

U.S. Fish & Wildlife Service

John H. Chafee Coastal Barrier Resources System (CBRS) Unit P32P, Moreno Point, Florida Summary of Proposed Changes

Type of Unit: Otherwise Protected Area (OPA)

County: Okaloosa

Congressional District: 1

Existing Map:

The existing CBRS map depicting this unit is:

- [12-021A](#) dated January 11, 2016

Notice of Availability:

The U.S. Fish & Wildlife Service (Service) opened a public comment period on the proposed changes to Unit P32P via Federal Register notice. The Federal Register notice and the proposed boundary (accessible through the CBRS Projects Mapper) are available on the Service's website at www.fws.gov/cbra.

Establishment of Unit:

The Coastal Barrier Resources Act (Pub. L. 97-348), enacted on October 18, 1982 (47 FR 52388), originally established this unit as System Unit P32.

Historical Changes:

The CBRS map for this unit has been modified by the following legislative and/or administrative actions:

- Coastal Barrier Improvement Act (Pub. L. 101-591) enacted on November 16, 1990 (56 FR 26304)
- Pub. L. 104-333 enacted on November 12, 1996 (62 FR 28891). The maps revised by this law were later invalidated by a court order on March 5, 1998 (Coastal Alliance v. Babbitt, Civil Action No. 97-1344 (D. D.C.)).
- Pub. L. 105-277 enacted on October 21, 1998 (64 FR 41940). This law reinstated the maps revised by Pub. L. 104-333 (including the map for Unit P32P) that were previously invalidated by court order.
- *Federal Register* notice (81 FR 13407) published on March 14, 2016, in accordance with Section 3 of Pub. L. 101-591

For additional information on historical legislative and administrative actions that have affected the CBRS, see: <https://www.fws.gov/cbra/Historical-Changes-to-CBRA.html>

Proposed Changes:

The proposed changes to Unit P32P are described below.

Proposed Removals:

- Two condominium buildings along Emerald Coast Parkway known as St. Barth at Silver Shells and St. Thomas at Silver Shells and adjacent undeveloped privately owned fastland

Proposed Additions:

- Small portions of Henderson Beach State Park

Proposed Reclassifications:

- From System Unit P32 to OPA Unit P32P: The eastern portion of Henderson Beach State Park
- From OPA Unit P32P to System Unit P32: An area of privately owned fastland, including a Gulf Power Company facility, located to the north of Henderson Beach State Park and to the south of the Emerald Coast Parkway

Unit P32P Summary of Proposed Changes (continued)

Other Modifications/Information:

- A U.S. Air Force radar facility is currently within OPA Unit P32P. This area is completely surrounded by Henderson Beach State Park, and is not proposed for reclassification to a System Unit.

For information about the Service's guiding principles and criteria for assessing CBRS boundary modifications, visit www.fws.gov/cbra/maps/Boundary-Modifications.html.

Technical Corrections Assessment:

A technical correction is a correction to a CBRS map to fix a legitimate mapping error. The Service receives numerous requests from property owners and other interested parties who seek to remove areas from the CBRS based on an alleged "technical mapping error." The Service considers a technical mapping error to be a mistake in the delineation of the CBRS boundaries that was made as a result of incorrect, outdated, or incomplete information (often stemming from inaccuracies on the original base maps). The Service generally does not recommend removal of areas from the CBRS unless there is clear and compelling evidence that a technical mapping error led to their inclusion within the CBRS. In order to determine whether a technical mapping error exists, the Service conducts a comprehensive review of the history of the CBRS unit in question, which generally includes an assessment of the Service's background records for the unit, the controlling and historical CBRS maps of the area, the historical development status of the area, aerial imagery, and any materials submitted by interested parties. When the Service determines that a technical correction to a map is warranted, we prepare a new comprehensively modernized map for the area. The updated map becomes effective only if adopted through legislation enacted by Congress.

The Service was first contacted about OPA Unit P32P in 2009 by a private property owner. The property owner sought to remove from the CBRS the condominium building along Emerald Coast Parkway known as St. Barth at Silver Shells, which is part of the Silver Shells Beach Resort. Following that first request, the Service received additional requests from the City of Destin and another property owner to remove from the CBRS the portions of the Silver Shells Beach Resort currently within Unit P32P. The condominium building known as St. Thomas at Silver Shells, portions of the common areas, and a vacant commercial property north of St. Barth at Silver Shells are the other areas of the Silver Shells Beach Resort that are currently within the OPA. The interested parties assert that the Silver Shells Beach Resort property was included within the OPA in error, and that the CBRS boundary was intended to follow the western boundary of Henderson Beach State Park.

Service Findings

The Service has carefully assessed the information submitted over the years by the private property owners and the City of Destin, as well as the materials that are typically reviewed as part of a technical correction assessment. The Service found that the western boundary of Unit P32P was intended to align with the western boundary of Henderson Beach State Park, and therefore proposes to remove from the CBRS the two condominium buildings along Emerald Coast Parkway known as St. Barth at Silver Shells and St. Thomas at Silver Shells and adjacent undeveloped privately owned fastland (i.e., land above mean high tide). The Service's findings related to this technical correction assessment are explained in further detail below.

The Silver Shells Beach Resort property is located immediately to the west of Henderson Beach State Park and about one third of the eastern portion of the property was added to the CBRS in the 1996/1998 revision (Pub. L. 104-333 and Pub. L. 105-277). The entire property was undeveloped and privately owned at the time. However, all documentation in the Service's records regarding this area indicates that the intent of the 1996/1998 revision was to align the western boundary of Unit P32P with the western boundary of Henderson Beach State Park. The *Federal Register* notice associated with the revised maps adopted by Pub. L. 104-333 (62 FR 28891) states that the boundary of System Unit P32 was modified to designate certain State Park land as a new "otherwise protected area" labeled P32P. The legislative history of the 1996/1998 revision (House Report 104-452, dated January 24, 1996) indicates that the Congressional intent of the technical correction was to add 28 acres of State Park land to the CBRS and to reclassify to an OPA the portion of the State Park that was within System Unit P32 at the time.

Unit P32P Summary of Proposed Changes (continued)

Acreage, Shoreline, and Structure Information:

The table below includes the acreage, shoreline, and structure changes associated with the proposed boundary of Unit P32P.

	<i>Total Acres</i>	<i>Fastland Acres*</i>	<i>Associated Aquatic Habitat Acres**</i>	<i>Shoreline Miles</i>	<i>Structures***</i>
Existing Unit	218	218	0	1.3	
Added to the CBRS	3	3	0	0.0	0
Removed from the CBRS	10	10	0	0.1	2
Reclassified Area****	8	8	0	0.0	(1)
Proposed Unit	219	219	0	1.3	
Net Change	1	1	0	0.0	(3)

*Land above mean high tide.

**Associated aquatic habitat includes wetlands, marshes, estuaries, inlets, and open water landward of the coastal barrier, but does not include open water seaward of the shoreline. This information is derived from National Wetlands Inventory data.

***Approximate structure count derived from base map imagery. Gas and liquid storage tanks, structures without walls and a roof (e.g., picnic shelters), structures with fewer than 200 square feet, structures that are not affixed to a permanent site (e.g., recreational vehicles), and structures that are not located principally above ground are not included in this structure count because they do not meet the statutory definition of a "structure" (16 U.S.C. 3503(g)(2)).

****Reclassification means to change either all or a portion of a System Unit to an Otherwise Protected Area, or vice-versa.

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