

CHAPTER 26
COASTAL BARRIER RESOURCES

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26. COASTAL BARRIER RESOURCES

26-1 OVERVIEW - COASTAL BARRIER RESOURCES ACT

26-1.1 Introduction

This chapter contains the implementing procedures for the Federal Coastal Barrier Resources Act of 1982 (CBRA), the Coastal Barrier Improvement Act of 1990 (CBIA), the Florida Coastal Zone Management Act, Part II, Chapter 380, F.S., and revisions to the Local Coastal Comprehensive Plan under Part II, Chapter 163, F.S. The actions are separate entities but are related. The CBRA and CBIA affect Federal funding for certain projects and the Florida legislation affects State funding of certain projects.

26-1.2 Background

In 1982, the Coastal Barrier Resources Act was signed into law (P.L. 97-348), prohibiting Federal expenditures for development of designated undeveloped coastal barriers and their associated aquatic habitat, including wetlands, estuaries, and inlets. Three important goals of this Act are to:

- minimize loss of human life by discouraging development in high risk areas
- reduce wasteful expenditure of Federal resources
- protect the natural resources associated with coastal barriers.

The CBRA defines a coastal barrier as a landform composed of unconsolidated shifting sand or other sedimentary material which is generally long and narrow and entirely or almost entirely surrounded by water. They are sufficiently above normal tides so that they usually have dunes and terrestrial vegetation. To varying degrees, they enclose and thereby protect other features, such as estuaries, salt marshes, and the mainland from direct wave influence by the open ocean.

Listed below are types of coastal barriers:

bay barriers: coastal barriers that connect two headlands, and enclose a pond, marsh, or other aquatic habitat.

tombolos: sand or gravel beaches that connect offshore islands to each other or to a mainland.

barrier spits: coastal barriers that extend into open water and are attached to the mainland at one end.

barrier islands: coastal barriers completely detached from the mainland.

dune or beach barriers: broad, sandy barrier beaches with hills or ridges of sand.

fringing mangroves bands of mangroves along tropical or subtropical mainland shores.

The Coastal Barrier Improvement Act expanded the definition of a coastal barrier and added to the system areas along the Atlantic and Gulf coasts. Of particular significance is the addition of “**Otherwise Protected Areas**”, a category added by the 1990 Act for coastal barriers within lands reserved for conservation purposes.

Otherwise Protected Areas (OPA) are undeveloped coastal barriers within the boundaries of lands reserved as wildlife refuges, parks, or for other conservation purposes. OPAs can be identified in Figure 26.1 by an upper-case “P” following the Unit #. New construction in OPAs cannot receive Federal flood insurance unless it conforms with the purposes for which the area is protected. No restrictions are placed on other Federal expenditures.

The U.S. Department of Interior has established the Coastal Barrier Resource System in accordance with the CBRA. In Florida, this consists of designated units along the Atlantic and Gulf Coasts. These units are listed in Figure 26-1. The U.S. Fish and Wildlife Service (FWS) issues maps identifying the boundaries of these units. Each Florida Department of Transportation (FDOT) District Environmental Management Office (DEMO) has a set of these CBRA unit maps.

The CBRA also incorporates provisions of the Omnibus Reconciliation Act (enacted in 1981), prohibiting the issuance of Federal flood insurance coverage for new construction or substantial improvement of existing structures on designated coastal barrier islands.

Section 5 of the CBRA specifies that Federal funding is prohibited for new expenditures or financial assistance for activities within the boundaries of designated coastal barrier units. The CBRA defines financial assistance as "any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, or any other form of direct or indirect Federal assistance." Except as provided in Section 6 of the CBRA, no new expenditures or financial assistance may be made available under authority of any Federal law for any purpose within the Coastal Barrier Resources System, including, but not limited to:

1. Construction or purchase of any structure, appurtenance, facility, or related infrastructure;
2. Construction or purchase of any road, airport, boat landing facility on, or bridge or causeway to any system unit; or

3. Assistance for erosion control or stabilization of any inlet, shoreline, or inshore area, except in certain emergencies.

Exceptions to the prohibition of financial assistance as imposed by Section 5 are provided in Section 6 of the CBRA. These exceptions include :

1. Maintenance, replacement, reconstruction, or repair, but not the expansion of publicly owned or publicly operated roads, structures, or facilities that are essential links to a larger network or system;
2. Construction, operation, maintenance, and rehabilitation of Coast Guard facilities and access thereto;
3. Maintenance or construction of improvements to existing Federal navigation channels and related structures, including disposal of dredge materials;
4. Expenditures related to conservation, navigation, recreation, scientific research, disaster relief, roads, and shoreline stabilization, providing the expenditure is consistent with the purpose of the Act;
5. Federal expenditure or financial assistance that was provided by Congressional appropriation prior to October 18, 1982, is also exempt from the CBRA funding restrictions; and
6. Military activities essential to national security.

For projects under Section 6, the Department is subject to the consultation requirements described in the Advisory Guidelines contained in the Federal Register (FR, 45664, 08/06/1983). Under these guidelines, Federal agencies must consult with the FWS and allow them to comment on the proposed action prior to the commitment of Federal expenditures.

The FWS will provide comments and determine if the Federal action is consistent with the CBRA.

Those projects found under Section 5 of the CBRA to be subject to the prohibition of Federal funding are either removed from the Department's Work Program or assigned for State or local funds. This determination occurs during the planning phase (See section 26-3).

For other projects that are within, or in the vicinity of a coastal barrier resource, the consultation process is assigned to the project development phase as described herein.

The consultation process is shown in Figure 26.

The procedures herein apply to all classes of action - Type 2 Categorical Exclusions (Type 2 CEs), Environmental Assessments (EAs), Environmental Impact Statements (EISs), (Part 1, Chapter 3), and State Environmental Impact Reports (SEIRs) (Part 1, Chapter 13) .

26-2 PROCEDURE - COASTAL BARRIER RESOURCES ACT

Since funding for a project can be jeopardized or retracted by Federal funding participants, it is necessary to determine, as early as possible in the project development process, whether a project is located within, or in the vicinity of a barrier resource designated under the CBRA. This process is to be initiated by DEMO at the earliest time (during the fiscal year that the preliminary engineering phase is programmed) after the Department has made the decision to seek Federal-aid for a project.

26-2.1 Determining if Provisions of CBRA Apply

The first step is for DEMO to determine if a project is subject to provisions of the Act. The Coastal Barrier maps supplied to each DEMO are consulted to determine if a proposed project is in the vicinity of, or leads directly to a designated coastal barrier resource unit. Figure 26.3 is a diagram depicting examples of proposed projects which are or are not subject to the provisions of the Act.

If DEMO determines that the project is not subject to provisions of the Act, then no additional documentation is required other than a statement to the project file indicating that the coastal barrier resource maps were reviewed. The DEMO should proceed to Part 1, Chapter 2 of the PD&E Manual, Advance Notification.

If DEMO determines that the project is subject to provisions of the Act, then the FWS must be consulted as required in section 26-2.2.

26-2.2 Consultation Requirements

DEMO initiates consultation through the preparation of a CBRA Coordination Package. The package consists of :

1. A description of the proposed action.
2. A map showing the project location, the CBRA unit(s) and a reference to the appropriate coastal barrier resource system unit map.

The package is forwarded to the local field office of the FWS. See Figure 26.4 to determine appropriate field office and mailing address. A courtesy copy of the package is also forwarded to FHWA and the Central Environmental Management Office for their information.

The SUBJECT of the transmittal letter should contain the Financial Project Number, and Federal-aid Project Number.

A statement should be made to the effect that :

"This project information package is being sent to you to initiate consultation in compliance with the Coastal Barrier Resources Act (CBRA).

The SUBJECT project and its relationship to a Federally-designated coastal barrier resource is described in this package.

Please review the attached information and provide to the District Environmental Engineer/Manager a written decision concerning the eligibility

of the proposed project under Section 6 of CBRA within thirty (30) calendar days with a courtesy copy to :

Division Administrator
Federal Highway Administration
227 N. Bronough St., Suite 2015
Tallahassee, FL 32301-2015

26-2.3 Documentation in Type 2 CEs, EAs, EISs, and SEIRs

Documentation in Type 2 CEs, EAs, Findings of No Significant Impact (FONSI), Draft and Final EISs and SEIRs is necessary if the project is subject to the consultation requirements of the advisory guidelines of the Federal Register. Documentation in Type 2 CEs is limited to the findings of the consultation process (Part 1, Chapter 3). Documentation for SEIRs should also include findings of the consultation process (Part 1, Chapter 13).

The suggested Environmental Determination format for projects requiring an EA or EIS must also contain documentation similar to that required for a Type 2 CE. The EA or EIS documents must contain a discussion of the consultation process and, in the text, resultant determination.

26-3 STATE FUNDING

When a project, regardless of project type, is consistent with an approved Resource Management Plan (RMP) under F.S. 380, or the Coastal Management Element of an approved Local Government Comprehensive Plan (LGCP), in accordance with F.S. 163.3178, it is eligible for State funding. Newly incorporated coastal communities on barrier islands have 3 years from incorporation to adopt a LGCP, and another year after that to adopt local land development regulations. If a newly incorporated community has no approved LGCP, and the project is consistent with the Coastal Management Element of the County LGCP, the project is eligible for state funding.

26-4 REFERENCES

1. Federal Register, 1983. Coastal Barrier Resources Act; Advisory Guidelines; Final Rule. FR Vol. 48, No. 195.
2. Federal Register, 1982. Coastal Barrier Resources Act; Delineation Criteria. FR Vol. 47, No. 158.
3. Coastal Barrier Resources Improvement Act of 1990.
4. U.S. Fish and Wildlife Service Transmittal Sheet, 215 ESM 14, 1984.
5. Florida Statutes 161.54(1) and 161.54(5).
6. Florida Statutes 380.045, 380.05, and 380.27.
7. Florida Statute 163.
1. US Fish and Wildlife Service Web Site, www.fws.gov

FIGURE 26.1
Designated Units of the Coastal Barrier Resource System in Florida

Unit and map information, and order form are available at FWS web site.

www.fws.gov/cep/cbrunits.html

EAST COAST (52 Maps)

County	Unit #(s)	Unit Name
Nassau County	01P	Fort Clinch
Duval County	P02, P02P	Talbot Island Complex (also in Nassau County)
St. Johns County	03P	Guana River
	P04A & P05	Usinas Beach & Conch Island
Flagler County	P05	Matanzas River (also in St. Johns County) & Washington Oaks
Volusia County	P07, P07P	Ormond-By-the-Sea (PO7P also in Flagler County)
	P08	Ponce Inlet
	07P	Canaveral (also in Brevard County)
Brevard County	07P	Canaveral (also in Volusia Counties)
	13P, P09A	Spessard Holland Park & Coconut Point
Indian River County	P10, P10P	Vero Beach (also in Brevard County)
St. Lucie County	P10A	Blue Hole (also in Indian River County)
	14P	Pepper Beach
	P11	Hutchinson Island
Martin County	P11AP, P11A	Joe's Point & Frank B. McGilvrey
	P12, P12P	Hobe Sound
Palm Beach County	15P, 16P, 17P	Blowing Rocks (also in Martin County), Jupiter Beach & Carlin
	18P	Macarthur Beach
Broward County	19P	Birch Park
	20P, P14A	Lloyd Beach & North Beach
Dade County	21P	Haulover Beach
	22P, 23P	Virginia Beach/Crandon Park & Cape Florida & Biscayne Bay
	34P	Biscayne Bay

FIGURE 26.1
Designated Units of the Coastal Barrier Resource System in Florida

County	Unit #	Unit Name
Monroe County	34P, 35	Biscayne Bay & North Key Largo
	34P 35, 35P	Biscayne Bay & North Key Largo
	35	North Key Largo
	35, 35P, 36P	North Key Largo & El Radabob Key
	36P, 37	El Radabob Key & Rodriguez Key
	39, 40	Tavernier Key & Rodriguez Key
	41P	Lignumvitae/Shell Keys
	42P	Long Key
	43, 44	Channel Key & Toms Harbor Keys
	45	Deer/Long Point Keys
	46	Boot Key
	47P, 48P, 50	Key Deer/White Heron, Bahia Honda Key, & NO Name Key
	51	Newfound Harbor Keys
	47P, 52	Key Deer/White Heron & Little Knockemdown/Torch Keys Complex
	53	Budd Keys
	47P, 54, 55	Key Deer/White Horn, Sugarloaf Sound & Saddlebunch Keys
	47P, 55, 57	Key Deer/White Heron, Saddlebunch Keys, & Cow Key
	47P, 59P, 60P	Key Deer/White Heron, Fort Taylor & Key West NWR
	61P	Tortugas

FIGURE 26.1
Designated Units of the Coastal Barrier Resource System in Florida

West Coast (55 maps)

County	Unit #	Unit Name
Collier County	P15, 63P	Cape Romano & Tigertail
	P16	Keewaydin Island
	64P	Clam Pass
	65P	Wiggins Pass
Lee County	P17, P17P	Lover's Key Complex
	P17A, 67	Bodwitch Point & Bunch Beach
	P18	Sanibel Island Complex
	P18, P18P	Sanibel Island Complex
	P19, P19P	North Captiva Island
	P20, P20P	Cayo Costa
	70P	Gasparilla Island
Charlotte County	P21/P21P	Bocilla Island
Sarasota County	P21A/P21AP	Manasota Key
	P22	Casey Key
	71P	Venice Inlet
	72P	Lido Key
Manatee County	P23/P23P	Longboat Key
	73P, 78, &82,	DeSoto, Rattlesnake Key & Bishop Harbor
	80P	Passage Key
Hillsborough County	81, 81P	Egmont Key
	83	Cockroach Bay
Pinellas County	P24, 24P	The Reefs
	P24A, 86P	Mandalay Point & Caladesi Honeymoon Islands
	87P	Anclote Key (also in Pasco County)
Levy County	P25, P25P	Cedar Keys
Dixie County	P26	Pepperfish Keys
Franklin County	P27A	Ochlockonee Complex (also in Wakulla Counties)
	P28	Dog Island
	89	Peninsula Point
	90P	St. George Island

FIGURE 26.1 continued
 Designated Units of the Coastal Barrier Resource System in Florida

County	Unit #(s)	Unit Name
Franklin County cont.	90, 90P	St. George Island
	90P, 91P	St. George Island & St. Vincent Island
Franklin County cont.	91P	St. Vincent Island
Gulf County	P30, 30P	Cape San Blas
	92	Indian Peninsula
Bay County	P31	St. Andrew Complex
	P31, P31P	St. Andrew Complex
	93P	Phillips Inlet
Walton County	P31A	Four Mile Village
	94	Deer Lake Complex
	95P, 96	Grayton Beach & Draper Lake
	32	Moreno Point (also in Okaloosa County)
Santa Rosa County	97	Navarre Beach
	99	Tom King
	98P, 100	Santa Rosa Island (also in Escambia County, & Town Point
	98P, 101, 102	Santa Rosa Island, Garcon Point, & Basin Bayou
Escambia County	98P	Santa Rosa Island
	98, 98P	Santa Rosa Island
	98P, 103P	Santa Rosa Island, & Perdido Key
	103P	Perdido Key

FIGURE 26.1 continued
Designated Units of the Coastal Barrier Resource System in Florida

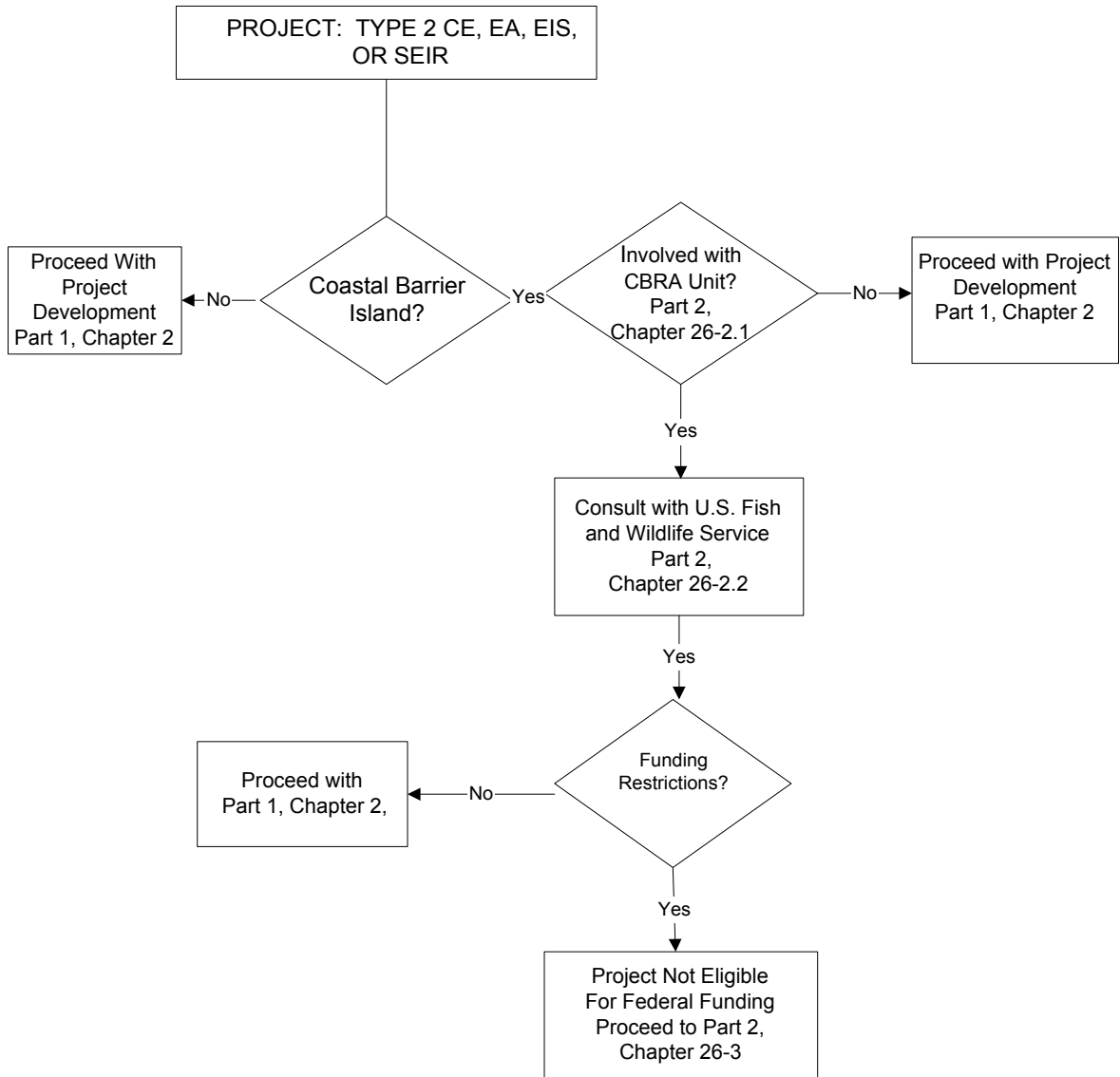


FIGURE 26.2
Coastal Barrier Resources Act Consultation Process

FIGURE 26.3
Effect of CBRA on Representative Projects
PART 2, CHAPTER 26

FIGURE 26.3
Effect of CBRA on Representative Projects