APPENDIX A - COASTAL ZONE MANAGEMENT CONSISTENCY

FLORIDA COASTAL ZONE MANAGEMENT PROGRAM
FEDERAL CONSISTENCY EVALUATION PROCEDURES

TEMPORARY PLANNED DEVIATION
TO ADJUST CLASSIFICATIONS OF HYDROLOGIC INDICATORS
AND FORECASTS

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 work project is not seaward of the mean high water line and would not affect shorelines or shoreline processes.*

2. Chapters 163(part II), 186, and 187, County, Municipal, State and Regional Planning. These chapters establish the Local Comprehensive Plans, the Strategic Regional Policy Plans, and the State Comprehensive Plan (SCP). The SCP 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 EA will be coordinated with the State to determine final compliance.*

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 action would have no adverse effect on existing or projected future flood control, or public safety. Adequate flood control for residents of the region will be maintained. This action would be consistent with the efforts of Division of Emergency Management.*

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; 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 WSE regulation schedule has demonstrated distinct ecological benefits for the lake littoral zone and marsh and some positive benefits for the St. Lucie and Caloosahatchee Estuaries, including benthic communities, seagrasses, etc. The CLA to the WSE would allow greater benefits to Lake Okeechobee's littoral zone, while not causing significant impacts to competing needs. The estuaries would also benefit the low-level pulse releases instead of the higher regulatory releases that may be reduced if the CLA alternative is implemented.*

5. Chapters 253, 259, 260, and 375, Land Acquisition. This chapter authorizes the state to acquire land to protect environmentally sensitive areas.

Response: *The proposed action is completely operational, and no structural features, construction, modification of existing structures, or land acquisition is being proposed. Therefore, this action is in compliance with 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: *Due to the nature of the proposed action, state parks or aquatic preserves within the immediate vicinity of the project would not be affected. 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). No historic properties would be affected by this action. The project is 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: *Contribution from the study area to the State's tourism economy would not be compromised by this action. The action would be compatible with tourism for this area and could potentially contribute to overall growth, development and sustainability of the area through greater protection and enhancement of key natural resources, including freshwater and estuarine fisheries and wildlife. Therefore the proposed action would be consistent with the goals of this chapter.*

9. Chapters 334 and 339, 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: *The proposed action would not adversely impact the Caloosahatchee or St. Lucie Estuaries. In fact, these estuaries may benefit through reduced high regulatory discharges from Lake Okeechobee, contributing to better estuarine water quality and salinity regimes. The estuarine biota is expected to benefit from implementation of the Class Limit Adjustment to the WSE regulation schedule. The proposed action is therefore in compliance with this chapter.*

11. Chapter 372, Living Land and Freshwater Resources. This chapter establishes 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 which provide sustained ecological, recreational, scientific, educational, aesthetic, and economic benefits.

Response: *The proposed action will be coordinated with the Florida Fish and Wildlife Conservation Commission during coordination of the draft EA.*

12. Chapter 373, Water Resources. This chapter provides the authority to regulate the withdrawal, diversion, storage, and consumption of water.

Response: *This project does not involve water resources as described by 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: *This action does not involve transfer, storage, or transportation of pollutants.*

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. This chapter also deals with the Area of Critical State Concern program and the Coastal Infrastructure Policy.

Response: *The proposed action would not have any regional impact on resources in the area. Therefore, the project is consistent with the goals of this chapter.*

16. Chapters 381 (selected subsections on on-site sewage treatment and disposal systems) and 388 (Mosquito/Arthropod Control). Chapter 388 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 EA addressing this action 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 the 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: *As described in greater detail in the EA, no adverse impact to existing water supply or flood control for agricultural lands within the project region are expected. The action is completely operational in nature and does not involve the disturbance of surface or sub-surface soils in any way.*