

APPENDIX II

COASTAL ZONE CONSISTENCY DETERMINATION

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: The proposed project is not located in a beach area. Therefore, the project would not apply to 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. It's 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 recommended by the Agency on Bay Management, Tampa Bay Regional Planning Council. The project was determined to be consistent with the Regional Plan for Tampa Bay. A scoping letter was coordinated with the State Clearinghouse. No adverse comments were received, and the proposed project was determined to be consistent with the Florida Coastal management Plan. Therefore, this project would comply with the intent of this Chapter.

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 placement would be consistent with the intent of this Chapter.

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 placements would not affect state lands. The proposal would comply 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: Since the affected property already is in public ownership, this chapter would not apply.

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 work would provide positive benefits to the Cockroach Bay Aquatic Preserve by increasing estuarine habitat, improving water quality, and promoting increased seagrass growth in the Bay, and would, therefore, be consistent with this chapter.

7. Chapter 267, Historic Preservation.

This chapter establishes the procedures for implementing the Florida Historic Resources Act responsibilities.

Response: The placement of dredged material from Manatee Harbor Phase II construction and Cockroach Bay Restoration is being coordinated with the Florida State Historic Preservation Officer. Procedures would be implemented to avoid affects on unidentified historic properties which may be located within the affected areas. No known historic properties, included or eligible for inclusion in the National Register of Historic Places, have been identified in the navigation channel or in the proposed upland disposal area. Therefore, the work will be 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 placement of dredged material from Manatee Harbor Phase II construction and Cockroach Bay Restoration encourage the development Tampa Bay, promote eco-tourism of the restoration site and economic growth of the area. Therefore, the project would be 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: The placement of dredged material from Manatee Harbor Phase II construction and Cockroach Bay Restoration promotes recreational and commercial navigation within Tampa Bay. Therefore, the work would comply with the goals of this chapter.

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 placement would not adversely affect saltwater living resources. No significant saltwater living resources are found in the placement area. The goal of the restoration project is to increase the saltwater living resources by 75 acres. Based on the overall impacts of the work, the work 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 placement of material in the pits would cause a change in the species and size distribution of fish in this area. The filling of the pits would provide a new 75 acre estuarine habitat consisting of ponds, mangrove habitat, and bird rookeries. Therefore, the work would comply with the goals of 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 by this chapter.

This chapter regulates the transfer, storage, and transportation of pollutants and the cleanup of pollutant discharges.

Response: This work does not involve the transportation or discharging of pollutants.

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 gas, oil or 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 project has been coordinated with the local regional planning commission. In fact, the proposal was recommended by the Habitat Restoration Committee of the Agency on Bay Management, Tampa Bay Regional Planning Council. Therefore, the work would be 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 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 DEP.

Response: A water quality certificate has been issued to the local sponsor for the construction of Manatee Harbor Phase II by Department of Environmental Protection. Authorization for placement of dredged material at the Cockroach Bay Restoration Project is being sought. Therefore, the work is in compliance at this stage of the project. Full compliance will be obtained through the issuance of a water quality certificate for the placement of the material from the Department of Environmental Protection.

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 work. Particular attention will be given to work on or near agricultural lands.

Response: The proposed work is located near agricultural lands. The project would not impact agricultural lands not designated for environmental restoration projects. Therefore, this chapter would not apply.