

APPENDIX B - COASTAL ZONE MANAGEMENT CONSISTENCY



Department of Environmental Protection

Jeb Bush
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

January 3, 2003

Mr. James C. Duck, Chief
Planning Division, Jacksonville District
U. S. Army Corps of Engineers
PO Box 4970
Jacksonville, Florida 32232-0019

RE: U.S. ACOE - Jacksonville District - Draft Supplementary EIS - November 2002 - Modifications to Project Features North of the Fellsmere Grade Central and Southern Florida Flood Control Project - Upper St. Johns River Basin and Related Areas - Brevard County, Florida.
SAI: FL200211123077C

Dear Mr. Duck:

The Florida State Clearinghouse, pursuant to Executive Order 12372, Gubernatorial Executive Order 95-359, the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended, and the National Environmental Policy Act, 42 U.S.C. §§ 4321, 4331-4335, 4341-4347, as amended, has coordinated the review of the above Draft Supplementary Environmental Impact Statement (EIS).

Although the proposed project appears to be consistent with our authorities in the Florida Coastal Management Program, please be advised that the potential environmental benefits and impacts of the project will be addressed in the application for an Environmental Resource Permit (ERP), sovereign submerged lands authorization, and state water quality certification, to be reviewed by the Department's Central District Office in Orlando (Chapters 253, 258, and 373, Florida Statutes). Additional information is required concerning the details of anticipated project design, impacts, construction, pre- vs. post-diversion hydrology, and habitat restoration. Final action on the permit application will constitute the State of Florida's final consistency determination. Future consistency will be based in part on adequate consideration of comments offered in this and subsequent reviews.

The DEP is concerned that a portion of the land to be flooded is former cropland. It appears that limited soil sampling was performed (20 samples from 14,000 acres of land). The document does not identify the areas sampled, nor are the sample results provided for review. It is important that sampling be performed in former pesticide mixing or loading areas and on crop duster runways. Samples should also be obtained from the fields and adjacent canals or water bodies to determine if there has been a buildup of contaminants.

Subsection 303(d) of the Clean Water Act and Section 403.067, F.S., require the state to prepare a list of surface waters that do not meet applicable water quality standards (impaired waters) and to establish Total Maximum Daily Loads (TMDLs) for these waters on a prioritized schedule. During the five-year watershed management planning cycle, TMDLS for surface waters not meeting water quality standards will be developed, and a management plan implemented. The Upper St. Johns River is a Year 3 basin. The Bureau of Watershed Management will complete its status report shortly after the first of the year. Using the Impaired Waters Rule (Ch 62-303, F.A.C.) several segments of this basin have been identified as potentially impaired for dissolved oxygen, iron, lead, TSI, nutrients, and mercury. According to the Draft Supplementary EIS for this project (pg 32), "The Upper St. Johns River Basin Project is designed to reduce nutrient loading by segregating and retaining agricultural discharges in water management areas. However, even with significant reductions in loading rates, nutrient levels may not reach acceptable levels for several years due to the nutrient buildup in the system that has already occurred." It is not

Mr. James Duck
January 3, 2003
Page 2

apparent how this project fits into the Department's efforts to develop TMDLs for the parameters listed. For further information, please contact Ms. Barbara Bess in the DEP Central District Office in Orlando, at 407/893-3984.

The Department of State (DOS) has reviewed the portions of the referenced document that pertain to cultural resources, specifically Sections 2.7 and 4.22.4. They have determined that two previously recorded archeological sites (8BR244 & 8BR245) are located within the project area, and will be adversely affected by all of the proposed alternatives. Unless the No Action alternative is chosen, the DOS should be consulted to determine appropriate mitigation measures. The DOS also states that the possibility for additional archeological sites occurring in the area of potential effect for this project is sufficiently high to necessitate a cultural resource assessment survey of the project area. Please refer to the enclosed DOS comments.

The St. Johns River Water Management District supports the project, but notes that the project may need to modify permits previously issued by the DEP and the USACOE, Regulatory Division.

Based on the information contained in the draft Supplementary EIS and the enclosed state agency comments, the state has determined that the above referenced project is consistent with the Florida Coastal Management Program. We recommend that the Corps of Engineers and the St. Johns River Water Management District staff continue to coordinate with the DEP Central District and the DOS staff to address the concerns identified above. The state's continued concurrence with the project will be based, in part, on the adequate resolution of issues identified during this and subsequent permitting reviews.

Thank you for the opportunity to review the proposed project. If you have any questions regarding this letter, please contact Suzanne E. Ray at 850/245-2172.

Yours sincerely,



Sally B. Mann, Director
Office of Intergovernmental Programs

SBM/ser

Enclosures

cc: Barbara Bess, DEP, Central District
Janet Snyder Matthews, DOS
Geoffrey Sample, SJRWMD

TO: Florida State Clearinghouse

FROM: Suzanne Ray, Environmental Specialist
Office of Intergovernmental Programs

DATE: January 6, 2002

PROJECT: USACOE Jacksonville District – Draft Supplementary EIS – November 2002
– Modifications to Project Features North of the Fellsmere Grade Central
and Southern Florida Flood Control Project – Upper St. Johns River Basin
and Related Areas –Brevard County

SAI: FL 200211123077C

The Department has reviewed the above-referenced project and offers the following comments.

Although the proposed project appears to be consistent with our authorities in the Florida Coastal Management Program, please be advised that the potential environmental benefits and impacts of the project will be addressed in the application for an Environmental Resource Permit (ERP), sovereign submerged lands authorization, and state water quality certification, to be reviewed by the Department's Central District Office in Orlando.[Chapters 253, 258, and 373, Florida Statutes (F.S.)] Additional information is required concerning the details of anticipated project design, impacts, construction, pre- vs. post-diversion hydrology, and habitat restoration. Final action on the permit application will constitute the State of Florida's final consistency determination. Future consistency will be based in part on adequate consideration of comments offered in this and subsequent reviews.

The DEP is concerned that a portion of the land to be flooded is former cropland. It appears that limited soil sampling was performed (20 samples from 14,000 acres of land). The document does not identify the areas sampled, nor are the sample results provided for review. It is important that sampling be performed in former pesticide mixing or loading areas and on crop duster runways. Samples should also be obtained from the fields and adjacent canals or water bodies to determine if there has been a buildup of contaminants.

Subsection 303(d) of the Clean Water Act and Section 403.067, F.S., require the state to prepare a list of surface waters that do not meet applicable water quality standards (impaired waters) and to establish Total Maximum Daily Loads (TMDLs) for these waters on a prioritized schedule. During the five-year watershed management planning cycle, TMDLS for surface waters not meeting water quality standards will be developed, and a management plan implemented. The Upper St. Johns River is a Year 3 basin. The Bureau of Watershed Management will complete its status report shortly after the first of the year. Using the Impaired Waters Rule (Ch 62-303, F.A.C.) several segments of this basin have been identified as

Memorandum

SAI FL200207152418C

Page 2 of 2

potentially impaired for dissolved oxygen, iron, lead, TSI, nutrients, and mercury. According to the Draft Supplementary EIS for this project (pg 32), "The Upper St. Johns River Basin Project is designed to reduce nutrient loading by segregating and retaining agricultural discharges in water management areas. However, even with significant reductions in loading rates, nutrient levels may not reach acceptable levels for several years due to the nutrient buildup in the system that has already occurred." It is not apparent how this project fits into the Department's efforts to develop TMDLs for the parameters listed. For further information, please contact Ms. Barbara Bess in the DEP Central District Office in Orlando, at 407/893-3984.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Office of International Relations
Division of Elections
Division of Corporations
Division of Cultural Affairs
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
Division of Administrative Services



MEMBER OF THE FLORIDA CABINET
State Board of Education
Trustees of the Internal Improvement Trust Fund
Administration Commission
Florida Land and Water Adjudicatory Commission
Siting Board
Division of Bond Finance
Department of Revenue
Department of Law Enforcement
Department of Highway Safety and Motor Vehicles
Department of Veterans' Affairs

FLORIDA DEPARTMENT OF STATE
Jim Smith
Secretary of State
DIVISION OF HISTORICAL RESOURCES

Ms. Cindy Cranick
Florida State Clearinghouse Coordinator
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, Mail Station 47
Tallahassee, Florida 32399-3000

December 12, 2002

Re: DHR No. 2002-10732 / Received by DHR: November 13, 2002
SAI #: FL20021123077C / Draft Supplementary Environmental Impact Statement:
*Proposed Modifications to Project Features North of the Fellsmere Grade Central and Southern
Florida Flood Control Project, Upper St. Johns River Basin and Related Areas, Brevard
County, Florida* (Jacksonville District U.S. Army Corps of Engineers, November 2002)

Dear Ms. Cranick:

Our office has received and reviewed the above referenced project in accordance with Section 106 of the *National Historic Preservation Act of 1966* (Public Law 89-665), as amended in 1992, and the *National Environmental Policy Act of 1969* (Public Law 91-190), as amended. The State Historic Preservation Officer is to advise and assist federal agencies when identifying historic properties listed, or eligible for listing, in the *National Register of Historic Places*, assessing effects upon them, and considering alternatives to avoid or minimize adverse effects.

We have reviewed the portions of the referenced document that pertain to cultural resources, specifically Sections 2.7 and 4.22.4. Two previously recorded archaeological sites (8BR244, 8BR245) are located within the project area, and will be affected by all of the proposed alternatives. Information contained in Florida Master Site File Survey No. 1152 indicates these sites are potentially eligible for listing in the *National Register of Historic Places* under criterion D. According to Section 4.22.4, the expected effect to sites 8BR244 and 8BR245 "will be created by deeply pooled water that will cover the sites at all times except for extreme drawdowns or low water events," and it is the opinion of the Corps of Engineers that this effect will not be adverse. We do not concur with this determination of effect. Sites 8BR244 and 8BR245 are potentially eligible for listing in the *National Register* because they are likely to yield information important to our understanding of prehistory. The research value of these sites is correlated with their integrity. As stated in Section 2.7, flooding has the potential to adversely affect the preservation of faunal remains and intact cultural features, thereby adversely affecting the integrity and research potential of these resources. Therefore, it is the opinion of this office that the proposed undertaking will have an adverse effect on sites 8BR244 and 8BR245. Unless the No Action alternative is chosen, this office should be consulted to determine appropriate mitigation measures.

It is also the opinion of this office that the possibility for additional archaeological sites occurring in the area of potential effect for this project is sufficiently high to necessitate a cultural resource assessment survey of the project area. According to the authors of the reconnaissance survey that identified sites 8BR244 and 8BR245 (FMSF No. 1152), the project area has the potential "to produce not only evidence of sites, but also evidence of potentially very significant sites" (p. 94). They recommend that unexamined

RECEIVED

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

Director's Office
(850) 245-6300 • FAX: 245-6435

Archaeological Research
(850) 245-6444 • FAX: 245-6436

Historic Preservation
(850) 245-6333 • FAX: 245-6437

DEC 18 2002
 Historical Museums
(850) 245-6400 • FAX: 245-6433

Palm Beach Regional Office
(561) 279-1475 • FAX: 279-1476

St. Augustine Regional Office
(904) 825-5045 • FAX: 825-5044

Tampa Regional Office
(813) 272-3843 • FAX: 272-2340

OIP/OLGA

Ms. Cranick
December 12, 2002
Page 2

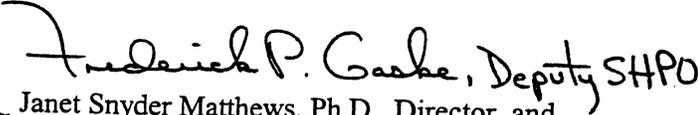
portions of the project area be subjected to additional survey investigations. This office concurs with this recommendation. The purpose of this survey will be to locate and assess the significance of historic properties present. The resultant survey report shall conform to the specifications set forth in Chapter 1A-46, *Florida Administrative Code*, and will need to be forwarded to this office in order to complete the process of reviewing the impact of this proposed project on historic properties.

The results of the investigations will determine if significant historic properties, in addition to sites 8BR244 and 8BR245, would be affected by this project. If significant remains are located, the data described in the report and the consultant's conclusions will assist this office in determining measures that must be taken to avoid, minimize, or mitigate adverse impacts to historic properties eligible for listing in the *National Register of Historic Places*.

Because this letter and its contents are a matter of public record, consultants who have knowledge of our recommendations may contact the you. This should in no way be interpreted as an endorsement by this agency. The *Registry of Professional Archaeologist (RPA)* is the national certifying organization for archaeologists. A listing of archaeologists who are RPA members living or working in Florida can be accessed at <http://dhr.dos.state.fl.us/bhp/compliance>. In addition, the complete RPA Directory of Certified Professional Archaeologists is available at www.rpanet.org. Otherwise, upon request, we will forward a copy of our RPA list.

If you have any questions concerning our comments, please contact Mary Beth Fitts, Historic Sites Specialist, at mbfitts@mail.dos.state.fl.us or (850) 245-6333. Your interest in protecting Florida's historic properties is appreciated.

Sincerely,


Janet Snyder Matthews, Ph.D., Director, and
State Historic Preservation Officer



help | 411 | feedback | directory

email Governor Job Bush

Gov. Bush's E-Newsletter

Agency

STATE CLEARINGHOUSE

[Home](#)

[Home](#) > [My In-Box](#) > [Search Project](#) > **Update Agency Comments**

[My In-Box](#)

User: Suzanne E. Ray, Environmental Specialist III, ENVIRONMENTAL PROTECTION

[Search Project](#)

[Help](#)

Project Information

Public Area

Project: FL200211123077C

[Brochure](#)

Description: U.S. Army Corps of Engineers - Jacksonville District - Draft Supplementary Environmental Impact Statement - November 2002 - Proposed Modifications to Project Features North of the Fellsmere Grade Central and Southern Florida Flood Control Project - Upper St. Johns River Basin and Related Areas - Brevard County, Florida.

[Manual](#)

Keywords: ACOE - DSEIS - Mods to Fellsmere Grade - Brevard

Program:

Review Comments

Page: Page 7/9

Reviewer: ST. JOHNS RIVER WMD

Date: 11/25/2002

Description: SJRWMD supports the project. The report already includes detailed comments and recommendations of other District staff. Although there is a copy of a "No Objection" letter from the FDEP included in the proposal, the project may need application to modify permits issued by the FDEP and the USACE.

Comment Type: Draft Final

[Copyright© 2000 State Of Florida](#)
[Privacy Statement](#)



GO | [help](#) | [411](#) | [feedback](#) | [directory](#)

- email Governor Jeb Bush
- Gov. Bush's E-Newsletter

STATE CLEARINGHOUSE

[Home](#) > [My In-Box](#) > [Search Project](#) > **Update Agency Comments**
User: Suzanne E. Ray, Environmental Specialist III, ENVIRONMENTAL PROTECTION

Agency

- [Home](#)
- [My In-Box](#)
- [Search Project](#)
- [Help](#)

Public Area

- [Brochure](#)
- [Manual](#)

Project Information

Project: FL200211123077C
Description: U.S. Army Corps of Engineers - Jacksonville District - Draft Supplementary Environmental Impact Statement - November 2002 - Proposed Modifications to Project Features North of the Fellsmere Grade Central and Southern Florida Flood Control Project - Upper St. Johns River Basin and Related Areas - Brevard County, Florida.
Keywords: ACOE - DSEIS - Mods to Fellsmere Grade - Brevard
Program:

Review Comments Page: Page 4/9

Reviewer: FISH and WILDLIFE COMMISSION
Date: 01/06/2003
Description: NO Comment by Steve Lau.
Comment Type: Draft Final

[Copyright© 2000 State Of Florida](#)
[Privacy Statement](#)



[help](#) | [411](#) | [feedback](#) | [directory](#)

- email Governor Jeb Bush
- Gov. Bush's E-Newsletter

STATE CLEARINGHOUSE

[Home](#) > [My In-Box](#) > [Search Project](#) > **Update Agency Comments**
User: Suzanne E. Ray, Environmental Specialist III, ENVIRONMENTAL PROTECTION

- Agency**
- [Home](#)
- [My In-Box](#)
- [Search Project](#)
- [Help](#)
- Public Area**
- [Brochure](#)
- [Manual](#)

Project Information

Project: FL200211123077C
Description: U.S. Army Corps of Engineers - Jacksonville District - Draft Supplementary Environmental Impact Statement - November 2002 - Proposed Modifications to Project Features North of the Fellsmere Grade Central and Southern Florida Flood Control Project - Upper St. Johns River Basin and Related Areas - Brevard County, Florida.
Keywords: ACOE - DSEIS - Mods to Fellsmere Grade - Brevard
Program:

Review Comments

Page:

Page 1/9

Reviewer: AGRICULTURE
Date: 12/17/2002
Description: No Comment
Comment Type: Draft Final

[Copyright© 2000 State Of Florida](#)
[Privacy Statement](#)



Agency

[Home](#)

[My In-Box](#)

[Search Project](#)

[Help](#)

Public Area

[Brochure](#)

[Manual](#)



[help](#) | [411](#) | [feedback](#) | [directory](#)

email Governor Job Bush

Gov. Bush's E-Newsletter

STATE CLEARINGHOUSE

[Home](#) > [My In-Box](#) > [Search Project](#) > **Update Agency Comments**

User: Suzanne E. Ray, Environmental Specialist III, ENVIRONMENTAL PROTECTION

Project Information

Project: FL200211123077C

Description: U.S. Army Corps of Engineers - Jacksonville District - Draft Supplementary Environmental Impact Statement - November 2002 - Proposed Modifications to Project Features North of the Fellsmere Grade Central and Southern Florida Flood Control Project - Upper St. Johns River Basin and Related Areas - Brevard County, Florida.

Keywords: ACOE - DSEIS - Mods to Fellsmere Grade - Brevard

Program:

Review Comments

Page: Page 9/9

Reviewer: E. CENTRAL FL RPC

Date: 12/04/2002

Description: no comment

Comment

Type: Draft Final

[Copyright© 2000 State Of Florida](#)
[Privacy Statement](#)

COUNTY: BREVARD

DATE: 11/8/02

COMMENTS DUE DATE: 12/12/02

CLEARANCE DUE DATE: 1/7/03

SAI#: FL200211123077C

Message:

STATE AGENCIES

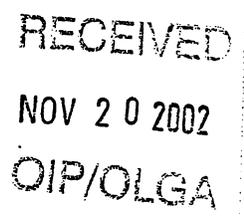
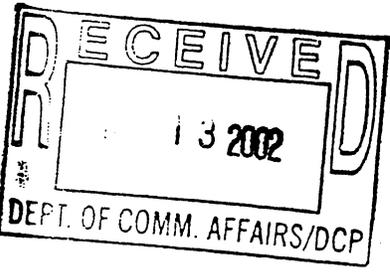
AGRICULTURE
COMMUNITY AFFAIRS
FISH and WILDLIFE COMMISSION
STATE
TRANSPORTATION
ENVIRONMENTAL PROTECTION

WATER MNGMNT. DISTRICTS

ST. JOHNS RIVER WMD

OPB POLICY UNITS

ENVIRONMENTAL POLICY UNIT



Attached document requires a Coastal Zone Management Act/Florida
tal Management Program consistency evaluation and is categorized
e of the following:

Federal Assistance to State or Local Government (15 CFR 930, Subpart F).
encies are required to evaluate the consistency of the activity.

Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are
required to furnish a consistency determination for the State's
concurrence or objection.

Outer Continental Shelf Exploration, Development or Production
Activities (15 CFR 930, Subpart E). Operators are required to provide a
consistency certification for state concurrence/objection.

Federal Licensing or Permitting Activity (15 CFR 930, Subpart D). Such
projects will only be evaluated for consistency when there is not an
analogous state license or permit.

Project Description:

U.S. Army Corps of Engineers - Jacksonville
District - Draft Supplementary Environmental
Impact Statement - November 2002 - Proposed
Modifications to Project Features North of the
Fellsmere Grade Central and Southern Florida
Flood Control Project - Upper St. Johns River
Basin and Related Areas - Brevard County,
Florida.

Florida State Clearinghouse

AGENCY CONTACT AND COORDINATOR (SCH)
2555 SHUMARD OAK BLVD
TALLAHASSEE, FLORIDA 32399-2100
(850) 414-6580 (SC 994-6580)
(850) 414-0479

EO. 12372/NEPA

- No Comment
- Comment Attached
- Not Applicable

Federal Consistency

- No Comment/Consistent
- Consistent/Comments Attached
- Inconsistent/Comments Attached
- Not Applicable

Division/Bureau:

DCP/DCA

Reviewer:

Date:

11/19/02



help | 411 | feedback | directory

email Governor Job Bush

Gov. Bush's E-Newsletter

Agency

STATE CLEARINGHOUSE

[Home](#)

[Home](#) > [My In-Box](#) > [Search Project](#) > **Update Agency Comments**

[My In-Box](#)

User: Suzanne E. Ray, Environmental Specialist III, ENVIRONMENTAL PROTECTION

[Search Project](#)

[Help](#)

Project Information

Project: FL200211123077C

Description: U.S. Army Corps of Engineers - Jacksonville District - Draft Supplementary Environmental Impact Statement - November 2002 - Proposed Modifications to Project Features North of the Fellsmere Grade Central and Southern Florida Flood Control Project - Upper St. Johns River Basin and Related Areas - Brevard County, Florida.

Keywords: ACOE - DSEIS - Mods to Fellsmere Grade - Brevard

Program:

Public Area

[Brochure](#)

[Manual](#)

Review Comments

Page: Page 6/9

Reviewer: TRANSPORTATION

Date: 12/12/2002

Description: NC

Comment Type: Draft Final

[Copyright© 2000 State Of Florida](#)
[Privacy Statement](#)



Florida Department of Transportation

JEB BUSH
GOVERNOR

THOMAS F. BARRY, JR.
SECRETARY

To: **Florida State Clearinghouse**
Agency Contract & Coordinator (SCH)
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100
Phone: 850-414-6580/Suncom: 994-6580
Fax: 850-414-0479

From: **District 5- Planning & Public Transportation**
Technical Applications Section
Betty McKee
Phone: 407-482-7856/Suncom: 335-7856
Fax: 407-275-4188
E-Mail: betty.mckee@dot.state.fl.us

cc: **FDOT Central Office ICAR Coordinator**
Sandra Whitmire
Mail Station # 28
Phone: 850-414-4812/Suncom: 994-4812
Fax: 850-413-7640/Suncom: 293-7640

Date: December 17, 2002

Subject: **ICAR/SAI # FL200211123077C**
Financial Project Identifier:
(if applicable)

APPLICATION DESCRIPTION-GENERAL:	REVIEW COMMENTS DUE DATE:	GENERAL COMMENTS:	
Upper St. Johns Basin	12/12/02	NEPA: <input checked="" type="checkbox"/> No Comment <input type="checkbox"/> Comments Attached <input type="checkbox"/> n/a	FEDERAL CONSISTENCY: <input checked="" type="checkbox"/> No Comment/Consistent <input type="checkbox"/> Consistent/Comments Attached <input type="checkbox"/> Inconsistent/Comments Attached <input type="checkbox"/> n/a

SPECIFIC COMMENTS:

