

APPENDIX C

**COASTAL ZONE MANAGEMENT ACT (CZMA)
FEDERAL CONSISTENCY DETERMINATION (FCD)**

**GULF INTRACOASTAL WATERWAY (GIWW)
CUTS M-4, M-5, M-7, M-8, M-9, M-12, M-13, AND
M-14, & LONGBOAT PASS CUTS 2 AND 3**

MANATEE COUNTY, FLORIDA



U.S. Army Corps of Engineers
JACKSONVILLE DISTRICT

Florida Coastal Management Program Evaluation Procedures

Federal Consistency Determination (FCD)

MAINTENANCE DREDGING OF GULF INTRACOASTAL WATERWAY (GIWW) CUTS M-4, M-5, M-7, M-8, M-9, M-12, M-13, AND M-14, & LONGBOAT PASS CUTS 2 AND 3 MANATEE COUNTY, FLORIDA

JUNE 2026

Federal Consistency. The requirement that federal actions that affect any land, water or natural resource of state's coastal zone must be consistent with the enforceable policies of the state to the maximum extent practicable.

Enforceable Policy. There are state policies which are legally binding through constitutional provisions, laws, regulations, land use plans, ordinances, or judicial or administrative decisions, by which a state exerts control over private and public land and water uses and natural resources of the coastal zone. A list of enforceable policies can be viewed at <https://floridadep.gov/rcp/fcmp/content/24-florida-statutes-florida-coastal-management-program>.

Applicability of the Coastal Zone Management Act. The following table is a summary of the CZMA Consistency Determination Review Process by Proposed Federal Action Type. Sourced from Table-2 in Coastal Zone Management Act (CZMA): Overview and Issues for Congress (2025), <https://www.congress.gov/crs-product/R45460> and adapted from National Oceanic and Atmospheric Administration (NOAA), *CZMA Federal Consistency Overview*, February 24, 2020, <https://perma.cc/P2LZ-GSWF>; 16 U.S.C. §1456; and 15 C.F.R. §930.

	Federal Agency Activities	Federal License or Permit Activities	Outer Continental Shelf Plans	Federal Assistance Activities to State and Local Governments
Proposed action subject to participant review if it...	Affects any land or water use or natural resource of state coastal zone, regardless of location of activity.	Affects any land or water use or natural resource of state coastal zone and activity is listed in participant's	Affects any land or water use or natural resource of state coastal zone.	Affects any land or water use or natural resource of state coastal zone and activity is listed in participant's

		CMP (Coastal Management Program) or NOAA approves review of unlisted activity.		CMP or participant reviews unlisted activity.
Consistency Requirement	Consistent to the maximum extent practicable with participant CMP enforceable policies ¹	Consistent with participant CMP enforceable policies	Consistent with participant CMP enforceable policies	Consistent with participant CMP enforceable policies
Participant Review Period	60 days (plus 15-day extension or alternative period agreed to by participant and federal agency)	6 months	3 months (participant may extend to 6 months)	Participant clearinghouse schedule
Impact of Participant Objection	Federal agency may proceed over a participant objection if it provides legal basis for being consistent to the maximum extent practicable ²	Federal agency may not grant a license or permit unless Secretary overrides objection on appeal	Federal agency may not grant a license or permit for plan activities unless Secretary overrides objection on appeal	Federal agency may not provide federal assistance unless Secretary overrides objection on appeal
Conflict Resolution	Mediation by Secretary of Commerce or OCM ³ (voluntary process and nonbinding decision)	License or permit applicant may appeal to Secretary of Commerce to override participant objection (binding decision)	Person may appeal to Secretary of Commerce to override participant objection (binding decision)	State and local governments may appeal to Secretary of Commerce to override participant objection (binding decision)

1. NOAA defines the term *consistent to the maximum extent practicable* as "fully consistent with the enforceable policies of management programs unless full consistency is prohibited by existing law applicable to the Federal agency" (15 C.F.R. §930.32)

2. More information about the impact of the participant's objection to proposed federal actions can be found at 15 C.F.R. §930.43.

3. More information about the availability of mediation for proposed federal actions can be found at 15 C.F.R. §930.44.

Coastal Zone Consistency Statement by Chapter and Title

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 address shoaling and accumulation of sediment, and to restore the authorized depth of the GIWW channel for safe and efficient navigation.

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: The proposed project will have a negligible effect on Florida's growth policy, county and municipal planning, and land development regulation. It has been evaluated in the NEPA document/analysis that the preferred alternative is not contrary to the public interest (See section 3.1.2 for a detailed description of the preferred alternative).

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: The proposed project will have temporary short-term adverse effects due to dredging, but there will be long-term benefits. During dredging there will still be sufficient space for boats and ships to navigate the channel. Continued dredging of the GIWW and Longboat Pass will help sustain the long-term economic benefits that accrue through use of the waterway.

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 preferred alternative 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.

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 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*
- *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 for 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 navigational servitude and on submerged lands of the State of Florida. The Corps will coordinate the project with the State of Florida through the

issuance of a water quality certification (WQC), Federal Consistency Determination (FCD) review, and the review process of the draft SEA.

Pursuant to NEPA, the proposed project will be coordinated with federal, state, federally-recognized Native American tribes, local agencies, and other interested parties.

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 one type of surface water classification, Class II (62-302.400 F.A.C.). The Outstanding Florida Waters (OFWs) present in the project area are the Sarasota Bay Estuarine System. Within the Outstanding Florida Waters, the regulatory limit for turbidity is 0 Nephelometric Turbidity Units (NTUs) above background levels. It is determined that the natural variability is 6 NTUs and therefore the standard for this area as a class II waters is 6 NTUs above background.

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 residents of this state;*
- *Promoting restoration activities on public lands;*
- *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 residents of this state.

RESPONSE: Pursuant to NEPA, environmental commitments, as described in detail in Section 6.1 of the SEA, will be implemented to minimize adverse effects to the maximum extent practicable to air, land and water quality and maintain the state's unique natural resources. Portions of the project will occur within the navigational servitude and on submerged lands of the State of Florida. The Corps will coordinate the project with the State of Florida through the issuance of a WQC, FCD review, and the review process of the draft SEA.

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 29th, 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 belong to the residents 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: The Corps will conduct a submerged cultural resource assessment survey of those areas not previously surveyed prior to construction per Stipulation V of the Corps' *Programmatic Agreement Among the United States Army Corps of Engineers, The Florida State Historic Preservation Officer, The Bureau of Ocean Energy Management, and the Advisory Council on Historic Preservation Regarding Compliance with Section 106 of the National Historic Preservation Act During Implementation of the United States Army Corps of Engineers, Jacksonville District Operations, Navigation, and Shore Protection Programs* (2021). In addition, the Corps will consult with federally recognized tribes.

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;*
- Upgrade the image of Florida as a quality destination.*

RESPONSE: The proposed project, as described in detail in section 3.1.2 of the SEA, will ensure the continuation of benefits to socioeconomic resources (e.g. commercial, recreation, tourism, etc.).

Manatee county sees a registration of about 20,000 vessels annually and the West Coast Inland Navigation District (WCIND) attributes \$1.4 billion in revenues to the GIWW from marine-related activities. Approximately 7,700 jobs are supported by the WCIND, according to the WCIND Strategic Plan for 2022-2027.

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*
- *The development of an integrated, balanced statewide transportation system.*

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

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 reserve 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 & wildlife, and 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 works, including dredging, filling and other construction activities in, on and over wetlands and other surface waters.

RESPONSE: Section 6.1, Environmental Commitments, outlines the Corps and its contractors' commitments to avoiding, minimizing, or mitigating for adverse effects during construction activities to the maximum extent practicable to water resources. The Corps will coordinate the

project with the State of Florida through the issuance of a WQC, FCD review, and the review process of the draft SEA.

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; and*
- *Propose the means to meet the identified needs.*

RESPONSE: This project will temporarily impact outdoor recreation during construction, as described in section 4.10. 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 removing shoaling and providing safer 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;*
- *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, natural gas and other petroleum products in the state.

The statute describes the permitting requirements and criteria necessary to drill and develop for oil, gas and natural 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, natural gas or other petroleum products may:

- Pollute land or water;*
- Damage aquatic or marine life, wildlife, birds or public or private property; and*
- 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 of 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 threatened and endangered (T&E) species under the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife (USFWS) jurisdiction, the project adheres 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 under consultation with NMFS and USFWS (Appendix A). Analysis of the Corp's effect determinations are in Section 4.1 of the SEA.

Environmental protection measures, as described in detail in the SEA, 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 SEA, will ensure the continuation of benefits to natural, commercial, recreational, ecological, industrial and aesthetic resources of Florida's coast. The project is outside of Areas of Critical State Concern and is not applicable to the Florida Communities Trust.

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 channel.

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

Mosquito control efforts of the state are designed to:

- *Achieve and maintain such levels of arthropod control as well 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 help to 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: Environmental commitments, as described in detail in Section 6.1 of the draft SEA, 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.

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 for placement of dredged material. 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.