

# CHAPTER 26 COASTAL BARRIER RESOURCES

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## 26. COASTAL BARRIER RESOURCES

### 26-1 OVERVIEW

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 Government Comprehensive Plan under *Part II, Chapter 163, F.S.* The **CBRA** and **CBIA** may affect federal funding for some projects and the Florida legislation may affect state funding for particular projects.

In 1982, the **CBRA** was signed into law (*P.L. 97-348*), prohibiting federal expenditures for the development of designated undeveloped coastal barriers and their associated aquatic habitat, including wetlands, estuaries, and inlets. Three goals of the **CBRA** are to:

1. Minimize loss of human life by discouraging development in high risk areas
2. Reduce wasteful expenditure of federal resources
3. 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.

The U.S. Department of Interior has established the Coastal Barrier Resource System (CBRS) in accordance with the **CBRA**. In Florida, CBRS units have been designated along the Atlantic and Gulf Coasts.

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 only 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 formed by winds which protect landward aquatic habitats.

**Fringing mangroves:** bands of mangroves along tropical or subtropical mainland shores in areas of low wave energy.

The **Coastal Barrier Improvement Act** amended the **CBRA** by adding units to the CBRS and establishing a new category identified as **Otherwise Protected Areas (OPAs)**. OPAs are undeveloped coastal barriers within the boundaries of lands reserved as wildlife refuges, parks, or for other conservation purposes. New construction within OPAs cannot receive federal flood insurance unless it conforms with the purposes for which the area is protected. No other restrictions are placed on federal expenditures in these areas.

The U.S. Fish and Wildlife Service (FWS) issues maps identifying the boundaries of CBRS units and OPAs (see **Reference Section** for website). Each Florida Department of Transportation (FDOT) District has a set of FWS CBRS unit maps on hand to use as a reference.

**Section 5** of the **CBRA** specifies that federal funding is prohibited for new expenditures or for financial assistance for activities within the boundaries of designated coastal barrier units except for OPAs identified on maps of the System. 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." No new expenditures or financial assistance may be made available under authority of any federal law for any purpose within the CBRS, 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, or boat landing facility within a unit, or a bridge or causeway leading to any system unit
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**. Listed below are summaries of the exceptions that may be applicable to FDOT:

1. Maintenance, replacement, reconstruction, or repair, but not the expansion (except for U.S. Highway 1 in the Florida Keys) of publicly owned or publicly operated roads, structures, or facilities that are essential links to a larger network or system (FHWA has determined that all highways on the federal network are essential links in 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 funds. Consultation with FWS is not required in areas identified as OPAs.

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

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 in this chapter. The consultation process is shown in **Figure 26.2**.

The following procedures apply to all major classes of action; Type 2 Categorical Exclusions (Type 2 CEs), Environmental Assessments (EAs), Environmental Impact Statements (EISs), **(Part 1, Chapter 2, Environmental Class of Action Determination)**, and State Environmental Impact Reports (SEIRs) **(Part 1, Chapter 10)**.

## **26-2 PROCEDURE**

Since funding for a project can be rescinded by federal lead agencies, it is necessary to determine, as early as possible, whether a project is located within, or in the vicinity of a barrier resource designated under the **CBRA**. This should be determined during the Planning and/or Programming Phase of Efficient Transportation Decision Making (ETDM).

### **26-2.1 Determining if Provisions of CBRA Apply**

The first step is for the District to determine if a project is subject to provisions of the **CBRA**. This is determined from information published in the **Planning** or **Programming Screen Summary Report**. Review the results of the GIS analysis for the Coastal Barrier Resource Area data layer. The unit type on the Coastal Barrier Resource Area data layer's metadata should identify whether the area is an Otherwise Protected Area or CBRS unit. Also, review any Environmental Technical Advisory Team (ETAT) comments and degree of effect determinations for the Coastal and Marine issue in the report. Comments by FWS and National Marine Fisheries Service (NMFS) are especially important. If a proposed project is in the vicinity of, or leads directly to a designated coastal barrier resource unit that is not otherwise identified as an OPA, then consultation is required with the FWS.

The CBRS unit maps are supplied to each FDOT District, and are available online from FWS (see **Section 26.4**). **Figure 26.1** lists only the CBRS units that require consultation with the FWS.

If the District determines that the project is not in the vicinity of, nor leads directly to a designated coastal barrier resource unit, then no additional documentation is required other than a statement to the project file indicating that the coastal barrier resource data layer or maps were reviewed.

If the District determines that the project is in the vicinity of, or leads directly to a designated coastal barrier resource unit then the FWS must be consulted as required in **Section 26-2.2**. Consultation with FWS is not required for projects designated as OPA units; therefore OPA units were not included in **Figure 26.1**.

## 26-2.2 Consultation Requirements

The District 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 with a copy to the District's FWS Environmental Technical Advisory Team (ETAT) representative. See **Figure 26.3** to determine the appropriate field office and mailing address to send the package to. A courtesy copy of the package is also forwarded to the lead federal agency for their information.

The SUBJECT of the transmittal letter should contain the ETDM Number, Financial Project Number, and Federal-aid Project Number (if available). 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 the lead federal agency.

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

Documentation in Type 2 CEs/**Project Development Summary Report (PDSR)**, EAs, Findings of No Significant Impact (FONSIs), 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 (FR, 45664, 08/06/1983)**. Documentation must contain a summary discussion of the consultation process and the final determination.

## 26-3 STATE FUNDING

When a project, regardless of project type, is consistent with an approved Resource Management Plan (RMP) under **Chapter 380 F.S.**, or the Coastal Management Element of an approved Local Government Comprehensive Plan (LGCP), in accordance with **Section 163.3178 F.S.**, 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. Section 161.54 Florida Statutes .
6. Sections 380.045, 380.05, and 380.27 Florida Statutes.
7. Chapter 163 Florida Statutes.
8. US Fish and Wildlife Service Web Site link to CBRS unit maps:  
[http://www.fws.gov/habitatconservation/coastal\\_barrier.html](http://www.fws.gov/habitatconservation/coastal_barrier.html)

A list of CBRs units and OPAs is available on the following website:  
<http://www.fws.gov/habitatconservation/cbrunits.pdf> The list below only includes units that are not identified as OPAs.

**EAST COAST**

<b>County</b>	<b>Unit #(s)</b>	<b>Unit Name</b>
Duval County	P02	Talbot Island Complex (also in Nassau County)
St. Johns County	P04A & P05	Usinas Beach & Conch Island
Flagler County	P05A	Matanzas River (also in St. Johns County) & Washington Oaks
Volusia County	P07	Ormond-By-the-Sea
	P08	Ponce Inlet
Brevard County	P09A	Spessard Holland Park & Coconut Point
Indian River County	P10	Vero Beach (also in Brevard County)
St. Lucie County	P10A	Blue Hole (also in Indian River County)
	P11	Hutchinson Island
Martin County	P11A	Joe's Point & Frank B. McGilvrey
	P12	Hobe Sound
Palm Beach County	FL-15	Blowing Rocks (also in Martin County), Jupiter Beach & Carlin
Broward County	P14A	Lloyd Beach & North Beach
Dade County	FL-34	Biscayne Bay
Monroe County	FL-35	Biscayne Bay & North Key Largo
	FL-35	North Key Largo & El Radabob Key
	FL-37	El Radabob Key & Rodriguez Key
	FL-39, FL-40	Tavernier Key & Snake Creek
	FL-43, FL-44	Channel Key & Toms Harbor Keys
	FL-45	Deer/Long Point Keys
	FL-46	Boot Key
	FL-50	Key Deer/White Heron, Bahia Honda Key, & No Name Key

**FIGURE 26.1 Designated Units of the Coastal Barrier Resource System in Florida That Require FWS Consultation**

County	Unit #	Unit Name
Monroe County (cont.)	FL-51	Newfound Harbor Keys
	FL-52	Key Deer/White Heron & Little Knockemdown/Torch Keys Complex
	FL-53	Budd Keys
	FL-54, FL- 55	Key Deer/White Horn, Sugarloaf Sound & Saddlebunch Keys
	FL-55, FL-57	Key Deer/White Heron, Saddlebunch Keys, & Cow Key

**FIGURE 26.1 Designated Units of the Coastal Barrier Resource System in Florida That Require FWS Consultation**

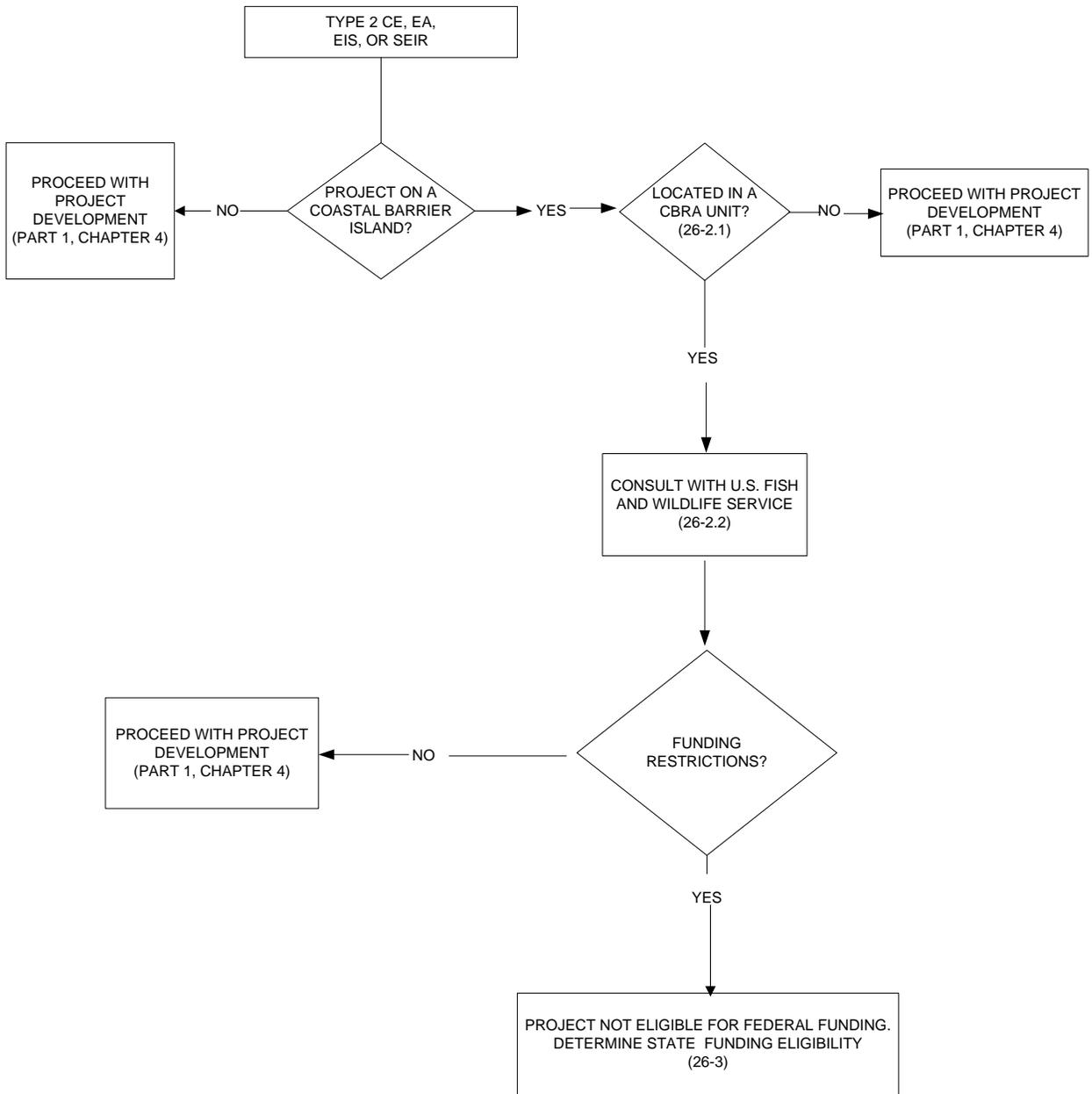
West Coast

County	Unit #	Unit Name
Collier County	P15	Cape Romano & Tigertail
	P16	Keewaydin Island
Lee County	P17	Lover's Key Complex
	P17A, FL-67	Bodwitch Point & Bunch Beach
	P18	Sanibel Island Complex
	P19	North Captiva Island
	P20	Cayo Costa
Charlotte County	P21	Bocilla Island
Sarasota County	P21A	Manasota Key
	P22	Casey Key
Manatee County	P23	Longboat Key
	FL-78, & FL-82	DeSoto, Rattlesnake Key & Bishop Harbor
Hillsborough County	FL-81	Egmont Key
	FL-83	Cockroach Bay
Pinellas County	P24	The Reefs
Levy County	P25	Cedar Keys
Dixie County	P26	Pepperfish Keys
Franklin County	P27A	Ochlockonee Complex (also in Wakulla County)
	P28	Dog Island
	FL-89	Peninsula Point
	FL-90	St. George Island
Gulf County	P30	Cape San Blas
	FL-92	Indian Peninsula
Bay County	P31	St. Andrew Complex

**FIGURE 26.1 Designated Units of the Coastal Barrier Resource System in Florida That Require FWS Consultation**

County	Unit #(s)	Unit Name
Walton County	P31A	Four Mile Village
	FL-94	Deer Lake Complex
	FL-96	Grayton Beach & Draper Lake
	P-32	Moreno Point (also in Okaloosa County)
Santa Rosa County	FL-97	Navarre Beach
	FL-99	Tom King
	FL-100	Santa Rosa Island (also in Escambia County, & Town Point
	FL-101, FL-102	Santa Rosa Island, Garcon Point, & Basin Bayou
Escambia County	FL-98	Santa Rosa Island

**FIGURE 26.1 Designated Units of the Coastal Barrier Resource System in Florida That Require FWS Consultation**



**FIGURE 26.2 Coastal Barrier Resources Act Consultation Process**

## **United States Fish and Wildlife Service (FWS)**

### **Vero Beach**

**(FDOT Districts 6, 4, 1, 5 (Osceola Co. only))**

CBRA Consultation

South Florida Ecological Services Field Office

1339 20th Street

Vero Beach, FL 32960

Phone: (772) 562-3909

Fax: (772) 562-4288

<http://www.fws.gov/verobeach/>

### **Panama City**

**(FDOT District 3)**

CBRA Consultation

Panama City Ecological Services Field Office

1601 Balboa Avenue

Panama City, FL 32405

Phone: (850) 769-0552 x232

Fax: (850) 763-2177

<http://www.fws.gov/panamacity/>

### **Jacksonville**

**(FDOT Districts 2, 5, 7, 1 (Manatee Co. only))**

CBRA Consultation

North Florida Ecological Services Field Office

7915 Baymeadows Way, Suite 200

Jacksonville, FL 32256-7517

Phone: (904) 731-3336

Fax: (904) 731-3045

<http://www.fws.gov/northflorida/>

**FIGURE 26.3 United States Fish and Wildlife Service Contacts**