

FLORIDA COASTAL ZONE MANAGEMENT PROGRAM FEDERAL CONSISTENCY EVALUATION PROCEDURES

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: This chapter is not applicable to the Sarasota Bay Ecosystem Restoration Project.

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 work has been planned with the cooperation of the State and will be coordinated with relevant agencies.

3. Chapter 252, Disaster Preparation, Response and Mitigation.

This chapter creates a State emergency management agency with 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: This chapter is not applicable to the Sarasota Bay Ecosystem Restoration Project.

4. Chapter 253, State Lands.

This chapter governs the management of submerged State lands and resources within State lands. This includes archeological and historic 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 project has been planned with the technical advice of the Florida Department of Environmental Protection (FDEP) and other State of Florida agencies. The project will comply with pertinent State regulations and the intent of this chapter.

5. Chapters 253, 259, 260, and 375, Land Acquisition.

These chapters authorize the State to acquire land to protect environmentally-sensitive areas.

Response: There are environmentally-sensitive lands within the project boundaries. However, this project does not interfere with the authority set forth in these chapters.

6. Chapter 258, State Parks and Aquatic Preserves.

This chapter authorizes the State to manage State parks and preserves. Consistency with the statute would include consideration of projects that would directly or indirectly adversely impact park property, natural resources, park programs, management, or operations.

Response: This project is not located near a State Park or Preserve and therefore will not result in a direct nor indirect adverse impact.

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 Florida State Historic Preservation Officer. Historic preservation compliance will be completed to meet all responsibilities under Chapter 267.

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: Economic contributions from the project area will not be compromised by this action.

9. Chapters 334 and 339, Public Transportation.

These chapters authorize the planning and development of a safe, balanced, and efficient transportation system.

Response: There will be no impacts to public transportation systems associated with this action.

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 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: Based upon the overall impacts of this work, this project is consistent with the goals of this chapter.

11. Chapter 372, Living Land and Freshwater Resources.

This chapter establishes the Florida Game and Fresh Water Fish Commission and directs it to manage freshwater aquatic life and wild animal life and their habitat to perpetuate a diversity of species with densities and distributions that provide sustained ecological, recreational, scientific, educational, aesthetic, and economic benefits.

Response: Coordination with Florida Game and Fresh Water Fish Commission will determine if this action is consistent with State policies and practices as set forth in this chapter.

12. Chapter 373, Water Resources.

This chapter provides the authority to regulate the withdrawal, diversion, storage, and consumption of water.

Response: This work does not involve water resources as described in 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: This action does not involve the transportation or discharging of pollutants. Environmental protection measures will be employed during construction and operation of the project to avoid inadvertent spills or other sources of pollution. Therefore, this action will be in compliance with this chapter.

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 work does not involve the exploration, drilling, or production of oil, gas, or other petroleum product and, therefore, 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 construction of the Sarasota Bay Ecosystem Restoration Project will be coordinated with the Department of Community Affairs during the planning stage. The work is consistent with the intent 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 work would 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 FDEP.

Response: Water quality certification from the FDEP will be required for this project. No air pollution permits are required for the project. Effects of the operation of construction equipment on air quality will be minor and conform to State of Florida emission standards. Therefore, the work will comply with 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 on-site or in adjoining properties affected by the work. Particular attention will be given to work on or adjacent to agricultural lands.

Response: This work does not involve agricultural lands as described in this chapter.