

**APPENDIX II**

**FLORIDA COASTAL ZONE MANAGEMENT CONSISTENCY  
DETERMINATION**

## **Florida Coastal Zone Management Program Federal Consistency Evaluation Procedures**

### **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. Information will be submitted to the state for a permit in compliance with this chapter.

### **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 dredging and disposal of material on Bartram Island and Buck Island will protect the navigation channel which could be used in emergency situations for transportation purposes. Placing the material on the beach will help protect the adjacent properties during storm surges. 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 maintenance dredging the St. Johns River and use of Bartram, Buck Island and the Seminole and Atlantic Beaches as disposal sites have been previously accomplished. The use of these State lands has been approved by the State. The proposal 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: Since the affected property already is in public ownership, this chapter would not apply.

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 would not affect any state parks or preserves, and would, therefore, be consistent with this chapter.

7. Chapter 267, Historic Preservation.

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

Response: The maintenance of existing navigation channels and use of the disposal areas has been coordinated with the State Historic Preservation Officer. Procedures will be implemented to avoid impacts on unknown archeological resources within the navigation channel. Therefore, the work 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 maintenance dredging of the navigation channel encourages the development the Port of Jacksonville and economic growth of the area. The additional material placed on the beach helps preserve recreational uses of

the beach for tourism. Therefore, the work 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 maintenance dredging of the navigation channel promotes commercial navigation within the Jacksonville Harbor.

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 maintenance dredging of this area would not adversely affect saltwater living resources. Based on the overall impacts of the work, the work is consistent with the goals of this chapter.

12. Chapter 372, Living Land and Freshwater Resources.

This chapter establishes the Game and Freshwater 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 which provide sustained ecological, recreational, scientific, educational, aesthetic, and economic benefits.

Response: No living land or freshwater resources would be impacted by the maintenance dredging. 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: This work does not involve water resources as described by this chapter.

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. Condition 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 consider the regional impact nature of proposed large-scale development.

Response: The maintenance dredging of the navigation channel has been coordinated with the local regional planning commission. Therefore, the work would be consistent with the goals of this chapter.

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: The DEP issued a water quality certification for the project. No air pollution permits are necessary for the project. Effects of the operation of construction equipment on air quality would be minor. Therefore, the work is complying with the intent of this chapter.

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 not located near or on agricultural lands. Conditions will be placed in the contract to control erosion of uplands. Therefore, the project would comply with this chapter.

**APPENDIX III**

**MIGRATORY BIRD PROTECTION POLICY**

9.4.4. Protection of Migratory Bird Species. The contractor shall keep construction activities under surveillance, management, and control to prevent impacts to migratory birds and their nests. All construction personnel shall be advised that migratory birds are protected by the Florida Endangered and Threatened Species Act of 1977, Title XXVIII, Chapter 372.072, and the US Fish and Wildlife Service pursuant to the Migratory Bird Treaty Act of 1918 and the Endangered Species Act of 1973, as amended. The Contractor may be held responsible for harming or harrassing the birds, their eggs or their nests as a result of the construction.

9.4.4.1. In order to meet these responsibilities, the Contractor shall conduct monitoring of the construction area 1 April through 31 August, if construction activities occur during that period. Daily monitoring using the attached forms will be conducted during the dawn or dusk time frames by a bird monitor approved by the Contracting Officer or the Contracting Officer's Representative. (Caution will be taken by the monitor to avoid disturbance to the nesting birds). The contractor shall maintain a daily log detailing monitoring and nesting activity. Within 30 days after completion of construction, a summary report of monitoring shall be submitted to the Corps detailing nesting and nesting success/failure including species, number of nests created, location, number of eggs, number of offspring generated during the project and reasons for nesting success or failure, if known.

9.4.4.2. Any nesting activity observed by the contractor will be reported immediately to the Contracting Officer or the Contracting Officer's Representative who shall have sole authority for any work stoppages, creation of the buffer area, or restart of construction activities. In addition, the following personnel will be notified:

Corps, Inspector

Dr. Hanley K. Smith, Chief  
Environmental Branch,  
Planning Division (CESAJ-PD-E) 904-232-1685 904-745-0632

Mr. John Adams, Chief,  
Operations Branch, Construction-  
Operations Division (CESAJ-CO-C) 904-232-1123 904-287-0587

Mr. Giralmo DiChiara, Chief,  
Construction-Operations  
Division (CESAJ-CO) 904-232-1122 904-737-1909

9.4.4.3. Should nesting begin within the construction area, a temporary, 200-foot buffer will be created around the nests and marked to avoid entry (the Contracting Officer will provide signs). The area will be left undisturbed until nesting is completed or terminated, and the chicks fledge. The decision to allow

construction in a former nesting site will be determined by the Contracting Officer in consultation with the US Fish and Wildlife Service and the Florida Game and Freshwater Fish Commission. Access to the nesting sites by humans (except limited access when accompanied by the bird monitor or Contracting Officer), equipment or pets under control of the contractor is prohibited.

9.4.4.4. If nesting occurs within the construction area, a bulletin board will be placed and maintained by the contractor in the contracting shed with the location map of the construction site showing the bird nesting areas and a warning, clearly visible, stating that "BIRD NESTING AREAS ARE PROTECTED BY THE FLORIDA THREATENED AND ENDANGERED SPECIES ACT AND THE FEDERAL MIGRATORY BIRD TREATY ACT".

9.4.4.5. NOTE: Birds will find the top of the dike or the flat interior desirable nesting habitat. If construction activity ceases for any period of time, nesting may occur before work can resume. Any stoppage of activity could induce nesting, subsequently, construction could be altered or stopped to avoid impacting the birds unless the State of Florida and the US Fish and Wildlife Service authorizes the interruption of nesting and/or destruction of the eggs. (NOTE: This authorization is highly unlikely). Areas which are potentially suitable for nesting can be altered to make the area undesirable. One approved method is the placement of stakes at 10 to 15 foot intervals and to tie flagging between the stakes in a web fashion. This may dissuade bird nesting until construction can be resumed. In addition, the disposal area basin can be flooded prior to the beginning of nesting season to the elevation required for displacement from the disposal of dredged material in order to make the basin undesirable for bird nesting.

9.4.4.6. The Contractor's Environmental Protection Plan shall contain the qualifications of the bird monitor and the steps to be taken to construct the project in such a manner as not to impact migratory birds or induce their nesting. The qualifications of the bird monitor are a demonstrated ability to identify bird species (ornithology), general and nesting behavior characteristics, nests and eggs, and a knowledge of habitat requirements. The qualifications can either be obtained through formal education or field experience. References must be provided to verify non-educational experience.

9.4.4.7. Delays in work due to the fault or negligence of the Contractor or the Contractor's failure to comply with this specification shall not be compensable. Any adjustments to the contract performance period or price that are required as a result of compliance with this section shall be made in accordance with the provisions of the clause entitled SUSPENSION OF WORK of Section F.

**APPENDIX IV**

**SECTION 404(B)(1) EVALUATION**

## **SECTION 404(b)(1) EVALUATION DREDGED MATERIAL**

### **I. Project Description**

a. Location. St. Johns River, Duval County, Florida.

b. General Description. The proposed maintenance dredging of Jacksonville Harbor includes the excavation of shoaled bottom material from Cuts 1 to the Terminal Channel (Figure 1). Dredging would be required to a depth of 40 feet which is the 38-foot project depth plus 2 feet of advanced maintenance dredging. Dredged material. The dredged material from shoals in the lower part of the river that have fines of less than 12% are placed on the beach at the request of the State of Florida, Department of Environmental Protection, Beaches and Shores Division.

c. Authority and Purpose. The maintenance of the Jacksonville Harbor was authorized by 27 October 1965, House Document 214, 89th Congress, 1st Session. Since the initial maintenance, sand and sediments have periodically accumulated in the channel reducing the navigable capacity of the project. The navigation channel is used by large, deep-draft ocean going vessels. The channel depths are reduced by sedimentation. In order to maintain the Federal standard, the channel must be dredged.

#### **d. General Description of Dredged or Fill Material**

(1) General Characteristics of Material. Samples of the material indicate that the material is composed of sand with an 11% silt content.

(2) Quantity of Material. Approximately 900,000 cubic yards of material.

(3) Source of Material. Riverine/Estuarine habitat from Cuts 1 through 7, St. Johns River.

#### **e. Description of the Proposed Discharge Site.**

(1) Size and Location. The beach disposal area is located from the south jetty of the mouth of the St. Johns River south through Atlantic Beach.

(2) Type of Site. The disposal site is located on the beach.

(3) Type of Habitat. The type of habitat is typical sandy beach used by shorebirds for feeding.

(4) Timing and Duration of Discharge. Typical dredging and beach disposal last approximately 4 months. Due to restrictions on beach placement because of sea turtle nesting, construction activities normally occur during the winter time frame (December through May).

f. Description of Disposal Method. The material would be pumped onto the beach. A bulldozer or front-end loader would push sand material into a berm along the edge of the water line. As the bermed area fills with sand the berm is extended along the beach and the pipeline is extended to move the material along the beach.

## II. Factual Determinations

### a. Physical Substrate Determinations.

(1) Substrate Elevation and Slope. Not applicable.

(2) Sediment Type. The disposal site is composed of sand.

(3) Dredged/Fill Material Movement. Effluent discharges entering the adjacent surf zone will not have enough suspended particulates to cause the dredged material deposition and movement concerns. The material would be located in the littoral drift zone. The placement would slow the erosion rate of the beaches. As the beach erodes, the sand would be transported downdrift (south) helping to naturally renourish other beaches.

(4) Physical Effects on Benthos. No effects are expected from the effluent return.

(5) Other Effects. None.

(6) Actions Taken to Minimize Impacts. A Migratory Bird Protection Plan is currently being prepared to address protecting migratory bird nesting within the Jacksonville Harbor area and the Atlantic Intracoastal Waterway. This Plan will be coordinated with the US Fish and Wildlife Service, the Audubon Society and the Florida Game and Freshwater Fish Commission. As part of the Plan, a mitigation plan will be prepared, approved and implemented prior to migratory bird nesting season.

### b. Water Circulation, Fluctuation and Salinity Determinations

#### (1) Water

(a) Salinity. No impacts to salinity at disposal site.

(b) Water Chemistry. Effluent out of the return water discharge pipe will meet State water quality criteria.

(c) Clarity. Effluent out of the return water pipe will meet State water quality criteria for turbidity.

(d) Color. There would be no relative differences to receiving water color expected.

(e) Odor. The disposal site is removed from inhabited areas and odors will be temporary. The effluent return to the river should have little or no odor and is not expected to cause either short or long-term odor problems in the area.

(f) Taste. Not applicable.

(g) Dissolved Gas Levels. Dissolved oxygen levels in the return effluent should be sufficient to preclude adverse effects in the receiving waters. Other dissolved gases (methane, hydrogen sulfide) will be at levels that will not cause adverse impacts to the surf zone.

(h) Nutrients. Not applicable.

(i) Eutrophication. Not applicable.

(2) Current Patterns and Circulation. Not applicable.

(3) Normal Water Level Fluctuations. Not applicable.

(4) Salinity Gradients. Not applicable.

(5) Actions That Will Be Taken to Minimize Impacts. The disposal site will be operated to maintain state water quality standards.

c. Suspended Particulate/Turbidity Determinations

(1) Expected Changes in Suspended Particulate and Turbidity Levels in Vicinity of Disposal Site. There will be a short-term increase in the suspended particulate/turbidity in the return effluent from the disposal area. Levels should not exceed state standards.

(2) Effects (degree and duration) on Chemical and Physical values

(a) Light penetration. Slight light penetration reduction will be

temporarily experienced within the area of the disposal site effluent return.

(b) Dissolved Oxygen. Dissolved oxygen (D.O.) levels in return water may be lower than the D.O. receiving waters due to increased biological oxygen demand (BOD) in the dredged material, but D.O. levels should not be so low as to cause adverse impacts to biota at the site. D.O. values will not be depressed below State standards.

(c) Toxic Metals and Organics. In a 1982 elutriate test for sediments in Jacksonville Harbor, results indicate that mercury, silver, cadmium, and lead will exceed the DEP criteria for Class III Waters. Background levels of the river also exceeded the State standards for these same constituents. Bioassays from the same tests indicate no direct toxicity or bioaccumulation even in the sensitive test organisms.

(d) Pathogens. Not applicable.

(e) Aesthetics. No appreciable impact at the disposal site because dredging and disposal are common practices within the harbor.

(f) Others as Appropriate. None.

(3) Effects on Biota (consider environmental values in sections 230.21, as appropriate)

(a) Primary Production, Photosynthesis. Little or no impacts are expected from the return water discharge.

(b) Suspension/Filter Feeders. Little or no impact is expected.

(c) Sight Feeders. Little or no impact is expected.

(4) Actions taken to Minimize Impacts. None.

d. Contaminant Determinations. See c(2)(c).

e. Aquatic Ecosystem and Organism Determinations

(1) Effects on Plankton. No significant effects.

(2) Effects on Benthos. There would be no significant impacts on benthos in the area from the return water plume.

(3) Effects on Nekton. There would be no significant impact on the nekton community within the surf zone from this dredging and disposal occurrence.

(4) Effects on Aquatic Food Web. There would be no significant impact on the aquatic food web within the surf zone from this disposal occurrence.

(5) Effects on Special Aquatic Sites.

(a) Sanctuaries and Refuges. Not applicable.

(b) Wetlands. Not applicable.

(c) Mud Flats. Not applicable.

(d) Vegetated Shallows. None would be affected.

(e) Coral Reefs. Not applicable.

(f) Riffle and Pool Complexes. Not applicable.

(6) Threatened and Endangered Species. The beach disposal area is used by green and loggerhead sea turtles for nesting during the summer months. These species could be affected by the placement of dredged material on the beach. However, special conditions would be implemented to avoid the nesting season or if the nesting season could not be avoided, then, sea turtle nesting would be monitored. If nests are found, then, they would be relocated in accordance with State standards.

(7) Other Wildlife.

(8) Actions to Minimize Impacts.

f. Proposed Disposal Site Determinations

(1) Mixing Zone Determination. Not applicable.

(2) Determination of Compliance with Applicable Water Quality Standards. The Department of Environmental Regulation has authorized the effluent discharge from the disposal area. The return water effluent will comply with the State requirements.

(3) Potential Effects on Human Use Characteristic

(a) Municipal and Private Water Supply. Not applicable.

(b) Recreational and Commercial Fisheries. Immediate impacts to commercial fisheries resources will be insignificant.

(c) Water Related Recreation. There would be some short-term impacts on beach recreational activities such as surfing, fishing, and swimming.

(d) Aesthetics. There would be short-term impacts on the beach seascape during the construction period. In the long-term, the beach placement would help reduce the erosion rate and the unsightly escarpment.

(e) Parks, National and Historical Monuments, National Seashores, Wilderness Areas, Research Sites, and Similar Preserves. The disposal would be located in front of Kathryn A. Hanna Park. The placement of sand along this beach would in the short-term interrupt recreational use of the beach. However, in the long-term it would help preserve the beach-dune environment.

g. Determination of Cumulative Effects on the Aquatic Ecosystem. Over the long-term, return water effluent discharges and sedimentation could affect the benthic habitat adjacent to the disposal site.

h. Determination of Secondary Effects on the Aquatic Ecosystem. Not applicable.

**APPENDIX V**

**COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS**

MAINTENANCE DREDGING  
JACKSONVILLE HARBOR  
DUVAL COUNTY, FLORIDA

FINDING OF NO SIGNIFICANT IMPACT

I have reviewed the Environmental Assessment (EA) of the proposed action. Based on information analyzed in the EA, reflecting pertinent information obtained from other agencies and special interest groups having jurisdiction by law and/or special expertise, I conclude that the proposed action will have no significant impact on the quality of the human environment. Reasons for this conclusion are, in summary:

1. There will be no adverse impacts to endangered or threatened species, if the work is conducted in accordance with the Regional Biological Opinion issued by the National Marine Fisheries Service for dredging within Jacksonville Harbor.
2. In coordination with the State Historic Preservation Officer, it was determined there would be no impacts on sites of cultural or historical significance.
3. State water quality standards will be met.
4. The proposed project has been determined to be consistent with the Florida Coastal Zone Management Program.
5. Measures to eliminate, reduce, or avoid potential impacts to fish and wildlife resources will be implemented during project construction.
6. The proposed project has been evaluated pursuant to the Migratory Bird Treaty Act. The Migratory Bird Protection Policy for the Jacksonville Harbor has been prepared and will be implemented for this project and for future projects. The Policy has been coordinated with the U.S. Fish and Wildlife Service and the State of Florida.
7. Benefits to the public will be maintenance of the navigation channel, continued local economic stimulus, and increased suitable migratory bird nesting habitat.

In consideration of the information summarized, I find that the proposed action will not significantly affect the human environment and does not require an Environmental Impact Statement.

\_\_\_\_\_  
Date

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TERRY L. RICE  
Colonel, Corps of Engineers  
Commanding

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Smith/CESAJ-PD-E

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Rice/CESAJ-DE