

**APPENDIX B - FLORIDA COASTAL ZONE MANAGEMENT  
CONSISTENCY**

**FLORIDA COASTAL ZONE MANAGEMENT CONSISTENCY  
FEDERAL CONSISTENCY EVALUATION PROCEDURE**

**CHANGE OF MAINTENANCE OPERATIONS  
AT PALM BEACH HARBOR AND PEANUT ISLAND  
PEANUT ISLAND. PALM BEACH COUNTY, FLORIDA**

1. Chapter 161, Beach and Shore Protection. 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 change the maintenance operations at the Palm Beach Harbor from winter hopper dredging to summer pipeline dredging. The Palm Beach Harbor Dredge Material Storage Area (DMSA) would be dry offloaded to provide additional upland dredged material storage capacity in close proximity to the port. The dredged material offloaded from Peanut Island (approximately 600,000 CY) would be placed in an anoxic hole adjacent to the City of Lake Worth Municipal Golf Course and the IWW (least cost disposal alternative). The island would continue to function as a dredged material placement area, historic properties setting, Coast Guard post, and recreation resource. Information has been submitted to the State of Florida, Department of Environmental Protection (DEP) for a permit in compliance with this chapter. All structures needed for the project would be removed from the island, at completion of the proposed work.

2. Chapters 186 and 187, State and Regional Planning: These chapters establish the State Comprehensive Plan that sets goals to articulate a strategic vision for the State of Florida's future. The purpose is to define in a broad sense, goals and policies that provide decision-makers directions for the future and long-range guidance for orderly social, economic and physical growth.

**Consistency Statement:** The proposed project would comply with the strategic vision of the State of Florida as mentioned in the State and Regional Planning Chapters.

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 protect and preserve the lives and property of the people of Florida.

**Consistency Statement:** The proposed change in maintenance operations, from winter hopper dredging to summer pipeline dredging, and the dry offloading of the Palm Beach Harbor DMSA would not jeopardize the public health, safety or welfare but could help to enhance the chapter's goals. The preferred alternative disposal site would raise the benthic elevations in the area to more suitable grades to support the recruitment of seagrass and other benthic species. Therefore, this work 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 these 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; placement islands, and artificial reefs.

**Consistency Statement:** The proposed change in maintenance operations (from winter hopper dredging to summer pipeline dredging and the dry offloading of the Palm Beach Harbor DMSA) would help to provide habitat for fisheries and wildlife. The summer pipeline maintenance dredging of Palm Beach Harbor would not adversely effect benthic resources discussed in this chapter. Dry offloading the dredged material within the Palm Beach Harbor DMSA would not adversely affect benthic resources. The disposal of the offloaded dredged material to the anoxic hole adjacent to the City of Lake Worth Municipal Golf Course and the IWW (least cost alternative) would raise the benthic elevations for the potential recruitment of seagrass and other benthic organisms. The use of State lands for restoration objectives has been previously been approved by the State. The proposed activity has been coordinated with or in the process of coordination with the State and appropriate permits would be obtained. The proposed action complies with 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.

**Consistency Statement:** The proposed change in maintenance operations and associated work would not adversely affect the State's acquisition and protection of environmentally sensitive lands. These chapters do not apply.

6. Chapter 258, State Parks and Aquatic Preserves: This chapter authorizes the State to manage State parks and preserves. Consistency with this chapter would include consideration of projects that would directly or indirectly adversely impact park property, natural resources, park programs or their management or operations.

**Consistency Statement:** The proposed action would not adversely affect State parks or preserves, and is consistent with the intent of this chapter.

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

**Consistency Statement:** The proposed work (change in maintenance operations and offloading of material from Peanut Island) has been coordinated with the State Historic Preservation Officer (SHPO). The work would be consistent with the goals of this chapter. Disposal of offloaded material adjacent to the City of Lake Worth Municipal Golf Course is currently being coordinated. It is anticipated this work would be the existing goals. A "no effect" has been previously issued by SHPO for disposal proposed at this located that's associated with Johns Island and Peanut Island environmental restoration projects.

8. Chapter 288, Economic Development and Tourism. This chapter directs the State to provide guidance and promotion of beneficial development through the encouragement of economic diversification and promotion of tourism.

**Consistency Statement:** The change in maintenance operations at Palm Beach Harbor and Peanut Island could temporarily affect recreational boaters within the project area. The potential temporary effect would end once the project work vessels and equipment are removed from the area. Therefore, the work is consistent with the goals of this chapter.

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

**Consistency Statement:** The proposed action would not affect public transportation. Therefore, this chapter does not apply.

10. Chapter 370, Living Saltwater Resources. This chapter directs the State to preserve, manage and protect 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 of fishery products; to secure and maintain statistical records of the catch of each such species; and to conduct scientific, economic and other studies and research.

**Consistency Statement:** The proposed change in maintenance operations would not adversely affect such activities and is consistent with the goals of this chapter. The disposal of the dredged material dry offloaded from the Palm Beach Harbor DMSA on Peanut Island within the anoxic hole adjacent to the City of Lake Worth Municipal Golf Course (least cost disposal alternative) would raise the benthic elevations and potentially recruit seagrass and other benthic submerged aquatic resources.

11. Chapter 372, Living Land and Freshwater Resources. This chapter establishes the Game and Fish 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 sustainable ecological, recreational, educational, scientific, aesthetic and economic benefits.

**Consistency Statement:** The proposed change in maintenance operations would not include work in freshwater habitat. The proposed change in maintenance operations would not adversely affect aquatic life or wildlife or their habitat. 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.

**Consistency Statement:** The proposed work 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.

**Consistency Statement:** The proposed work does not involve the transportation or discharge of pollutants. Conditions would be placed in the project's contract to ensure safe handling procedures are in place should any inadvertent spills of pollutants such as fuels occur. The proposed work would conform with the intent of 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.

**Consistency Statement:** The proposed action does not involve the exploration, drilling or production of oil, gas or other petroleum products 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 of large-scale development.

**Consistency Statement:** The proposed action has been coordinated with the local regional planning council and the work conforms to 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 arthropod pests within the state.

**Consistency Statement:** The proposed action would be consistent with the goals of this chapter.

17. Chapter 403, Environmental Control. This chapter authorizes the regulation of pollution of the air and waters of the state by the Department of Environmental Protection.

**Consistency Statement:** Appropriate State permits would be obtained for the project. The proposed project would be consistent with the chapter goals.



18. Chapter 582, Soil and Water Conservation. This chapter establishes policy for the conservation of State soils and water through the Department of Agriculture. Land use policies would 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 on adjoining properties affected by the work. Particular attention would be given to work on or near agricultural lands.

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

