

APPENDIX B

FLORIDA COASTAL ZONE CONSISTENCY PROGRAM

FEDERAL CONSISTENCY EVALUATION PROCEDURE

PORT EVERGLADES, FLORIDA PROJECT

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B FLORIDA COASTAL ZONE CONSISTENCY PROGRAM, FEDERAL CONSISTENCY EVALUATION PROCEDURE

1. Chapter 161, F.S., 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.

Consistency Statement: The purpose of the proposed action is to improve and maintain safe navigation depths in Port Everglades Harbor, Broward County, Florida. Adequate mitigation and biological monitoring are provided (§ 161.041(4), F.S.). Information will be submitted to the State for a permit, which will demonstrate the project's compliance with this chapter.

2. 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.

Consistency Statement: The purpose of the proposed action is to improve and maintain safe navigation depths in Port Everglades Harbor, Broward County, Florida. Information will be submitted to the State which will demonstrate the project's compliance with this chapter.

3. Chapters 186, F.S., State and Regional Planning. This chapter establishes 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.

Consistency Statement: The proposed work has been coordinated with various State and local agencies and will meet the goal(s) of the State Comprehensive Plan through improvement and maintenance of safe navigation depths in Port Everglades Harbor, Broward County, Florida.

4. Chapter 252, F.S., Emergency Management. 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.

Consistency Statement: This chapter does not apply.

5. Chapter 253, F.S., 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.

Consistency Statement: The proposed activity will be coordinated with the State. Use of sovereignty submerged lands and state-owned natural resource lands will meet the requirements for authorization by the Board of Trustees of the Internal Improvement Trust Fund (§§ 253.03, 253.034 and 253.04, F.S.). The proposed action will be consistent with the intent of this chapter.

6. Chapter 258, F.S., State Parks and 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.

Consistency Statement: The proposed action will remove 2.32 acres of mangrove habitat and 0.05 acres of disturbed salt marsh within Dr. Von D. Mizell-Eula Johnson State Park. These losses will be mitigated.

7. Chapters 259, 260, and 375, F.S., Land Acquisition. These chapters authorize the state to acquire land to protect environmentally sensitive areas.

Consistency Statement: As the potentially affected property is already in public ownership, these chapters do not apply.

8. Chapter 267, F.S., Historical Resources. This chapter establishes the procedures for implementing the Florida Historic Resources Act responsibilities.

Consistency Statement: The proposed action was coordinated with the State Historic Preservation Officer (SHPO) and is consistent with the intent of this chapter.

9. Chapter 288, F.S., Commercial Development and Capital Improvements. This chapter directs the state to provide guidance and promotion of beneficial development through encouraging economic diversification and promoting tourism.

Consistency Statement: The proposed improvements at Port Everglades Harbor and maintenance thereof are consistent with the goals of this chapter.

10. Chapters 334 and 339, F.S., Public Transportation. These chapters authorize the planning and development of a safe balanced and efficient transportation system.

Consistency Statement: No public transportation systems would be impacted by the proposed project.

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

Consistency Statement: The proposed project will not violate applicable state water quality standards and the activity is not contrary to the public interest (§ 373.414(1), F.S.).

12. Chapter 375, F.S., Outdoor Recreation and Conservation Lands. This 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.

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

13. Chapter 376, F.S., Pollutant Discharge Prevention and Removal. This chapter regulates the transfer, storage, and transportation of pollutants and the cleanup of pollutant discharges.

Consistency Statement: This work does not involve the transportation or discharge of pollutants. Conditions will be placed in the contract to handle any inadvertent spills of pollutants such as vehicle fuels. The proposed action will comply with this chapter.

14. Chapter 377, F.S., Energy Resources. This chapter authorizes the regulation of all phases of exploration, drilling, and production of oil, gas, and other petroleum products.

Consistency Statement: The proposed action does not involve the exploration, drilling or production of oil, gas or other petroleum products; therefore this chapter does not apply.

15. 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.

Consistency Statement: Marine crustacean, shell and anadromous fishery resources will be temporarily impacted. Temporary and permanent impacts will occur within the marine and estuarine environment. Impacts to significant seagrass, mangroves, and benthic invertebrate resources (e.g species found in coral and hardbottom habitats) will be mitigated. The work in the port will be consistent with the goals of this chapter.

16. Chapter 380, F.S., 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.

Consistency Statement: The proposed project incorporates mitigation components primarily intended to benefit estuarine and hardbottom/coral reef resources for unavoidable impacts. The goals and objectives of this project are to improve navigation while maintaining or replacing 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.

17. Chapter 381, F.S., Public Health: General Provisions. The statute 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.

Consistency Statement: This project would not affect the state's public health system and therefore, this Chapter is not applicable..

18. Chapter 388, F.S., Mosquito Control. This chapter provides for a comprehensive approach for abatement or suppression of mosquitoes and other pest arthropods within the state.

Consistency Statement: The proposed project would not further the propagation of mosquitoes or other pest arthropods..

19. Chapter 403, F.S., 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).

Consistency Statement: 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. The project complies with the intent of this chapter..

20. Chapter 553, F.S., Building and Construction Standards. The statute addresses building construction standards and provides for a unified Florida Building Code.

Consistency Statement: 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.

21. Chapter 582, F.S., 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.

Consistency Statement: The proposed action is not located near agricultural lands; therefore, this chapter does not apply.

22. Chapter 597, F.S., Aquaculture. This 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.

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