

# Appendix D: Coastal Barrier Resources System

## I. General Information

- The Coastal Barrier Resources Act (CBRA) (16 U.S.C. 3501 et seq.) established the John H. Chafee Coastal Barrier Resources System (CBRS), a defined set of geographic units located along the Atlantic, Gulf of Mexico, Great Lakes, U.S. Virgin Islands, and Puerto Rico coasts.
- The CBRS contains two types of units, System Units and Otherwise Protected Areas (OPAs). OPAs are denoted with a “P” at the end of the unit number (e.g., FL-64P, P10P). With limited exceptions, the NFIP may not provide flood insurance for buildings located in a System Unit or an OPA established under the CBRA. System Units carry additional restrictions on federal funding and financial assistance.
- The purpose of the CBRA is 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 by restricting most new federal expenditures and financial assistance that have the effect of encouraging development.
- OPAs are predominantly comprised of conservation and/or recreation areas such as national wildlife refuges, state and national parks, local conservation areas, and private conservation areas, though they may also contain private areas that are not held for conservation and/or recreation.
- The CBRS units are depicted on a set of maps maintained by the U.S. Fish & Wildlife Service (USFWS). The public may access the maps via the CBRS Mapper at <https://www.fws.gov/cbra/maps/Mapper.html>.
- Flood Insurance Rate Maps (FIRMs) have historically displayed System Units and OPAs of the CBRS. Beginning in late 2018, CBRS boundaries will no longer appear on new FIRMs. The CBRS boundaries will continue to be accessible through the National Flood Hazard Layer Viewer and are visible on FIRM downloads and FIRMette exports through the Map Service Center.

## II. Determining Eligibility

Buildings in System Units or OPAs are eligible for a federal flood insurance policy if they meet the criteria outlined in this section. Eligibility depends on:

- The date of the building’s permitting and construction.
- The location of the building (cannot be in areas where the prohibition applies).
- For buildings in OPAs, the building’s use.

### A. Determine if Community has a System Unit or OPA

System Units and OPAs currently exist in 23 states and territories along the Atlantic, Gulf of Mexico, Great Lakes, U.S. Virgin Islands, and Puerto Rico coasts. To identify communities that contain System Units and/or OPAs, refer to the CBRS Mapper on the USFWS website listed in II.B. The information provided in the CBRS Mapper indicates whether a community contains a System Unit or OPA, but does not determine flood insurance eligibility. If the

CBRS Mapper does not identify any System Units or OPAs in the community, no further action is required. To determine flood insurance eligibility and write a policy for a structure located in a community that has System Units or OPAs identified in the CBRS Mapper, please follow the steps outlined below.

### **B. Determine if the Property is Located in a System Unit or OPA**

To determine if a property is located in a System Unit or OPA, visit the CBRS Mapper on the USFWS website (<https://www.fws.gov/cbra/maps/Mapper.html>) and use the “CBRS Validation Tool.”

The CBRS Validation Tool is an automated tool accessible through the CBRS Mapper that allows any user (surveyors, property owners, insurance agents, real estate agents, federal agencies, etc.) to select a particular location and produce a document entitled “CBRS Mapper Documentation” that indicates whether that location is within or outside of the CBRS. For locations within the CBRS, the documentation will also indicate the unit type (System Unit or OPA) and date the prohibition on federal flood insurance went into effect.

For guidance on using the CBRS Validation Tool, please review the user guide at: <https://www.fws.gov/cbra/documents/CBRS-Validation-Tool-User-Guide.pdf>.

#### **1. Unable to Determine Building Location**

An agent may need to utilize one of the following if unable to locate the building using the CBRS Validation Tool in the CBRS Mapper:

- A copy of a plat survey or tax map.
- A copy of a county or municipal street map that shows the area surrounding the property’s location and has the risk’s location clearly marked.
- An aerial photograph that shows the property in question.
- A metes-and-bounds description of the location, and/or the latitude and longitude of the property.

The agent may contact the insurer for guidance.

#### **2. Building Located in the CBRS Buffer Zone**

The CBRS Buffer Zone represents the area immediately adjacent to the CBRS boundary. Agents should send requests for CBRS determinations for properties within the CBRS Buffer Zone to the insurer. The insurer will send the request to **FEMA by email to: [NFIPUnderwritingMailbox@fema.dhs.gov](mailto:NFIPUnderwritingMailbox@fema.dhs.gov)**. FEMA will submit the case to the USFWS for an official determination letter as to whether the property is located “in” or “out” of the CBRS.

USFWS requires the following documentation to complete the determination:

- A valid address; *and*
- The output from the CBRS Validation Tool indicating that the building is within the CBRS Buffer Zone.

Additional documentation that USFWS may need to confirm the location of the property includes the following:

- A map showing the location of the building;
- A property record card;

- Property survey;
- Property deed; *and/or*
- Elevation Certificate (EC).

### C. Determine Building Eligibility

To be eligible for federal flood insurance, the building must not be constructed, substantially improved, or substantially damaged on or after the System Unit's or OPA's prohibition effective date. See below to determine if a building located within a System Unit or OPA is eligible for federal flood insurance:

**For a building located in a System Unit or OPA added to the CBRS under the original CBRA ("1982 Act") to be eligible for federal flood insurance it must:**

- Have a legally valid building construction permit issued prior to October 1, 1983;
- Be built (walled and roofed) prior to October 1, 1983; *and*
- Not be substantially improved or substantially damaged on or after October 1, 1983.

**For a building located in a System Unit or OPA added to the CBRS under the Coastal Zone Act Reauthorization Amendments of 1990 ("1990 Act") to be eligible for federal flood insurance it must:**

For System Units:

- Have a legally valid building construction permit issued prior to November 16, 1990;
- Building construction must have started prior to November 16, 1990; *and*
- Not be substantially improved or substantially damaged on or after November 16, 1990.

For OPAs:

- Have a legally valid building construction permit issued prior to November 16, 1991;
  - Building constructed (walled and roofed) prior to November 16, 1991; *and*
  - Not substantially improved or substantially damaged on or after November 16, 1991.
- ; or
- Building use is consistent with the purpose of the protected area, regardless of the date of construction. **Note:** This exception only applies to OPAs.

### D. Proof of Eligibility

If a building is located in a community with System Units or OPAs, then insurers must receive evidence demonstrating that the building is not subject to the CBRA's insurance prohibition, as described below.

#### 1. Buildings Not Located in a System Unit or OPA

If a building is located in a community with System Units or OPAs, but the building itself is not located in a System Unit or OPA, any of the following

documentation can be used to verify that the building is eligible for federal flood insurance:

- The CBRS Mapper Documentation produced through the CBRS Validation Tool with the building location marked showing that it is not in the CBRS or the CBRS Buffer Zone;
- A CBRS Property Determination, which is an official letter from the USFWS that indicates whether a specific property or project site is located within or outside of the CBRS. As of December 1, 2018, the USFWS only provides such determinations for properties that are within 20 feet of a CBRS boundary (i.e., areas within the “CBRS Buffer Zone” depicted in the CBRS Mapper).
- An EC; *or*
- A Standard Flood Hazard Determination Form (SFHDF).

If using an EC or an SFHDF, the surveyor or flood hazard determination company must have one of the CBRS documents listed above attached to the form or on file to substantiate the information that pertains to the CBRS determination shown on the EC or SFHDF.

**NOTE:** Buildings that are completely outside of the CBRS are eligible for flood insurance (even if a portion of the property is within the CBRS).

### **2. Buildings Located in a System Unit or OPA**

If a building is located in a System Unit or OPA, but the subject building was constructed (or permitted and under construction) before the effective date of the insurance prohibition, then all of the following documentation is needed to verify that the building is eligible for federal flood insurance:

#### **a. Proof of building permit date, as evidenced by either:**

- A legally valid building permit; *or*
- A written statement signed by the community building permit official indicating the date of construction.

#### **b. Proof of building construction date, as evidenced by a written statement from the community building permit official that:**

- The building was not substantially improved or substantially damaged on or after the date the insurance prohibition became effective; *and*
- The building meets one of the following criteria:
  - The walls and roof of the building were in place prior to October 1, 1983 (1982 Act);
  - The start of construction took place prior to November 16, 1990 (in System Units and OPAs per the 1990 Act); *or*
  - The walls and roof of the building were in place prior to November 16, 1991 (in OPAs per the 1990 Act).

#### **c. Proof of building location in a System Unit or OPA:**

- CBRS Mapper Documentation produced through the CBRS Validation Tool with the building location marked; *or*

- A letter from the USFWS indicating the building is in a System Unit or OPA and the flood insurance prohibition date.

If one or more of the documents are not available, insurers may make CBRA eligibility determinations using other acceptable documentation supporting eligibility, such as:

- First mortgage financing records.
- Property tax records.
- Electrical permit records.
- On-site septic or sewer system records.
- State Coastal Zone Management Agency records.
- State Wetlands Program permit records.

**NOTE:** Buildings, including attached decks and stairs, located partially within the CBRS boundary (i.e., building is bisected by CBRS boundary line) are considered to be located within the CBRS.

### 3. Buildings Eligible Because of Conforming Use

If a building is located in an OPA, but its use is consistent with the protection purpose of the area, then the following documentation is needed to verify that the building is eligible for federal flood insurance:

- A certification from the governmental body or other qualified organization (e.g., tax-exempt conservation organization) overseeing the OPA indicating that the building's use is consistent with the protection purpose of the area. Examples of structures that may meet these criteria include, but are not limited to:
  - Restroom facilities in a state or local park;
  - Park visitor's center; *or*
  - Park employee housing within a park or protected area; *and*
- Documentation of the building's location in an OPA, in the form of either:
  - CBRS Mapper Documentation produced through the CBRS Validation Tool with the building location marked; *or*
  - A letter from USFWS indicating the building is in an OPA.

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