

APPENDIX A - SECTION 404(B) EVALUATION

Because this EIS is programmatic in nature, a final determination of compliance with the guidelines pursuant to Section 404(b)(1) of the Clean Water Act would be made for subsequent permit actions on a case-by-case basis. Compliance with these guidelines is required before a Department of the Army permit can be issued. These guidelines prohibit the issuance of a permit if there is a less environmentally-damaging practicable alternative, if water quality standards would be violated, if it violates the Ocean Dumping Act, if it jeopardizes the continued existence of a Federally threatened or endangered species, if it would adversely modify a designated critical habitat for such species, or if the activity would cause or contribute to significant degradation of Waters of the United States. See part 230.11 of Title 40 of the Code of Federal Regulations (CFR) for additional detail.

APPENDIX B - COASTAL ZONE MANAGEMENT CONSISTENCY

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

**PRELIMINARY DRAFT
ENVIRONMENTAL IMPACT STATEMENT
ON
IMPROVING THE REGULATORY PROCESS IN SOUTHWEST FLORIDA
LEE and COLLIER COUNTIES, FLORIDA
DECEMBER 1998**

Since this EIS is programmatic in nature, a final determination of consistency with the Florida Coastal Zone Management Program would be made for subsequent permit actions on a case-by-case basis. The following statutes would be applied:

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.
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.
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.
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.
5. Chapters 253, 259, 260, and 375, Land Acquisition. These chapters authorize the State to acquire land to protect environmentally sensitive areas.
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 properties, natural resources, park programs, management or operations.
7. Chapter 267, Historic Preservation. This chapter establishes the procedures for implementing the Florida Historic Resources Act responsibilities.
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.
9. Chapters 334 and 339, Public Transportation. These chapters authorize the planning and development of a safe balanced and efficient transportation system.

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.
11. Chapter 372, Living Land and Freshwater Resources. This chapter establishes the Game and Fresh Water 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.
12. Chapter 373, Water Resources. This chapter provides the authority to regulate the withdrawal, diversion, storage, and consumption of water.
13. Chapter 376, Pollutant Spill Prevention and Control. This chapter regulates the transfer, storage, and transportation of pollutants and the cleanup of pollutant discharges.
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.
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.
16. Chapter 388, Arthropod Control. This chapter provides for a comprehensive approach for abatement or suppression of mosquitoes and other pest arthropods within the State.
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).
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.

APPENDIX C - PERTINENT CORRESPONDENCE

An estimated 700 pages of comments were received during the scoping process. These comments have been made part of the record and were considered in preparing the EIS. A copy of these comments are available for inspection. Copies can be made upon request for a reasonable fee for reproduction. An additional 1098 pages (without enclosures) of comments input (plus 1,400+ letters from landowners in Lehigh Acres) were received in response to the Draft EIS. A summary of the comments and our response to them follows.