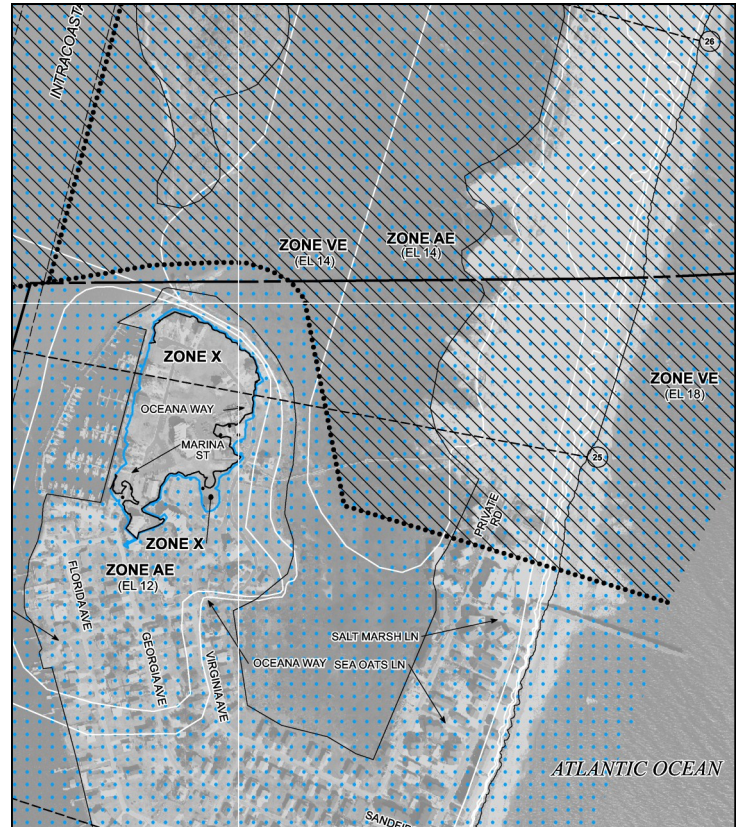




Coastal Barrier Resources Act (CBRA)

In 1982, Congress enacted the Coastal Barrier Resources Act (CBRA, Public Law 97-348; 96 Stat. 1653; 16 U.S.C. 3501 et seq.), which was later amended in 1990 by the Coastal Barrier Improvement Act (CBIA, P.L. 101-591; 104 Stat. 2931). The legislation was implemented as part of a Department of Interior (DOI) initiative to preserve the ecological integrity of areas that serve to buffer the U.S. mainland from storms and provide important habitats for fish and wildlife. In order to discourage further development in certain undeveloped portions of barrier islands, the law prohibits the availability of new Federal financial assistance, including Federal flood insurance, in areas DOI designates as part of the Coastal Barrier Resources System.

- The Coastal Barrier Resources Act (CBRA) protects coastal areas that serve as barriers against wind and tidal forces caused by coastal storms, and serve as habitat for aquatic species.
- The CBRA protects coastal areas from development by limiting Federal financial assistance for development-related activities in designated areas.
- To manage development, limit property damage, and preserve wildlife and natural resources, CBRA restricts Federal financial assistance, including disaster relief assistance provided by the Federal Emergency Management Agency (FEMA) under the Robert T. Stafford Act and the National Flood Insurance Program (NFIP).
- Coastal Barrier Resources System (CBRS) boundaries and Otherwise Protected Areas (OPAs) are established and mapped by the U.S. Department of Interior's Fish and Wildlife Service (USFWS).
- Lenders should exercise special care with properties in or near these areas.
- Only Congress can revise CBRS boundaries.



CBRS boundaries are identified on Flood Insurance Rate Maps (FIRMs) by patterns of backward slanting diagonal lines, both solid and broken.

Responsibilities and Restrictions

Various programs within FEMA have different responsibilities and restrictions under CBRA:

- NFIP
- Disaster Relief Assistance provided under the Robert T. Stafford Act, including:
 - Mitigation Grants
 - Public Assistance
 - Individual Assistance

The USFWS also has responsibilities under CBRA.

CBRA and the NFIP

- The NFIP **cannot** provide flood insurance coverage for structures built or substantially improved **after** the area is designated as a CBRS unit (initial designations went into effect October 1, 1983).
- The NFIP **may** provide flood insurance for units built or substantially improved **before** the subject property is included in a designated CBRS unit.
- If an NFIP-insured building within the CBRS unit is substantially improved or substantially damaged, the NFIP policy will be **cancelled**.
- NFIP flood insurance **can** be provided within CBRS units for new structures supporting conservation uses.
- Minimum NFIP floodplain management standards **do not prohibit** the rebuilding of substantially damaged buildings in CBRS units. However, such structures must meet the community's floodplain management regulations, and NFIP coverage is **not** available for such structures.

CBRA and FEMA Hazard Mitigation Assistance (HMA) Program

- **Hazard Mitigation Grant Program (HMGP), Pre-Disaster Mitigation (PDM), Flood Mitigation Assistance (FMA), Repetitive Flood Claims (RFC), and Severe Repetitive Loss (SRL)**
 - Acquisition projects in CBRS units and OPAs are eligible only under PDM, FMA, RFC, and SRL, but not under HMGP. Acquisitions are eligible if they are consistent with the purposes of the CBRA, and qualify as projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats.

CBRA and Public Assistance

- FEMA may reimburse or conduct emergency work such as debris removal and emergency protective measures to eliminate immediate threats to lives, public health, safety, and property.
Advance consultation with USFWS is encouraged, but not required for these activities. A report to USFWS, however, is required.
- FEMA **may** reimburse permanent work on certain types of publicly owned facilities that may be eligible for permanent repair assistance (but not expansion of) such as:

- Essential links to larger systems.
- Restoration of existing navigable channels.
- Repair of energy facilities that are functionally dependent on a coastal location.
- Special purpose facilities such as navigational aids and scientific research facilities.
- Existing roads, structures, or facilities that are consistent with the purposes of CBRA.

FEMA must consult with USFWS to allow comment before funding is approved for these activities.

CBRA and Individual Assistance

- FEMA **may** provide Individual Assistance to applicants located in CBRS units for the following:
 - Financial Temporary Housing Assistance (i.e., Rental Assistance), if they meet the eligibility requirements.
 - Medical, dental, and funeral expenses related to necessary expenses and serious needs.
 - Assistance to repair or replace personal property (e.g., furniture, clothing, and other necessities) if applicants prove they have permanently relocated outside the CBRS or OPAs.
 - Crisis Counseling, Disaster Unemployment Assistance, and Disaster Legal Services.
- FEMA **cannot** provide Individual Assistance to applicants located in CBRS units for the following:
 - Housing Assistance (i.e., Direct Assistance, Repair, Replacement, or Permanent/Semi-Permanent Construction) for a housing unit located in CBRS units.
 - Miscellaneous personal property items, such as chainsaws, generators, dehumidifiers, etc.

USFWS Responsibilities

- Maintaining CBRS maps.
- Maintaining the administrative record for each unit.
- Consulting with Federal agencies to determine if funds can be spent within CBRS units.
- Determining whether properties are within CBRS units.

For More Information

CBRA and OPA determinations can be made online at <http://www.fema.gov/business/nfip/cbrs/cbrs.shtm>.