Appendix B

Coastal Zone Management Act

SFWMD Section 203 Everglades Agricultural Area Southern Reservoir and Stormwater Treatment Area

Coastal Zone Management Act Consistency Statement

FLORIDA COASTAL MANAGEMENT PROGRAM
FEDERAL CONSISTENCY EVALUATION PROCEDURES

Central Everglades Planning Project Post Authorization Change Report
St. Lucie, Martin, Okeechobee, Glades, Hendry, Palm Beach, Broward, Miami-Dade, Monroe, Collier, Lee and Charlotte Counties

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

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/24statutes.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 (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	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 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

CHAPTER 161, F.S., BEACH AND SHORE PRESERVATION

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: The proposed plans and information would be submitted to the state in compliance with this chapter. No work is proposed seaward of the mean high water line and would not affect shorelines or shoreline processes.

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.

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

Sections 163.3164 Local Government Comprehensive Planning and Land Development Regulation Act; definitions;

.3177(6)(a) requiring 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.

(10)(h). public facilities and services needed to support development shall be available concurrent with the impacts of such development in accordance with s. 163.3180. [see .3180(2)(a-c), (5)(a&c), (6), and (8); below].

(10)(l). consider land use compatibility issues in the vicinity of all airports in coordination with the Department of Transportation and adjacent to or in close proximity to all military installations in coordination with the Department of Defense.

(11)(a). innovative approaches to development which may better serve to protect environmentally sensitive areas, maintain the economic viability of agricultural and other predominantly rural land uses, and provide for the cost-efficient delivery of public facilities and services.

(11)(c). maximize the use of existing facilities and services through redevelopment, urban infill development, and other strategies for urban revitalization.

.3178(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)(d-j); 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.

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

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

(c) 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.

(d) 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.

(e) 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.

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.

.3180(2)(a-c), (a) 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.

(b) Consistent with the public welfare, and except as otherwise provided in this section, parks and recreation facilities to serve new development shall be in place or under actual construction no later than 1 year after issuance by the local government of a certificate of occupancy or its functional equivalent. However, the acreage for such facilities shall be dedicated or be acquired by the local government prior to issuance by the local government of a certificate of occupancy or its functional equivalent, or funds in the amount of the developer's fair share shall be committed no later than the local government's approval to commence construction.

(a) Consistent with the public welfare, and except as otherwise provided in this section, transportation facilities needed to serve new development shall be in place or under actual construction within 3 years after the local government approves a building permit or its functional equivalent that results in traffic generation.

(5)(a&c),

(a) ... planning and public policy goals may come into conflict with the requirement that adequate public transportation facilities and services be available concurrent with the impacts of such development. ... in urban centers transportation cannot be effectively managed and mobility cannot be improved solely through the expansion of roadway capacity, that the expansion of roadway capacity is not always physically or financially possible, and that a range of transportation alternatives is essential to satisfy mobility needs, reduce congestion, and achieve healthy, vibrant centers.

(c) ... developments located within urban infill, urban redevelopment, urban service, or downtown revitalization areas or areas designated as urban infill and redevelopment areas under s. 163.2517, which pose only special part-time demands on the transportation system, are exempt from the concurrency requirement for transportation facilities. A special part-time demand is one that does not have more than 200 scheduled events during any calendar year and does not affect the 100 highest traffic volume hours.

(6) a de minimis impact [on a transportation facility] is consistent with this part.

(8) When assessing the transportation impacts of proposed urban redevelopment within an established existing urban service area, 110 percent of the actual transportation impact caused by the previously existing development must be reserved for the redevelopment...

(f)

.3194(1)(a); 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.

.3202(2)(a-h); 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.

.3220(2)&(3).

(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.

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

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 has been coordinated with various Federal, state and local agencies during the planning process. The project 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 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 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: This project is a restoration project and provides increased ability to store water in the natural system during hurricanes or floods. All structures will be built to Federal and state standards. This project 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.

Chapter 253 State Lands

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 project would conserve, protect, restore and enhance natural conditions within state lands. This project 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 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 and are designated for permanent preservation and enhancement for both the present and future.

Response: The proposed project includes constructing a storage reservoir and STA on the state-owned lands in the Everglades Agricultural Area. The reservoir would capture approximately 240,000 acre-feet of water that is currently being discharged from Lake Okeechobee to tide in the St. Lucie and Caloosahatchee Estuaries. The water would be stored and treated to improve water quality prior to be discharged south into the Greater Everglades.

The St. Lucie Estuary is a designated Estuary of National Significance and Outstanding Florida Water. The North Fork of the St. Lucie River is a state aquatic preserve and part of Florida's "Save Our Rivers" program. The Indian River Lagoon is part of the National Estuary Program and an aquatic preserve. The proposed Reservoir would improve delivery of water to the St. Lucie Estuary and Indian River Lagoon by reducing the frequency and volume of high level flows from Lake Okeechobee, thus reducing the potential for impacts to estuarine and nearshore biota.

The Caloosahatchee River and Estuary are at the head of a vast estuarine and marine ecosystem that includes aquatic preserves managed by the State of Florida (e.g., Matlacha Pass, Estero Bay, and Pine Island Sound Aquatic Preserves), the Charlotte Harbor National Estuary Program, and the J. N. Ding Darling National Wildlife Refuge (NWR) Complex which includes the Caloosahatchee, Matlacha Pass, Pine Island, and Island Bay NWRs; along with numerous other state and local parks and recreation

areas. The aquatic preserves are also outstanding Florida water bodies. The proposed reservoir would reduce the frequency and volume of high flows from Lake Okeechobee, thus reducing the impacts of low salinities on the estuarine and nearshore biota. The proposed project area includes state-owned lands in Water Conservation Areas (WCA) 3. The proposed project features act to rehydrate northern WCA 3A thereby increasing the spatial extent of wetlands. Additional project features of the previously authorized CEPP will aid to reconnect WCA 3B and Everglades National Park, providing enhancement of sheetflow and restoration of historic ridge and slough landscape features.

Everglades National Park and the Florida Bay National Marine Sanctuary are within the project area and contain productive estuarine and wetland ecosystems that include aquatic preserves along with local parks and recreation areas. The aquatic preserves are also outstanding Florida water bodies. The proposed project would improve freshwater delivery to coastal wetlands and adjacent estuaries and redistribute flow to salt water wetlands and nearshore bay areas and result in favorable changes to salinity levels. The impacts to the aquatic resources are anticipated to be beneficial for key species such as seatrout, pink shrimp, and crocodiles. Biscayne National Park is at the headwaters of historic creeks and productive estuarine and marine ecosystems, including aquatic preserves, along with local parks and recreation areas. The Biscayne Bay Aquatic Preserves are Outstanding Florida Waters. The proposed project would not affect the delivery of water to Biscayne Bay.

The proposed project would help enhance environmental conditions at state parks or aquatic preserves in the region. The proposed project would comply with the intent of this chapter.

CHAPTERS 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: The potentially affected property is currently in public ownership. These chapters do not apply.

CHAPTERS 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, where appropriate, recreational opportunities such as horseback riding, hiking, bicycling, canoeing, jogging, and historical and archaeological interpretation.

Response: The potentially affected property is currently in public ownership. This project is in compliance with the intent of this Chapter.

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 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: Upon submittal of the project to the Assistant Secretary of the Army's Office for Civil Works, it is expected that they will initiate consultation under Section 106 of the National Historic Preservation Act with the State Historic Preservation Officer, the Miccosukee Tribe of Indians of Florida, and the Seminole Tribe of Florida and would meet all responsibilities under Chapter 267.

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 would be compatible with tourism for this area and therefore, is consistent with the goals of this Chapter.

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 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 this project.

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

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

Response: No public transportation systems would be impacted by this project.

CHAPTER 370, F.S., SALTWATER LIVING RESOURCES

This chapter directs the state to preserve, manage and protect the marine, crustacean, shell and anadromous fishery resources in state waters; to protect and enhance the marine and estuarine environment; to regulate fishermen and vessels of the state engaged in the taking of such resources within or without state waters; to issue licenses for the taking and processing products of fisheries; to secure and maintain statistical records of the catch of each such species; and to conduct scientific, economic, and other studies and research.

Response: The proposed project would help improve ecological conditions in the estuaries. Implementation of the project would provide direct positive impacts on saltwater resources within the Caloosahatchee Estuary and St. Lucie Estuary by reducing the frequency and volume of high level flows from Lake Okeechobee and improve the salinity balance. This will benefit seagrass, oysters, fish, and wildlife. Implementation of the proposed project would provide direct positive impacts on saltwater resources within Florida Bay and adjacent southwestern coastal estuaries by redistributing freshwater runoff from the watershed to provide a more natural and historic overland flow through transverse glades and existing coastal wetlands that will reduce hyper-saline conditions and improve the overall salinity balance. This course of action would provide benefits for key species such as seatrout, pink shrimp, and crocodiles as well as seagrass, fisheries and wildlife. Based on the overall impacts, the project is consistent with the goals of this chapter.

CHAPTER 372, F.S., LIVING LAND AND FRESHWATER RESOURCES

This chapter establishes the Game and Freshwater Fish Commission (now called the Florida Fish and Wildlife Conservation 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 that provide sustained ecological, recreational, scientific, educational, aesthetic, and economic benefits.

Response: The proposed project would have a long-term beneficial effect on freshwater aquatic life and wildlife. The proposed project would increase the foraging opportunities for wading birds and other wildlife within the proposed STA. The project would have a long-term beneficial effect on freshwater aquatic life and wildlife within the Caloosahatchee River and St. Lucie River through attenuation of peak high flows during the wet season thus improving the salinity envelope for these species. The proposed project would rehydrate WCA 3A, 3B and Everglades National Park, add wetland habitat, and is expected to improve conditions for apple snails, fish, amphibians, alligators, and wading bird species throughout much of the Greater Everglades. Implementation of the proposed project would provide direct positive impacts on saltwater resources within Florida Bay and adjacent southwestern coastal estuaries by redistributing freshwater runoff from the watershed to provide a more natural and historic overland flow through transverse glades and existing coastal wetlands that would reduce hyper-saline conditions and improve the overall salinity balance. The proposed project is consistent with the intent of this chapter.

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, 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: The proposed project includes constructing a storage reservoir and STA on the State-owned lands in the Everglades Agricultural Area. The reservoir would capture approximately 240,000 acre-feet of water that is currently being discharged from Lake Okeechobee to tide in the St. Lucie and Caloosahatchee Estuaries. The water would be stored and treated to improve water quality prior to being discharged south into the Greater Everglades. The additional water that was previously lost to the Atlantic Ocean and Gulf of Mexico would flow southward, rehydrating historic marshes, providing enhancement of sheetflow and restoration of historic ridge and slough landscape features, and improving groundwater recharge.

The proposed project incorporates restoration components primarily intended to benefit freshwater wetlands and estuarine resources by distributing freshwater flows through WCA 3A, WCA 3B and Everglades National Park. The goals and objectives of this project are to improve habitat conditions for native wildlife species. Impacts of this project have been detailed within an Environmental Impact Statement. This project is in compliance with the intent of this Chapter.

The SFWMD is the state agency responsible for implementing this statute. The SFWMD has coordinated planning efforts to ensure compatibility with established policies. The project is consistent with the goals of this chapter.

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

The statute addresses the development of a comprehensive multipurpose 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: The potentially affected property is currently in public ownership. This project is in compliance with the intent of this Chapter.

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 statute 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 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 would prohibit the contractor from dumping oil, fuel, or hazardous wastes in the work area and would require that the contractor adopt safe and sanitary measures for the disposal of solid wastes. A spill prevention plan would be required.

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.

Chapter 377 Energy Resources
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 project does not involve the exploration; drilling or production of gas, oil or petroleum product and therefore, this chapter does not apply.

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.

Chapter 379 Fish and Wildlife Conservation.
Not approved as enforceable policy: Sections 379.2551 and .362.

379.2511 [no 379.2551 shown] Lease of state-owned water bottoms for growing oysters and

clams. 379.362 Wholesale and retail saltwater products dealers; regulation.

Response: The goals and objectives of this project are to improve habitat conditions for native wildlife species. This project is in compliance 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.

Chapter 380 Land and Water Management

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 project incorporates restoration components primarily intended to benefit freshwater wetlands and estuarine resources by decreasing damaging discharges to the estuaries and redistributing freshwater flows through WCA 3A, WCA 3B and Everglades National Park. This includes the installation/construction of a storage reservoir and STA. The goals and objectives of this project are to improve habitat conditions for native wildlife species. Impacts of this project have been detailed within an Environmental Impact Statement. This project is in compliance with the intent of this Chapter.

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

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

Chapter 381 Public Health: General Provisions
Enforceable policy includes only Sections 381.001, .0011, .0012, .006, ,0061, .0065, .0066, and .0067.
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.
381.0067 Corrective orders; private and certain public water systems and onsite sewage treatment and disposal systems.

Response: This project 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 project would not further the propagation of mosquitoes or other pest arthropods and with the restoration of sheetflow, standing water would be reduced, thus potentially reducing the propagation of mosquitoes. This project is in compliance with the intent of this Chapter.

CHAPTER 403, F.S., ENVIRONMENTAL CONTROL

Environmental 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 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.

Chapter 403 Environmental Control
Not approved as enforceable policy: Section 403.7125(2) and (3).

(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.

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

Response: A draft Environmental Impact Statement addressing project impacts has been prepared and is being reviewed by the appropriate resource agencies including the Florida Department of Environmental Protection. Environmental protection measures would be implemented to ensure that no lasting adverse effects on water quality, air quality, or other environmental resources would occur. The project complies with the intent of this chapter.

CHAPTER 553, F.S., BUILDING AND CONSTRUCTION STANDARDS

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

Chapter 553 Building and Construction Standards.
Enforceable policy includes only Sections 553.73 and .79.

553.73 Florida Building Code.

553.79 Permits; applications; issuance; inspections.

Response: A draft Environmental Impact Statement addressing project impacts has been prepared and will be reviewed by the appropriate resource agencies including the Florida Department of Environmental Protection. Environmental protection measures would be implemented to ensure that no lasting adverse effects on water quality, air quality, or other environmental resources would occur. Water Quality Certification would be sought from the State prior to construction. The project complies with the intent of this chapter.

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, and the disposal of water. 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: Project construction and implementation would include appropriate erosion control plans and measures to ensure compliance with the intent of the chapter.

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

Response: The proposed project does not include aquaculture activities, and therefore, this Chapter does not apply.