

Updates on Coastal Resources Barrier Act (CBRA)

*North Carolina Beach, Inlet & Waterway Association's
25th Annual Conference*



Mike McIntyre

Current Director of Government Relations, Ward & Smith P.A.
Former U.S. Representative, N.C. 7th Congressional District

Agenda



- Background on CBRA
- Update on CBRA Technical Corrections Legislation in Congress
- Why Coastal Communities Should Track CBRA Legislation

Background on CBRA

Purpose of CBRA



“... to minimize the loss of human life, wasteful expenditure of Federal revenues, and... damage to fish, wildlife, and other natural resources associated with the coastal barriers.”

Coastal Barrier Resources Act



- Signed into law on October 18, 1982
- Established the Coastal Barrier Resources System (CBRS)
 - Prohibits Federal expenditures in CBRS units
- Section 6 of CBRA allows certain Federal expenditures within CBRS units after consultation with the U.S. Fish and Wildlife Service (USFWS)

Coastal Barrier Resources Act

(cont'd)

- The CBRS currently includes:
 - 588 System Units (1.4 million acres of land and aquatic habitat)
 - 282 Otherwise Protected Areas (“OPAs,” which include an additional 2.1 million acres of land and aquatic habitat)
- CBRA **does not** restrict activities carried out with private, state, or local funds

Coastal Barrier Resources Act

(cont'd)



USFWS is:

- Responsible for maintaining the official maps of the CBRS
- Authorized by law to recommend to Congress “minor and technical modifications” to unit boundaries
- Mandated to work with other federal agencies, property owners, and project sponsors on federally-funded projects proposed with the CBRS



Update on CBRA Technical Corrections Legislation in Congress

as of November 3, 2022



CBRA Legislation in Congress



- Congress approves updated CBRS maps resulting from technical corrections or other larger remapping efforts approximately every other year
 - This year is the second session of the 117th Congress and a CBRA legislative package should be on its way through Congress
- The Senate Environment and Public Works Committee is in the process of drafting a CBRA technical corrections package

CBRA Legislation in Congress

(cont'd)



- 185 replacement maps and 11 new maps waiting to be approved, including in North Carolina
- The exact timeline is unclear due to a busy legislative schedule ahead

Why Coastal Communities Should Track CBRA Legislation

Impacts of CBRA

CBRA can:

- Restrict your ability to secure Federal funds for beach renourishment, road projects, water and wastewater infrastructure, pre-disaster mitigation, fire and police services, emergency operations centers, and fire and police services
- Prohibit National Flood Insurance Program coverage

However, not all Federal assistance is prohibited in System Units per Section 6 of CBRA. These exceptions are divided into two groups.

Impacts of CBRA

Group 1

Exceptions include:

- Any use of facility necessary for the exploration, extraction, or transportation of energy resources that can be carried out only on, in, or adjacent to coastal water areas
- The maintenance of existing channel improvements and related structures
- The maintenance of replacement, reconstruction, or repair, of publicly owned or operated roads, structures, or facilities that are essential links in a larger network or system

Impacts of CBRA

Group 1 (cont'd)

Exceptions include:

- Military activities that are essential to national security
- The construction, operation, maintenance, and rehabilitation of Coast Guard facilities

Impacts of CBRA

Group 2

Exceptions include:

- Projects for the study, management, protection and enhancement of fish and wildlife resources and habitats
- The establishment, operation, and maintenance of air and water navigation aids and devices
- Projects under the *Land and Water Conservation Fund Act of 1965* and the *Coastal Management Act of 1972*.

Impacts of CBRA

Group 2 (cont'd)

Exceptions include:

- Scientific research
- Assistance for emergency actions essential to the saving of lives and the protection of property
- The maintenance, replacement, reconstruction, or repair of publicly owned or operated roads, structures, or facilities
- Nonstructural projects for shoreline stabilization designed to enhance or restore natural stabilization systems

Impacts of CBRA

What If There Is A Technical Mapping Error?

There are several actions you can take:

- Submit a request for lands erroneously included in the CBRS to be removed from the map
- Request that USFWS evaluate additions to the CBRS
- Congressional outreach

Impacts of CBRA

Questions to Consider

- Is the proposed mapping change adding or removing acreage from the CBRS?
- How will this affect my community's ongoing or planned projects?
- What impacts can a proposed reclassification of a System Unit to an OPA have?
- Do any proposed changes map our sand borrow sites into the CBRS? Will this affect our dredging projects?
- Are these changes harmful or beneficial to our residents?

Thank You!



Mike McIntyre

Ward and Smith

mmcintyre@wardandsmith.com