

Coastal Barrier Resources Act

Fact Sheet for Federal Expenditures and Financial Assistance under the Coastal Zone Management Act

The Coastal Barrier Resources Act of 1982 and subsequent amendments (16 U.S.C. 3501 et seq.) established the John H. Chafee Coastal Barrier Resources System, a defined set of geographic units along the Atlantic, Gulf of Mexico, Great Lakes, U.S. Virgin Islands, and Puerto Rico coasts. These geographic units are depicted on a set of maps maintained by the U.S. Fish and Wildlife Service. The purpose of the act is “to minimize the loss of human life, wasteful expenditure of federal revenues, and the 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.” (16 U.S.C. 3501(b)).

The Coastal Barrier Resources Act prohibits most new federal expenditures or financial assistance for any purpose within the Coastal Barrier Resources System units, including: construction or purchase of roads, boat landings, structures, facilities, or related infrastructure, bridges, or causeways built to a Coastal Barrier Resources System unit, as well as most projects designed to prevent erosion or stabilize any inlet, shoreline, or inshore area (16 U.S.C. 3504(a)). The Coastal Barrier Resources Act does not prohibit the expenditure of private, state, or local funds for projects, nor does it prohibit federal agencies from issuing permits in these locations or conducting environmental studies.

Federal funds can be spent within a Coastal Barrier Resources System unit for certain exempted activities, after consultation with the U.S. Fish and Wildlife Service. In particular, the Coastal Barrier Resources Act exempts projects under the Coastal Zone Management Act (16 U.S.C. 1451 et seq.) that are consistent with the Coastal Barrier Resources Act (16 U.S.C. 3505(a)(6)(C)). This exception applies specifically to grant programs and other forms of federal expenditures or financial assistance made by

the National Oceanic and Atmospheric Administration under the Coastal Zone Management Act, and does not extend to projects funded by other agencies.

This document provides interpretive guidance regarding Coastal Barrier Resources Act compliance for projects under the Coastal Zone Management Act, including: information and resources to aid in determining whether a project is within system boundaries, information regarding when a Coastal Barrier Resources Act consultation is and is not required and the types of information considered through a consultation, and information regarding how consultation may be accomplished.

Service for a project within an Otherwise Protected Area is not required. Official Coastal Barrier Resources System maps can be found here: <https://www.fws.gov/program/coastal-barrier-resources-act/maps-and-data>.

If it is unclear whether a project falls within the Coastal Barrier Resources System, (i.e., if the mapper shows that the project is within the “buffer zone,” an area immediately adjacent to the boundary), the U.S. Fish and Wildlife Service recommends an official in/out determination be conducted. Determinations can be requested by emailing CBRADeterminations@fws.gov.



Susan Porterfield

The Coastal Zone Management Act supports the creation and enhancement of public access to the nation's ocean and coasts.

Types of Coastal Barrier Resources System Units

There are two types of units: “System Units” and “Otherwise Protected Areas.” (The latter is denoted with a “P” at the end of the unit number - e.g., FL-64P) While the full suite of restrictions on federal expenditures applies within a System Unit, the only federal spending prohibition within an area denoted as an Otherwise Protected Area is on federal flood insurance. Consultation with the U.S. Fish and Wildlife

When is Consultation Not Required?

The Coastal Barrier Resources Act's definition of “financial assistance” excludes four categories of assistance, including, of pertinence, “assistance pursuant to programs entirely unrelated to development.” (16 U.S.C. 3502(3)). For this reason, many sections of the Coastal Zone Management Act that provide funding (for activities such as planning and technical assistance) do not meet the definition of financial assistance. No Coastal Barrier Resources

Act consultation is required for federal funding or financial assistance provided under the following sections of the Coastal Zone Management Act:

- Section 305 – Management program development grants (16 U.S.C. 1454)
- Section 306 – Administrative grants (16 U.S.C. 1455)
- *Section 6217 - Protecting Coastal Waters (16 U.S.C. 1455b)**
- Section 309 – Coastal Zone Enhancement Grants (16 U.S.C. 1456b)
- Section 314 – Walter B. Jones Excellence in Coastal Zone Management Awards (16 U.S.C. 1460)

One exception (16 U.S.C. 3505(a)(6)(C)) specifically applies to projects funded under the Coastal Zone Management Act, and also requires that the particular expenditure be consistent with the purposes of Coastal Barrier Resources Act (see above for the purposes). Some of the other exceptions may also be applicable to projects funded under the Coastal Zone Management Act, including for projects for the management and protection of fish and wildlife resources and habitats; scientific research; and non-structural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system.

These other exceptions may be informative for determining consistency, but their application is unnecessary due



Guama Tolomato Matanzas National Estuarine Research Reserve

Loggerhead sea turtle hatchling

When is Coastal Barrier Resources Act Consultation Required?

Some sections of the Coastal Zone Management Act provide funding to approved programs for on-the-ground projects and activities that may be subject to the Coastal Barrier Resources Act if they involve prohibited development activities as defined under the Coastal Barrier Resources Act (16 USC 3504(a)). Due to the breadth of the prohibited development projects, prior to committing Coastal Zone Management Act funds for any on-the-ground projects within System Units, National Oceanic and Atmospheric Administration must consult with the U.S. Fish and Wildlife Service.

to the Coastal Zone Management Act exception. The U.S. Fish and Wildlife Service evaluates projects for consistency with the Coastal Barrier Resources Act on a case-by-case basis due to different habitat needs and concerns for different species and the geomorphology of the area.

Additionally, the U.S. Fish and Wildlife Service considers the purpose of the project, and whether it is to promote habitat and/or recreation (likely to be found consistent with the Coastal Barrier Resources Act) or to control erosion to protect development (likely inconsistent with the Coastal Barrier Resources Act). In some cases, adjust-

ments to the project design can help better align a project with the purposes of Coastal Barrier Resources Act. For more information, see 16 U.S.C. 3501. There are no prescribed timelines for the consultation process.

Coastal Barrier Resources Act consultation may be required for federal funding or financial assistance provided to states by NOAA for on-the-ground projects funded under the following sections of the Coastal Zone Management Act:

- Section 306A – Resource management improvement grants (16 U.S.C. 1455a). Projects that may be subject to the Coastal Barrier Resources Act’s consultation requirements include: the preservation or restoration of specific areas; the redevelopment of deteriorating and underutilized urban waterfronts and ports; and the provision of access to public beaches and other public coastal areas and coastal waters. An example of a 306A project likely excepted by the Coastal Barrier Resources Act is the installation of a living shoreline designed to improve nearshore habitat.
- *Section 307A – Coastal and Estuarine Land Conservation Program (16 U.S.C. 1456-1)**
- *Section 308 – Coastal Zone Management Fund (16 U.S.C. 1456a)**
- Section 310 – Technical assistance (16 U.S.C. 1456c). While technical assistance is generally not subject to Coastal Barrier Resources Act restrictions, any on-the-ground monitoring or restoration that includes construction of a structure or infrastructure implemented under this section may be subject to the statute’s consultation requirements.
- Section 315 – National Estuarine Research Reserve System (16 U.S.C. 1461). Including the acquisition of lands and waters, and maintenance, replacement, reconstruction, repair, and construction of reserve facilities (e.g., nature center, field office).

** The National Oceanic and Atmospheric Administration has not received appropriations for these sections of the Coastal Zone Management Act for many years.*

Coastal Barrier Resources Act Consultation Process

When a consultation is required, a written request may be sent to the appropriate U.S. Fish and Wildlife Service [Ecological Services Field Office](#) with a description of the project or action, its location, the particular Coastal Barrier Resources Act exception(s) that applies, an explanation of how the project or action meets that exception(s), and any other supporting materials.

The U.S. Fish and Wildlife Service developed an inter-agency Coastal Barrier Resources Act [consultation template](#) to help facilitate the process. The template is accessible at <https://www.fws.gov/service/coastal-barrier-resources-act-project-consultation>. Federal agencies may submit the template and any additional documentation to the appropriate field office to fulfill this consultation requirement.

Any response from the U.S. Fish and Wildlife Service to a Coastal Barrier Resources Act consultation request is in the form of an opinion only. The

U.S. Fish and Wildlife Service has not been granted veto power. The responsibility for complying with the Coastal Barrier Resources Act and the final decision regarding the expenditure of funds for a particular action or project rests with the federal funding agency.

Coastal Barrier Resources System Maps and Data

The U.S. Fish and Wildlife Service's website (www.fws.gov/cbra) contains maps, data, and tools that help determine if properties and project sites are located within the Coastal Barrier Resources System.

- Official Coastal Barrier Resources System Maps:
<https://www.fws.gov/library/collections/official-coastal-barrier-resources-system-maps>
- Coastal Barrier Resources System Mapper:
<https://www.fws.gov/program/coastal-barrier-resources-act/maps-and-data>

- Digital Coastal Barrier Resources System Data (downloadable shapefile, Web Map Service, and ArcGIS Representational State Transfer Service):
<https://www.fws.gov/program/coastal-barrier-resources-act/maps-and-data>
- See [Title 16 Section 3505](#) of the U.S. Code for the full text and conditions of the exceptions to Coastal Barrier Resources Act. See [Title 16 Section 1451 et seq.](#) of the U.S. Code for the full text of the Coastal Zone Management Act and <https://coast.noaa.gov/czm/guidance/> for Section 306A guidance documents.

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August 2022

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