

# Appendix L

## FLORIDA COASTAL ZONE MANAGEMENT PROGRAM CONSISTENCY EVALUATION

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

**Tamiami Trail  
Dade County , Florida**

**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. Construction will not be located seaward of the line of mean high water or where it might have an effect on natural 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 proposed project involves identifying a means for conveying increased flows of water under U.S. Highway 41 (Tamiami Trail) to the Everglades National Park (ENP) as part of the Modified Water Deliveries (MWD) Program to restore natural hydrological conditions in ENP. The project would provide for the enhancement and assist in the restoration of the Everglades ecosystem.

**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 would have little or no impact on disaster preparation. Full conformance and compliance consistent with the efforts of Division of Emergency Management is intended.

**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: Each type of resource protected to the extent practicable under this statute is addressed in the EIS. Full conformance and compliance with the requirements for protecting these resources is intended.

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

Response: Implementation of the proposed plan does not require State acquisition of lands for the purposes of protection of environmentally sensitive lands.

**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: To the northern boundary of the project area is a Water Conservation Area (WCA-3B) of the South Florida Water Management District, the Francis S. Taylor Wildlife Management Area. The Florida Fish and Wildlife Conservation Commission (FFWCC) manages this area for recreation. Full conformance and compliance with the requirements for protecting these resources is intended.

**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). Historic Property investigations were conducted in the project area. An archival and literature search, in addition to an archaeological survey of the proposed project area was conducted. The SHPO concurred that the proposed project area contained three sites considered potentially eligible for listing in the National Registry of Historic Places (NRHP). 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: This project would not adversely impact beneficial development, economic diversification, or tourism. Contribution from the project area to the State's tourism economy will not be compromised by project implementation. The recommended plan may enhance tourism traffic in the area as the elevated portion of the highway will offer an unimpeded view of the ENP

**9. Chapters 334 and 339, Transportation. This chapter authorizes the planning and development of a safe balanced and efficient transportation system.**

Response: US Highway 41 (Tamiami Trail) is not one of the "officially designated" evacuation routes authorized for reverse laning. However, due to its location as the southern-most east-west artery in the state, Tamiami Trail provides critical eastbound and westbound coast-to-coast access between Miami and Naples. The use of Tamiami Trail as an "implied" evacuation route would require that the highway's capability to be utilized for evacuation be maintained during hurricane season. This may influence construction phasing and maintenance of traffic flows during construction. The project will 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 project would not adversely impact saltwater living resources. Based on 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 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 project has been closely coordinated with the FFWCC, and should have no significant adverse effects on freshwater aquatic or wild animal life. The project is expected to benefit wildlife through its contribution toward the hydrologic restoration of Northeast Shark River Slough in ENP.

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

Response: The plans for withdrawal, diversion, storage, and consumption of water are fully coordinated with the State at this stage, and a recommendation would be made with full concurrence from the State.

**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. All activities will conform to State regulations.

**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 project will not promote any large-scale development or have impact on regional development. 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 projects will 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: The project is in compliance with both the Clean Water Act of 1972 and the Clean Air Act of 1972. Full compliance with State requirements is accomplished.

**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: The proposed project is not located near agricultural lands (prime or unique farmlands); therefore, this chapter does not apply.