REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this title'', meaning title XV of Pub. L. 97–98, Dec. 22, 1981, 95 Stat. 1328, which enacted this chapter and sections 2272 and 2273 and chapter 73 (§ 4201 et seq.) of Title 7, Agriculture, amended sections 1002 to 1005 of this title, section 1010 of Title 7, section 714b of Title 15, Commerce and Trade, and section 1236 of Title 30, Mineral Lands and Mining, and enacted a provision set out as a note under section 2272 of Title 7.

CHAPTER 55—COASTAL BARRIER RESOURCES

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 42 section 5172.

§ 3501. Congressional statement of findings and purpose

(a) The Congress finds that—

(1) coastal barriers along the Atlantic and Gulf coasts and along the shore areas of the Great Lakes of the United States and the adjacent wetlands, marshes, estuaries, inlets and nearshore waters provide—

(A) habitats for migratory birds and other wildlife; and

(B) habitats which are essential spawning, nursery, nesting, and feeding areas for commercially and recreationally important species of finfish and shellfish, as well as other aquatic organisms such as sea turtles;

(2) coastal barriers contain resources of extraordinary scenic, scientific, recreational, natural, historic, archeological, cultural, and economic importance; which are being irretrievably damaged and lost due to development on, among, and adjacent to, such barriers;

(3) coastal barriers serve as natural storm protective buffers and are generally unsuitable for development because they are vulnerable to hurricane and other storm damage and because natural shoreline recession and the movement of unstable sediments undermine manmade structures;

(4) certain actions and programs of the Federal Government have subsidized and permitted development on coastal barriers and the result has been the loss of barrier resources, threats to human life, health, and property, and the expenditure of millions of tax dollars each year; and

(5) a program of coordinated action by Federal, State, and local governments is critical to the more appropriate use and conservation of coastal barriers.

(b) The Congress declares that it is the purpose of this chapter 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 along the Atlantic and Gulf coasts and along the shore areas of the Great Lakes by restricting future Federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers, by establishing a Coastal Barrier Resources System, and by considering the means and measures by which the long-term conservation of these fish, wildlife, and other natural resources may be achieved.

(Pub. L. 97–348, § 2, Oct. 18, 1982, 96 Stat. 1653; Pub. L. 100–707, title II, § 204(c)(1), Nov. 23, 1988, 102 Stat. 4714.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original ''this Act'', meaning Pub. L. 97–348, Oct. 18, 1982, 96 Stat. 1653, as amended, known as the Coastal Barrier Resources Act, which is classified generally to this chapter (§ 3501 et seq.). For complete classification of this Act to the Code, see Short Title note set out below and Tables.

AMENDMENTS

1988—Subsecs. (a)(1), (b). Pub. L. 100–707 inserted ''and along the shore areas of the Great Lakes'' after ''Atlantic and Gulf coasts''.

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101–591, § 1, Nov. 16, 1990, 104 Stat. 2931, provided that: ''This Act [enacting section 1441a–3 of Title 12, Banks and Banking, amending sections 3502 to 3506 and 3510 of this title and section 4028 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under section 3503 of this title, and repealing provisions set out as a note under section 3505 of this title] may be cited as the 'Coastal Barrier Improvement Act of 1990'.''

SHORT TITLE OF 1988 AMENDMENT

Section 204(a) of Pub. L. 100–707 provided that: ''This section [amending this section and sections 3502 and 3503 of this title and enacting provisions set out as a note under section 3505 of this title] may be cited as the 'Great Lakes Coastal Barrier Act of 1988'.''

SHORT TITLE

Section 1 of Pub. L. 97–348 provided that: ''This Act [enacting this chapter, amending section 4028 of Title 42, The Public Health and Welfare, and repealing provisions set out as a note under section 4028 of Title 42] may be cited as the 'Coastal Barrier Resources Act'.''

§ 3502. Definitions

For purposes of this chapter—

(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 feature and associated habitats contain few manmade structures and these structures, and man's activities on such feature and within such habitats, do not significantly impede geomorphic and ecological processes.

(2) The term ''Committees'' refers to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(3) The term ''financial assistance'' means any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, or any other form of direct or indirect Federal assistance other than—

(A) deposit or account insurance for customers of banks, savings and loan associations, credit unions, or similar institutions;

(B) the purchase of mortgages or loans by the Government National Mortgage Association, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation;

(C) assistance for environmental studies, planning, and assessments that are required incident to the issuance of permits or other authorizations under Federal law; and

(D) assistance pursuant to programs entirely unrelated to development, such as any Federal or federally assisted public assistance program or any Federal old-age survivors or disability insurance program.

Effective October 1, 1983, such term includes flood insurance described in section 4028 of title 42.

(4) The term ''Great Lakes'' means Lake Ontario, Lake Erie, Lake Huron, Lake St. Clair, Lake Michigan, and Lake Superior, to the extent that those lakes are subject to the jurisdiction of the United States.

(5) The term ''Secretary'' means the Secretary of the Interior.

(6) The term ''System'' means the Coastal Barrier Resources System established by section 3503(a) of this title.

(7) The term ''System unit'' means any undeveloped coastal barrier, or combination of closely-related undeveloped coastal barriers, included within the Coastal Barrier Resources System established by section 3503 of this title.

(Pub. L. 97–348, § 3, Oct. 18, 1982, 96 Stat. 1653; Pub. L. 99–272, title XIV, § 14001(b)(5), Apr. 7, 1986, 100 Stat. 329; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 100–707, title II, § 204(c)(2), Nov. 23, 1988, 102 Stat. 4714; Pub. L. 101–591, § 2(a), (b)(1), (c), Nov. 16, 1990, 104 Stat. 2931.)

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 '', 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 cls. (ii) and (iii) as (i) and (ii), respectively, and struck out former cl. (i) which read as follows: ''consists of unconsolidated sedimentary materials,''.

Par. (6). Pub. L. 101–591, § 2(b)(1), amended par. (6) generally. Prior to amendment, par. (6) read as follows: ''The term 'system maps' means—

''(A) the maps that are entitled 'Coastal Barrier Resources System', numbered A01 through T12 (but 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.

1986—Par. (1). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

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

Amendment by Pub. L. 99–272, effective Oct. 18, 1986, see section 14001(e) of Pub. L. 99–272.

ABOLITION OF HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Committee on Merchant Marine and Fisheries of House of Representatives abolished and its jurisdiction transferred by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. Committee on Merchant Marine and Fisheries of House of Representatives treated as referring to Committee on Resources of House of Representatives in case of provisions relating to fisheries, wildlife, international fishing agreements, marine affairs (including coastal zone management) except for measures relating to oil and other pollution of navigable waters, or oceanography by section 1(b)(3) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

§ 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 avail-

able 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.

(Pub. L. 97–348, § 4, Oct. 18, 1982, 96 Stat. 1654; Pub. L. 97–396, § 8, Dec. 31, 1982, 96 Stat. 2007; Pub. L. 100–707, title II, § 204(b), Nov. 23, 1988, 102 Stat. 4713; Pub. L. 101–591, § 3, Nov. 16, 1990, 104 Stat. 2931.)

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.

1982—Subsec. (a)(1). Pub. L. 97–396 inserted ''(but excluding maps T02 and T03)'' after ''A01 through T12'', and ''and the maps designated T02A and T03A, dated December 8, 1982'' after ''and dated September 30, 1982''.

TECHNICAL REVISION OF MAPS; MODIFICATION OF BOUNDARIES; ADDITIONS TO SYSTEM

Pub. L. 104–333, div. I, title II, § 220, Nov. 12, 1996, 110 Stat. 4115, provided that:

''(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 [Nov. 12, 1996], make such corrections to the maps described in subsection (b) as are necessary to ensure that depictions of areas on those maps are consistent with the depictions of areas appearing on the maps entitled 'Amendments to Coastal Barrier Resources System', dated November 1, 1995, and June 1, 1996, and on file with the Secretary.

''(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

''(2) relate to the following units of the Coastal Barrier Resources System: P05, P05A, P10, P11, P11A, P18, P25, P32, and P32P.''

Pub. L. 104–265, title II, § 201, Oct. 9, 1996, 110 Stat. 3289, provided that:

''(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act [Oct. 9, 1996], the Secretary of the Interior shall make such corrections to the set of maps described in subsection (b) as are necessary to move the southern-most boundary of Unit SC–01 of the Coastal Barrier Resources System (known as the 'Long Pond Unit') to exclude from the Unit the structures known as 'Lands End', 'Beachwalk', and 'Courtyard Villas', including the land lying between the structures. The corrected southern boundary shall extend in a straight line, at the break in development, between the coast and the north boundary of the unit.

''(b) MAPS.—The set of maps described in this subsection is the set of maps entitled 'Coastal Barrier Resources System' dated October 24, 1990, insofar as the maps relate to Unit SC–01 of the Coastal Barrier Resources System.''

Pub. L. 104–148, § 2, May 24, 1996, 110 Stat. 1378, provided that:

''(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act [May 24, 1996], the Secretary of the Interior shall make such corrections to the map described in subsection (b) as are necessary—

''(1) to move the eastern boundary of the excluded area covering Ocean Beach, Seaview, Ocean Bay Park, and part of Point O'Woods to the western boundary of the Sunken Forest Preserve; and

''(2) to ensure that the depiction of areas as 'otherwise protected areas' does not include any area that is owned by the Point O'Woods Association (a privately held corporation under the laws of the State of New York).

''(b) MAP DESCRIBED.—The map described in this subsection is the map that is included in a set of maps entitled 'Coastal Barrier Resources System', dated October 24, 1990, that relates to the unit of the Coastal Barrier Resources System entitled 'Fire Island Unit NY–59P'.''

Pub. L. 103–461, § 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, and 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–05P 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

''(2) related to the following units of the Coastal Barrier Resources System: AL–01P, FL–05P, P11A, P17, P17A, P18P, P19P, FL–15, FL–95P, FL–36P, P31P, FL–72P, MI21, NY75, and VA62P.''

Pub. L. 102–440, title III, § 303, Oct. 23, 1992, 106 Stat. 2234, provided that:

''(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 that area 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 Goat 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 necessary to correct 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–05P', and

''(C) 'Plum Island Unit VA–59P Long Creek Unit VA–60P'.

''(c) LINE DESCRIBED.—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 836.68 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 OF 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]—

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

''(B) the coastal zone management agency of a State in which is located a unit of the System and which has such a program approved;

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 the Secretary makes a 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 thereof) which is owned or held by the local government, State, or qualified organization, respectively;

''(B) shall notify the Secretary of that election; and

''(C) shall submit to the Secretary a map depicting the area, if—

''(i) the area (or portion) is not depicted on a map provided by the Secretary under paragraph (1); or

''(ii) the local government, State, or qualified organization was not provided maps under paragraph (1).

''(3) EFFECTIVE DATE OF ELECTION.—An area elected by a local government, Governor of a State, or qualified organization to be added to the System under this subsection shall be part of the System effective on the date on which the Secretary publishes notice in the Federal Register under subsection (e)(1)(C) with respect to that election.

''(d) ADDITION OF EXCESS FEDERAL PROPERTY.—

''(1) CONSULTATION AND DETERMINATION.—Prior to transfer or disposal of excess property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) that may be an undeveloped coastal barrier, the Administrator of General Services shall consult with and obtain from the Secretary

a determination as to whether and what portion of the property constitutes an undeveloped coastal barrier. Not later than one hundred and eighty days after the initiation of such consultation, the Secretary shall make and publish notice of such determination. Immediately upon issuance of a positive determination, the Secretary shall—

''(A) prepare a map depicting the undeveloped coastal barrier portion of such property; and

''(B) shall publish in the Federal Register notice of the addition of such property to the System.

''(2) EFFECTIVE DATE OF INCLUSION.—An area to be added to the System under this subsection shall be part of the System effective on the date on which the Secretary publishes notice in the Federal Register under subsection (d)(1)(B) with respect to that area.

''(3) REVISION OF MAPS.—As soon as practicable after the date on which a unit is added to the System under subsection (d)(2), the Secretary shall revise the maps referred to in section 4(a) of the Act [16 U.S.C. 3503(a)] (as amended by section 3 of this Act) to reflect each such addition.

''(e) MODIFICATION OF BOUNDARIES, REVISION OF MAPS, AND PUBLICATION OF NOTICE.—

''(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act [Nov. 16, 1990], the Secretary—

''(A) based on recommendations submitted by local governments and State coastal zone management agencies under subsection (b), may make such minor and technical modifications to the boundaries of existing units of the System as are consistent with the purposes of the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.) and are necessary to clarify the boundaries of those units;

''(B) shall revise the maps referred to in section 4(a) of the Act [16 U.S.C. 3503(a)] (as amended by section 3 of this Act)—

''(i) to reflect those modifications; and

''(ii) to reflect each election of a local government, Governor of a State, or qualified organization to add an area to the System pursuant to subsection (c); and

''(C) shall publish in the Federal Register notice of each such modification or election.

''(2) EFFECTIVE DATE OF MODIFICATIONS.—A modification of the boundaries of a unit of the System under paragraph (1)(A) shall take effect on the date on which the Secretary published notice in the Federal Register under paragraph (1)(C) with respect to that modification.

''(f) NOTIFICATION REGARDING MODIFICATIONS AND ELECTIONS.—Not less than 30 days before the effective date of any modification of the boundaries of a unit of the System under subsection (d)(1)(A), or of an election of a local government, Governor of a State, or qualified organization to add an area of qualified coastal barrier to the System pursuant to subsection (c) or of an addition to the System pursuant to subsection (d), the Secretary shall submit written notice of such modification or election to—

''(1) the Committee on Merchant Marine and Fisheries [now Committee on Resources] of the House of Representatives and the Committee on Environment and Public Works of the Senate; and

''(2) appropriate State and Federal officials.''

PACIFIC COASTAL BARRIER PROTECTION STUDY AND MAPS

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.

REPORT REGARDING COASTAL BARRIER MANAGEMENT

Section 8 of Pub. L. 101–591 provided that:

''(a) COASTAL BARRIERS TASK FORCE.—

''(1) ESTABLISHMENT.—There is established an interagency task force to be known as the Coastal Barriers Task Force (hereinafter in this section referred to as the 'Task Force').

''(2) MEMBERSHIP.—The Task Force shall be composed of 11 individuals as follows:

''(A) A designee of the Secretary of Agriculture.

''(B) A designee of the Secretary of Commerce.

''(C) A designee of the Secretary of Defense.

''(D) A designee of the Secretary of Energy.

''(E) A designee of the Secretary of Housing and Urban Development.

''(F) A designee of the Secretary of the Interior.

''(G) A designee of the Secretary of Transportation.

''(H) A designee of the Secretary of the Treasury, who shall represent the Internal Revenue Service.

''(I) A designee of the Administrator of the Environmental Protection Agency.

''(J) A designee of the Director of the Federal Emergency Management Agency.

''(K) A designee of the Administrator of the Small Business Administration.

''(3) CHAIRPERSON.—The chairperson of the Task Force shall be the designee of the Secretary of the Interior.

''(b) REPORT.—

''(1) IN GENERAL.—Not later than the expiration of the 2-year period beginning on the date of the enactment of this Act [Nov. 16, 1990], the Task Force shall submit to the Congress a report regarding the Coastal Barrier Resources System.

''(2) CONTENTS.—The report required under paragraph (1) shall include the following:

''(A) An analysis of the effects of any regulatory activities of the Federal Government on development within units of the System, for the period from 1975 to 1990.

''(B) An analysis of the direct and secondary impacts of tax policies of the Federal Government on development (including development of second home and investment properties) within units of the System, for the period from 1975 to 1990.

''(C) An estimate and comparison of the costs to the Federal Government with respect to developed coastal barriers on which are located units of the System, for the period from 1975 to 1990, which shall include costs of shore protection activities, beach renourishment activities, evacuation services, disaster assistance, and flood insurance subsidies under the national flood insurance program.

''(D) A determination of the number of structures for which flood insurance under the national flood insurance program has been unavailable since the enactment of the National Flood Insurance Act of 1968 [Aug. 1, 1968] because of the prohibition, under section 1321 of such Act [42 U.S.C. 4028], of the provision of insurance for structures located on coastal barriers within the System.

''(E) An estimate of the number of existing structures located on coastal barriers that are included within the System because of the expansion of the System under this Act and the amendments made by this Act [see Short Title of 1990 Amendment note set out under section 3501 of this title].

''(F) A summary of the opinions and comments expressed pursuant to paragraph (3).

''(G) Recommendations for Federal policies and legislative action with respect to developed and undeveloped coastal barriers to promote the protec-

tion of coastal barriers and minimize activities of the Federal Government that contribute to the destruction and degradation of coastal barriers.

''(3) HEARINGS.—In carrying out its responsibilities under this subsection, the Task Force shall hold hearings to provide opportunity for State and local governments and members of the public to express their opinions and comment on Federal policy regarding coastal barriers.

''(c) TERMINATION.—The Task Force shall terminate 90 days after submission of the report required under subsection (b)(1).''

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 wildlife refuge, sanctuary, recreational, or natural resource conservation purposes;

''(3) the term 'qualified organization' means such an organization under section 170(h)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(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.

§ 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.

(Pub. L. 97–348, § 5, Oct. 18, 1982, 96 Stat. 1656; Pub. L. 101–591, §§ 2(b)(2), 5(c), Nov. 16, 1990, 104 Stat. 2931, 2936.)

REFERENCES IN TEXT

The Coastal Barrier Improvement Act of 1990, referred to in subsec. (b)(1), is Pub. L. 101–591, Nov. 16, 1990, 104 Stat. 2931, which enacted section 1441a–3 of Title 12, Banks and Banking, amended sections 3502 to 3506 and 3510 of this title and section 4028 of Title 42, The Public Health and Welfare, enacted provisions set out as notes under section 3503 of this title, and repealed provisions set out as a note under section 3505 of this title. For complete classification of this Act to the Code, see Short Title of 1990 Amendment note set out under section 3501 of this title and Tables.

AMENDMENTS

1990—Subsec. (a). Pub. L. 101–591, § 2(b)(2)(A), in introductory provisions substituted ''the System'' for ''the Coastal Barrier Resources System''.

Subsec. (a)(3). Pub. L. 101–591, § 5(c), substituted ''through S08 and LA07'' for ''through S08''.

Subsec. (b)(1). Pub. L. 101–591, § 2(b)(2)(B), substituted ''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'' for ''of the enactment of this Act''.

Subsec. (b)(2). Pub. L. 101–591, § 2(b)(2)(C), struck out ''of enactment'' after ''before such date''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3505 of this title.

§ 3505. Exceptions to limitations on expenditures

(a) In general

Notwithstanding section 3504 of this title, the appropriate Federal officer, after consultation with the Secretary, may make Federal expenditures and may make financial assistance available within the System for the following:

(1) Any use or facility necessary for the exploration, extraction, or transportation of energy resources which can be carried out only on, in, or adjacent to a coastal water area because the use or facility requires access to the coastal water body.

(2) The maintenance or construction of improvements of existing Federal navigation channels (including the Intracoastal Waterway) and related structures (such as jetties),

including the disposal of dredge materials related to such maintenance or construction.

(3) The maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly owned or publicly operated roads, structures, or facilities that are essential links in a larger network or system.

(4) Military activities essential to national security.

(5) The construction, operation, maintenance, and rehabilitation of Coast Guard facilities and access thereto.

(6) Any of the following actions or projects, if a particular expenditure or the making available of particular assistance for the action or project is consistent with the purposes of this chapter:

(A) Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.

(B) Establishment, operation, and maintenance of air and water navigation aids and devices, and for access thereto.

(C) Projects under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 through 11) and the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

(D) Scientific research, including aeronautical, atmospheric, space, geologic, marine, fish and wildlife, and other research, development, and applications.

(E) Assistance for emergency actions essential to the saving of lives and the protection of property and the public health and safety, if such actions are performed pursuant to sections 5170a, 5170b, and 5192 of title 42 and section 1362[1] of the National Flood Insurance Act of 1968 (42 U.S.C. 4103) and are limited to actions that are necessary to alleviate the emergency.

(F) Maintenance, replacement, reconstruction, or repair, but not the expansion (except with respect to United States route 1 in the Florida Keys), of publicly owned or publicly operated roads, structures, and facilities.

(G) Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system.

(b) Existing Federal navigation channels

For purposes of subsection (a)(2) of this section, a Federal navigation channel or a related structure is an existing channel or structure, respectively, if it was authorized before the date on which the relevant System unit or portion of the System unit was included within the System.

(c) Expansion of highways in Michigan

The limitations on the use of Federal expenditures or financial assistance within the System under subsection (a)(3) of this section shall not apply to a highway—

(1) located in a unit of the System in Michigan; and

(2) in existence on November 16, 1990.

(d) Services and facilities outside System

(1) In general

Except as provided in paragraphs (2) and (3) of this subsection, limitations on the use of Federal expenditures or financial assistance within the System under section 3504 of this title shall not apply to expenditures or assistance provided for services or facilities and related infrastructure located outside the boundaries of unit T–11 of the System (as depicted on the maps referred to in section 3503(a) of this title) which relate to an activity within that unit.

(2) Prohibition of flood insurance coverage

No new flood insurance coverage may be provided under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) for any new construction or substantial improvements relating to services or facilities and related infrastructure located outside the boundaries of unit T–11 of the System that facilitate an activity within that unit that is not consistent with the purposes of this chapter.

(3) Prohibition of HUD assistance

(A) In general

No financial assistance for acquisition, construction, or improvement purposes may be provided under any program administered by the Secretary of Housing and Urban Development for any services or facilities and related infrastructure located outside the boundaries of unit T–11 of the System that facilitate an activity within that unit that is not consistent with the purposes of this chapter.

(B) "Financial assistance" defined

For purposes of this paragraph, the term ''financial assistance'' includes any contract, loan, grant, cooperative agreement, or other form of assistance, including the insurance or guarantee of a loan, mortgage, or pool of mortgages.

(Pub. L. 97–348, § 6, Oct. 18, 1982, 96 Stat. 1656; Pub. L. 100–707, title I, § 109(h), Nov. 23, 1988, 102 Stat. 4709; Pub. L. 101–591, § 5(a), Nov. 16, 1990, 104 Stat. 2934.)

REFERENCES IN TEXT

The Land and Water Conservation Fund Act of 1965, referred to in subsec. (a)(6)(C), is Pub. L. 88–578, Sept. 3, 1964, 78 Stat. 897, as amended, which is classified generally to part B (§ 460*l*–4 et seq.) of subchapter LXIX of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 460*l*–4 of this title and Tables.

The Coastal Zone Management Act of 1972, referred to in subsec. (a)(6)(C), is title III of Pub. L. 89–454, as added by Pub. L. 92–583, Oct. 27, 1972, 86 Stat. 1280, as amended, which is classified generally to chapter 33 (§ 1451 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1451 of this title and Tables.

Section 1362 of the National Flood Insurance Act of 1968 (42 U.S.C. 4103), referred to in subsec. (a)(6)(E), was repealed by Pub. L. 103–325, title V, § 551(a), Sept. 23, 1994, 108 Stat. 2269.

The National Flood Insurance Act of 1968, referred to in subsec. (d)(2), is title XIII of Pub. L. 90–448, Aug. 1,

[1] See References in Text note below.

1968, 82 Stat. 572, as amended, which is classified principally to chapter 50 (§ 4001 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4001 of Title 42 and Tables.

AMENDMENTS

1990—Pub. L. 101–591 amended section generally, substituting substantially similar provisions in subsec. (a), substituting ''a Federal navigation channel or a related structure is an existing channel or structure, respectively, if it was authorized before the date on which the relevant System unit or portion of the System unit was included within the System'' for ''a channel improvement or a related structure shall be treated as an existing improvement or an existing related structure only if all, or a portion, of the moneys for such improvement or structure was appropriated before October 18, 1982'' in subsec. (b), and adding subsecs. (c) and (d).

1988—Subsec. (a)(6)(E). Pub. L. 100–707 substituted reference to sections 5170a, 5170b, and 5192 of title 42 for reference to sections 5145 and 5146 of title 42.

EXPANSION OF HIGHWAYS IN MICHIGAN

Section 204(d) of Pub. L. 100–707 exempted existing highways in Michigan from limitations on the use of Federal expenditures or financial assistance within the Coastal Barrier Resources System under 16 U.S.C. 3505(a)(3) if the Congress added new units to the Coastal Barrier Resources System under 16 U.S.C. 3503, and those units included portions of United States or State highways in the State of Michigan, prior to repeal by Pub. L. 101–591, § 5(b), Nov. 16, 1990, 104 Stat. 2936. See section 3505(c) of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3504 of this title.

§ 3506. Certification of compliance

(a) Regulations

Not later than 12 months after November 16, 1990, the head of each Federal agency affected by this chapter shall promulgate regulations to assure compliance with the provisions of this chapter.

(b) Certification

The head of each Federal agency affected by this chapter shall report and certify that each such agency is in compliance with the provisions of this chapter. Such reports and certifications shall be submitted annually to the Committees and the Secretary.

(Pub. L. 97–348, § 7, Oct. 18, 1982, 96 Stat. 1657; Pub. L. 101–591, § 14, Nov. 16, 1990, 104 Stat. 2941.)

AMENDMENTS

1990—Pub. L. 101–591 amended section generally. Prior to amendment, section read as follows: ''The Director of the Office of Management and Budget shall, on behalf of each Federal agency concerned, make written certification that each such agency has complied with the provisions of this chapter during each fiscal year beginning after September 30, 1982. Such certification shall be submitted on an annual basis to the House of Representatives and the Senate pursuant to the schedule required under the Congressional Budget and Impoundment Control Act of 1974.''

§ 3507. Priority of laws

Nothing contained in this chapter shall be construed as indicating an intent on the part of the Congress to change the existing relationship of other Federal laws to the law of a State, or a political subdivision of a State, or to relieve any person of any obligation imposed by any law of any State, or political subdivision of a State. No provision of this chapter shall be construed to invalidate any provision of State or local law unless there is a direct conflict between such provision and the law of the State, or political subdivision of the State, so that the two cannot be reconciled or consistently stand together. This chapter shall in no way be interpreted to interfere with a State's right to protect, rehabilitate, preserve, and restore lands within its established boundary.

(Pub. L. 97–348, § 8, Oct. 18, 1982, 96 Stat. 1658.)

§ 3508. Separability

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

(Pub. L. 97–348, § 9, Oct. 18, 1982, 96 Stat. 1658.)

§ 3509. Report to Congress

(a) Time of report

Before the close of the 3-year period beginning on October 18, 1982, the Secretary shall prepare and submit to the Committees a report regarding the System.

(b) Consultations and public comment

The Secretary shall prepare the report required under subsection (a) of this section in consultation with the Governors of the States in which System units are located and with the coastal zone management agencies of the States in which System units are located and after providing opportunity for, and considering, public comment.

(c) Contents

The report required under subsection (a) of this section shall contain—

(1) recommendations for the conservation of the fish, wildlife, and other natural resources of the System based on an evaluation and comparison of all management alternatives, and combinations thereof, such as State and local actions (including management plans approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)), Federal actions (including acquisition for administration as part of the National Wildlife Refuge System), and initiatives by private organizations and individuals;

(2) recommendations for additions to, or deletions from, the Coastal Barrier Resources System, and for modifications to the boundaries of System units;

(3) a summary of the comments received from the Governors of the States, State coastal zone management agencies, other government officials, and the public regarding the System; and

(4) an analysis of the effect, if any, that general revenue sharing grants made under section 6702 of title 31[1] have had on undeveloped coastal barriers.

[1] See References in Text note below.

(Pub. L. 97–348, § 10, Oct. 18, 1982, 96 Stat. 1658.)

REFERENCES IN TEXT

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), referred to in subsec. (c)(1), is title III of Pub. L. 89–454, as added by Pub. L. 92–583, Oct. 27, 1972, 86 Stat. 1280, as amended, which is classified generally to chapter 33 (§ 1451 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1451 of this title and Tables.

Chapter 67 of title 31, including section 6702 referred to in subsec. (c)(4), was repealed by Pub. L. 99–272, title XIV, § 14001(a)(1), Apr. 7, 1986, 100 Stat. 327. See also Codification note below. A new chapter 67 of Title 31, Money and Finance, was added by Pub. L. 103–322, title III, § 31001(a), Sept. 13, 1994, 108 Stat. 1859.

CODIFICATION

In subsec. (c)(4), ''section 6702 of title 31'' substituted for ''section 102 of the State and Local Fiscal Assistance Amendments of 1972 (31 U.S.C. 1221)'' on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance. See also References in Text note above.

§ 3510. Authorization of appropriations

There are authorized to be appropriated to the Secretary for carrying out this chapter $2,000,000 for each of fiscal years 1995 to 1998.

(Pub. L. 97–348, § 12, Oct. 18, 1982, 96 Stat. 1659; Pub. L. 101–591, § 13(a), Nov. 16, 1990, 104 Stat. 2941; Pub. L. 103–461, § 1(c), Nov. 2, 1994, 108 Stat. 4804.)

AMENDMENTS

1994—Pub. L. 103–461 amended section generally. Prior to amendment, section read as follows: ''There is authorized to be appropriated to the Secretary for carrying out this chapter not more than $1,000,000 for each of the fiscal years 1990, 1991, 1992, and 1993.''

1990—Pub. L. 101–591 amended section generally. Prior to amendment, section read as follows: ''There is authorized to be appropriated to the Department of the Interior $1,000,000 for the period beginning October 1, 1982, and ending September 30, 1985, for purposes of carrying out sections 3503 and 3509 of this title.''

CHAPTER 56—NORTH ATLANTIC SALMON FISHING

Sec.
3601. Definitions.
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§ 3601. Definitions

As used in this chapter, the term—

(1) ''Act of 1976'' means the Act entitled ''An Act to provide for the conservation and management of the fisheries, and for other purposes'', approved April 13, 1976 (16 U.S.C. 1801 et seq.);

(2) ''Commission'' means any of the Commissions of the Organization that are established by the Convention;

(3) ''Commissioner'' means a United States Commissioner appointed under section 3602 of this title;

(4) ''Convention'' means the Convention for the Conservation of Salmon in the North Atlantic Ocean, signed at Reykjavik, Iceland, on March 2, 1982;

(5) ''Council'' means the Council established by the Convention;

(6) ''fishing'' has the same meaning as such term has in section 3(10)[1] of the Act of 1976 (16 U.S.C. 1802(10));

(7) ''Organization'' means the North Atlantic Salmon Conservation Organization established under the Convention;

(8) ''person'' has the same meaning as such term has in section 3(19)[1] of the Act of 1976 (16 U.S.C. 1802(19)); and

(9) ''salmon'' means all species of salmon which migrate in or into the waters of the Atlantic Ocean north of 36 degrees north latitude.

(Pub. L. 97–389, title III, § 302, Dec. 29, 1982, 96 Stat. 1951.)

REFERENCES IN TEXT

An Act to provide for the conservation and management of the fisheries, and for other purposes, approved April 13, 1976 (16 U.S.C. 1801 et seq.), referred to in par. (1), is Pub. L. 94–265, Apr. 13, 1976, 90 Stat. 331, as amended, known as the Magnuson-Stevens Fishery Conservation and Management Act, which is classified principally to chapter 38 (§ 1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

Section 3 of the Act of 1976 (16 U.S.C. 1802), referred to in pars. (6) and (8), was subsequently amended, and section 3(10) and (19) no longer defines the terms ''fishing'' and ''person''. However, such terms are defined elsewhere in that section.

CODIFICATION

Section 3602 of this title, referred to in par. (3), was in the original ''section 403 of this title'', meaning section 403 of title III of Pub. L. 97–389, and has been translated as section 3602 of this title, section 303 of title III of Pub. L. 97–389, as the probable intent of Congress, because title III of Pub. L. 97–389 does not contain a section 403 and section 3602 of this title relates to appointment of a United States Commissioner.

SHORT TITLE

Section 301 of title III of Pub. L. 97–389 provided: ''This title [enacting this chapter] may be cited as the 'Atlantic Salmon Convention Act of 1982'.''

[1] See References in Text note below.