APPENDIX B: COASTAL ZONE CONSISTENCY DETERMINATION

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B.1 Coastal Zone Management Act Consistency Statement

FLORIDA COASTAL MANAGEMENT PROGRAM

FEDERAL CONSISTENCY EVALUATION PROCEDURES

Central Everglades Planning Project South: Interim Operations

Broward and Miami-Dade Counties

Enforceable Policy. Florida State Statues considered "enforceable policy" under the Coastal Zone Management Act (www.dep.state.fl.us/cmp/federal/24_statutes.htm).

Applicability of the Coastal Zone Management Act.

Table B-1 summarizes the process and procedures under the Coastal Zone Management Act for Federal Actions and for Non-federal Applicants*.

Table B-1. Process and procedures under the Coastal Zone Management Act.

Item	Non-federal Applicant (15 CFR 930, subpart D)	Federal Action (15 CFR 930, subpart C)
Enforceable Policies	Reviewed and approved by NOAA (in FL www.dep.state.fl.us/cmp/federal/24_statutes.htm)	Same
Effects Test	Direct, Indirect (cumulative, 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
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	Same

* 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 with the enforceable policies of the State's management program unless full consistency is prohibited by existing law applicable to the agency, 15 CFR 930.32).

Coastal Zone Consistency Statement by Statute/Enforceable Policy

PARTS I AND II, CHAPTER 161, F.S., DENNIS L. JONES BEACH AND SHORE PRESERVATION ACT

Coastal areas are among the state's most valuable natural, aesthetic, and economic resources; and they provide habitat for a variety of plant and animal life. 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: Coastal construction is not proposed as a part of this proposed action. The proposed action is not seaward of the mean high water line and would not affect shorelines or shoreline processes.

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

These statutes implement 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.

Chapter 163, Part II Intergovernmental Programs: Growth Policy; County and Municipal Planning; Land Development Regulation

Enforceable policies include:

Section 163.3164, F.S. Community Planning Act; definitions;

Section 163.3177, F.S. Required and optional elements of comprehensive plan; studies and surveys

> (3)(a). requiring the comprehensive plan to have a capital improvements element that considers the need and location of public facilities to encourage the efficient use of such facilities;
>
> (6)(a). requiring comprehensive plans to have a future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land; maximize the use of existing facilities and services through redevelopment, urban infill development, and other strategies for urban revitalization;
>
> (6)(b). must consider land use compatibility issues around airports, and shall address land use compatibility consistent with chapter 333 regarding airport zoning;

(6)(d). designate environmentally sensitive lands for protection; and

(7)(a). include innovative approaches to development which may better serve to protect and maintain the economic viability of agricultural and other predominately rural land uses;

Subsection 163.3178 Coastal management. (1) local government comprehensive plans restrict development activities where such activities would damage or destroy coastal resources, and that such plans protect human life and limit public expenditures in areas that are subject to destruction by natural disaster.

(2) coastal management elements of comprehensive plans shall be based on studies, surveys, and data; be consistent with coastal resource plans prepared and adopted pursuant to general or special law; and contain:

(d) A component which outlines principles for hazard mitigation and protection of human life against the effects of natural disaster, including population evacuation, which take into consideration the capability to safely evacuate the density of coastal population proposed in the future land use plan element in the event of an impending natural disaster. The Division of Emergency Management shall manage the update of the regional hurricane evacuation studies, ensure such studies are done in a consistent manner, and ensure that the methodology used for modeling storm surge is that used by the National Hurricane Center.

(e) A component which outlines principles for protecting existing beach and dune systems from human-induced erosion and for restoring altered beach and dune systems.

(f) A redevelopment component which outlines the principles which shall be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise.

(g) A shoreline use component that identifies public access to beach and shoreline areas and addresses the need for water-dependent and water-related facilities, including marinas, along shoreline areas. Such component must include the strategies that will be used to preserve recreational and commercial working waterfronts as defined in s. 342.07.

(h) Designation of coastal high-hazard areas and the criteria for mitigation for a comprehensive plan amendment in a coastal high-hazard area as defined in subsection (9). The coastal high-hazard area is the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. Application of mitigation and the application of development and redevelopment policies, pursuant to s. 380.27(2), and any rules adopted thereunder, shall be at the discretion of local government.

(i) A component which outlines principles for providing that financial assurances are made that required public facilities will be in place to meet the demand imposed by the completed development or redevelopment. Such public facilities will be scheduled for phased completion to coincide with demands generated by the development or redevelopment.

(j) An identification of regulatory and management techniques that the local government plans to adopt or has adopted in order to mitigate the threat to human life and to control proposed

development and redevelopment in order to protect the coastal environment and give consideration to cumulative impacts.

Subsection 163.3180 Concurrency. (2) Consistent with public health and safety, sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent. A local government may meet the concurrency requirement for sanitary sewer through the use of onsite sewage treatment and disposal systems approved by the Department of Health to serve new development.

(5),

(a) If concurrency is applied to transportation facilities, the local government comprehensive plan must provide the principles, guidelines, standards, and strategies, including adopted levels of service to guide its application.

(e) If a local government applies transportation concurrency in its jurisdiction, it is encouraged to develop policy guidelines and techniques to address potential negative impacts on future development:

1. In urban infill and redevelopment, and urban service areas.

2. With special part-time demands on the transportation system.

3. With de minimis impacts.

4. On community desired types of development, such as redevelopment, or job creation projects.

Paragraph 163.3194(1)(a), F.S. After a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted.

Subsection 163.3202(2), F.S. Local land development regulations shall contain specific and detailed provisions necessary or desirable to implement the adopted comprehensive plan and shall as a minimum:

(a) Regulate the subdivision of land.

(b) Regulate the use of land and water for those land use categories included in the land use element and ensure the compatibility of adjacent uses and provide for open space.

(c) Provide for protection of potable water wellfields.

(d) Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management.

(e) Ensure the protection of environmentally sensitive lands designated in the comprehensive plan.

(f) Regulate signage.

(g) Provide that public facilities and services meet or exceed the standards established in the capital improvements element required by s. 163.3177 and are available when needed for the development, or that development orders and permits are conditioned on the availability of these public facilities and services necessary to serve the proposed development. Not later than 1 year after its due date established by the state land planning agency's rule for submission of local comprehensive plans pursuant to s. 163.3167(2), a local government shall not issue a development order or permit which results in a reduction in the level of services for the affected public facilities below the level of services provided in the comprehensive plan of the local government.

(h) Ensure safe and convenient onsite traffic flow, considering needed vehicle parking.

Section 163.3220, F.S. The Legislature finds and declares that:

(2)(a) The lack of certainty in the approval of development can result in a waste of economic and land resources, discourage sound capital improvement planning and financing, escalate the cost of housing and development, and discourage commitment to comprehensive planning.

(b) Assurance to a developer that upon receipt of his or her development permit or brownfield designation he or she may proceed in accordance with existing laws and policies, subject to the conditions of a development agreement, strengthens the public planning process, encourages sound capital improvement planning and financing, assists in assuring there are adequate capital facilities for the development, encourages private participation in comprehensive planning, and reduces the economic costs of development.

(3) In conformity with, in furtherance of, and to implement the Local Government Comprehensive Planning and Land Development Regulation Act and the Florida State Comprehensive Planning Act of 1972, it is the intent of the Legislature to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development.

Response: The proposed action has been coordinated with various Federal, state and local agencies during the planning process. The proposed action meets the primary goal of the State Comprehensive Plan through preservation and protection of the environment.

CHAPTER 187, F.S., STATE COMPREHENSIVE PLAN

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 action has been coordinated with various Federal, state and local agencies during the planning process. The proposed action meets the primary goal of the State Comprehensive Plan through preservation and protection of the environment.

CHAPTER 252, F.S., EMERGENCY MANAGEMENT

The state of Florida is vulnerable to a wide range of emergencies, including natural, technological, and manmade disasters and this vulnerability is exacerbated by the tremendous growth in the state's population, especially the growth in the number of persons residing in coastal areas, in the elderly population, in the number of seasonal vacationers, and in the number of persons with special needs. This chapter 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 the inadequate planning or regulation of facilities and land uses. 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 proposed action focuses on features of the Central Everglades Planning Project South (CEPP South) that include conveyance structures that function to redistribute the existing water from Water Conservation Area (WCA 3A) into WCA 3B and eastern Everglades National Park (ENP). Operations in the study area are currently determined by the 2012 Water Control Plan for the WCAs, ENP, and ENP to South Dade Conveyance System (SDCS) (i.e. Everglades Restoration Transition Plan (ERTP 2012) and approved deviations, thereto (Modified Water Deliveries [MWD] Increment 2 Field Test). The U.S. Army Corps of Engineers (Corps) is recommending revisions to the 2014 CEPP and Everglades Agricultural Area (EAA) Reservoir Draft Project Operation Manual (DPOM) to define interim operations of CEPP South Contract 1 features (S-631, S-632, S-633 and L-29 temporary pumps). Interim operations defined in the 2020 CEPP and EAA Reservoir DPOM (Appendix A) are anticipated to be in place until at least 2024 (Integrated Delivery Schedule (IDS) completion date for the S-355W gated spillway in the L-29 canal) and could extend through 2027, or until such time that an update to the interim operations is warranted. With the anticipated award of the first construction contract for CEPP South in September 2020, and based on the estimated construction contract duration of 2-3 years, the proposed Combined Operational Plan (COP) is expected to govern regional water management operations for the WCAs, ENP, and the ENP-SDCS when the CEPP South Contract 1 features are operational. This proposed action is a restoration project and provides increased operational flexibility with the ability to store water in the natural system during hurricanes or floods. The proposed action would be consistent with the efforts of the Division of Emergency Management.

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.

No lease of the type covered by this law shall be granted, sold, or executed south of 26° north latitude off Florida's west coast and south of 27° north latitude off Florida's east coast…. After July 31, 1990, no oil or natural gas lease shall be granted, sold, or executed covering lands located north of 26°00'00" north latitude off Florida's west coast to the western boundary of the state bordering Alabama … or located north of 27°00'00" north latitude off Florida's east coast to the northern boundary of the state bordering Georgia ….

Response: The proposed action would conserve, protect, restore, and enhance natural conditions within state lands. The proposed action would make a positive contribution to preserving water, fish and wildlife, cultural, and wetland resources within the State of Florida and therefore, complies with the intent of this chapter.

CHAPTER 258, F.S., STATE PARKS AND PRESERVES

The Chapter 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 have exceptional biological, aesthetic, and scientific value and are set aside for being maintained essentially in its natural or existing condition. 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 and are designated for permanent preservation and enhancement for both the present and future.

Response: The project area includes state lands. Implementation of interim operations defined in the 2020 CEPP and EAA Reservoir DPOM would provide additional operational flexibility at the boundary of WCA 3A with WCA3B and with WCA 3B at ENP. Construction and operation of S-631, S-632, S-633, and the L-29 temporary pumps, in conjunction with removal of a portion of the L-67C levee, and backfilling a portion of the east-west agricultural ditch, would improve hydrologic connectivity within the project area. Additional conveyance on the L-67A levee would enable improved sheet flow in WCA 3B over a broader flow path than current conditions aiding in the restoration of natural drainage patterns that were altered as a result of the Central and Southern Florida (C&SF) project. The proposed action would rehydrate existing portions of WCA 3B. Permanent impacts to existing wetlands would occur due to construction and installation of CEPP South Contract 1 features, however implementation of interim operations defined in the 2020 CEPP and EAA Reservoir DPOM would allow benefits to existing wetlands to be achieved by improving sheet flow within the Blue Shanty Flowway. Wetland function is expected to improve in this area. The proposed action would help enhance environmental conditions in the region. The proposed action would comply with the intent of this chapter.

CHAPTERS 259, F.S., LAND ACQUISITION FOR CONSERVATION OR RECREATION

This chapter 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: Lands would not be acquired by the Federal government for the proposed action.

CHAPTERS 260, F.S., FLORIDA GREENWAYS AND TRAILS ACT

A statewide system of greenways and trails is established 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, where appropriate, recreational opportunities such as horseback riding, hiking, bicycling, canoeing, jogging, and historical and archaeological interpretation.

Response: Implementation of interim operations defined in the 2020 CEPP and EAA Reservoir DPOM would provide additional operational flexibility at the boundary of WCA 3A with WCA3B and with WCA 3B at ENP. Operation of S-631, S-632, S-633, and the L-29 temporary pumps, in conjunction with removal of a portion of the L-67C levee, and backfilling a portion of the east-west agricultural ditch, would improve hydrologic connectivity within the project area. Additional conveyance on the L-67A levee would enable improved sheet flow in WCA 3B over a broader flow path than current conditions. The proposed action would rehydrate existing portions of WCA 3B and aid in the restoration of natural drainage patterns that were altered as a result of the C&SF project. The project area includes portions of the statewide system of greenways and trails.

CHAPTER 267, F.S., HISTORICAL RESOURCES

The management and preservation of the state's archaeological and historical resources are addressed by this chapter. This chapter recognizes the state's rich and unique heritage of historical resources and directs the state to locate, acquire, protect, preserve, operate, and interpret historical and archeological resources for the benefit of current and future generations of Floridians. Objects or artifacts with intrinsic historical 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 [significant] historical and archeological resources. These resources cannot be destroyed or altered unless no prudent alternative exists. Unavoidable impacts must be mitigated.

Response: Consultation for the proposed action has been initiated with the Florida State Historic Preservation Officer (SHPO) and the appropriate Federally-recognized Tribes in accordance with the National Historic Preservation Act and consideration given under the National Environmental Policy Act (NEPA). The Corps has determined that the proposed action will have no adverse effect on historic properties eligible or potentially eligible for listing in the National Register of Historic Places and consulted on this finding via letter on May 1, 2020. The Florida State Historic Preservation Officer concurred with this finding on May 28, 2020. The proposed action would meet all responsibilities under Chapter 267, F.S.

CHAPTER 288, F.S., COMMERCIAL DEVELOPMENT AND CAPITAL IMPROVEMENTS

The statutory framework promotes and develops the general business, trade, and tourism components of the state economy. The chapter 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 action would be compatible with tourism for this area and therefore, is consistent with the goals of this chapter.

CHAPTER 334, F.S., FLORIDA TRANSPORTATION CODE

The chapter 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 serving the people of the state and to assure 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.

Response: No public transportation systems would be impacted by the proposed action.

CHAPTER 339, F.S., TRANSPORTATION FINANCE AND PLANNING

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

Response: No public transportation systems would be impacted by the proposed action.

CHAPTER 373, F.S., WATER RESOURCES

The waters of the state of Florida are managed and protected to conserve and preserve water resources, water quality, and environmental quality. This chapter 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, flood properties, degrade water quality, or adversely affect environmental values.

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, which 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: With the anticipated award of the first construction contract for CEPP South in September 2020, and based on the estimated construction contract duration of 2-3 years, the COP is expected to govern regional water management operations for the WCAs, ENP, and the ENP-SDCS when the CEPP South Contract 1 features are operational. The proposed action does not include any significant changes

to the withdrawal, diversion, storage, or consumption of water. The Florida Department of Environmental Protection (FDEP), is the state agency responsible for implementing this statute. The Corps has coordinated planning efforts for CEPP South with the FDEP to ensure compatibility with established policies. The proposed action is consistent with the goals of this chapter.

CHAPTER 375, F.S., OUTDOOR RECREATION AND CONSERVATION LANDS

The chapter requires the FDEP to develop a comprehensive multipurpose outdoor recreation plan in coordination with other governmental entities, including the SFWMD. 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: Implementation of interim operations defined in the 2020 CEPP and EAA Reservoir DPOM would not affect recreational resources within the project area.

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 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 and the preservation of water and certain lands are matters of the highest urgency and priority. This chapter provides a framework for the protection of the state's coastline from spills, discharges, and releases of pollutants as a result of the transfer, storage, and transportation of such products. 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 chapter requires 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., complement the national contingency plan portions of the federal Water Pollution Control Act.

Response: Coastal construction is not proposed as a part of the proposed action. The proposed action is not seaward of the mean high water line and would not affect the marine and estuarine environment. Discharge of pollutants into or upon coastal waters, estuaries, tidal flats, beaches, and lands adjoining the seacoast are not expected as a result of implementation of interim operations defined in the 2020 CEPP and EAA Reservoir DPOM to include the installation and operation of temporary pumps adjacent to the L-29 canal. An Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) addressing potential impacts has been prepared and has been reviewed by the appropriate resource agencies including the FDEP. Environmental protection measures would be implemented to ensure that no lasting adverse effects on water quality, or other environmental resources would occur. Water quality certification would be sought from the State. The proposed action complies the chapter.

CHAPTER 377, F.S., ENERGY RESOURCES

The chapter addresses the regulation, planning, and development of the energy resources of the state. The chapter 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 chapters describe 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.

Not approved as enforceable policy: Sections 377.06, .24(9), and .242(1)(a)5. All deal with regulation of oil and gas resources.

Response: This chapter does not apply. The proposed action does not involve the exploration; drilling or production of gas, oil or petroleum product.

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 chapter 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.

This chapter also 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.

Sections 379.2511 (lease of state-owned water bottoms for growing oysters and clams) and 379.362 (wholesale and retail saltwater products dealers; regulation), F.S., are not approved as enforceable policy.

Response: The proposed action would conserve, protect, restore, and enhance natural conditions within state lands. The proposed action would make a positive contribution to preserving water, fish and wildlife, and wetland resources within the project area. The proposed action is consistent with the intent of this chapter.

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, to the maximum possible extent, be implemented by local governments through existing processes for the guidance of growth and development and 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.

Not approved as enforceable policy: Section 380.23(3)(d). [consistency review of] federal activities within the territorial limits of neighboring states when the Governor and the department determine that significant individual or cumulative impact to the land or water resources of the state would result from the activities.

Response: The proposed action would conserve, protect, restore, and enhance natural conditions within state lands. The proposed action would make a positive contribution to preserving water, fish and wildlife, and wetland resources within the project area. The proposed action is consistent with the intent of this chapter.

CHAPTER 381, F.S., PUBLIC HEALTH: GENERAL PROVISIONS

The chapter 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.

Enforceable policy includes only Sections 381.001 Legislative intent; public health system; 381.0011 Duties and powers of the Department of Health.; 381.0012 Enforcement authority; 381.006 Environmental health; 381.0061 Administrative fines; 381.0065 Onsite sewage treatment and disposal systems; regulation; 381.0066 Onsite sewage treatment and disposal systems; fees; and, 381.0067 Corrective orders; private and certain public water systems and onsite sewage treatment and disposal systems.

Response: The proposed action would not affect the state's public health system and therefore, this Chapter is not applicable.

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 and foster the quality of life of the people, 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 action would not further the propagation of mosquitoes or other pest arthropods. The proposed action complies the chapter.

CHAPTER 403, F.S., ENVIRONMENTAL CONTROL

Florida Air and Water Pollution control policies conserve state waters; protect and improve water quality for consumption and for the propagation of fish and wildlife; and maintain air quality to protect human health and plant and animal life. This chapter 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.

Not approved as enforceable policy: subsections 403.7125(2) and (3), F.S.

(2) The owner or operator of a landfill …shall establish a fee, or a surcharge on existing fees or other appropriate revenue-producing mechanism, to ensure the availability of financial resources for the proper closure of the landfill.

(3) An owner or operator of a landfill … may provide financial assurance to the department in lieu of the requirements of subsection (2).

Response: An EA and FONSI addressing potential impacts has been prepared and has been reviewed by the appropriate resource agencies including the FDEP. Environmental protection measures would be implemented to ensure that no lasting adverse effects on water quality, or other environmental resources would occur. Water quality certification would be sought from the State. The proposed action complies the chapter.

CHAPTER 553, F.S., BUILDING CONSTRUCTION STANDARDS

The chapter addresses building construction standards and provides for a uniform Florida Building Code.

Enforceable policy includes only Sections 553.73 (Florida Building Code) and 553.79 (Permits; applications; issuance; inspections).

Response: Coastal construction is not proposed as a part of the proposed action, and therefore, this chapter does not apply.

CHAPTER 582, F.S., SOIL AND WATER CONSERVATION

It is the state's policy to promote the appropriate and efficient use of soil and water resources, protect water quality, prevent floodwater and sediment damage, preserve wildlife, protect public lands, and protect and promote the health, safety, and general welfare of the people of this state. 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, and protect and promote the health, safety, and general welfare of the people of this state.

Response: Soil disturbance would occur from installation of the temporary pumps adjacent to the L-29 canal. Permanent impacts to existing wetlands would not occur due to installation of these pumps. Vegetation within the footprint of construction for these features would be expected to re-vegetate. When the pumps are removed in advance of the L-29 levee segment removal under CEPP South Contract 5, the sump excavations would be returned to the pre-installation condition. Implementation of interim operations defined in the 2020 CEPP and EAA Reservoir DPOM would allow benefits to existing wetlands to be achieved by improving sheet flow within the Blue Shanty Flowway. Wetland function is expected to improve in this area. The proposed action would help enhance environmental conditions in the region. Interim operations defined in the 2020 CEPP and EAA Reservoir DPOM will support a broad set of defined needs, including: flood control, water supply for agricultural irrigation, municipalities and industry, regional groundwater control and prevention of saltwater intrusion, enhancement of fish and wildlife, and recreation, consistent with the congressionally authorized purposes of C&SF project. The proposed action complies the intent of this chapter.

CHAPTER 597, F.S., AQUACULTURE

The chapter 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 which provides mechanisms for increasing aquaculture production for the creation of new industries, job opportunities, income for aqua culturists, and other benefits to the state.

Response: The proposed action does not include aquaculture activities, and therefore, this chapter does not apply.