

**APPENDIX A**  
**COASTAL ZONE MANAGEMENT CONSISTENCY**  
**FLORIDA COASTAL ZONE MANAGEMENT PROGRAM**  
**FEDERAL CONSISTENCY EVALUATION PROCEDURES**  
**PROPOSED PHIPPS OCEAN PARK BEACH RESTORATION PROJECT**  
**TOWN OF PALM BEACH**  
**PALM BEACH COUNTY, FLORIDA**

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.

**Response:** The proposed plans and information have been submitted to the State in compliance with this chapter.

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.

**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 shorefront development and infrastructure.

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.

**Response:** The proposed Project involves placing beach compatible material onto an eroding beach as a protective means for residents, development and infrastructure located along the Atlantic shoreline within the Town of Palm Beach in Palm Beach County. Therefore, this Project is consistent with the efforts of Division of Emergency Management.

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.

**Response:** The proposed beach nourishment would create increased recreational beach and potential sea turtle nesting habitat. No seagrass beds are located within the area proposed to receive fill. Buffer zones will be used to protect hardbottom communities near the borrow area. Buffer zones will also be used to protect potentially significant magnetic anomalies identified in the vicinity of the borrow areas. The proposed Project complies with the intent of this chapter.

5. Chapters 253, 259, 260, and 375, Land Acquisition. This chapter authorizes the State to acquire land to protect environmentally sensitive areas.

**Response:** No land acquisition is proposed in association with this Project.

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 property, natural resources, park programs, management or operations.

**Response:** The proposed Project area does not contain any State parks or aquatic preserves. The Project is consistent with this chapter.

7. Chapter 267, Historic Preservation. This chapter establishes the procedures for implementing the Florida Historic Resources Act responsibilities.

**Response:** This Project has been coordinated with the State Historic Preservation Officer (SHPO). Historic Property investigations were conducted in the Project area. An archival and literature search, in addition to a magnetometer survey of the proposed borrow area were conducted. A buffer zone will be established to protect a potentially significant anomaly identified in the vicinity of the borrow area. No known historic properties are located on the segment of beach to be renourished. The SHPO determined that the proposed Project will not adversely affect any significant cultural or historic resources. The Project is consistent with the goals of this chapter.

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.

**Response:** The proposed beach nourishment would protect and restore the beach within the Town of Palm Beach. The larger beach, as a result of this Project, will attract tourists by providing additional space for recreation and more protection to recreational facilities along the beach. This would be compatible with tourism for this area and, therefore, is consistent with the goals of this chapter.

9. Chapters 334 and 339, Public Transportation. This chapter authorizes the planning and development of a safe balanced and efficient transportation system.

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

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.

**Response:** The proposed beach fill construction may cause a temporary short-term impact to infaunal invertebrates from increased turbidity and/or direct burial of these organisms. However, these organisms are highly adapted to the periodic burial by sand in the intertidal zone. These organisms are highly fecund and are expected to return to pre-construction levels within 6 months to one year after construction. No adverse impacts to marine fishery resources are expected. It is not expected that sea turtles would be significantly impacted by this Project. Based on the overall impacts of the Project, the Project is consistent with the goals of this chapter.

11. Chapter 372, Living Land and Freshwater Resources. This chapter establishes the Game and Freshwater 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.

**Response:** The Project will have no effect on freshwater aquatic life or wild animal life.

12. Chapter 373, Water Resources. This chapter provides the authority to regulate the withdrawal, diversion, storage, and consumption of water.

**Response:** This Project does not involve water resources as described by this chapter.

13. Chapter 376, Pollutant Spill Prevention and Control. This chapter regulates the transfer, storage, and transportation of pollutants and the cleanup of pollutant discharges.

**Response:** The contract specifications will prohibit the contractor from dumping oil, fuel, or hazardous wastes in the work area and will require that the contractor adopt safe and sanitary measures for the disposal of solid wastes. A spill prevention plan will be required.

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.

**Response:** This Project does not involve the exploration, drilling or production of gas, oil or petroleum product and therefore, this chapter does not apply.

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.

**Response:** The proposed Project will not have any regional impact on resources in the area as defined in Chapter 380. Therefore, the Project is consistent with the goals of this chapter.

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.

**Response:** The Project will not further the propagation of mosquitoes or other pest arthropods.

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).

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

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.

**Response:** The proposed Project is not located near or on agricultural lands; therefore, this chapter does not apply.