included within the Coastal Barrier Resources System established by section 3503 of this title.


AMENDMENTS

1990—Par. (1). Pub. L. 101–591, §2(c), in concluding provisions, struck out cl. (i) designation, inserted a period after “processes”, and struck out at end “(i) and (ii) are not included within the boundaries of an area established under Federal, State, or local law, or held by a qualified organization as defined in section 170(h)(3) of title 26, primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes.”

Par. (1)(A). Pub. L. 101–591, §2(a), redesignated cl. (ii) and (iii) as (i) and (ii), respectively, and struck out former cl. (i) which read as follows: “consists of unconsolidated sedimentary materials.”


“A the maps that are entitled ‘Coastal Barrier Resources System’, numbered A01 through T12 (excluding maps T02 and T03) and dated September 30, 1982, and the maps numbered T02A and T03A and dated December 8, 1982, and

“B the maps prepared under section 3503(b) of this title and any modification to those maps under that section.”

1988—Pars. (4) to (7). Pub. L. 100–707 added pars. (4) and (6) and redesignated former pars. (4) and (5) as (5) and (7), respectively.


Par. (2). Pub. L. 99–514, substituted “4” for “3”, “6” for “5”, and “7” for “6”.

Par. (3). Pub. L. 99–272 struck out subpar. (A) relating to general revenue-sharing grants made under section 6702 of title 31, and redesignated subpars. (B) to (E) as (A) to (D), respectively.

Effective Date of 1986 Amendment


Abolition of House Committee on Merchant Marine and Fisheries

Committee on Merchant Marine and Fisheries of House of Representatives abolished and its jurisdiction given primarily to Committee on Transportation and Infrastructure of House of Representatives, and remainder of jurisdiction given to Committees on National Security and on Resources of House of Representatives, by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

§ 3503. Establishment of Coastal Barrier Resources System

(a) Establishment

There is established the 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 on the maps on file with the Secretary entitled “Coastal Barrier Resources System”, dated October 24, 1990, as such maps may be revised by the Secretary under section 4 of the Coastal Barrier Improvement Act of 1990.

(b) System maps

The Secretary shall keep the maps referred to in subsection (a) of this section 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.

(c) Boundary review and modification

At least once every 5 years, the Secretary shall review the maps referred to in subsection (a) of this section 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.


References in Text

Section 4 of the Coastal Barrier Improvement Act of 1990, referred to in subsec. (a), is section 4 of Pub. L. 101–591, which is set out below.

Amendments

1990—Pub. L. 101–591 amended section generally, substituting provisions relating to establishment of Coastal Barrier Resources System consisting of undeveloped coastal barriers and other areas on United States coasts identified on maps entitled “Coastal Barrier Resources System” dated Oct. 24, 1990, as maintained and revised by the Secretary, for provisions which related to Coastal Barrier Resources System consisting of undeveloped coastal barriers on the Atlantic and Gulf Coasts of the United States and included within the System on Apr. 19, 1983, and undeveloped coastal barriers along Great Lakes shore areas to be recommended by the Secretary and so designated by Congress, with maps to be revised by the Secretary and maintained by Office of Director of United States Fish and Wildlife Service.

1988—Pub. L. 100–707 amended section generally to provide that the Coastal Barrier Resources System include those undeveloped coastal barriers located on the Atlantic and Gulf Coasts of the United States and included within the System on Apr. 19, 1983, and the Great Lakes barriers, to make all System maps available to public inspection, and to revise and update provisions for making boundary modifications.


Technical Revision of Maps; Modification of Boundaries; Additions to System

Pub. L. 102–461, §1(a), (b), Nov. 2, 1994, 108 Stat. 4804, provided that:

“(a) IN GENERAL.—The Secretary of the Interior shall, not later than 30 days after the date of enactment of this Act (Nov. 2, 1994), make such corrections to the maps described in subsection (b) as are necessary to ensure that—

“(1) depictions of areas on the maps are consistent with the depictions of areas appearing on the maps entitled ‘Coastal Barrier Resources System’, dated September 27, 1994, on file with the Secretary of the Interior; and

“(2) the Coastal Barrier Resources System does not include any area that, on the day before the date of the enactment of this Act, was part of unit FL–65P of the System.”
“(b) MAPS DESCRIBED.—The maps described in this subsection are maps that—

(1) are included in a set of maps entitled 'Coastal Barrier Resources System', dated October 24, 1990; and


“(a) IN GENERAL.—The Secretary of the Interior shall, before the end of the 30-day period beginning on the date of the enactment of this Act [Oct. 23, 1992], make such technical revisions to the maps described in subsection (b) as are necessary to ensure that—

“(1) on the maps referred to in subsection (b)(2)(A) and (B), depictions of areas as ‘otherwise protected areas’ do not include any area that is not an otherwise protected area within the meaning of that term under section 12 of the Coastal Barrier Improvement Act of 1990 [Pub. L. 101–591 (16 U.S.C. 3503 note)];

“(2) on the map referred to in subsection (b)(2)(C), depictions of areas as ‘otherwise protected areas’ identified as ‘VA–60P’ do not include—

“(A) any area that is located south of the north bank of the Salt Ponds Inlet in Hampton, Virginia; and

“(B) the area that is located north of the line described in subsection (c), other than any part of each of those areas which is an otherwise protected area within the meaning of that term under section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note);

“(3) on the map referred to in subsection (b)(2)(A), the area consisting of approximately 5,221 acres and owned by the National Audubon Society as of September 28, 1992 (known as the ‘Audubon Sanctuary’), along with the associated aquatic habitat of Pine Island Bay and Goose Island Bay, shall be designated and depicted as NC–01, a unit of the Coastal Barrier Resources System by the Secretary in accordance with paragraph (5) of this subsection; and

“(4) on the map referred to in subsection (b)(2)(C), areas designated as ‘otherwise protected areas’ identified as ‘VA–60P’ that are—

“(A) north of the north bank of Salt Ponds Inlet in Hampton, Virginia; and

“(B) south of the line described in subsection (c) of this section shall be designated and depicted on the map as VA–60, a unit of the Coastal Barrier Resources System by the Secretary in accordance with paragraph (5) of this subsection.

In designating the units in accordance with paragraphs (3) and (4) above, the Secretary is authorized to make any minor and technical modifications to the boundaries of such unit as may be the subject of existing clerical and typographical errors in the map: Provided, That the local government in which is located such unit may recommend any such corrections be considered by the Secretary.

“(b) MAPS DESCRIBED.—The maps referred to in subsection (a) are—

(1) included in a set of maps entitled ‘Coastal Barrier Resources System’, dated October 24, 1990; and

(2) entitled, respectively—

“(A) ‘Pine Island Bay Unit, NC–01P’,

“(B) ‘Roosevelt Natural Area Unit, NC–65P’, and

“(C) ‘Plum Island Unit VA–60P’ Long Creek Unit VA–60P’.

“(c) LOCATIONS.—The line referred to in subsection (a)(2)(B) is a line described as follows: Beginning at an iron pipe in the low water line of Chesapeake Bay; said iron pipe being located 265.00 feet in a southerly direction from the south eastern corner of Fox Hill Shores Subdivision (as shown in Plat Book 9, page 161 as recorded in the Circuit Court for the City of Hampton, Virginia) and from this TRUE POINT OF BEGINNING running thence North 66 degrees 47 minutes 46 seconds West 995.79 feet to a found iron pipe; thence South 15 degrees 47 minutes 20 seconds East 270.65 feet to a found iron pipe; thence South 73 degrees 59 minutes 57 seconds West 836.88 feet to a point marking the low water line of Long Creek; being known as the southerly property line of Riley’s Way.’’

Section 4 of Pub. L. 101–591 provided that:

“(a) TECHNICAL REVISION OF MAPS AND PROVISION TO STATE AND LOCAL GOVERNMENT.—Not later than 180 days after the date of the enactment of this Act [Nov. 16, 1990], the Secretary shall—

“(1) make such technical revisions to the maps referred to in section 4(a) of the Coastal Barrier Resources Act [16 U.S.C. 3503(a)] (as amended by section 3 of this Act) as may be necessary to correct existing clerical and typographical errors in the maps; and

“(2) provide copies of the maps, as so revised, to—

“(A) each State and each local government in which is located a unit of the System;

“(B) the coastal zone management agency of each State—

“(i) in which is located a unit of the System; and

“(ii) which has a coastal zone management program approved pursuant to section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455); and

“(C) appropriate Federal agencies.

“(b) RECOMMENDATIONS TO STATE AND LOCAL GOVERNMENTS FOR BOUNDARY MODIFICATIONS.—(1) Not later than 1 year after the date of the enactment of this Act [Nov. 16, 1990], the Secretary may each submit to the Secretary recommendations for minor and technical modifications to the boundaries of existing units of the System located in that local government or State, respectively.

“(2) If, in the case of any minor and technical modification to the boundaries of System units made under the authority of subsection (d) of this section, an appropriate chief executive officer of a State, county or equivalent jurisdiction, or State coastal zone management agency to which notice was given in accordance with this subsection files comments disagreeing with all or part of the modification and theSecretary makes such modification which is in conflict with such comments, or if the Secretary fails to adopt a modification pursuant to a proposal submitted by an appropriate State coastal zone management agency under paragraph (1) of this subsection, the Secretary shall submit to the chief executive officer a written justification for the failure to make modifications consistent with such comments or proposals.

“(c) ELECTIONS TO ADD TO SYSTEM.—

“(1) PROVISION OF MAPS BY SECRETARY.—Not later than 180 days after the date of the enactment of this Act [Nov. 16, 1990], the Secretary shall provide—

“(A) to each local government in which is located an undeveloped coastal barrier not included within the System; and

“(B) to the Governor of each State in which such an area is located, maps depicting those undeveloped coastal barriers not included within the System located in that local government or State, respectively.

“(2) ELECTIONS.—Not later than 18 months after the date of the enactment of this Act, a local government and the Governor of any State referred to in paragraph (1), and any qualified organization—

“(A) may each elect to add to the System, as a new unit or as an addition to an existing unit, any area of qualified coastal barrier (or any portion
§ 3503. TITLE 16—CONSERVATION

Section 6 of Pub. L. 101–591 directed Secretary of the Interior, not later than 6 months after Nov. 16, 1990, to prepare and submit to Congress a study examining the need for protecting undeveloped coastal barriers along the Pacific coast of the United States south of 49 degrees north latitude through inclusion in the System; as soon as practicable after Nov. 16, 1990, to prepare maps identifying the boundaries of those undeveloped coastal barriers (as that term is defined in 16 U.S.C. 3502(1)) of the United States bordering the Pacific Ocean south of 49 degrees north latitude; and, not later than 12 months after Nov. 16, 1990, to submit to Congress maps identifying the boundaries of those undeveloped coastal barriers of the United States bordering the Pacific Ocean south of 49 degrees north latitude which the Secretary and the appropriate Governor consider to be appropriate for inclusion in the System.
§ 3504. Limitations on Federal expenditures affecting the System

(a) Construction or purchase of structure, facility, road, airport, etc.; projects to prevent erosion; exceptions

Except as provided in section 3505 of this title, 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 3503 of this title 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) New expenditures or new financial assistance

An expenditure or financial assistance made available under authority of Federal law shall, for purposes of this chapter, 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 chapter 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.

DEFINITIONS

Section 12 of Pub. L. 101–591 provided that: “For purposes of this Act [see Short Title of 1990 Amendment note set out under section 3501 of this title]—

“(1) the term ‘undeveloped coastal barrier’ means—

“(A) a depositional geologic feature (such as a bay barrier, tombolo, barrier spit, 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;

but only if such features and associated habitats 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;

“(2) the term ‘otherwise protected area’ means an undeveloped coastal barrier within the boundaries of an area established under Federal, State, or local law, or held by a qualified organization, primarily for resource conservation purposes;

“(3) the term ‘qualified organization’ means such an organization under section 170(b)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 170(b)(3));

“(4) the term ‘Secretary’ means the Secretary of the Interior; and

“(5) the term ‘System’ means the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.), as amended by this Act.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3502, 3504, 3505 of this title; title 42 section 4028.