

COASTAL BARRIER RESOURCES ACT

[Public Law 97–348, Approved Oct. 18, 1982, 96 Stat 1653]

[As Amended Through P.L. 118–117, Enacted November 25, 2024]

【Currency: This publication is a compilation of the text of Public Law 97–348. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

AN ACT To protect and conserve fish and wildlife resources, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. [16 U.S.C. 3501 note] SHORT TITLE.

This Act may be cited as the “Coastal Barrier Resources Act”.

SEC. 2. [16 U.S.C. 3501] FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) coastal barriers along the Atlantic and Gulf coasts and along the shore areas of the Great Lakes of the United States and the adjacent wetlands, marshes, estuaries, inlets and near-shore waters provide—

(A) habitats for migratory birds and other wildlife; and

(B) habitats which are essential spawning, nursery, nesting, and feeding areas for commercially and recreationally important species of finfish and shellfish, as well as other aquatic organisms such as sea turtles;

(2) coastal barriers contain resources of extraordinary scenic, scientific, recreational, natural, historic, archeological, cultural, and economic importance; which are being irretrievably damaged and lost due to development on, among, and adjacent to, such barriers;

(3) coastal barriers serve as natural storm protective buffers and are generally unsuitable for development because they are vulnerable to hurricane and other storm damage and because natural shoreline recession and the movement of unstable sediments undermine manmade structures;

(4) certain actions and programs of the Federal Government have subsidized and permitted development on coastal barriers and the result has been the loss of barrier resources, threats to human life, health, and property, and the expenditure of millions of tax dollars each year; and

(5) a program of coordinated action by Federal, State, and local governments is critical to the more appropriate use and conservation of coastal barriers.

(b) PURPOSE.—The Congress declares that it is the purpose of this Act to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damage to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf coasts and along the shore areas of the Great Lakes by restricting future Federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers, by establishing the John H. Chafee Coastal Barrier Resources System, and by considering the means and measures by which the long-term conservation of these fish, wildlife, and other natural resources may be achieved.

SEC. 3. [16 U.S.C. 3502] DEFINITIONS.

(a) IN GENERAL.—For purposes of this Act:

(1) COASTAL BARRIER.—The term “coastal barrier” means—

(A) a depositional geologic feature (such as a bay barrier, tombolo, barrier spit, bluff, or barrier island) that—

(i) is subject to wave, tidal, and wind energies;

and

(ii) protects landward aquatic habitats from direct wave attack; and

(B) all associated aquatic habitats including the adjacent wetlands, marshes, estuaries, inlets, and nearshore waters.

(2) COMMITTEES.—The term “Committees” means the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(3) FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—The term “financial assistance” means any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, or any other form of direct or indirect Federal assistance other than—

(i) deposit or account insurance for customers of banks, savings and loan associations, credit unions, or similar institutions;

(ii) the purchase of mortgages or loans by the Government National Mortgage Association, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation;

(iii) assistance for environmental studies, planning, and assessments that are required incident to the issuance of permits or other authorizations under Federal law; and

(iv) assistance pursuant to programs entirely unrelated to development, such as any Federal or federally assisted public assistance program or any Federal old-age survivors or disability insurance program.

(B) FLOOD INSURANCE.—The term “financial assistance” includes flood insurance described in section 1321 of

the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4028).

(4) GREAT LAKES.—The term “Great Lakes” means Lake Ontario, Lake Erie, Lake Huron, Lake St. Clair, Lake Michigan, and Lake Superior, to the extent that those lakes are subject to the jurisdiction of the United States.

(5) OTHERWISE PROTECTED AREA.—

(A) IN GENERAL.—The term “Otherwise Protected Area” means any unit of the System that, at the time of designation, was predominantly composed of areas established under Federal, State, or local law, or held by a qualified organization, primarily for wildlife refuge, wildlife sanctuary, recreational, or natural resource conservation purposes.

(B) QUALIFIED ORGANIZATION.—For purposes of subparagraph (A), the term “qualified organization” has the meaning given the term in section 170(h)(3) of the Internal Revenue Code of 1986.

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(7) SYSTEM.—The term “System” means the John H. Chafee Coastal Barrier Resources System established under section 4(a).

(8) SYSTEM UNIT.—The term “System unit” means any undeveloped coastal barrier, or combination of closely-related undeveloped coastal barriers, included within the John H. Chafee Coastal Barrier Resources System established under section 4(a).

(9) UNDEVELOPED COASTAL BARRIER.—The term “undeveloped coastal barrier” means a coastal barrier the features and associated habitats of which contain few manmade structures and these structures, and man’s activities on such features and within such habitats, do not significantly impede geomorphic and ecological processes.

(b) SAVINGS CLAUSE.—Nothing in this section supersedes the official maps described in section 4(a).

SEC. 4. [16 U.S.C. 3503] ESTABLISHMENT OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM.

(a) ESTABLISHMENT.—There is established the John H. Chafee Coastal Barrier Resources System, which shall consist of those undeveloped coastal barriers and other areas located on the coasts of the United States that are identified and generally depicted as System units or Otherwise Protected Areas—

(1) on the maps on file with the Secretary entitled “Coastal Barrier Resources System”, dated October 24, 1990;

(2) on a map described in section 201(b) of the Bolstering Ecosystems Against Coastal Harm Act; or

(3) on a map described in paragraph (1) or (2) as such map may be replaced, modified, revised, or corrected under—

(A) subsection (f)(3);

(B) section 4 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note); or

(C) any other provision of law enacted on or after November 16, 1990, that specifically replaces or authorizes the modification, revision, or correction of such a map.¹

(b) SYSTEM MAPS.—

(1)² IN GENERAL.—The Secretary shall keep the maps referred to in subsection (a) on file and available for public inspection in the Office of the Director of the United States Fish and Wildlife Service, and in such other offices of that service as the Director considers appropriate.

(2) DIGITAL MAPS.—

(A) AVAILABILITY.—The Secretary shall make available to the public on the Internet web site of the United States Fish and Wildlife Service digital versions of the maps included in the set of maps referred to in subsection (a).

(B) EFFECT.—Any determination as to whether a location is inside or outside the System shall be made without regard to the digital maps available under this paragraph, except that this subparagraph does not apply with respect to any printed version of such a digital map if the printed version is included in the maps referred to in subsection (a).

(C) REPORT.—No later than 180 days after the date of the enactment of the Strengthening Coastal Communities Act of 2018, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report regarding the progress and challenges in the transition from paper to digital maps and a timetable for completion of the digitization of all maps related to the System.

(2)² DIGITAL MAPS.—

(A) AVAILABILITY.—The Secretary shall make available to the public on the Internet web site of the United States

¹The following provisions of law enacted on or after November 16, 1990, specifically directed the Secretary of the Interior to make technical revisions and corrections to maps relating to particular units of the John H. Chafee Coastal Barrier Resources System:

Unit DE-03P, Delaware: Pub. L. 106-128, section 1, Dec. 6, 1999, 113 Stat. 1652.

Units NC-03P and L03, North Carolina: Pub. L. 106-116, section 1 (113 Stat. 1544), Nov. 29, 1999

Unit SC-03, South Carolina: Pub. L. 105-277, div. A, section 101(e), title I (112 Stat. 2681-238), Oct. 21, 1998

Units FL-35P and FL-35, Florida: Pub. L. 105-277, div. A, section 101(e), title I (112 Stat. 2681-238), Oct. 21, 1998

Unit M09, South Carolina: Pub. L. 105-277, division A, section 101(e), title I, section 134 (112 Stat. 2681-264), Oct. 21, 1998

Units P04A, P05/P05P; P05A/P05AP, FL-06P; P10/P10P; P11; P11AP; P11A; P18/P18P; P25/P25P; P32/P32P, Florida: Pub. L. 105-277, division A, section 101(e), title III, section 335 (112 Stat. 2681-295), Oct. 21, 1998

Units P05, P05A, P10, P11, P11A, P18, P25, P32, P32P, Florida: Pub. L. 104-333, division I, title II, section 220 (110 Stat. 4115), Nov. 12, 1996

Unit SC-01, South Carolina: Pub. L. 104-265, title II, section 201 (110 Stat. 3289), Oct. 9, 1996

Unit NY-59P, New York: Pub. L. 104-148, section 2 (110 Stat. 1378), May 24, 1996

Units AL-01P, FL-05P, P11A, P17, P17A, P18P, P19P, FL-15, FL-95P, FL-36P, P31P, FL-72P, MI21, NY75, and VA62P, Alabama, Florida, Michigan, New York and Virginia: Pub. L. 103-461, section 1(a), (b) (108 Stat. 4804), Nov. 2, 1994

Units NC-01P, NC-05P, VA-59P, VA-60P, North Carolina and Virginia: Pub. L. 102-440, title III, section 303 (106 Stat. 2234), Oct. 23, 1992

²A second paragraph (2) is so in law. Similar and identical amendments were made by section 3 of Public Law 115-358 and section 7003(b) of Public Law 116-9. The amendment by section 7003(b)(1) of Public Law 116-9 was not carried out to the above.

Fish and Wildlife Service digital versions of the maps included in the set of maps referred to in subsection (a).

(B) EFFECT.—Any determination as to whether a location is inside or outside the System shall be made without regard to the digital maps available under this paragraph, except that this subparagraph does not apply with respect to any printed version of such a digital map if the printed version is included in the maps referred to in subsection (a).

(C) REPORT.—No later than 180 days after the date of the enactment of John D. Dingell, Jr. Conservation, Management, and Recreation Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report regarding the progress and challenges in the transition from paper to digital maps and a timetable for completion of the digitization of all maps related to the System.

(c) BOUNDARY REVIEW AND MODIFICATION.—At least once every 5 years, the Secretary shall review the maps referred to in subsection (a) and shall make, in consultation with the appropriate State, local, and Federal officials, such minor and technical modifications to the boundaries of System units as are necessary solely to reflect changes that have occurred in the size or location of any System unit as a result of natural forces.

(d) ADDITIONS TO SYSTEM.—The Secretary may add a parcel of real property to the System, if—

(1) the owner of the parcel requests, in writing, that the Secretary add the parcel to the System; and

(2) the parcel is an undeveloped coastal barrier.

(e) ADDITION OF EXCESS FEDERAL PROPERTY.—

(1) CONSULTATION AND DETERMINATION.—Prior to transfer or disposal of excess property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) that may be a coastal barrier, the Administrator of General Services shall consult with and obtain from the Secretary a determination as to whether and what portion of the property constitutes a coastal barrier. Not later than 180 days after the initiation of such consultation, the Secretary shall make and publish notice of such determination. Immediately upon issuance of a positive determination, the Secretary shall—

(A) prepare a map depicting the coastal barrier portion of such property; and

(B) publish in the Federal Register notice of the addition of such property to the System.

(2) EFFECTIVE DATE OF INCLUSION.—An area to be added to the System under this subsection shall be part of the System effective on the date on which the Secretary publishes notice in the Federal Register under paragraph (1)(B) with respect to that area.

(f) MAPS.—The Secretary shall—

(1) keep a map showing the location of each boundary modification made under subsection (c) and of each parcel of real property added to the System under subsection (d) or (e)

on file and available for public inspection in the Office of the Director of the United States Fish and Wildlife Service and in such other offices of the Service as the Director considers appropriate;

(2) provide a notification of the availability of the map to—

(A) the State and unit of local government in which the property is located;

(B) the Committees; and

(C) the Federal Emergency Management Agency; and

(3) revise the maps referred to in subsection (a) to reflect each boundary modification under subsection (c) and each addition of real property to the System under subsection (d) or (e), after publishing in the Federal Register a notice of any such proposed revision.

(g) GUIDELINES FOR CERTAIN RECOMMENDATIONS AND DETERMINATIONS.—

(1) IN GENERAL.—In making any recommendation to the Congress regarding the addition of any area to the System or in determining whether, at the time of the inclusion of a System unit within the System, a coastal barrier is undeveloped, the Secretary shall consider whether within the area—

(A) the density of development is less than 1 structure per 5 acres of land above mean high tide; and

(B) there is existing infrastructure consisting of—

(i) a road, with a reinforced road bed, to each lot or building site in the area;

(ii) a wastewater disposal system sufficient to serve each lot or building site in the area;

(iii) electric service for each lot or building site in the area; and

(iv) a fresh water supply for each lot or building site in the area.

(2) STRUCTURE DEFINED.—In paragraph (1), the term “structure” means a walled and roofed building, other than a gas or liquid storage tank, that—

(A) is principally above ground and affixed to a permanent site, including a manufactured home on a permanent foundation; and

(B) covers an area of at least 200 square feet.

(3) SAVINGS CLAUSE.—Nothing in this subsection supersedes the official maps referred to in subsection (a).

SEC. 5. [16 U.S.C. 3504] LIMITATIONS ON FEDERAL EXPENDITURES AFFECTING THE SYSTEM.

(a) Except as provided in section 6, no new expenditures or new financial assistance may be made available under authority of any Federal law for any purpose within the System, including, but not limited to—

(1) the construction or purchase of any structure, appurtenance, facility, or related infrastructure;

(2) the construction or purchase of any road, airport, boat landing facility, or other facility on, or bridge or causeway, to any System unit; and

(3) the carrying out of any project to prevent the erosion of, or to otherwise stabilize, any inlet, shoreline, or inshore

area, except that such assistance and expenditures may be made available on units designated pursuant to section 4 on maps numbered S01 through S08 and LA07 for purposes other than encouraging development and, in all units, in cases where an emergency threatens life, land, and property immediately adjacent to that unit.

(b) An expenditure or financial assistance made available under authority of Federal law shall, for purposes of this Act, be a new expenditure or new financial assistance if—

(1) in any case with respect to which specific appropriations are required, no money for construction or purchase purposes was appropriated before the date on which the relevant System unit or portion of the System unit was included within the System under this Act or the Coastal Barrier Improvement Act of 1990; or

(2) no legally binding commitment for the expenditure or financial assistance was made before such date.

(c) **DISCLOSURE OF LIMITATIONS.**—Not later than 2 years after the date of the enactment of the Bolstering Ecosystems Against Coastal Harm Act, the Secretary, in consultation with the Secretary of Housing and Urban Development, shall issue regulations requiring the owner or lessor of real property located in a community affected by this Act, as determined by the Director of the United States Fish and Wildlife Service, to disclose to a prospective buyer or lessee such location of such real property.

SEC. 6. [16 U.S.C. 3505] EXCEPTIONS TO LIMITATIONS ON EXPENDITURES.

(a) **IN GENERAL.**—Notwithstanding section 5, the appropriate Federal officer, after consultation with the Secretary, may make Federal expenditures and may make financial assistance available within the System for the following:

(1) Any use or facility necessary for the exploration, extraction, or transportation of energy resources which can be carried out only on, in, or adjacent to a coastal water area because the use or facility requires access to the coastal water body.

(2) The maintenance or construction of improvements of existing Federal navigation channels (including the Intra-coastal Waterway) and related structures (such as jetties), including the disposal of dredge materials related to such maintenance or construction.

(3) The maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly owned or publicly operated roads, structures, or facilities that are essential links in a larger network or system.

(4) Military activities essential to national security.

(5) The construction, operation, maintenance, and rehabilitation of Coast Guard facilities and access thereto.

(6) Any of the following actions or projects, if a particular expenditure or the making available of particular assistance for the action or project is consistent with the purposes of this Act:

(A) Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats and

related lands, stabilization projects for fish and wildlife habitats, and recreational projects.

(B) Establishment, operation, and maintenance of air and water navigation aids and devices, and for access thereto.

(C) Projects under chapter 2003 of title 54, United States Code,³ and the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

(D) Scientific research, including aeronautical, atmospheric, space, geologic, marine, fish and wildlife, and other research, development, and applications.

(E) Emergency actions necessary to the saving of lives and the protection of property and the public health and safety, if such actions are performed pursuant to sections 402, 403, 407, and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170a, 5170b, 5173, 5192) and are limited to actions that are necessary to alleviate the applicable emergency.

(F) Maintenance, replacement, reconstruction, or repair, but not the expansion (except with respect to United States route 1 in the Florida Keys), of publicly owned or publicly operated roads, structures, and facilities.

(G) Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system.

(H) Aquaculture operations that—

(i) produce shellfish (including oysters, clams, and mussels), cultivate micro- or macro-algae, or do not require the use of aquaculture feeds; and

(ii) adhere to best management practices and conservation measures recommended by the Secretary through the consultation process referred to in this subsection.

(7) Use of a sand source within a System unit by Federal coastal storm risk management projects or their predecessor projects that have used a System unit for sand to nourish adjacent beaches outside the System pursuant to section 5 of the Act of August 18, 1941 (commonly known as the “Flood Control Act of 1941”) (55 Stat. 650, chapter 377; 33 U.S.C. 701n) at least once between December 31, 2008 and December 31, 2023 in response to an emergency situation prior to December 31, 2023.

(b) EXISTING FEDERAL NAVIGATION CHANNELS.—For purposes of subsection (a)(2), a Federal navigation channel or a related structure is an existing channel or structure, respectively, if it was authorized before the date on which the relevant System unit or portion of the System unit was included within the System.

(c) EXPANSION OF HIGHWAYS IN MICHIGAN.—The limitations on the use of Federal expenditures or financial assistance within the System under subsection (a)(3) shall not apply to a highway—

(1) located in a unit of the System in Michigan; and

³Subparagraph (C) of section 6(a)(6) of this Act reflects the execution of the amendment made by section 5(d)(34) of Public Law 113–287. Such amendment references the amended Act as the “Coastal Barrier Act of 1968” which should have been the “Coastal Barrier Resources Act”.

(2) in existence on the date of the enactment of the Coastal Barrier Improvement Act of 1990.

(d) SERVICES AND FACILITIES OUTSIDE SYSTEM.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3) of this subsection, limitations on the use of Federal expenditures or financial assistance within the System under section 5 shall not apply to expenditures or assistance provided for services or facilities and related infrastructure located outside the boundaries of unit T-11 of the System (as depicted on the maps referred to in section 4(a)) which relate to an activity within that unit.

(2) PROHIBITION OF FLOOD INSURANCE COVERAGE.—No new flood insurance coverage may be provided under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) for any new construction or substantial improvements relating to services or facilities and related infrastructure located outside the boundaries of unit T-11 of the System that facilitate an activity within that unit that is not consistent with the purposes of this Act.

(3) PROHIBITION OF HUD ASSISTANCE.—

(A) IN GENERAL.—No financial assistance for acquisition, construction, or improvement purposes may be provided under any program administered by the Secretary of Housing and Urban Development for any services or facilities and related infrastructure located outside the boundaries of unit T-11 of the System that facilitate an activity within that unit that is not consistent with the purposes of this Act.

(B) DEFINITION OF FINANCIAL ASSISTANCE.—For purposes of this paragraph, the term “financial assistance” includes any contract, loan, grant, cooperative agreement, or other form of assistance, including the insurance or guarantee of a loan, mortgage, or pool of mortgages.

(e) APPLICABILITY TO OTHERWISE PROTECTED AREAS.—

(1) IN GENERAL.—The prohibitions on new Federal expenditures and financial assistance described in section 5(a) do not apply within Otherwise Protected Areas except with respect to limitations on new flood insurance coverage described in section 1321 of the National Flood Insurance Act of 1968 (42 U.S.C. 4028).

(2) EXCEPTION.—Notwithstanding paragraph (1), new Federal flood insurance may be provided for a structure in an Otherwise Protected Area that is used in a manner consistent with the purpose for which such Otherwise Protected Area is protected.

(f) APPLICABILITY TO ADDITIONS AND INSURABLE STRUCTURES.—

(1) ADDITIONS.—With respect to an addition to the System made under section 4 on or after the date of the enactment of the Bolstering Ecosystems Against Coastal Harm Act, subject to paragraph (2), the prohibitions on new Federal expenditures and financial assistance described in section 5(a) shall take effect on the date that is 1 year after the date on which such addition is made.

(2) INSURABLE STRUCTURES.—

(A) IN GENERAL.—The prohibitions on new Federal expenditures and financial assistance described in section 5(a) do not apply to an insurable structure.

(B) INSURABLE STRUCTURE DEFINED.—In this subsection, the term “insurable structure” means an insurable structure that is—

(i) located within an addition described in paragraph (1); and

(ii) in existence before the expiration of the applicable 1-year period described in paragraph (1).

SEC. 7. [16 U.S.C. 3506] CERTIFICATION OF COMPLIANCE.

(a) REGULATIONS.—Not later than 1 year after the date of the enactment of the Bolstering Ecosystems Against Coastal Harm Act, the head of each Federal agency affected by this Act shall revise or issue regulations and guidance as necessary to ensure compliance with the provisions of this Act.

(b) CERTIFICATION.—The head of each Federal agency affected by this Act shall report and certify that each such agency is in compliance with the provisions of this Act. Such reports and certifications shall be submitted annually to the Committees and the Secretary.

SEC. 8. [16 U.S.C. 3507] PRIORITY OF LAWS.

Nothing contained in this Act shall be construed as indicating an intent on the part of the Congress to change the existing relationship of other Federal laws to the law of a State, or a political subdivision of a State, or to relieve any person of any obligation imposed by any law of any State, or political subdivision of a State. No provision of this Act shall be construed to invalidate any provision of State or local law unless there is a direct conflict between such provision and the law of the State, or political subdivision of the State, so that the two cannot be reconciled or consistently stand together. This Act shall in no way be interpreted to interfere with a State’s right to protect, rehabilitate, preserve, and restore lands within its established boundary.

SEC. 9. [16 U.S.C. 3508] SEPARABILITY.

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

SEC. 10. [16 U.S.C. 3510] AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary to carry out this Act—

(1) \$2,000,000 for each of fiscal years 2006 through 2010;

and

(2) \$1,962,000 for each of fiscal years 2025 through 2031.