

Technical Correction Assessment for Seawinds Estates, Seclusion Dunes, and Deer Lake Dunes Subdivisions in CBRs Unit FL-94

Overview

The John H. Chafee Coastal Barrier Resources System (CBRS) is depicted on a set of maps that is maintained by the U.S. Fish and Wildlife Service (Service). Aside from three minor exceptions,¹ the CBRs maps can only be modified through legislation enacted by the U.S. Congress including modifications due to a technical correction, which is a correction to a CBRs map to fix a legitimate mapping error. The Service receives many requests from property owners and other interested parties who seek to remove areas from the CBRs based on an alleged technical mapping error. We consider a technical mapping error to be a mistake in the delineation of the CBRs boundaries that was made because of incorrect, outdated, or incomplete information (often stemming from inaccuracies on the original base maps).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. To determine whether a technical mapping error exists, we conduct a comprehensive review of the history of the CBRs unit in question, which generally includes an assessment of our background records for the unit, controlling and historical CBRs maps of the area, historical development status of the area, aerial imagery, and any materials submitted by property owners and other interested parties. When the Service determines that a technical correction to a map is warranted, we prepare a comprehensively revised map for the area and conduct a public review. The updated map becomes effective only if adopted through legislation enacted by the U.S. Congress. For additional information about the Service's guiding principles and criteria for assessing CBRs boundary modifications, visit our [CBRS Boundary Modifications](#) web page.

The Service was contacted in January 2024 by an interested party seeking the removal of Seawinds Estates (also known as Seawinds), Seclusion Dunes, and Deer Lake Dunes subdivisions located along Beachfront Trail in Walton County from CBRs Unit FL-94. The interested party believes that the designation of these areas should be reconsidered because the residential structures in the three subdivisions are the only development within Unit FL-94; the subdivisions have reinforced roads, sewer systems, electrical and natural gas service, and other services; and the parcels were planned for development before they were included within the CBRs.

Service Findings

The Service carefully assessed the information provided by the party indicated above as well as other materials that are typically reviewed as part of a technical correction assessment. We found no evidence suggesting that the Seawinds Estates, Seclusion Dunes, and Deer Lake Dunes subdivisions met the infrastructure criteria to be considered developed and thus were not included within Unit FL-94 as a result of a technical mapping error. Therefore, we do not recommend the removal of the subdivisions from the CBRs and have not prepared a revised map. The Coastal Barrier Resources Act (CBRA) development criteria and our findings related to this technical correction assessment are explained in further detail below.

Development Criteria and Boundary Intent

CBRA requires that the Service consider the following criteria in determining whether a coastal barrier was undeveloped at the time of inclusion within the CBRs: (A) the density of development was less than one structure per 5 acres of land above mean high tide; and (B) there was existing infrastructure consisting of (i) a road, with a reinforced road bed, to each lot or building site in the area; (ii) a wastewater disposal system sufficient

to serve each lot or building site in the area; (iii) electric service for each lot or building site in the area; and (iv) a fresh water supply for each lot or building site in the area.² When assessing whether an area may be appropriate for removal, we also consider the location of geomorphic, cultural, and development features on the ground at the time the area was included within the CBRs (i.e., whether the CBRs boundary lines on the maps precisely follow the underlying features they were intended to follow on the ground such as a shoreline, park boundary, or edge of a road).³

Density of Development: The Service's review of historical aerial imagery dated 1985 and 1992 found that there were no structures present on the ground in these three subdivisions when this area was first included in 1990 within the CBRs. According to the Walton County Property Appraiser's database and confirmed by a review of aerial imagery, the structures in Seawinds Estates, Seclusion Dunes, and Deer Lake Dunes subdivisions were built between 1994 and 2024, and there are still three vacant lots in Seclusion Dunes. CBRA's density of development is not a factor for structures built after designation within the CBRs, and therefore, development that occurs after is not grounds for removal.⁴

Level of Infrastructure: The Service's assessment of the three subdivisions considered the level of infrastructure that was on the ground and available to each lot or building site in 1990 when this area was first included within the CBRs. Because water and sewer lines (and sometimes electric and telephone lines) are placed in the road bed, the existence of improved roads laid out in a pattern similar to roads in developed areas in the vicinity is a fairly reliable indicator that an area is undergoing development. This indicator can be readily observed in aerial photographs. Conversely, if the roads are unimproved or revegetated or there are no roads, it is likely the area is not actively being

developed. The Service reviewed historical aerial photography dated 1985 and 1992 of the area in question and found that there was not a full complement of infrastructure (including no road with a reinforced road bed) to each lot or building site in the three subdivisions (see figure 1). Additionally, the surveyor's notes on the 1992 plat map for Seclusion Dunes states that "there are no visible improvements." This area was not actively being developed at the time it was included within the CBRs.

The 2000 Coastal Barrier Resources Reauthorization Act codified the criteria that the Service considers in determining whether an area is developed. The legislative history of this Act indicates that if an area, at the time of its inclusion within the CBRs, does not meet all of the infrastructure criteria, the Service is "required to find that the area is undeveloped and therefore should remain in the [CBRS]."⁵ The legislative history also makes it clear that the U.S. Congress

codified the development criteria specifically to set a high bar for areas to be removed from the CBRs.⁶ We recommend that the three subdivisions remain within the CBRs because our review found the area did not have the full complement of infrastructure on the ground in 1990 that was necessary for it to be considered developed under CBRA.

Intent of the CBRs Boundary: The intent of the western boundary of Unit FL-94 was to follow the interface between the developed and undeveloped areas as it appeared in 1990. We previously reviewed this unit through the [Digital Mapping Pilot Project](#) and revised the boundary to accurately follow the 1990 break in development (i.e., where development ends, either immediately adjacent to the last structure in a cluster of structures or at the property parcel boundary of the last structure). The U.S. Congress adopted the pilot project map for this unit through Pub. L. 115-358 in 2018. We have reviewed this boundary again and

confirmed that the 2018 map is accurate and we recommend no further changes. Additional information about the pilot project review can be found in Appendix C of our 2016 [Report to Congress: John H. Chafee Coastal Barrier Resources System Digital Mapping Pilot Project](#).

Planned Development

The Service receives many requests for the removal of areas from the CBRs based on the assertion that development was planned and permitted at the time of inclusion. The Department of the Interior's 1982 definitions and delineation criteria state that:

Commitments or legal arrangements necessary for and leading toward construction of either structures or infrastructure will not be considered relevant to the development status of coastal barriers except to the degree that they are actually reflected in the existence of structures or infrastructure on the coastal barrier, or portion thereof.⁷

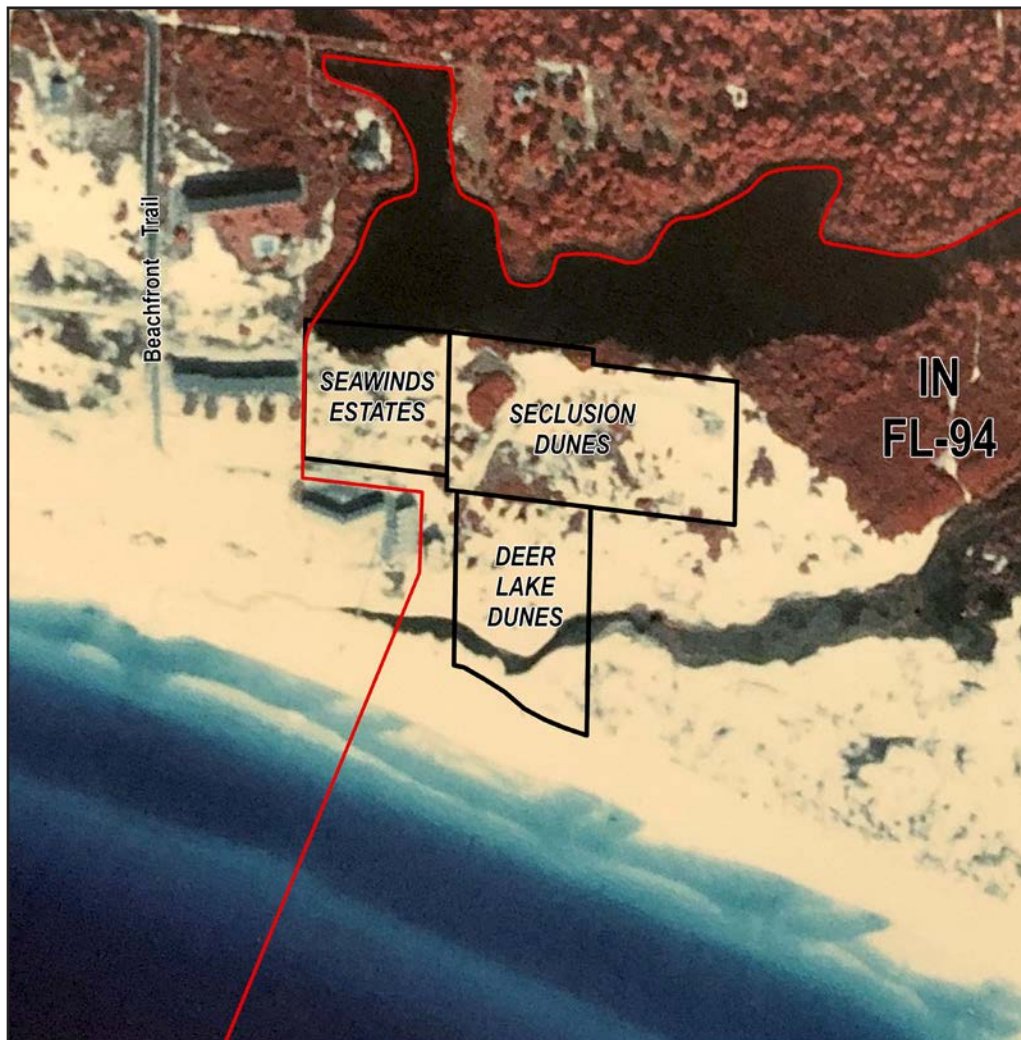


Figure 1. This November 15, 1992, NASA AMES aerial photograph shows that there were no paved roads to each lot and no structures present in the Seawinds Estates, Seclusion Dunes, and Deer Lake Dunes subdivisions.

The Service found nothing in the legislative history indicating that the U.S. Congress intended for the Service to consider permits, approved development plans, or other legal indicators of intent to develop when proposing areas for inclusion within the CBRS. The Service therefore considers only development that existed (or exists for new additions) on the ground at the time of inclusion.

Guiding Principles

When assessing whether an area may be appropriate for removal from the

CBRS, the Service also considers the following guiding principles: (1) whether the area may reasonably be considered to be a coastal barrier feature or related to a coastal barrier ecosystem (this generally includes areas that are inherently vulnerable to coastal hazards such as flooding, storm surge, wind, erosion, and/or sea level rise), and (2) whether inclusion of the area within the CBRS is rationally related to the purposes of CBRA (i.e., to minimize the loss of human life, wasteful expenditure of Federal revenues, and damage to natural resources by restricting federal

expenditures and financial assistance which have the effect of encouraging development).⁸ Our assessment found that the area in question is within reasonable proximity of and is physically comparable to many other units of the CBRS. This area of CBRS Unit FL-94 is vulnerable to many coastal hazards, including flooding, wind, and storm surge.

¹ The administrative authority of the Service to make changes to the CBRS boundaries is limited to changes made as a result of natural forces (such as erosion and accretion), voluntary additions by property owners, and additions of excess property to the CBRS (16 U.S.C. § 3503).

² *Coastal Barrier Resources*, U.S. Code 16 (2023), § 3503(g)(1).

³ U.S. Fish and Wildlife Service, “John H. Chafee Coastal Barrier Resources System; Okaloosa and Walton Counties, FL; Beaufort and Charleston Counties, SC; Availability of Draft Revised Boundaries and Request for Comments,” *Federal Register* Vol. 86, no. 1 (January 4, 2021): 121, <https://www.govinfo.gov/content/pkg/FR-2021-01-04/pdf/2020-29043.pdf>.

⁴ Removals from the CBRS are addressed in a *Federal Register* notice (48 FR 54542) published approximately one year after the enactment of CBRA: “The legislative history provides little guidance on the subject of boundary changes except to state explicitly that development of a unit subsequent to the CBRA is not grounds for removal from the System. The fundamental guide for the Department in recommending changes to the System will be derived from the purposes of the CBRA, i.e., Section 2(b) ‘to minimize the loss of human life, wasteful expenditure of Federal revenues, and damage to fish, wildlife and other natural resources associated with the coastal barriers along the Atlantic and Gulf coasts.’ It is our opinion that reducing or eliminating units of the System will generally violate the purposes of the CBRA unless there are mistakes in the original designation or mapping process.” U.S. Department of the Interior, Office of the Secretary, “Coastal Barrier Resources Act; Section 10—Report to Congress,” *Federal Register* Vol. 48, no. 234 (December 5, 1983): 54543, <https://www.loc.gov/item/fr048234/>.

⁵ Senator Smith (NH), speaking on S. 1752, Coastal Barrier Resources Reauthorization Act of 1999, on September 27, 2000, 106th Cong., 2d sess., *Congressional Record* 146, pt.14: 19700, <https://www.govinfo.gov/content/pkg/CRECB-2000-pt14/pdf/CRECB-2000-pt14-Pg19698-2.pdf>.

⁶ In the General Statement and Background section of Senate Report 106-252, which accompanied the bill that became the 2000 Coastal Barrier Resources Reauthorization Act (Pub. L. 106-514), Congress stated that codifying the criteria to determine whether a coastal barrier is developed “will make it easier for Congress to oppose the removal of undeveloped coastal areas from the CBRS.” U.S. Congress, Senate, Committee on Environment and Public Works, *Coastal Barrier Resources Reauthorization Act of 1999: Report (to accompany S. 1752)*, 106th Cong., 2d sess., 2000, S. Rep. 106-252, 2, <https://www.congress.gov/congressional-report/106th-congress/senate-report/252>.

⁷ U.S. Department of the Interior, Office of the Secretary, “Federal Flood Insurance Prohibition for Undeveloped Coastal Barriers; Proposed Identification,” *Federal Register* Vol. 47, no. 158 (August 16, 1982): 35712, <https://www.loc.gov/item/fr047158/>.

⁸ U.S. Fish and Wildlife Service, *Federal Register* Vol. 86 (January 4, 2021), 121; U.S. Department of the Interior, *Federal Register* Vol. 48 (December 5, 1983): 54543.

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December 2024

