

Coastal Barrier Resources Act

Consultation Guidance for Federal Agencies

The Coastal Barrier Resources Act (CBRA) of 1982 and subsequent amendments ([16 U.S.C. 3501 et seq.](#)) established the John H. Chafee Coastal Barrier Resources System (CBRS), a defined set of geographic units along the Atlantic, Gulf of Mexico, Great Lakes, U.S. Virgin Islands, and Puerto Rico coasts. The CBRS units are depicted on a set of maps that is maintained by the U.S. Fish and Wildlife Service (Service). With some exceptions, **no new Federal expenditures or financial assistance may be made available for any purpose within the System Units of the CBRS, including: construction or purchase of roads, structures, facilities, or related infrastructure; and most projects to prevent the erosion of, or otherwise stabilize, any inlet, shoreline, or inshore area. Most new Federal flood insurance is also prohibited within the CBRS.**

The purposes of the CBRA are “to minimize the loss of human life, wasteful expenditure of federal revenues, and the damage to fish, wildlife, and other natural resources associated with the coastal barriers...by restricting future federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers...” (16 U.S.C. 3501(b)). **CBRA does not prohibit the expenditure of private, state, or local funds within the CBRS.** Additionally, CBRA does not prevent Federal agencies from issuing permits or conducting environmental studies.

Types of CBRS Units

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). While the full suite of restrictions on Federal expenditures applies within System Units, the only Federal spending prohibition within OPAs is on Federal flood insurance. CBRA does not prohibit any other type of Federal expenditures or financial assistance within OPAs. **Consultation with the Service is not required for proposed actions carried out within an OPA.** However, prior to commitment of disaster relief funds,



Marsh restoration at Blackwater National Wildlife Refuge, Maryland.

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Federal agencies should disclose to eligible applicants information about an OPA designation and requirements or restrictions related to flood insurance.

CBRA's Exceptions

Federal agencies, after consultation with the Service, may make Federal expenditures and financial assistance available within System Units for activities that meet one of the CBRA's exceptions. Examples of activities that may meet one of the exceptions include:

- Exploration, extraction, or transportation of certain **energy resources**
- The maintenance or improvement of existing **Federal navigation channels** (including the Intracoastal Waterway) and related structures
- The maintenance, replacement, reconstruction, or repair of **publicly owned roads, structures, or facilities**
- **Military activities** essential to national security
- The construction, operation, maintenance, and rehabilitation of **Coast Guard facilities**
- Projects for the study, management, protection, and enhancement of **fish and wildlife resources**
- Acquisitions of **fish and wildlife habitat** (including floodplain buyouts)
- Projects under the **Coastal Zone Management Act** and the **Land and Water Conservation Fund**
- **Recreational projects** (e.g., construction of a bike path or bird watching platform)
- **Scientific research**
- Actions necessary to alleviate an **immediate emergency** in a **Presidentially declared emergency an/or major disaster** (e.g., debris removal, provision of emergency food and shelter, restoration of utilities)
- **Nonstructural projects for shoreline stabilization** (e.g., planting of dune grass and beach nourishment)

See [Title 16 Section 3505](#) of the U.S. Code for the full text and conditions of the exceptions.

CBRA Consultation Process

In the early stages of project planning, federal agencies may request technical assistance from the appropriate [Ecological Services Field Office](#). Discussions between the two agencies may include whether the proposed action area affects units of the CBRS and whether the project requires consultation under CBRA. Agencies may use the Service's digital project planning tool, [Information for Planning and Consultation](#), to get a list of CBRS units that intersect the action area. IPaC also provides a variety of other information about the action area that may be useful for other environmental review processes, including a list of species, critical habitats, and other resources that may be present in the action area.

The Service has also developed a [flow chart](#) to assist federal agencies in determining whether CBRA consultation is necessary, and an [inter-agency CBRA consultation template](#) to help facilitate the consultation process. Federal agencies may submit the template and any additional documentation to the appropriate field office to fulfill CBRA's consultation requirement. **Any response from the Service to a CBRA consultation request is in the form of an opinion only.** The Service has not been granted veto power. 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.

Additional Resources

The Service's website contains CBRS maps, data, and tools that can help determine whether properties and project sites are located within the CBRS.

CBRS Mapper and Digital CBRS Data (downloadable shapefile, Web Map Service, and ArcGIS Representational State Transfer Service): <https://www.fws.gov/program/coastal-barrier-resources-act/maps-and-data>



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Freshly planted grass to help with beach erosion at Bon Secour National Wildlife Refuge, Alabama.

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