

Lesson Overview

This lesson describes different laws concerning coastal areas and how they affect FEMA's work.

Lesson Objectives

At the end of this lesson, you will be able to:

- Describe the key components of:
 - The Coastal Zone Management Act.
 - The Coastal Barrier Resources Act.
 - Describe the responsibilities of FEMA and the applicant under these acts.
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Laws and Executive Orders: Coastal Areas

This lesson will introduce key two laws designed to protect the Nation's coastal areas.

Key Points

- Congress passed the Coastal Zone Management Act of 1972 to:
 - Provide uniformity in the management of coastal areas.
 - Ensure that Federal activities in the coastal zone are consistent with States' management plans.
 - Congress enacted the Coastal Barrier Resources Act in 1982 to:
 - Discourage further development on barrier islands on the Atlantic Coast, Great Lakes, and Gulf of Mexico.
 - Prohibit new Federal expenditures and financial assistance for development in the Coastal Barrier Resources System.
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Coastal Zone Management Act

Passed by Congress in 1972, the Coastal Zone Management Act (CZMA) is administered by each coastal State.

The coastal zone is comprised of counties bordering on coastal waters, including:

- Beaches.
 - Transitional and intertidal areas.
 - Salt marshes.
 - Other coastal areas, such as along the Great Lakes.
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CZMA Goals

The CZMA is intended to reduce uncontrolled coastal development. One aspect of the act is to ensure that Federal activities in the coastal zone are consistent with each State's CZMA plan.

CZMA Implementation

At the Federal level, the National Oceanic and Atmospheric Administration (NOAA) oversees State implementation of the CZMA.

FEMA consults with State agencies or commissions, which are responsible for implementing the CZMA.

Complying With the CZMA

To comply with the CZMA, Federal agencies must identify their activities that would affect the coastal zone, including development projects.

If a Federal activity would affect the coastal zone, the Federal agency must:

- Review the State and local management plans to determine whether the activity is consistent with the plans.
- Notify the State of its determination.

CZMA Consistency Determination

For any disaster activity requiring a consistency determination, FEMA will:

- Prepare a detailed description of the action, its associative facilities, and coastal zone effects;
- Prepare a brief statement on how the activity would be consistent with the State coastal zone management plan;
- Obtain data to support this consistency determination; and
- Coordinate with the State permitting/concurrence and approval process.

Responsibilities Under the CZMA

The following table summarizes the responsibilities of FEMA and the applicant under the Coastal Zone Management Act.

| Party | Responsibilities |
|-----------|---|
| FEMA | <ul style="list-style-type: none"> ▪ Determine if a proposed action will be in a coastal zone. ▪ If so, review the State CZMA plan for project consistency. ▪ Provide written consistency determination to the State agency. ▪ Obtain State response to consistency determination and coordinate with State permitting/concurrence process. |
| Applicant | <ul style="list-style-type: none"> ▪ Comply with State CZMA laws and regulations. ▪ Comply with the results of the consistency determination and State permitting process. ▪ Notify FEMA of any changes to the proposed action or alternatives. |

Coastal Barrier Resources Act

The Coastal Barrier Resources Act (CBRA) also governs actions on the coast. Enacted in 1982 and amended in 1990, the CBRA protects ecologically sensitive and geologically vulnerable barrier islands along the east coast, Gulf coast, and Great Lakes of the United States. These areas are called Coastal Barrier Resource System (CBRS) units and otherwise protected areas.

The CBRA is administered by the Department of the Interior through the Fish and Wildlife Service (FWS).

CBRA Goals

The CBRA established requirements to:

- Protect barrier islands.
 - Establish the CBRS units and other Protected Areas.
 - Limit Federal actions and programs in the identified areas.
 - Prohibit Federal expenditures and financial assistance for structures in the CBRS except for those built:
 - Before October 1983 for Coastal Barrier Resource System units.
 - Before November 1991 for otherwise protected areas.
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Scope of CBRA

This act applies to the east coast, the Gulf of Mexico, and the Great Lakes and affects FEMA Regions I through VI.

Although west coast States have laws addressing these issues, CBRA does not currently apply to these areas.

CBRA and FEMA

Any area that is designated as being part of the Coastal Barrier Resources System is:

- Disqualified for Federal flood insurance and disaster assistance, except for certain aspects of individual and emergency assistance, such as rental assistance and debris removal.
- Prohibited from receiving any new Federal funding, including financial assistance for redevelopment, except, in some cases, as defined earlier for grandfathered structures.

For this reason, FEMA is generally not involved in providing recovery assistance in areas that are regulated under CBRA. One exception is the repair to pre-disaster conditions of "essential links" located within a CBRA unit that service populations outside the unit (e.g., a road or water supply).

Responsibilities Under the CBRA

The following table summarizes the responsibilities of FEMA and the applicant under the Coastal Barrier Resources Act.

| Party | Responsibilities |
|-----------|---|
| FEMA | <ul style="list-style-type: none"> ▪ Determine if the proposed action is located within a CBRS unit or otherwise protected area. ▪ Consult with the FWS as soon as possible after providing funding for emergency actions. ▪ Consult with the FWS prior to denying or providing funding to non-emergency action. |
| Applicant | <ul style="list-style-type: none"> ▪ Know the physical boundaries of the CBRS in the project area. ▪ Comply with FEMA/FWS findings/determinations. |

Lesson Summary

You have now completed the eighth lesson in the Environmental Review section of this course. You should be able to:

- Describe the key components of:
 - The Coastal Zone Management Act.
 - The Coastal Barrier Resources Act.
- Describe the responsibilities of FEMA and the applicant under these laws.