



The Coastal Barrier Resources Act (CBRA)

In 1982, Congress passed the Coastal Barrier Resources Act (CBRA; P.L. 97-348), which established the John H. Chafee Coastal Barrier Resources System (System). Congress aimed to “minimize the loss of human life, wasteful expenditure of Federal revenues, and the damage to fish, wildlife, and other natural resources associated with coastal barriers.” CBRA was enacted to remove federal financial assistance incentives for development on undeveloped coastal barriers, in recognition of potential problems associated with developing coastal areas. CBRA does not prohibit development within System areas; therefore, development may still occur using private and nonfederal funds. The System is currently composed of parts of coastal areas along the Atlantic Ocean, Gulf of Mexico, Great Lakes, Puerto Rico, and Virgin Islands.

CBRA has been reauthorized and legislatively modified numerous times, most recently in 2006 (16 U.S.C. §§3501-3510). CBRA may receive increasing attention from Congress due to the effects of recent coastal storms and subsequent federal expenditures. Coastal areas are of interest for development because of their aesthetic and recreational significance and resulting high taxable land values. However, due to the dynamic nature of these systems, development on coastal barriers and along the coast in general may be at a relatively high risk of storm damage and long-term erosion. Additionally, development often disrupts the natural movement of sandy materials that maintain the protective nature of the shoreline and may harm fish and wildlife habitat.

Stakeholders have questioned whether a modified CBRA would still meet its original congressional intent of a nonregulatory approach to development. Some stakeholders have shown interest in the expansion or reduction of the System, the coordination of state and federal activities in coastal areas, and the appropriate role for the U.S. Fish and Wildlife Service (FWS). This In Focus provides background information about CBRA and the System and briefly describes selected possible issues for Congress.

Characteristics of Coastal Barriers

Coastal barriers are low-lying, shifting landforms in the form of peninsulas/spits, islands, bay barriers, and other formations and associated aquatic habitats (e.g., marsh, wetlands, inlets) subject to wave, tidal, and wind energies (**Figure 1**). Coastal barriers and associated areas provide diverse habitats for fish and wildlife and protect the landward natural and built environments from the impacts of coastal storms and hurricanes.

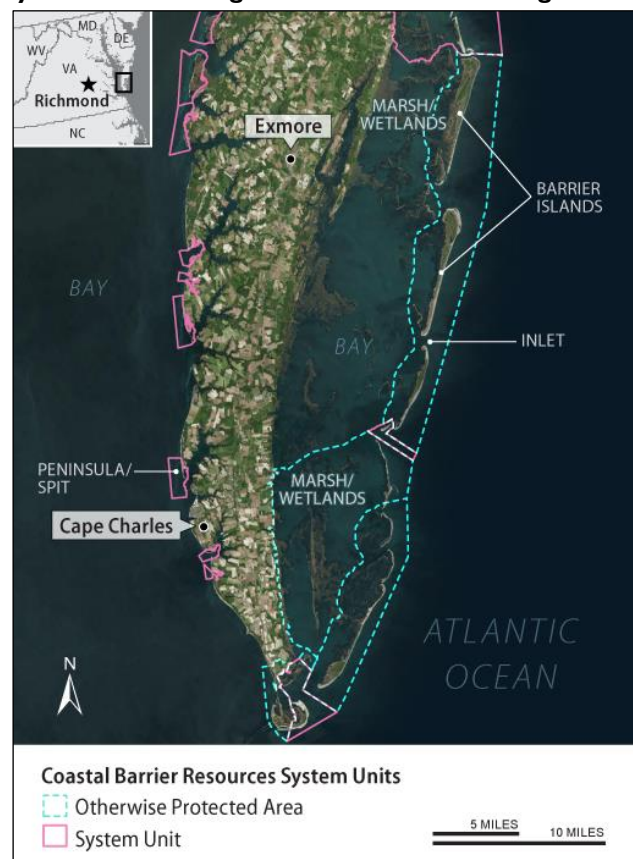
Coastal Barrier Resources System

Under CBRA, the Secretary of the Interior and FWS are responsible for maintaining and updating official System maps, consulting with federal agencies regarding

expenditures in the System, and making recommendations to Congress about potential changes to the System.

The System is composed of typical coastal barriers, as well as nonbarrier areas along the coast that share similar qualities but are not backed by aquatic features. The System has two types of areas: system units and otherwise protected areas (OPAs; **Figure 1**). System units mostly consist of private land that was relatively undeveloped (e.g., housing density of less than one unit per five acres) at the time of designation to the System. Beginning in 1990, FWS began designating OPAs, which mostly consist of public land and are defined as undeveloped coastal barriers within the boundaries of an area “established under Federal, State, or local law, or held by a qualified organization, primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes” (16 U.S.C. §3503).

Figure 1. Examples of Coastal Features and Types of System Areas Along the Eastern Shore of Virginia



Source: CRS using ESRI and FWS data.

Notes: FWS defines the seaward side of a System area on a coastal barrier by the 30 foot (ft) bathymetric contour and in large coastal embayments and the Great Lakes by whichever is closer: the 20 ft bathymetric contour or a line one mile seaward of the shoreline.

Upon enactment, the System was comprised of FWS-recommended undeveloped coastal areas (186 system units covering 453,000 acres along the Atlantic and Gulf of Mexico coasts). The System has since grown to 862 total units (585 system units and 277 OPAs) covering 3.5 million acres along 2,500 shoreline miles across 23 states and territories.

Restrictions to Federal Expenditures

CBRA prohibits new federal financial assistance in System units, with some exceptions for emergencies; maintenance or repair of publicly owned structures; military activities; energy resource exploration, extraction, and transportation; and navigation (16 U.S.C. §§3504, 3505). CBRA broadly defines federal financial assistance as “any form of loan, grant, guaranty, insurance [including flood insurance], payment, rebate, subsidy, or any other form of direct or indirect Federal assistance” (16 U.S.C. §3502).

Development built in System units before CBRA designation, and/or development in OPAs, still may qualify for some types of assistance. The only type of financial assistance prohibited in OPAs is federal flood insurance. For more information on the relationship between the Federal Emergency Management Agency and CBRA, see CRS Report R44808, *Federal Disaster Assistance: The National Flood Insurance Program and Other Federal Disaster Assistance Programs Available to Individuals and Households After a Flood*, by Diane P. Horn.

System Map Changes and Updates

CBRA requires congressional action to modify the boundaries of System areas, with three administrative exceptions. Adjustments to System boundaries may be made administratively (1) through minor and technical modifications due to natural forces in accordance with a required five-year review process; (2) through additions to the System at the request of property owners; and (3) by additions of eligible excess federal land. Congress must approve changes beyond this administrative scope, including substantial recommendations from FWS and changes requested by constituents.

To make maps more useful to the public and to local, state, and federal agencies, FWS is conducting an effort to reflect natural changes, correct transcription errors, and convert existing maps into a digital format under its existing administrative five-year review. Through March 2018, FWS had completed digital conversion maps for 94% of the System’s acreage. To address constituent requests and changes that are beyond the scope of the digital conversion process, Congress directed the FWS to complete a pilot study to digitize a subset of System maps; report on the feasibility, data needs, and costs of digitizing the entire System; and subsequently digitize remaining System areas (P.L. 106-514 and P.L. 109-226, respectively). As a result, approximately 15% of the System’s acreage has been comprehensively remapped and submitted to Congress for approval. Lastly, an additional push to review System maps was funded through post-Hurricane Sandy recovery funds provided to the Department of the Interior, resulting in comprehensively revised maps for an additional 15% of the System’s acreage.

Evaluating CBRA Effectiveness

Many observers question whether CBRA has minimized the loss of human life; wasteful federal expenditures; and damage to coastal fish, wildlife, and other natural resources. Moreover, in the last 10 years, no federal agency has completed comprehensive analyses to assess program effectiveness. In 2007, the Government Accountability Office (GAO) estimated that 84% of System areas remained undeveloped and 16% had experienced some level of development, including 3% of units that had experienced significant development (100 or more structures per unit). Within newly developed areas, GAO found that the effect of System designations on rates of development was minimal; desirable locations near other development, versus areas that were harder to access, were often developed regardless of System status. According to a 2002 FWS study, from 1983 through 1996, CBRA resulted in federal savings of approximately \$686 million (nominal dollars) in costs related to infrastructure (roads and waste/potable water systems) and disaster relief. In terms of protecting important habitat for fish and wildlife, some have surmised that by slowing development, CBRA has given nongovernmental organizations and community groups more time to find management alternatives for these areas, such as establishing reserves or protected areas.

Issues for Congress

Ongoing issues have included expansion, reduction, or modification of System areas; consistency between state and federal coastal activities; and FWS’s oversight role. Legislation to expand, reduce, or change the boundaries of specific System areas is introduced by some Members of Congress each year. Significant boundary modifications are often in response to FWS recommendations and/or constituent requests. FWS receives more constituent requests for map reviews than it is able to complete in a given year, due to staff and budget limitations. FWS estimates that comprehensively revised maps for the remaining 70% of System acreage would cost an additional \$5 million. In the 115th Congress, 10 bills (H.R. 1256, H.R. 2947, H.R. 3047, H.R. 4091, H.R. 4692, H.R. 4880/S. 1395, H.R. 5787, S. 1745, and S. 2866) have been introduced that would modify System boundaries or change federal financial system exceptions.

Additional stakeholder concerns have centered on the integration of CBRA goals and state coastal zone management plans under the Coastal Zone Management Act (16 U.S.C. §1451 et seq.) and on the appropriate role of FWS oversight of other federal agency actions in the System.

CBRA was last reauthorized in 2006. Although its authorization of appropriations expired in 2010, Congress has continued to fund CBRA. CBRA has been funded at roughly \$1.4 million in FY2017 and FY2018, and FWS has requested similar funding in FY2019.

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