

There are regulations relating to the Coastal Barrier Resources System in 11 titles of the Code of Federal Regulations:

- Title 7: Agriculture (Dept. of Agriculture)
- Title 13: Business and Credit Assistance (SBA)
- Title 23: Highways (FHWA-DOT)
- Title 24: Housing and Urban Development (HUD)
- Title 28: Judicial Administration (DOJ)
- Title 33: Navigation and Navigable Waters (Coast Guard-DHS)
- Title 34: Education (DOE)
- Title 40: Protection of the Environment (EPA)
- Title 42: Public Health (Health and Human Services)
- Title 44: Emergency Management and Assistance (FEMA-DHS)
- Title 50: Wildlife and Fisheries (FWS-DOI)

Title 7--Agriculture

CHAPTER VII--FARM SERVICE AGENCY, DEPARTMENT OF AGRICULTURE

PART 761--GENERAL PROGRAM ADMINISTRATION

761.2: Abbreviations and definitions

http://edocket.access.gpo.gov/cfr_2009/janqtr/pdf/7cfr761.2.pdf

- This section gives the definition of a “Coastal Barrier” as “an area of land identified as part of the national Coastal Barrier Resources System under the Coastal Barrier Resources Act of 1980” [*sic*]

PART 767—INVENTORY PROPERTY MANAGEMENT:

767.201: Real estate inventory property with important resources.

http://edocket.access.gpo.gov/cfr_2009/janqtr/pdf/7cfr767.201.pdf

- “In addition to the requirements established in subpart G of 7 CFR part 1940, the following apply to inventory property with important resources:
Mandatory conservation easements. The Agency will establish conservation easements to protect 100-year floodplains and other Federally-designated important resources. Federally-designated important resources include, but are not limited to...Coastal barriers included in Coastal Barrier Resource Systems.”

CHAPTER XVII--RURAL UTILITIES SERVICE, DEPARTMENT OF AGRICULTURE

PART 1703--RURAL DEVELOPMENT

1703.123: Nonapproved purposes for grants

http://edocket.access.gpo.gov/cfr_2009/janqtr/pdf/7cfr1703.123.pdf

- “A grant made under this subpart will not be provided or used...for projects located in areas covered by the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)”

1703.132: Nonapproved purposes for a combination loan and grant

http://edocket.access.gpo.gov/cfr_2009/janqtr/pdf/7cfr1703.132.pdf

- “Without limitation, a combination loan and grant made under this subpart shall not be expended...for projects located in areas covered by the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)”

1703.142: Nonapproved purposes for loans

http://edocket.access.gpo.gov/cfr_2009/janqtr/pdf/7cfr1703.142.pdf

- “Loans made under this subpart will not be provided to pay the costs of recurring or operating expenses incurred after two years from approval of the project except for leases (see § 1703.141)...for projects located in areas covered by the Coastal Barrier Resources Act (16 U.S.C. 3501 *et seq.*)”

CHAPTER XVIII--RURAL HOUSING SERVICE, RURAL BUSINESS-COOPERATIVE SERVICE, RURAL UTILITIES SERVICE, AND FARM SERVICE AGENCY, DEPARTMENT OF AGRICULTURE

PART 1924--CONSTRUCTION AND REPAIR

1924.106: Location

http://edocket.access.gpo.gov/cfr_2009/janqtr/pdf/7cfr1924.106.pdf

- “It is RHS’s policy to promote compact community development and not to approve sites located in floodplains, on wetlands, or on important farmlands, unless there is no practical alternative. Furthermore, RHS will not finance development on locations that adversely affect properties which are listed or are eligible for listing on the National Register of Historic Places, located within the Coastal Barrier Resource System, or on a barrier island. (Environmental requirements are found in 7 CFR part 1940, subpart G.)”

PART 1940--GENERAL

1940.301: Purpose

http://edocket.access.gpo.gov/cfr_2009/janqtr/pdf/7cfr1940.301.pdf

- “This subpart is designed to integrate the requirements of NEPA with other planning and environmental review procedures required by law, or by Agency practice, so that all such procedures run concurrently rather than consecutively. The environmental document, which results from the implementation of this subpart, provides on a project basis a single reference point for the Agency’s compliance and/or implementation of the following requirements and policies... Coastal Barrier Resources Act, Pub. L. 97–348”

1940.304: Special Policy

http://edocket.access.gpo.gov/cfr_2009/janqtr/pdf/7cfr1940.304.pdf

- “*Coastal barriers.* Under the requirements of the Coastal Barrier Resources Act, FmHA or its successor agency under Public Law 103–354 will not provide financial assistance for any activity to be located within the Coastal Barrier Resources System unless (1) Such activity meets the criteria for an exception, as defined in section 6 of the Act, and (2) Consultation regarding the activity has been completed with the Secretary of the Interior.”

1940.305: Policy Implementation

http://edocket.access.gpo.gov/cfr_2009/janqtr/pdf/7cfr1940.305.pdf

- “*Coastal barriers.* Under the requirements of the Coastal Barrier Resources Act, FmHA or its successor agency under Public Law 103–354 will not provide financial assistance for any activity to be located within the Coastal Barrier Resources System unless (1) Such activity meets the criteria for an exception, as defined in section 6 of the Act, and (2) Consultation regarding the activity has been completed with the Secretary of the Interior.”

1940.310: Categorical exclusions from National Environmental Policy Act (NEPA) reviews

http://edocket.access.gpo.gov/cfr_2009/janqtr/pdf/7cfr1940.310.pdf

- “*General guidelines.* The following actions have been determined not to have a significant impact on the quality of the human environment, either individually or cumulatively. They will not be subject to environmental assessments or impact statements. It must be emphasized that even though these actions are excluded from further environmental reviews under NEPA, they are not excluded from either the policy considerations contained in §§ 1940.303 through 1940.305 of this subpart or from compliance with other applicable local, State, or Federal environmental

laws. Also, the actions preceded by an asterisk (*) are not excluded from further review depending upon whether in some cases they would be located within, or in other cases, potentially affect...a coastal barrier or a portion of a barrier within the Coastal Barrier Resources System”

1940.317: Methods for ensuring proper implementation of categorical exclusions

http://edocket.access.gpo.gov/cfr_2009/janqtr/pdf/7cfr1940.317.pdf

- “Under any one of the following circumstances, an action that is normally categorically excluded loses its classification as an exclusion and must be reviewed in the manner described in paragraph (g) of this section. The following listing corresponds to the list of land uses and environmental resources contained in part 2 of Form FmHA or its successor agency under Public Law 103–354 1940–22:
Coastal Barrier included in Coastal Barrier Resources System—the proposed action would be located within the Coastal Barrier Resources System”

PART 1944--HOUSING

1944.664: Housing preservation and replacement housing assistance

http://edocket.access.gpo.gov/cfr_2009/janqtr/pdf/7cfr1944.664.pdf

- “HPG funds may *not* be used to:
Repair or rehabilitate as well as replace any property located in the Coastal Barrier Resources System.”

1944.672: Environmental requirements

http://edocket.access.gpo.gov/cfr_2009/janqtr/pdf/7cfr1944.672.pdf

- “The use of HPG funds by the grantee to repair, rehabilitate, or replace on the same site, specific dwellings is generally exempt from an RHS environmental review. However, if such dwellings are located in a floodplain, wetland, or the proposed work is not concurred in by the Advisory Council on Historic Preservation under the requirements of § 1944.673, an RHS environmental review is required. Dwellings within the Coastal Barrier Resources System are not eligible for HPG assistance. Applicants must include in their preapplication a process for identifying dwellings that may receive housing preservation or replacement housing assistance that will require an environmental assessment. This may be accomplished through use of exhibit F–2 of this subpart (available in any Rural Development State or District Office) or another process supplying similar information acceptable to RHS.”

1944.676: Preapplication procedures

http://edocket.access.gpo.gov/cfr_2009/janqtr/pdf/7cfr1944.676.pdf

- “The applicant [for the HPG program] must submit a description of its process for...identifying properties located within the Coastal Barrier Resources System.”

PART 1955--PROPERTY MANAGEMENT

1955.56: Real property located in Coastal Barrier Resources System (CBRS).

http://edocket.access.gpo.gov/cfr_2009/janqtr/pdf/7cfr1955.56.pdf

- “(a) *Approval official's scope of authority.* Any action that is not in conflict with the limitations in paragraphs (a)(1), (a)(2) or (a)(3) of this section shall not be undertaken until the approval official has consulted with the appropriate Regional Director of the U.S. Fish and Wildlife Service. The Regional Director may or may not concur that the proposed action does or does not violate the provisions of the Coastal Barrier Resources Act (CBRA). Pursuant to the requirements of the CBRA, and except as specified in paragraphs (b) and (c) of this section, no maintenance or repair action may be taken for property located within a CBRS where: (1) The action goes beyond maintenance, replacement-in-kind, reconstruction, or repair and would result in the expansion of any roads, structures or facilities. Water and waste disposal facilities as well as community

facilities may be improved to the extent required to meet health and safety requirements but may not be improved or expanded to serve additional users, patients, or residents; (2) The action is inconsistent with the purposes of the CBRA; or (3) The property to be repaired or maintained was initially the subject of a financial transaction that violated the CBRA.

(b) *Administrator's review.* Any proposed maintenance or repair action that does not conform to the requirements of paragraph (a) of this section must be forwarded to the Administrator for review and approval. Approval will not be granted unless the Administrator determines, through consultation with the Department of the Interior, that the proposed action does not violate the provisions of the CBRA.

(c) *Emergency provisions.* In emergency situations to prevent imminent loss of life, imminent substantial damage to the inventory property or the disruption of utility service, the approval official may take whatever minimum steps are necessary to prevent such loss or damage without first consulting with the appropriate Regional Director of the U.S. Fish and Wildlife Service. However, the Regional Director must be immediately notified”

1955.137 Real property located in special areas or having special characteristics.

http://edocket.access.gpo.gov/cfr_2009/janqtr/pdf/7cfr1955.137.pdf

➤ “(a) *Real property located in flood, mudslide hazard, wetland or Coastal Barrier Resources System (CBRS)*—

(1) *Use restrictions.* Executive Order 11988, “Floodplain Management,” and Executive Order 11990, “Protection of Wetlands,” require the conveyance instrument for inventory property containing floodplains or wetlands which is proposed for lease or sale to specify those uses that are restricted under identified Federal, State and local floodplains or wetlands regulations as well as other appropriate restrictions. The restrictions shall be to the uses of the property by the lessee or purchaser and any successors, except where prohibited by law. Applicable restrictions will be incorporated into quitclaim deeds in a format similar to that contained in Exhibits H and I of RD Instruction 1955–C (available in any Agency office). A listing of all restrictions will be included in the notices required in paragraph (a)(2) of this section.

(2) *Notice of hazards.* Acquired real property located in an identified special flood or mudslide hazard area as defined in, subpart B of part 1806 of this chapter will not be sold for residential purposes unless determined by the county official or district director to be safe (that is, any hazard that exists would not likely endanger the safety of dwelling occupants).

(3) *Limitations placed on financial assistance.* (i) Financial assistance is limited to property located in areas where flood insurance is available. Flood insurance must be provided at closing of loans on program-eligible and nonprogram (NP)-ineligible terms. Appraisals of property in flood or mudslide hazard areas will reflect this condition and any restrictions on use. Financial assistance for substantial improvement or repair of property located in a flood or mudslide hazard area is subject to the limitations outlined in, paragraph 3b (1) and (2) of Exhibit C of subpart G of part 1940. (ii) Pursuant to the requirements of the Coastal Barrier Resources Act (CBRA) and except as specified in paragraph (a)(3)(v) of this section, no credit within a CBRS where: (A) It is known that the purchaser plans to further develop the property; (B) A subsequent loan or any other type of Federal financial assistance as defined by the CBRA has been requested for additional development of the property; (C) The sale is inconsistent with the purpose of the CBRA; or (D) The property to be sold was the subject of a previous financial transaction that violated the CBRA. (iii) For purposes of this section, additional development means the expansion, but not maintenance, replacement- in-kind, reconstruction, or repair of any roads, structures or facilities. Water and waste disposal facilities as well as community facilities may be repaired to the extent required to meet health and safety requirements, but may not be improved or expanded to serve new users, patients or residents. (iv) A sale which is not in conflict with the limitations in paragraph (a)(3)(ii) of this section shall not be completed until the approval official has consulted with the appropriate Regional Director of the U.S. Fish and Wildlife Service and the Regional Director concurs that the proposed sale does not violate the provisions of the CBRA. (v) Any

proposed sale that does not conform to the requirements of paragraph (a)(3)(ii) of this section must be forwarded to the Administrator for review. Approval will not be granted unless the Administrator determines, through consultation with the Department of Interior, that the proposed sale does not violate the provisions of the CBRA.”

1955.139 Disposition of real property rights and title to real property.

http://edocket.access.gpo.gov/cfr_2009/janqtr/pdf/7cfr1955.139.pdf

- “(v) For FP cases except when FmHA or its successor agency under Public Law 103–354 has an affirmative responsibility to place a conservation easement upon a farm property, easements under the authority of this paragraph will not be established unless either the rights of all prior owner(s) have been met or the prior owner(s) consents to the easement. Examples of instances where an affirmative responsibility exists to place an easement on a farm property include wetland and floodplain conservation easements required by § 1955.137 of this subpart or easements designed as environmental mitigation measures and required in the implementation of Subpart G of Part 1940 of this chapter for the purpose of protecting federally designated important environmental resources. These resources include: Listed or proposed endangered or threatened species, listed or proposed critical habitats, designated or proposed wilderness areas, designated or proposed wild or scenic rivers, historic or archaeological sites listed or eligible for listing on the National Register of Historic Places, coastal barriers included in Coastal Barrier Resource Systems, natural landmarks listed on national Registry of Natural Landmarks, and sole source aquifer recharge as designated by the Environmental Protection Agency.”
- “(c) Transfer of FSA inventory property for conservation purposes. (1) In accordance with the provisions of this paragraph, FSA may transfer, to a Federal or State agency for conservation purposes (as defined in paragraph (a)(3)(i) of this section), inventory property, or an interest therein, meeting any one of the following three criteria and subject only to the homestead protection rights of all previous owners having been met. (i) A predominance of the land being transferred has marginal value for agricultural production. This is land that NRCS has determined to be either highly erodible or generally not used for cultivation, such as soils in classes IV, V, VII or VIII of NRCS’s Land Capability Classification, or (ii) A predominance of land is environmentally sensitive. This is land that meets any of the following criteria:
Coastal barriers and zones as they pertain to the Coastal Barrier Resources Act or Coastal Zone Management Act.”

CHAPTER XX--LOCAL TELEVISION LOAN GUARANTEE BOARD

PART 2201--LOCAL TELEVISION LOAN GUARANTEE PROGRAM--PROGRAM REGULATIONS

2201.16: Environmental Requirements

http://edocket.access.gpo.gov/cfr_2009/janqtr/pdf/7cfr2201.16.pdf

- “(iii) Actions listed in paragraph (c)(4)(ii) of this section that otherwise are categorically excluded from NEPA review are not necessarily excluded from review if they would be located within, or in other cases, potentially affect:
A coastal barrier or a portion of a barrier within the Coastal Barrier Resources System”

CHAPTER XLII--RURAL BUSINESS-COOPERATIVE SERVICE AND RURAL UTILITIES SERVICE, DEPARTMENT OF AGRICULTURE

PART 4280--LOANS AND GRANTS

4280.27: Ineligible Purposes

http://edocket.access.gpo.gov/cfr_2009/janqtr/pdf/7cfr4280.27.pdf

- “Zero-Interest Loans may not be used:
For proposed Projects located in areas covered by the Coastal Barrier Resources Act (16 U.S.C. 3501–3510)”

Title 13--Business Credit and Assistance

CHAPTER I--SMALL BUSINESS ADMINISTRATION

PART 120--BUSINESS LOANS

120.175: Coastal barrier islands

http://edocket.access.gpo.gov/cfr_2009/janqtr/pdf/13cfr120.175.pdf

- “SBA and Intermediaries may not make or guarantee any loan within the Coastal Barrier Resource System.”

PART 123--DISASTER LOAN PROGRAM

123.17: Do other Federal requirements apply?

http://edocket.access.gpo.gov/cfr_2009/janqtr/pdf/13cfr123.17.pdf

- “As a condition of disbursement, you must be in compliance with certain requirements relating to flood insurance, lead-based paint, earthquake hazards, coastal barrier islands, and child support obligations, as set forth in §§ 120.170 through 120.175 of this chapter.”

CHAPTER IV--EMERGENCY STEEL GUARANTEE LOAN BOARD

PART 400--EMERGENCY STEEL GUARANTEE LOAN PROGRAM

400.206: Environmental requirements

http://edocket.access.gpo.gov/cfr_2009/janqtr/pdf/13cfr400.206.pdf

- “(iii) Actions listed in paragraph (c)(4)(ii) of this section that otherwise are categorically excluded from NEPA review are not necessarily excluded from review if they would be located within, or in other cases, potentially affect:
A coastal barrier or a portion of a barrier within the Coastal Barrier Resources System”

CHAPTER V--EMERGENCY OIL AND GAS GUARANTEED LOAN BOARD

PART 500--EMERGENCY OIL AND GAS GUARANTEED LOAN PROGRAM

500.206: Environmental requirements

http://edocket.access.gpo.gov/cfr_2009/janqtr/pdf/13cfr500.206.pdf

- “(iii) Actions listed in paragraph (c)(4)(ii) of this section that otherwise are categorically excluded from NEPA review are not necessarily excluded from review if they would be located within, or in other cases, potentially affect:
A coastal barrier or a portion of a barrier within the Coastal Barrier Resources System”

Title 23--Highways

CHAPTER I--FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 773--SURFACE TRANSPORTATION PROJECT DELIVERY PILOT PROGRAM

Appendix A to Part 773: FHWA Environmental Responsibilities That May Be Assigned Under Section 6005.

http://edocket.access.gpo.gov/cfr_2009/aprqtr/pdf/23cfr773AppA.pdf

- This section lists “FHWA environmental responsibilities that may be assigned under Section 6005.” It includes the Coastal Barrier Resources Act, 16 U.S.C. 3501-3510.

Title 24--Housing and Urban Development

PART 50--PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

50.4: Related Federal laws and authorities

http://edocket.access.gpo.gov/cfr_2009/aprqtr/pdf/24cfr50.4.pdf

- “HUD and/or applicants must comply, where applicable, with all environmental requirements, guidelines and statutory obligations under the following authorities and HUD standards: *Coastal areas protection and management*. The Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3501 *et seq.*)”

PART 58--ENVIRONMENTAL REVIEW PROCEDURES FOR ENTITIES ASSUMING HUD ENVIRONMENTAL RESPONSIBILITIES

58.6: Other requirements

http://edocket.access.gpo.gov/cfr_2009/aprqr/pdf/24cfr58.6.pdf

- “In addition to the duties under the laws and authorities specified in § 58.5 for assumption by the responsible entity under the laws cited in § 58.1(b), the responsible entity must comply with the following requirements. Applicability of the following requirements does not trigger the certification and release of funds procedure under this part or preclude exemption of an activity under § 58.34(a)(12) and/or the applicability of § 58.35(b). However, the responsible entity remains responsible for addressing the following requirements in its ERR and meeting these requirements, where applicable, regardless of whether the activity is exempt under § 58.34 or categorically excluded under § 58.35(a) or (b): Pursuant to the Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3501), HUD assistance may not be used for most activities proposed in the Coastal Barrier Resources System.”

CHAPTER V--OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PART 572--HOPE FOR HOMEOWNERSHIP OF SINGLE FAMILY HOMES PROGRAM (HOPE 3)

572.420: Miscellaneous Requirements

http://edocket.access.gpo.gov/cfr_2009/aprqr/pdf/24cfr572.420.pdf

- “*Coastal Barrier Resources Act*. Pursuant to the Coastal Barrier Resources Act (16 U.S.C. 3601), HUD will not approve use of properties in the Coastal Barrier Resources System.”

PART 573--LOAN GUARANTEE RECOVERY FUND

573.8: Environmental procedures and standards

http://edocket.access.gpo.gov/cfr_2009/aprqr/pdf/24cfr573.8.pdf

- “For minor rehabilitation of a building and acquisition of any property, Federal environmental laws and authorities may apply when the property is:
Located within designated coastal barrier resources”

PART 574--HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

574.645: Coastal barriers

http://edocket.access.gpo.gov/cfr_2009/aprqr/pdf/24cfr574.645.pdf

- “In accordance with the Coastal Barrier Resources Act, 16 U.S.C. 3501, no financial assistance under this part may be made available within the Coastal Barrier Resources System.”

PART 583--SUPPORTIVE HOUSING PROGRAM

583.330: Applicability of other Federal requirements

http://edocket.access.gpo.gov/cfr_2009/aprqr/pdf/24cfr583.330.pdf

- “In addition to the requirements set forth in 24 CFR part 5, use of assistance provided under this part must comply with the following Federal requirements:

The Coastal Barrier Resources Act of 1982 (16 U.S.C. 3501 *et seq.*) may apply to proposals under this part, depending on the assistance requested.”

PART 585--YOUTHBUILD PROGRAM

585.307: Environmental procedures and standards

http://edocket.access.gpo.gov/cfr_2009/aprqr/pdf/24cfr585.307.pdf

- “For minor rehabilitation of a building and any property acquisition (including lease), Federal environmental laws and authorities may apply when the property is:
Located within designated coastal barrier resources”

CHAPTER VIII--OFFICE OF THE ASSISTANT SECRETARY FOR HOUSING-FEDERAL HOUSING COMMISSIONER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (SECTION 8 HOUSING ASSISTANCE PROGRAMS, SECTION 202 DIRECT LOAN PROGRAM, SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY PROGRAM AND SECTION 811 SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES PROGRAM)

PART 882--SECTION 8 MODERATE REHABILITATION PROGRAMS

882.803: Project eligibility and other requirements

http://edocket.access.gpo.gov/cfr_2009/aprqr/pdf/24cfr882.803.pdf

- “Housing located in the Coastal Barrier Resources System designated under the Coastal Barriers Resources Act is not eligible.”

CHAPTER IX--OFFICE OF ASSISTANT SECRETARY FOR PUBLIC AND INDIAN HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PART 954--INDIAN HOME PROGRAM

954.4: Other Federal requirements

http://edocket.access.gpo.gov/cfr_2009/aprqr/pdf/24cfr954.4.pdf

- “*Environmental review.* The Indian tribe must assume responsibility for environmental review, decision making, and action for each activity that it carries out with HOME funds, in accordance with the requirements imposed on a recipient under 24 CFR part 58. The grantee shall also be responsible for compliance with flood insurance, coastal barrier resource and airport clear zone requirements under 24 CFR 58.6.”

PART 968--PUBLIC HOUSING MODERNIZATION

968.110: Other program requirements

http://edocket.access.gpo.gov/cfr_2009/aprqr/pdf/24cfr968.110.pdf

- “In addition to the Federal requirements set forth in 24 CFR part 5, the PHA shall comply with the following program requirements:
Coastal barriers. In accordance with the Coastal Barriers Resources Act, 16 U.S.C. 3501, no financial assistance under this part may be made available within the Coastal Barrier Resources System.”

PART 982--SECTION 8 TENANT BASED ASSISTANCE: HOUSING CHOICE VOUCHER PROGRAM

982.626: Homeownership option: Initial requirements

http://edocket.access.gpo.gov/cfr_2009/aprqr/pdf/24cfr982.626.pdf

- “*Environmental requirements.* The PHA is responsible for complying with the authorities listed in § 58.6 of this title requiring the purchaser to obtain and maintain flood insurance for units in special flood hazard areas, prohibiting assistance for acquiring units in the coastal barrier

resources system, and requiring notification to the purchaser of units in airport runway clear zones and airfield clear zones. In the case of units not yet under construction at the time the family enters into the contract for sale, the additional environmental review requirements referenced in § 982.628(e) of this part also apply, and the PHA shall submit all relevant environmental information to the responsible entity or to HUD to assist in completion of those requirements.”

PART 1003--COMMUNITY DEVELOPMENT BLOCK GRANTS FOR INDIAN TRIBES AND ALASKA NATIVE VILLAGES

1003.605: Environment

http://edocket.access.gpo.gov/cfr_2009/aprqr/pdf/24cfr1003.605.pdf

- “In order to assure that the policies of the National Environmental Policy Act of 1969 and other provisions of Federal law which further the purposes of that act (as specified in 24 CFR 58.5) are most effectively implemented in connection with the expenditure of ICDBG funds, the grantee shall comply with the Environment Review Procedures for Entities Assuming HUD Environmental Responsibilities (24 CFR part 58). Upon completion of an environmental review, the grantee shall submit a certification and request for release of funds for particular projects in accordance with 24 CFR part 58. The grantee shall also be responsible for compliance with flood insurance, coastal barrier resource and airport clear zone requirements under 24 CFR 58.6.”

Title 28--Judicial Administration

CHAPTER I--DEPARTMENT OF JUSTICE (CONTINUED)

PART 91--GRANTS FOR CORRECTIONAL FACILITIES

91.55: Categorical exclusions

http://edocket.access.gpo.gov/cfr_2008/julqtr/pdf/28cfr91.55.pdf

- “Activities undertaken by State, local, or tribal entities using VOI/TIS funds that are consistent with any of the following categories are presumed not to have a significant effect on the human environment and thus, are categorically excluded from the preparation of either an EA or an EIS. Although these activities are excluded from environmental reviews under NEPA, they are not excluded from compliance with other applicable local, State, or Federal environmental laws. Additionally, an otherwise excluded activity loses its exclusion and is subject to environmental review if it either would be located within or potentially affect any of the following: a 100-year flood plain, a wetland, important farmland, a proposed or listed endangered or threatened species, a proposed or listed critical habitat, a property that is listed or eligible for listing on the National Register of Historic Places, an area within an approved State Coastal Zone Management Program, a coastal barrier or a portion of a barrier within the Coastal Barrier Resources System, a river or portion of a river included in or designated for potential addition to the Wild and Scenic Rivers System, a designated or proposed Wilderness Area, or a sole source aquifer recharge area designated by the Environmental Protection Agency (EPA). The resulting environmental review for those activities that lose their exclusion status shall focus on the factor or factors that caused the loss of the exclusion.”

91.68: Compliance with other Federal environmental statutes, regulations and executive orders

http://edocket.access.gpo.gov/cfr_2008/julqtr/pdf/28cfr91.68.pdf

- “*Other Federal environmental laws.* All projects initiated by State or local units of government with VOI/TIS grant funding are also subject, where applicable, to the environmental impact analysis requirements of the following statutes, their implementing regulations, and the relevant executive orders:
Coastal Barrier Resources Act”

Title 33--Navigation and Navigable Waters

CHAPTER I--COAST GUARD, DEPARTMENT OF HOMELAND SECURITY (CONTINUED)

PART 148--DEEPWATER PORTS: GENERAL

148.707: What type of criteria will be used in an environmental review and how will they be applied?

http://edocket.access.gpo.gov/cfr_2009/julqtr/pdf/33cfr148.707.pdf

- “The license application will be reviewed for the deepwater port’s effects on the environment and for the environment’s effects on the port and any of its shoreside support facilities. The environmental evaluation will be applied to the phases of construction, operation, and decommissioning of the proposed location, and at least one alternative site. The evaluation will determine the effect on the environment, including but not limited to:
Coastal barrier resources”

148.737: What environmental statutes must an applicant follow?

http://edocket.access.gpo.gov/cfr_2009/julqtr/pdf/33cfr148.737.pdf

- “In constructing and operating a deepwater port, the port must comply with all applicable Federal, State, and tribal environmental statutes. For the purposes of information, a list of Federal environmental statutes and Executive Orders (E.O.s) that may apply includes but is not limited to:
Coastal Barrier Resources Act (CBRA), Pub. L. 97–348, 16 U.S.C. 3510, *et. seq.*”

Title 34--Education

PART 75--DIRECT GRANT PROGRAMS

75.617: Compliance with the Coastal Barrier Resources Act

http://edocket.access.gpo.gov/cfr_2009/julqtr/pdf/34cfr75.617.pdf

- “A recipient may not use, within the Coastal Barrier Resources System, funds made available under a program administered by the Secretary for any purpose prohibited by 31 U.S.C. chapter 55 (sections 3501–3510).”

Title 40--Protection of Environment

CHAPTER I--ENVIRONMENTAL PROTECTION AGENCY (CONTINUED)

PART 300--NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

Appendix A to Part 300: The Hazard Ranking System

http://edocket.access.gpo.gov/cfr_2009/julqtr/pdf/40cfr300AppA.pdf

- Table 2-23 in this section is used to assign value to different types of sensitive environment. CBRS units are included in this table.

Title 42--Public Health

CHAPTER I--PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH AND HUMAN SERVICES

PART 137--TRIBAL SELF-GOVERNANCE

137.290: What additional provisions of law are related to NEPA and NHPA?

http://edocket.access.gpo.gov/cfr_2008/octqtr/pdf/42cfr137.290.pdf

- “Depending upon the nature and the location of the construction project, environmental laws related to NEPA and NHPA may include:
Coastal Barrier Improvement Act [42 U.S.C. 4028 and 16 U.S.C. Sec. 3501];
Coastal Barrier Resources Act [16 U.S.C. 3501]”

Title 44--Emergency Management and Assistance

CHAPTER I--FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY

PART 59--GENERAL PROVISIONS

59.1: Definitions

http://edocket.access.gpo.gov/cfr_2008/octqtr/pdf/44cfr59.1.pdf

- This section provides the definition for the term ‘*start of construction*’. The definition notes that it does not apply to new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348).

PART 61--INSURANCE COVERAGE AND RATES

Appendix A(1) to Part 61: Federal Emergency Management Agency, Federal Insurance Administration, Standard Flood Insurance Policy.

[http://edocket.access.gpo.gov/cfr_2008/octqtr/pdf/44cfr61AppA\(1\).pdf](http://edocket.access.gpo.gov/cfr_2008/octqtr/pdf/44cfr61AppA(1).pdf)

- “We do not cover any of the following:
Property not eligible for flood insurance pursuant to the provisions of the Coastal Barrier Resources Act and the Coastal Barrier Improvement Act and amendments to these Acts”

Appendix A(2) to Part 61: Federal Emergency Management Agency, Federal Insurance Administration, Standard Flood Insurance Policy.

[http://edocket.access.gpo.gov/cfr_2008/octqtr/pdf/44cfr61AppA\(2\).pdf](http://edocket.access.gpo.gov/cfr_2008/octqtr/pdf/44cfr61AppA(2).pdf)

- “We do not cover any of the following property:
Property not eligible for flood insurance pursuant to the provisions of the Coastal Barrier Resources Act and the Coastal Barrier Improvement Act of 1990 and amendments to these Acts”

Appendix A(3) to Part 61: Federal Emergency Management Agency, Federal Insurance Administration, Standard Flood Insurance Policy.

[http://edocket.access.gpo.gov/cfr_2008/octqtr/pdf/44cfr61AppA\(3\).pdf](http://edocket.access.gpo.gov/cfr_2008/octqtr/pdf/44cfr61AppA(3).pdf)

- “We do not cover any of the following property:
Property not eligible for flood insurance pursuant to the provisions of the Coastal Barrier Resources Act and the Coastal Barrier Improvement Act of 1990 and amendments to these Acts”

PART 71--IMPLEMENTATION OF COASTAL BARRIER LEGISLATION

http://www.access.gpo.gov/nara/cfr/waisidx_02/44cfr71_02.html

- “This part implements section 11 of the Coastal Barrier Resources Act (Pub. L. 97–348) and section 9 of the Coastal Barrier Improvement Act of 1990 (Pub. L. 101–591), as those Acts amend the National Flood Insurance Act of 1968 (42 U.S.C. 4001 *et seq.*)” There are five pages in this section which cover the following topics as they relate to the National Flood Insurance Program:
 - 71.1 Purpose of Part
 - 71.2 Definitions
 - 71.3 Denial of flood insurance
 - 71.4 Documentation
 - 71.5 Violations

PART 206--FEDERAL DISASTER ASSISTANCE

206.220: General

http://edocket.access.gpo.gov/cfr_2008/octqtr/pdf/44cfr206.220.pdf

- “This subpart provides policies and procedures for determinations of eligibility of applicants for public assistance, eligibility of work, and eligibility of costs for assistance under sections 402, 403, 406, 407, 418, 419, 421(d), 502 and 503 of the Stafford Act. Assistance under this subpart must also conform to requirements of 44 CFR part 206, subparts G—Public Assistance Project Administration, I—Public Assistance Insurance Requirements, J—Coastal Barrier Resources Act,

and M—Hazard Mitigation Planning. Regulations under 44 CFR part 9—Floodplain Management and 44 CFR part 10—Environmental Considerations, also apply to this assistance.”

Subpart J – Coastal Barrier Resources Act

206.340-206.349

http://www.access.gpo.gov/nara/cfr/waisidx_00/44cfr206_00.html

- “This subpart implements the Coastal Barrier Resources Act (CBRA) (Pub. L. 97–348) as that statute applies to disaster relief granted to individuals and State and local governments under the Stafford Act. CBRA prohibits new expenditures and new financial assistance within the Coastal Barrier Resources System (CBRS) for all but a few types of activities identified in CBRA. This subpart specifies what actions may and may not be carried out within the CBRS. It establishes procedures for compliance with CBRA in the administration of disaster assistance by FEMA.” There are 7 pages in this section which cover the following topics:
 - 206.320 Purpose of subpart
 - 206.341 Policy
 - 206.342 Definitions
 - 206.343 Scope
 - 206.344 Limitations on Federal expenditures
 - 206.345 Exceptions
 - 206.346 Applicability to disaster assistance
 - 206.347 Requirements
 - 206.348 Consultation
 - 206.349 Consistency determinations

Title 50--Wildlife and Fisheries

CHAPTER I--UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR (CONTINUED)

PART 84--NATIONAL COASTAL WETLANDS CONSERVATION GRANT PROGRAM

84.11: How does the Service define the terms used in this rule?

http://edocket.access.gpo.gov/cfr_2008/octqtr/pdf/50cfr84.11.pdf

- “*Coastal barrier*. A depositional geologic feature that is subject to wave, tidal, and wind energies; protects landward aquatic habitats from direct wave attack; and includes all associated aquatic habitats such as adjacent wetlands, marshes, estuaries, inlets, and nearshore waters. These can include islands; spits of land connected to a mainland at one end; sand bars that connect two headlands and enclose aquatic habitat; broad, sandy, dune beaches; or fringing mangroves. Coastal barriers are found on coastlines including major embayments and the Great Lakes of the United States and its territories.”
- “*Coastal Barrier Resources System*. A defined set of undeveloped coastal areas, designated by the Coastal Barrier Resources Act of 1982 (Pub. L. 97–348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101–591). Within these defined units of the System, Federal expenditures are restricted to discourage development of coastal barriers.”

84.32: What are the ranking criteria?

http://edocket.access.gpo.gov/cfr_2008/octqtr/pdf/50cfr84.32.pdf

- “*Maritime forests on coastal barriers*. Will the proposal significantly benefit maritime forests on coastal barriers? The coastal barrier does not need to be a unit of the Coastal Barrier Resources System. (Maximum: 7 points)”

84.41: Who prepares a grant agreement? What needs to be included?

http://edocket.access.gpo.gov/cfr_2008/octqtr/pdf/50cfr84.41.pdf

- “The coastal State and the Fish and Wildlife Service work together to develop a Grant Agreement (Form 3–1552) upon completion of the review by the Regional Director to determine compliance

with applicable Federal laws and regulations. The Grant Agreement includes the grant title, the grant cost distribution, the agreement period, other grant provisions, and special grant conditions. If a Coastal Barrier Unit is affected, the Service must conduct internal consultations pursuant to Section 6 of the Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act, prior to providing any grant monies to that State.”