

COASTAL BARRIER RESOURCES ACT

LEGISLATIVE TITLE: Coastal Barrier Resources Act of 1982

UNITED STATES CODE CITATION: 16 U.S.C. § 3501 et seq; 12 U.S.C. § 1441 et seq

OTHER TITLES AND POPULAR NAMES: Coastal Barrier Resources Act; CBRA; Coastal Barrier Improvement Act of 1990, CBIA.

SUMMARY: This act reauthorizes and amends the Coastal Barrier Resources Act of 1982 (16 U.S.C. 3501-3510). The original act established a policy that coastal barriers, in certain geographic areas of the U.S., and their adjacent inlets, waterways and wetlands resources are to be protected by restricting Federal expenditures which have the effect of encouraging development of coastal barriers. The act provided for a Coastal Barrier Resources System (CBRS) which identified undeveloped coastal barriers along the Atlantic and Gulf Coasts, including islands, spits, tombolos, and bay barriers that are subject to wind, waves, and tides such as estuaries and nearshore waters (the extent of which is defined by a set of maps approved by Congress dated 30 September 1982). Except for specific exempted projects (e.g. dredging, Federal navigation projects, some habitat management and enhancement efforts), no new Federal expenditures or financial assistance are allowed for areas within the system. The purpose was to minimize loss of human life, wasteful expenditure of Federal revenues, and damage to fish, wildlife and other natural resources associated with the development of coastal barriers. The 1990 reauthorization, Coastal Barrier Improvement Act (16 U.S.C. 3501 et seq) provides for the technical revision of maps, modification of boundaries, and additions to the CBRS. A similar resource inventory is to be created for coastal barrier resources of the U.S. Pacific Coast under the Pacific Coast Barrier Resources Study and Mapping. A Coastal Barriers Task Force is created to report on the management of coastal barrier resources.

RESOURCES COVERED: Undeveloped and underdeveloped U.S. coastal barriers, bay barriers, barrier islands, and sediment features that protect the mainland and associated fish, wildlife, and other natural resources.

COMPLIANCE REQUIREMENTS: For activities within the Coastal Barrier Resources System, Corps must document that they are in compliance with this Act. Documentation must be reviewed by the Secretary of the Interior.

REVIEW AND CONSULTATION REQUIREMENTS

Who Reviews or Consults: The Secretary of the Interior must review reports for compliance with the Act.

Process: Reports must be sent to the Secretary for review.

Product: Technical revision, modification of Coastal Barrier Resources System; Pacific Coast Barrier Protection Study and Maps; Report to Congress regarding Coastal Barrier Management.

Timing/Schedule: None specified

CORPS GUIDANCE

Civil Works Planning: ER 1105-2-100, Guidance for Conducting Civil Works Planning Studies, Chapter 5.

Civil Works Engineering: None specific to this statute

Civil Works Construction: None specific to this statute

Civil Works Operations: None specific to this statute

Regulatory: 33 C.F.R. 220-230

FOR MORE INFORMATION SEE: None identified

IMPLEMENTING GUIDANCE OF OTHER AGENCIES

Agency: Department of Commerce, States

Guidance Title: None identified

Code of Federal Regulations Citation: 13 C.F.R. 116.40

MANAGEMENT OPPORTUNITIES: Although the Act restricts Federal expenditures for coastal barrier development, Section 6(a)(6)(A) contains a broad exemption for projects relating to the study, management, protection, or enhancement of fish and wildlife resources and habitats, including

recreational projects. Section 6(a)(6)(G) also exempts nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore natural stabilization systems. However, care must be taken when interpreting any exemptions described, as they are limited to projects that are consistent with the purpose of the CBRA as interpreted by the lead agency, Department of Interior. Specific activities undertaken by the Corps under the guise of a CBRA-exemption must be evaluated to ensure that they comply with the limitations described within CBRA and DOIs implementing regulations. The value of CBRS units as fish and wildlife habitats is recognized to be consistent with the purpose of the legislation. Therefore, the full range of Federal financial assistance authorized for protecting and managing fish and wildlife habitats is available, including funding for acquisition of important habitat under authorities such as the Migratory Bird Treaty Act or the Pittman-Robertson Act.

Exceptions to the Federal expenditure restrictions also include maintenance or construction of improvements to existing Federal navigational channels and related structures (e.g. jetties), including the disposal of dredge materials related to maintenance and construction. Projects authorized under the <http://www.usace.army.mil/inet/functions/cw/cecwa/envdref2/pages/lawcfa.htm> (16 U.S.C. 4601-4-11) and the <http://www.usace.army.mil/inet/functions/cw/cecwa/envdref2/pages/czma.htm> (16 U.S.C. 1451 et seq.) are also not subject to limited and/or restricted Federal expenditure under this act. Management of the Coastal Barrier Resources Act activities is vested with the Department of Interior, Fish and Wildlife (FWS); however, the Corps has the opportunity to coordinate closely with the FWS on Corps projects that lie within the CBRA units for some activities in restoration, shoreline stabilization, and development of fish and wildlife habitat. Additionally, the Corps can offer design and construction assistance to the FWS for fish and wildlife protection and enhancement features in non-Corps related CBRA units.