

ANNEX D

COASTAL ZONE MANAGEMENT ACT CONSISTENCY
EVALUATION

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

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MAJOR REHABILITATION EVALUATION REPORT**

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 186 and 187, State and Regional Planning.

These chapters establish the State Comprehensive Plan which 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 work has been coordinated with the State without objection.

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 purpose is to strengthen and protect the existing lake levee system, thereby ensuring adequate flood control for residents of the region. No action may result in conditions which enhance the possibility of a project failure, resulting in an emergency situation and potentially causing significant damage to persons and property. Therefore, this work 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 proposed project is the least destructive to the aforementioned resources of all the action alternatives considered. The existing habitat within the project area is of marginal quality and has largely been developed for agriculture, urban and residential uses. Impacts to wetlands are expected to be mitigated in the area, enhancing the wetlands functional value of inundated quarries.

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

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

Response: At this time it is not known what lands may need to be purchased for completion of the proposed project. Initial indications are that most lands are already within the HHD levee right of way and are therefore in Federal ownership. The quarries located in the southern portion of Reach One, south of Paul Rardin Park would likely need to be purchased for implementation of the proposed project.

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 work may affect Pahokee State Park arboreal resources with removal for construction access (Section 5, pg FEIS-57). Municipal and county parks may be temporarily affected, however these areas would be returned to their pre-construction condition following completion of the project. Portions of the LOST may be impacted or removed from the dike levee. Impacts will be avoided and minimized to the extent practicable throughout construction activities.

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). The SHPO, in a letter dated August 14, 1998 concluded that the proposed project would not adversely effect historic properties listed, or eligible for listing in the National Register of Historic Places. Historic preservation compliance will be completed to meet all responsibilities under Chapter 267.

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 project implementation. Temporary, short-term impacts may be realized during construction due to effects to municipal and county parks and bank fishing areas. These effects are not expected to be significant. The project would be compatible with tourism for this area and could potentially contribute to overall growth and development of the area therefore, would be consistent with the goals of this chapter.

9. Chapters 334 and 339, Public Transportation.

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

Response: The proposed project would not impact the existing public transportation system of the area and therefore, would be consistent with the goals of this chapter.

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 HHD Major Rehabilitation project is located completely inland and would have no affect on saltwater resources either directly or indirectly through discharge downstream. The proposed project is therefore not applicable to chapter 370.

12. Chapter 372, Living Land and Freshwater Resources.

This chapter establishes the Game and Fresh Water Fish 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 proposed project has been coordinated with the Florida Game and Fresh Water Fish Commission (GFC) without objection. In a letter dated November 12, 1998, the GFC concurred with findings and recommendations of the U.S. Fish and Wildlife Service for fish and wildlife protection as outlined in the draft CAR (see Annex A). The Corps has agreed to comply with these recommendations as outlined in Section 5.00 of the EIS. Therefore, the work would comply with the goals of this chapter.

13. Chapter 373, Water Resources.

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

Response: The proposed project does not involve the transportation or discharge of pollutants. Environmental protection measures will be enforced during construction to avoid inadvertent spills or other sources of pollution.

14. 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 work does not involve the transportation or discharging of pollutants. Conditions will be placed in the contract to handle any inadvertent spill of pollutants. Therefore, the project would comply with this Act.

15. 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 work does not involve the exploration, drilling or production of gas, oil or petroleum product and therefore does not apply.

16. Chapter 380, Environmental Land and Water Management.

This chapter establishes criteria and procedures to assure that local land development decisions include consideration of the regional impacts of proposed large-scale development.

Response: The work does not involve land development as described by this chapter; therefore, this chapter is not applicable.

17. 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 work would not further the propagation of mosquitoes or other pest arthropods.

18. Chapter 403, Environmental Control.

This chapter authorizes the regulation of pollution of the air and waters of the state by the DEP.

Response: A Draft Environmental Impact Statement has been prepared and will be reviewed by the appropriate resource agencies including the Department of Environmental Protection.

19. 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 work. Particular attention will be given to work on or near agricultural lands.

Response: The proposed work is located near to, but would not be expected to adversely impact agricultural lands. Project implementation would include appropriate erosion control plans and measures to ensure compliance.