

Coastal Zone Management Consistency

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

SITE 1 IMPOUNDMENT 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, which would support 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: This statute is not applicable to this project.

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 Everglades, 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: The property proposed for this project is already in public ownership. The proposed project would comply with the intent of this chapter.

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 project would help 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 has been coordinated with the State Historic Preservation Officer (SHPO). An investigation of Historic properties of the Site 1 Impoundment Area included an archival and literature review of the Florida Master Site File records and a site visit. It was recommended to the SHPO, that due to the history of agricultural practices, a cultural resources survey was unnecessary as it was unlikely there were any undiscovered historical properties in the project area. The SHPO concurred with this assessment, but stipulated the following conditions be included in the project plans due to the size, location and nature of the proposed project:

- 1) Unanticipated discovery language included in construction contracts, and the steps that should be taken in the event these materials (undiscovered historical properties) are encountered
- 2) Informational training session of the project manager, contracts and heavy equipment operators developed by a Corps archaeologist or by a professional archaeologist, to explain what kinds of archaeological/cultural materials might be encountered during the construction of the impoundment area, and the steps that should be taken in the event these materials are encountered.
- 3) Periodic monitoring of the project by a Corps archaeologist or a professional archaeologist that will determine if activities are impacting unanticipated cultural resources.

The project will be consistent with the goals of this chapter.

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: In addition to the primary goal of restoring the greater Everglades ecosystem, this project would help improve ecological conditions in the downstream estuary. 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 South Florida Water Management District, which is the state agency responsible for implementing this statute. Coordinated

planning has been done with this agency 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 the 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.

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. Water Quality Certification will be sought from the State prior to construction. 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.

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