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The Coastal Barrier Resources System

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Many of us have heard that a portion of North Topsail Beach is in a “CBRA” zone – often incorrectly referred to as “COBRA” because of its annunciation similarities to the venomous snake, the cobra. Also, Rep. Henry Brown (R) of South Carolina recently introduced a bill that would remove an area near Capt. Sam's Inlet from the protection of CBRA. So in attempt to make today's news relevant to us, there's no better time to demystify what exactly is a CBRA zone.

CBRA is actually an acronym for the Coastal Barrier Resources Act, which was enacted in 1982 to designate various private “undeveloped” barrier islands, depicted by specific maps, for inclusion in the Coastal Barrier Resources System (CBRS). Importantly, the Coastal Barrier Improvement Act of 1990 expanded the CBRS and created a new category of lands known as otherwise protected areas, or OPAs (that's another acronym), which include national wildlife refuges, national parks and seashores, state and county parks, and land owned by private groups already designated for recreation and conservation. Currently, there are 585 CBRS units, comprising nearly 1.3 million acres of land and associated aquatic habitat, and 271 OPAs including an additional 1.8 million acres of land and associated aquatic habitat.

CBRA and subsequent amendments also prohibit most new Federal expenditures that tend to encourage development or modification of coastal barriers including flood insurance, unless a building was constructed (or permitted and under construction) before the CBRS unit's effective date. If an existing insured structure is substantially improved or damaged, then the Federal flood insurance policy will not be renewed. Other limitations to federal expenditures within CBRSs include the construction/purchase of structures, roads, or erosion prevention and stabilization projects.

Federal expenditures however are authorized for activities associated with energy resources; navigation channels; public roads; national security; Coast Guard facilities; wildlife enhancement, protection, and management; public health and safety; and restoration of natural shoreline stabilization systems. CBRA does not restrict activities utilizing private or other non-federal funds.

Some scholars may elucidate CBRA as a fiscally conservative, free market approach to promote coastal conservation because it relies on a withholding of tax dollars rather than on a takings or regulation. In layman's terms however, it simply ensures non-developed barriers already held for recreation or conservation stay that way while concurrently providing a strong disincentive to develop on more low-lying, risky barrier islands that may not already be owned for recreation/conservation purposes.

There are 16 CBRS units in N.C. including the vast expanses of the Cape Hatteras and Lookout National Seashores. The Roosevelt Natural Area in Pine Knoll Shores is the only CBRS unit within Bogue Banks – it does not include any oceanfront property.



As mentioned at the beginning of this article, Rep. Henry Brown recently introduced a bill that would remove an area near Capt. Sam's Inlet from the CBRS. Between 1988 and 1999, South Carolina's oceanfront building setback law prevented any development near Capt. Sam's Inlet in the first place. However in 1999, the State moved the area's building setback, which made it possible for the land's owner, Kiawah Development Partners, to build. However, the land is still within the CBRS, thus any future homes would not qualify for federally-subsidized flood insurance. The annual difference estimated by the South Carolina Insurance News Service is roughly \$40,000 within the CBRS, and \$1,600 outside CBRS for \$900,000 in coverage with a \$50,000 deductible. Representative Brown recently withdrew the bill after receiving criticism from his constituents.



Cape Lookout National Seashore – part of the Coastal Barrier Resources System, commonly referred to as CBRA.