit Type = System Unit
System Unit:
Most new Federal expenditures and financial assistance, including Federal flood insurance *, are prohibited within System Units.

Is Federal funding for the project used for any of the following actions within the CBRS?
 16 U.S.C 3504(a)(3): A project to prevent the erosion of, or to otherwise stabilize, any inlet, shoreline, or inshore area on CBRS units numbered S01 through S08 and LA-07 for purposes other than encouraging development; and in all units, in cases where an emergency threatens life, land, and property immediately adjacent to that unit.

Is Federal funding for the project used for any of the following actions within the CBRS?
 16 U.S.C. 3505(a)(1): Any use or facility necessary for the exploration, extraction, or transportation of energy resources which can be carried out only on, in, or adjacent to a coastal water area because the use or facility requires access to the coastal water body.
 16 U.S.C. 3505(a)(2): The maintenance or construction of improvements of existing Federal navigation channels (including the Intracoastal Waterway) and related structures (such as jetties), including the disposal of dredge materials related to such maintenance or construction.
 16 U.S.C. 3505(a)(3): The maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly owned or publicly operated roads, structures, or facilities that are essential links in a larger network or system. NOTE: Highway expansions in Michigan are allowable – see 16 U.S.C. 3505(c).
 16 U.S.C. 3505(a)(4): Military activities essential to national security.
 16 U.S.C. 3505(a)(5): The construction, operation, maintenance, and rehabilitation of Coast Guard facilities and access thereto.
 16 U.S.C. 3505(a)(7): Use of a sand source within a System unit by Federal coastal storm risk management projects or their predecessor projects that have used a System unit for sand to nourish adjacent beaches outside the System pursuant to section 701n of title 33 at least once between December 31, 2008 and December 31, 2023 in response to an emergency situation prior to December 31, 2023. **Additional guidance** available.

Is funding the activity within the CBRS consistent with the purposes of CBRA ?
1. Minimize the loss of human life.
2. Minimize wasteful expenditure of federal revenues.
3. Minimize damage to fish, wildlife, and other natural resources.
...by restricting future federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers ...and by considering the means and measures by which the long-term conservation of these fish, wildlife, and other natural resources may be achieved.

Funding activity may be allowable under an exception but requires consultation
The responsibility for complying with the CBRA and the final decision regarding the expenditure of funds for a particular action or project rests with the Federal funding agency.
Please complete the **Template for Inter-agency CBRA Consultations** and provide to the USFWS

Is Federal funding for the project used for any of the following actions within the CBRS?
 16 U.S.C. 3505(a)(6)(A): Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.
 16 U.S.C. 3505(a)(6)(B): Establishment, operation, and maintenance of air and water navigation aids and devices, and for access thereto.
 16 U.S.C. 3505(a)(6)(C): Projects under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 through 11) and the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.). **Additional guidance** available.
 16 U.S.C. 3505(a)(6)(D): Scientific research, including aeronautical, atmospheric, space, geologic, marine, fish and wildlife, and other research, development, and applications.
 16 U.S.C. 3505(a)(6)(E): 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. **Additional guidance** available.
 16 U.S.C. 3505(a)(6)(F): Maintenance, replacement, reconstruction, or repair, but not the expansion (except with respect to United States route 1 in the Florida Keys), of publicly owned or publicly operated roads, structures, and facilities.
 16 U.S.C. 3505(a)(6)(G): Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system. **Additional guidance** available.
 16 U.S.C. 3505(a)(6)(H): Aquaculture operations that—
(i) produce shellfish (including oysters, clams, and mussels), cultivate micro- or macro-algae, or do not require the use of aquaculture feeds; and
(ii) adhere to best management practices and conservation measures recommended by the Secretary through the consultation process referred to in this subsection.

*** Funding used to pay NFIP claims**
This flow chart should not be used for FEMA's National Flood Insurance Program (NFIP). For information regarding allowable federal expenditures and financial assistance through the NFIP, please see FEMA's Flood Insurance Manual.
Reference: [Federal Flood Insurance and CBRA](#)

*** South Padre Island Unit T11 in Texas**
There is a special provision in CBRA for federal expenditures and financial assistance outside of the CBRS that relate to Unit T11. Please refer to 16 U.S.C. 3505(d) for projects in this area.
Reference: [Services and Facilities Outside System](#)

For additional information, visit: <https://www.fws.gov/cbra>

Disclaimer: This flow chart is a tool designed by the U.S. Fish and Wildlife Service to aid other Federal agencies in complying with the provisions of the CBRA (16 U.S.C. 3501 et seq.). 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.