

Appendix A:
Coastal Zone Management Consistency Evaluation

**FLORIDA COASTAL ZONE MANAGEMENT PROGRAM
FEDERAL CONSISTENCY EVALUATION PROCEDURES**

City of Key West Stormwater Improvement Project

1 Chapter 161, Beach and Shore Preservation.

The intent of the coastal construction permit program established by this chapter is to regulate construction projects located seaward of the line of mean high water and which might have an effect on natural shoreline processes.

Response: The proposed plans and information will be submitted to the state in compliance with this chapter. No work is proposed seaward of the mean high water line in beach areas.

2 Chapters 186 and 187, State and Regional Planning.

These chapters establish the State Comprehensive Plan that sets goals that articulate a strategic vision of the State's future. Its purpose is to define in a broad sense, goals and policies that provide decision-makers directions for the future and provide long-range guidance for an orderly social, economic and physical growth.

Response: The proposed project has been coordinated with various Federal, State, and local agencies during the planning process. The proposed project would achieve the goals of this chapter by contributing to a long-range master plan for South Florida's water resources and supporting the continued orderly social, economic and physical growth of the region.

3 Chapter 252, Disaster Preparation, Response and Mitigation.

This chapter creates a state emergency management agency, with the authority to provide for the common defense; to protect the public peace, health and safety; and to preserve the lives and property of the people of Florida.

Response: The proposed project would not jeopardize the public health, safety, or welfare in the project area. The proposed project would enhance the chapter's goals and would be consistent with the intent of this chapter. This project would further the goals of the chapter by reducing threats to property from flooding.

4 Chapter 253, State Lands.

This chapter governs the management of submerged state lands and resources within state lands. This includes archeological and historical resources; water resources; fish and wildlife resources; near shore reefs; beaches and dunes; submerged grass beds and other benthic communities; swamps, marshes and other wetlands; mineral resources; unique natural features; submerged lands; spoil islands; and artificial reefs.

Response: The proposed project would make a positive contribution to preserving cultural, water, fish and wildlife, wetland and estuarine resources, including the Florida Keys National Marine Sanctuary, which is a unique natural resource. The proposed project would comply with the intent of this chapter.

5 Chapters 253, 259, 260, and 375, Land Acquisition.

This chapter authorizes the state to acquire land to protect environmentally sensitive areas.

Response: These chapters are not applicable to the proposed project. The property for the proposed project is City-owned right-of-way.

6 Chapter 258, State Parks and Aquatic Preserves.

This chapter authorizes the state to manage state parks and preserves. Consistency with this statute would include consideration of projects that would directly or indirectly adversely impact park property, natural resources, park programs, management or operations.

Response: The proposed action does not include any activity within a state park or aquatic preserve, but would enhance environmental conditions at state parks or aquatic preserves in the region. The project is consistent with this chapter.

7 Chapter 267, Historic Preservation

This chapter establishes the procedures for implementing the Florida Historic Resources Act responsibilities.

Response: This project is being coordinated with the State Historic Preservation Officer (SHPO) and the ACHP. Potential adverse impacts to historic brick streets would be mitigated by removal of the brick prior to construction and replacement of the brick after installation of the well is complete in accordance with consultation with SHPO and the ACHP. If historic or archeological items are found during project work, all activities on the site would be terminated and consultation with the Corps, SHPO, ACHP and other appropriate agencies would occur to identify actions necessary to comply with NHPA Section 106 and other applicable requirements. If human remains are discovered, the Florida unmarked human burial law (F.S. Title XLVI 872.05 Unmarked Human Burials) would be implemented.

8 Chapter 288, Economic Development and Tourism

This chapter directs the state to provide guidance and promotion of beneficial development through encouraging economic diversification and promoting tourism.

Response: The proposed project would achieve the goals of this chapter by contributing to a long-range master plan for South Florida's water resources, which would support economic diversification and tourism.

9 Chapters 334 and 339, Public Transportation.

This chapter authorizes the planning and development of a safe balanced and efficient transportation system.

Response: No public transportation systems would be impacted by this project.

10 Chapter 370, Saltwater Living Resources.

This chapter directs the state to preserve, manage and protect the marine, crustacean, shell and anadromous fishery resources in state waters; to protect and enhance the marine and estuarine environment; to regulate fishermen and vessels of the state engaged in the taking of such resources within or without state waters; to issue licenses for the taking and processing products of fisheries; to secure and maintain statistical records of the catch of each such species; and to conduct scientific, economic, and other studies and research.

Response: This project would help improve ecological conditions in the Florida Keys National Marine Sanctuary. Based on the overall impacts of the project, the project is consistent with the goals of this chapter.

11 Chapter 372, Living Land and Freshwater Resources.

This chapter establishes the Game and Freshwater Fish Commission (now called the Florida Fish and Wildlife Conservation Commission) and directs it to manage freshwater aquatic life and wild animal life and their habitat to perpetuate a diversity of species with densities and distributions that provide sustained ecological, recreational, scientific, educational, aesthetic, and economic benefits.

Response: The project will have a long-term positive effect on freshwater aquatic life or wild animal life.

12 Chapter 373, Water Resources.

This chapter provides the authority to regulate the withdrawal, diversion, storage, and consumption of water.

Response: The non-federal sponsor for this project is the City of Key West. The City of Key West has coordinated with the South Florida Water Management District, which is the state agency responsible for implementing this statute, to ensure compatibility with established policies. The project is consistent with the goals of this chapter.

13 Chapter 376, Pollutant Spill Prevention and Control.

This chapter regulates the transfer, storage, and transportation of pollutants and the cleanup of pollutant discharges.

Response: The contract specifications will prohibit the contractor from dumping oil, fuel, or hazardous wastes in the work area and will require that the contractor adopt safe and sanitary measures for the disposal of solid wastes. A spill prevention plan will be required.

14 Chapter 377, Oil and Gas Exploration and Production.

This chapter authorizes the regulation of all phases of exploration, drilling, and production of oil, gas, and other petroleum products.

Response: This project does not involve exploration, drilling, or production of gas, oil or petroleum product and therefore, this chapter does not apply.

15 Chapter 380, Environmental Land and Water Management.

This chapter establishes criteria and procedures to assure that local land development decisions consider the regional impact nature of proposed large-scale development.

Response: The proposed project would achieve the goals of this chapter by contributing to a long-range master plan for South Florida's water resources, which would support the continued orderly social, economic and physical growth of the region.

16 Chapter 388, Arthropod Control.

This chapter provides for a comprehensive approach for abatement or suppression of mosquitoes and other pest arthropods within the state.

Response: The project would not further the propagation of mosquitoes or other pest arthropods. The project would abate the propagation of mosquitoes by reducing the amounts of standing water after a rain event in the City of Key West.

17 Chapter 403, Environmental Control.

This chapter authorizes the regulation of pollution of the air and waters of the state by the Florida Department of Environmental Regulation (now a part of the Florida Department of Environmental Protection).

Response: An Environmental Assessment addressing project impacts has been prepared and will be reviewed by the appropriate resource agencies including the Florida Department of Environmental Protection. Environmental protection measures will be implemented to ensure that no lasting adverse effects on water quality, air quality, or other environmental resources will occur. The project complies with the intent of this chapter.

18 Chapter 582, Soil and Water Conservation.

This chapter establishes policy for the conservation of state soil and water through the Department of Agriculture. Land use policies will be evaluated in terms of their tendency to

cause or contribute to soil erosion or to conserve, develop, and utilize soil and water resources both onsite or in adjoining properties affected by the project. Particular attention will be given to projects on or near agricultural lands.

Response: Project construction and implementation will include appropriate erosion control plans and measures to ensure compliance with the intent of the chapter. There are no prime farmlands in the project area.