

# **ENVIRONMENTAL ASSESSMENT**

## **Ancloote River, Florida Project and Gulf Intracoastal Waterway (GIWW) Cut P-41 Pinellas & Pasco Counties**

### **MAINTENANCE DREDGING AND DREDGED MATERIAL PLACEMENT**

**NEPA ID: EAXX-202-00-K3P-1765294248**

# **APPENDIX C**

**Coastal Zone Management Act (CZMA)  
Federal Consistency Determination (FCD)  
U.S. ARMY CORPS OF ENGINEERS**

**JACKSONVILLE DISTRICT**



**U.S. Army Corps of Engineers  
JACKSONVILLE DISTRICT**

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**Florida Coastal Zone Management Program Evaluation Procedures  
Federal Consistency Determination (FCD)**

**DRAFT ENVIRONMENTAL ASSESSMENT (EA) FOR  
Anclote River, FL Project and GIWW-Cut P41  
Pinellas & Pasco Counties**

**Enforceable Policy.** Florida Statutes considers “enforceable policy” under the Coastal Zone Management Act ([www.dep.state.fl.us/cmp/federal/24\\_statutes.htm](http://www.dep.state.fl.us/cmp/federal/24_statutes.htm) ).

**Applicability of the Coastal Zone Management Act.** The following table summarizes the process and procedures under the Coastal Zone Management Act for federal actions and for non-federal applicants\*.

Enforceable Policies	Reviewed and approved by NOAA (in FL <a href="http://www.dep.state.fl.us/cmp/federal/24_statutes.htm">www.dep.state.fl.us/cmp/federal/24_statutes.htm</a> )	Same
Effects Test	Direct, Indirect (secondary), adverse or beneficial	Same
Review Time	6 months from state receipt of Consistency Certification (30-days for completeness notice) Can be altered by written agreement between state and applicant	60 Days, extendable (or contractible) by mutual agreement
Consistency	Must be Fully Consistent	To Maximum Extent Practicable**
Procedure Initiation	Applicant provides Consistency Certification to state	Federal Agency provides “Consistency Statement” to state
Appealable	Yes, applicant can appeal to Secretary (NOAA)	No (NOAA can “mediate”)
Activities	Listed activities with their geographic location (State can request additional listing within 30 days)	Listed or Unlisted Activities in State Program
Activities in Another State	Must have approval for interstate reviews from NOAA	Interstate review approval NOT required
Activities in Federal Waters	Yes, if activity affects state waters	Yes

\* There are separate requirements for activities on the Outer Continental Shelf (subpart E) and for “assistance to an applicant agency” (subpart F).

\*\* Must be fully consistent except for items prohibited by applicable law (generally does not count lack of funding as prohibited by law, 15 CFR 930.32).

## **Coastal Zone Consistency Statement by Statute/Enforceable Policy**

### **1. CHAPTER 161, F.S., BEACH AND SHORE PRESERVATION.**

*Coastal areas are among the state's most valuable natural, aesthetic, and economic resources. The state is required to protect coastal areas from imprudent activities that could jeopardize the stability of the beach-dune system, accelerate erosion, provide inadequate protection to upland structures, endanger adjacent properties, or interfere with public beach access. Coastal areas used, or likely to be used, by sea turtles are designated for nesting, and the removal of vegetative cover that binds sand is prohibited. This statute provides policy for the regulation of construction, reconstruction, and other physical activities related to the beaches and shores of the state. Additionally, this statute requires the restoration and maintenance of critically eroding beaches.*

- **RESPONSE:** The proposed project will be submitted to the state in compliance with this chapter. The goal of the proposed federal action is to provide authorized maintenance dredging for safe and efficient navigation for Anclote River federal channel and the GIWW Cut P-41. No sea turtles nesting habitat would be affected by the project.

### **2. CHAPTER 163, PART II, F.S., INTERGOVERNMENTAL PROGRAMS: GROWTH POLICY; COUNTY AND MUNICIPAL PLANNING: LAND DEVELOPMENT REGULATION**

*The purpose of this statute is to provide for the implementation of comprehensive planning programs to guide and control future development in the state. The comprehensive planning process encourages units of local government to preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; prevent the overcrowding of land and avoid undue concentration of population; facilitate the adequate and efficient provision of public facilities and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions.*

**RESPONSE:** Pursuant to the National Environmental Protection Act (NEPA), the proposed project will be coordinated with federal, state, local agencies, and other interested parties. The proposed project is consistent with the goals of this chapter.

### **3. CHAPTER 186, F.S., STATE AND REGIONAL PLANNING**

*The state comprehensive plan provides basic policy direction to all levels of government regarding the orderly social, economic, and physical growth of the state. The goals, objectives, and policies of the state comprehensive plan are statewide in scope and are consistent and compatible with each other. The statute provides direction for the delivery of governmental services, a means for defining and achieving the specific goals of the state, and a method for evaluating the accomplishment of those goals.*

**RESPONSE:** Pursuant to NEPA, the proposed project will be coordinated with federal, state, local agencies, and other interested parties. The proposed project is consistent with the goals of this chapter.

#### **4. CHAPTER 252, F.S., EMERGENCY MANAGEMENT**

*The state of Florida is vulnerable to a wide range of emergencies, including natural, technological, and manmade disasters. This vulnerability is exacerbated by the tremendous growth in the state's population. This statute directs the state to reduce the vulnerability of its people and property to natural and manmade disasters; prepare for, respond to and reduce the impacts of disasters; and decrease the time and resources needed to recover from disasters.*

*Disaster mitigation is necessary to ensure the common defense of Floridians' lives and to protect the public peace, health, and safety. The policies provide the means to assist in the prevention or mitigation of emergencies that may be caused or aggravated by inadequate planning or regulation. State agencies are directed to keep land uses and facility construction under continuing study and identify areas that are particularly susceptible to natural or manmade catastrophic occurrences.*

RESPONSE: The recommended plan will be submitted to the state in compliance with this chapter. The project will not increase the risk of natural or catastrophic occurrences in the area. Pursuant to NEPA, the proposed project will be coordinated with federal, state, local agencies, and other interested parties. The project is consistent with the goals of this chapter.

#### **5. CHAPTER 253, F.S., STATE LANDS**

*The Board of Trustees of the Internal Improvement Trust Fund (Trustees) is vested and charged with the acquisition, administration, management, control, supervision, conservation, protection, and disposition of all lands owned by the state. Lands acquired for preservation, conservation and recreation serve the public interest by contributing to the public health, welfare and economy. In carrying out the requirements of this statute, the Trustees are directed to take necessary action to fully: conserve and protect state lands; maintain natural conditions; protect and enhance natural areas and ecosystems; prevent damage and depredation; and preserve archaeological and historical resources.*

*All submerged lands are considered single-use lands to be maintained in natural condition for the propagation of fish and wildlife and public recreation. Where multiple-uses are permitted, ecosystem integrity, recreational benefits and wildlife values are conserved and protected.*

RESPONSE: This project will occur within the federal channel and on submerged lands of the State of Florida. USACE will coordinate the project with the State of Florida through the issuance of a water quality certification (WQC), this Federal Consistency Determination (FCD) review, and the review process of the draft EA.

Environmental commitments, as described in detail in Section 6.1 of the EA, will be implemented to minimize adverse effects to the maximum extent practicable to fish and other wildlife resources, threatened and endangered (T&E) species, water quality, air quality, or other environmental resources. Consultation is ongoing with the Florida State Historic Preservation Office (SHPO) and appropriate federally-recognized tribes

for compliance with Section 106 of the National Historic Preservation Act for the Federal portions of the project.

Pursuant to NEPA, the proposed project will be coordinated with federal, state, local agencies, and other interested parties. The proposed project is consistent with the goals of this chapter.

## **6. CHAPTER 258, F.S., STATE PARKS AND PRESERVES**

*The statute addresses the state's administration of state parks, aquatic preserves, and recreation areas, which are acquired to emblemize the state's natural values and to ensure that these values are conserved for all time. Parks and preserves are managed for the non-depleting use, enjoyment, and benefit of Floridians and visitors and to contribute to the state's tourist appeal.*

*Aquatic Preserves are recognized as having exceptional biological, aesthetic, and scientific value and are set aside for the benefit of future generations. Disruptive physical activities and polluting discharges are highly restricted in aquatic preserves. State managed wild and scenic rivers possess exceptionally remarkable and unique ecological, fish and wildlife, and recreational values. These rivers are also designated for permanent preservation and enhancement for both the present and future.*

RESPONSE: The project area is within the boundaries of a state park and several state preserves. Anclote Key is the state park within the area and is migrating into the boundaries of the existing channel. On the north side of the project is the Nature Coast Aquatic Preserve (NACP) which is 454,786 ac over across Citrus, Hernando and Pasco County (NCAP 2024). To the South is the Pinellas County Aquatic Preserve which was established in 1972 in response to concerns about the extensive development in Tampa Bay (FDEP 2025). The proposed project will be coordinated with state agencies, apply for all appropriate permits and abide by all preserve requirements.

## **7. CHAPTER 259, F.S., LAND ACQUISITION FOR CONSERVATION OR RECREATION**

*The statute addresses public ownership of natural areas for purposes of maintaining the state's unique natural resources; protecting air, land, and water quality; promoting water resource development to meet the needs of natural systems and citizens of this state; promoting restoration activities on public lands; and providing lands for natural resource based recreation. Lands are managed to protect or restore their natural resource values, and provide the greatest benefit, including public access, to the citizens of this state.*

RESPONSE: Pursuant to NEPA, the proposed project will be coordinated with federal, state, local agencies, and other interested parties. Environmental commitments, as described in detail in Section 6.1 of the EA, will be implemented to minimize adverse effects to the maximum extent practicable to fish and other wildlife resources, T&E

species, water quality, or other environmental resources. USACE will coordinate the project with the State of Florida through the issuance of a WQC, FCD review, and the review process of the draft EA. The proposed project complies with the goals of this chapter.

## **8. CHAPTER 260, F.S., FLORIDA GREENWAYS AND TRAILS ACT**

*A statewide system of greenways and trails is established in order to conserve, develop, and use the natural resources of Florida for healthful and recreational purposes. These greenways and trails provide open space benefiting environmentally sensitive lands and wildlife and provide people with access to healthful outdoor activities. The greenways and trails serve to implement the concepts of ecosystem management while providing recreational opportunities such as horseback riding, hiking, bicycling, canoeing, jogging, and historical and archaeological interpretation. As of August 29<sup>th</sup>, 2016, Chapter 260, F.S., does not contain any enforceable policies for federal consistency purposes.*

RESPONSE: No Florida greenways or trails exist in the project area or will be affected by the project.

## **9. CHAPTER 267, F.S., HISTORICAL RESOURCES**

*The management and preservation of the state's archaeological and historical resources are addressed by this statute. This statute recognizes the state's rich and unique heritage of historic resources and directs the state to locate, acquire, protect, preserve, operate and interpret historic and archeological resources for the benefit of current and future generations of Floridians.*

*Objects or artifacts with intrinsic historic or archeological value located on, or abandoned on, state-owned lands or state-owned submerged lands belong to the citizens of the state. The state historic preservation program operates in conjunction with the National Historic Preservation Act of 1966 to require state and federal agencies to consider the effect of their direct or indirect actions on historic and archeological resources. These resources cannot be destroyed or altered unless no prudent alternative exists. Unavoidable impacts must be mitigated.*

RESPONSE: In compliance with Chapter 267 and Section 106 of the National Historic Preservation Act, previously un-surveyed areas in the proposed project are being surveyed and evaluated for historic properties that may be eligible for listing in the National Register of Historic Places (NRHP). Consultation with the State Historic Preservation Office (SHPO) and appropriate federally recognized tribes is ongoing. The proposed project is consistent with the goals of this chapter.

## **10. CHAPTER 288, F.S., COMMERCIAL DEVELOPMENT AND CAPITAL IMPROVEMENTS**

*The framework to promote and develop general business, trade, and tourism components of the state economy are established in this statute. The statute includes requirements to protect and promote the natural, coastal, historical, and cultural tourism assets of the state; foster the development of nature-based tourism and recreation; and*

*upgrade the image of Florida as a quality destination. Natural resource-based tourism and recreational activities are critical sectors of Florida's economy. The needs of the environment must be balanced with the need for growth and economic development.*

RESPONSE: The proposed project, as described in detail in Chapter 3 of the EA, will ensure the continuation of benefits to socioeconomic resources (e.g. commercial, recreation, tourism, etc.). Environmental commitments, as described in detail in Section 6.1 of the EA, will be implemented to minimize adverse effects to the maximum extent practicable to fish and other wildlife resources, T&E species, water quality, air quality, or other environmental resources. The proposed project is consistent with the goals of this chapter.

### **11. CHAPTER 334, F.S., TRANSPORTATION ADMINISTRATION**

*The statute addresses the state's policy concerning transportation administration. It establishes the responsibilities of the state, the counties, and the municipalities in the planning and development of the transportation systems; and the development of an integrated, balanced statewide transportation system. This is necessary for the protection of public safety and general welfare and for the preservation of all transportation facilities in the state. As of October 9<sup>th</sup>, 2017, Chapter 334, F.S., does not contain any enforceable policies for federal consistency purposes.*

RESPONSE: This act is not applicable to the proposed action.

### **12. CHAPTER 339, F.S., TRANSPORTATION FINANCE AND PLANNING**

*The statute addresses the finance and planning needs of the state's transportation system.*

RESPONSE: Public transportation systems will not be affected by the proposed project.

### **13. CHAPTER 373, F.S., WATER RESOURCES**

*The waters in the state of Florida are managed and protected to conserve and preserve water resources, water quality, and environmental quality. This statute addresses sustainable water management; the conservation of surface and ground waters for full beneficial use; the preservation of natural resources, fish, and wildlife; protecting public land; and promoting the health and general welfare of Floridians. The state manages and conserves water and related natural resources by determining whether activities will unreasonably consume water; degrade water quality; or adversely affect environmental values such as protected species habitat, recreational pursuits, and marine productivity.*

*Specifically, under Part IV of Chapter 373, the Department of Environmental Protection, water management districts, and delegated local governments review and take agency action on wetland resource, environmental resource, and stormwater permit applications. These permits address the construction, alteration, operation, maintenance, abandonment, and removal of any stormwater management system, dam, impoundment,*

*reservoir, or appurtenant work or works (including dredging, filling and construction activities in, on, and over wetlands and other surface waters).*

RESPONSE: Pursuant to NEPA, the proposed project will be coordinated with federal, state, local agencies, and other interested parties. Environmental commitments, as described in detail in the EA, will be implemented to minimize adverse effects to the maximum extent practicable to water resources. USACE will coordinate the project with the State of Florida through the issuance of a WQC, FCD review, and the review process of draft EA. The proposed project complies with the goals of this chapter.

#### **14. CHAPTER 375, F.S., OUTDOOR RECREATION AND CONSERVATION LANDS**

*The statute addresses the development of a comprehensive outdoor recreation plan. The purpose of the plan is to document recreational supply and demand, describe current recreational opportunities, estimate the need for additional recreational opportunities, and propose the means to meet the identified needs.*

RESPONSE: This project will temporarily impact outdoor recreation during construction, as described in section 4.4. All adverse impacts will cease when construction is completed. The proposed project complies with the goals of this chapter. This project will improve recreation by continuing to provide safe navigation within the channel.

#### **15. CHAPTER 376, F.S., POLLUTANT DISCHARGE PREVENTION AND REMOVAL**

*Regulating the transfer, storage, and transportation of pollutants, and the cleanup of pollutant discharges is essential for maintaining coastal resources (specifically the coastal waters, estuaries, tidal flats, beaches, and public lands adjoining the seacoast) in as close to a pristine condition as possible. The preservation of the seacoast as a source of public and private recreation, along with the preservation of water and certain lands are matters of the highest urgency and priority.*

*This statute provides a framework for the protection of the state's coastline from spills, discharges, and releases of pollutants. The discharge of pollutants into or upon any coastal waters, estuaries, tidal flats, beaches, and lands adjoining the seacoast of the state is prohibited. The statute provides for hazards and threats of danger and damages resulting from any pollutant discharge to be evaluated; requires the prompt containment and removal of pollution; provides penalties for violations; and ensures the prompt payment of reasonable damages from a discharge.*

*Portions of Chapter 376, F.S., serve as a complement to the national contingency plan portions of the federal Water Pollution Control Act.*

RESPONSE: The contract specifications will prohibit the contractor from dumping oil, fuel, or hazardous wastes in the work area and will include conditions on how to handle inadvertent spills of pollutants, such as vehicle fuels. A spill prevention plan will be required of the contractor. The proposed project is consistent with the goals of this chapter.

## **16. CHAPTER 377, F.S., ENERGY RESOURCES**

*The statute addresses the regulation, planning, and development of the energy resources of the state. The statute provides policy to conserve and control the oil and gas resources in the state, including products made therefrom and to safeguard the health, property and welfare of Floridians. The Department of Environmental Protection (DEP) is authorized to regulate all phases of exploration, drilling, and production of oil, gas, and other petroleum products in the state.*

*The statute describes the permitting requirements and criteria necessary to drill and develop for oil and gas. DEP rules ensure that all precautions are taken to prevent the spillage of oil or any other pollutant in all phases of extraction and transportation. The state explicitly prohibits pollution resulting from drilling and production activities. No person drilling for or producing oil, gas, or other petroleum products may pollute land or water; damage aquatic or marine life, wildlife, birds, or public or private property; or allow any extraneous matter to enter or damage any mineral or freshwater-bearing formation.*

*Penalties for violations of any provisions of this chapter are detailed.*

RESPONSE: The proposed project does not involve the development of energy resources.

## **17. CHAPTER 379, F.S., FISH AND WILDLIFE CONSERVATION**

*The framework for the management and protection of the state of Florida's wide diversity of fish and wildlife resources are established in this statute. It is the policy of the state to conserve and wisely manage these resources. Particular attention is given to those species defined as being endangered or threatened. This includes the acquisition or management of lands important to the conservation of fish and wildlife.*

*This statute contains specific provisions for the conservation and management of marine fisheries resources. These conservation and management measures permit reasonable means and quantities of annual harvest (consistent with maximum practicable sustainable stock abundance) as well as ensure the proper quality control of marine resources that enter commerce.*

*Additionally, this statute supports and promotes hunting, fishing and the taking of game opportunities in the State. Hunting, fishing, and the taking of game are considered an important part in the state's economy and in the conservation, preservation, and management of the state's natural areas and resources.*

RESPONSE: The project will be in compliance with Section 7 of the ESA. To address potential effects from the recommended plan to federally-listed T&E species under the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife (USFWS) jurisdiction, the project will adhere to the NMFS's Protected Species Construction Conditions, NOAA Fisheries Southeast Regional Office (May 2021) and USFWS's Standard Manatee Conditions for In-Water Work (2011) in the project's plans and specifications. In addition, the project is in consultation with USFWS (Appendix B). The

project is covered under the NMFS Gulf Atlantic Regional Biological Opinion (GRBO) analysis of USACE effect determinations are in Section 4.1 of the EA.

Pursuant to NEPA, the proposed project will be coordinated with federal, state, local agencies, and other interested parties. Environmental protection measures, as described in detail in the EA, will be implemented to minimize adverse effects to the maximum extent practicable to T&E species as well as fish and other wildlife resources. The project is consistent with the goals of this chapter.

### **18. CHAPTER 380, F.S., LAND AND WATER MANAGEMENT**

*Land and water management policies are established to protect natural resources and the environment; and to guide and coordinate local decisions relating to growth and development. The statute provides that state land and water management policies be implemented by local governments through existing processes for the guidance of growth and development. The statute also provides that all the existing rights of private property be preserved in accord with constitutions of this state and of the United States.*

*The chapter establishes the Areas of Critical State Concern designation, the Florida Communities Trust as well as the Florida Coastal Management Act. The Florida Coastal Management Act provides the basis for the Florida Coastal Management Program which seeks to protect the natural, commercial, recreational, ecological, industrial, and aesthetic resources of Florida's coast.*

RESPONSE: Construction of the Preferred Alternative, as described in detail in Chapter 5 of the study's EA, will ensure the continuation of benefits to socioeconomic resources (e.g., recreation, tourism, etc.). Pursuant to NEPA, the proposed project will be coordinated with federal, state, local agencies, and other interested parties. This project will improve commercial and recreational fishing by providing improving navigation within the federal channel. The project is consistent with the goals of this chapter.

### **19. CHAPTER 381, F.S., PUBLIC HEALTH: GENERAL PROVISIONS**

*The statute establishes public policy concerning the state's public health system, which is designated to promote, protect, and improve the health of all people in the state.*

RESPONSE: The state's public health system will not be affected by the proposed project. However, public health may be improved by reducing the risk of boating accidents and improving navigational safety within the new channel.

### **20. CHAPTER 388, F.S., MOSQUITO CONTROL**

*Mosquito control efforts of the state are to achieve and maintain such levels of arthropod control as will protect human health and safety; promote the economic development of the state; and facilitate the enjoyment of its natural attractions by reducing the number of pestiferous and disease-carrying arthropods.*

*It is the policy of the state to conduct arthropod control in a manner consistent with protection of the environmental and ecological integrity of all lands and waters throughout the state.*

RESPONSE: The proposed project will not further the propagation of mosquitoes or other pest arthropods. The proposed project is consistent with the goals of this chapter.

## **21. CHAPTER 403, F.S., ENVIRONMENTAL CONTROL**

*Environmental control policies conserve state waters; protect and improve water quality; and maintain air quality. This statute provides wide-ranging authority to address various environmental control concerns, including air and water pollution; electrical power plant and transmission line siting; the Interstate Environmental Control Compact; resource recovery and management; solid and hazardous waste management; drinking water protection; pollution prevention; ecosystem management; and natural gas transmission pipeline siting.*

RESPONSE: Pursuant to NEPA, the proposed project will be coordinated with federal, state, local agencies, and other interested parties. Environmental protection measures, as described in detail in the EA, will be implemented to minimize adverse effects to the maximum extent practicable to fish and other wildlife resources, T&E species, water quality, air quality, or other environmental resources. The proposed project complies with the goals of this chapter.

## **22. CHAPTER 553, F.S., BUILDING AND CONSTRUCTION STANDARDS**

*The statute addresses building construction standards and provides for a unified Florida Building Code.*

RESPONSE: The proposed project does not include building construction.

## **23. CHAPTER 582, F.S., SOIL AND WATER CONSERVATION**

*It is the state's policy to preserve natural resources; control and prevent soil erosion, prevent floodwater and sediment damages; and to further the conservation, development and use of soil and water resources.*

*Farm, forest, and grazing lands are among the basic assets of the state; and the preservation of these lands is necessary to protect and promote the health, safety, and general welfare of its people.*

*These measures help to preserve state and private lands, control floods, maintain water quality, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife and protect wildlife habitat, protect the tax base, protect public lands, protect and promote the health, safety, and general welfare of the people of this state.*

RESPONSE: The project is not located on or near agricultural lands. The proposed project will include appropriate erosion control plans and measures where applicable. The proposed project is consistent with the goals of this chapter.

#### **24. CHAPTER 597, F.S., AQUACULTURE**

*The statute establishes public policy concerning the cultivation of aquatic organisms in the state. The intent is to enhance the growth of aquaculture, while protecting Florida's environment. This includes a requirement for a state aquaculture plan which provides for: the coordination and prioritization of state aquaculture efforts; the conservation and enhancement of aquatic resources; and mechanisms for increasing aquaculture production.*

RESPONSE: The proposed project does not include aquaculture.