

**ANNEX A**  
**COASTAL ZONE MANAGEMENT CONSISTENCY**

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## **FLORIDA COASTAL ZONE MANAGEMENT PROGRAM FEDERAL CONSISTENCY EVALUATION PROCEDURES**

### **Tamiami Trail Modifications Dade 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 will be submitted to the state in compliance with this chapter. Construction will not be located seaward of the line of mean high water or where it might have an effect on natural shoreline processes.

**2. Chapters 163 (part II), 186, and 187, County, Municipal, State and Regional Planning.** These chapters establish the Local Comprehensive Plans, the Strategic Regional Policy Plans, and the State Comprehensive Plan (SCP). The SCP 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 proposed project involves identifying a means for conveying increased flows of water under U.S. Highway 41 (Tamiami Trail) to the Everglades National Park (ENP) as part of the Modified Water Deliveries (MWD) Program to restore natural hydrologic conditions in ENP. The project would provide for the enhancement and assist in the restoration of the Everglades ecosystem. The project is in full compliance with the goals 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 proposed project would have little or no impact on disaster preparation. Full conformance and compliance consistent with the efforts of Division of Emergency Management is intended.

**4. Chapter 253, State Lands.** This chapter governs the management of submerged state lands and resources within the state. 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: Each type of resources protected to the extent practicable under this statute is addressed in the EA. The project is aimed at providing for full conformance and compliance with the goals 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: Implementation of the proposed plan does not require State acquisition of lands for the purposes of protection of environmentally sensitive areas.

**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: To the northern boundary of the project area is Water Conservation Area 3B (WCA-3B) of the South Florida Water Management District, the Francis S. Taylor Wildlife Management Area. The Florida Fish and Wildlife Conservation Commission (FWC) manages this area for recreation. The project is not anticipated to adversely affect state lands; in fact, the proposed project attempts to restore hydrologic flows from WCA-3B to ENP. Full conformance and compliance with the requirements for protecting these resources is intended.

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

Response: Historic structures in the project area include Coopertown, the Airboat Association of Florida, Tamiami Trail, and the Tamiami (L-29) Canal. The Tamiami Trail, itself a historic property eligible for NRHP listing, would be reconstructed with bridged portions of the highway embankment removed. No other historic structures would be affected by the project.

**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 airboat businesses on Tamiami Trail—Everglades Safari Park, Gator Park, and Coopertown Airboat Rides—draw a large influx of state, national, and international tourists to this area of ENP. The project would have no adverse effect on the airboat tour businesses or other aspects of the area's ecotourism industry. The project is consistent with the goals of this section.

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

Response: Tamiami Trail is not one of the “officially designated” evacuation routes authorized for reverse-laning. However, due to its location as the southern-most east-west artery in the state, Tamiami Trail provides critical eastbound and westbound coast-to-coast access between Miami and Naples. The use of Tamiami Trail as an “implied” evacuation route would require that the highway's evacuation route capabilities be maintained during hurricane season. This may influence construction phasing and maintenance of traffic flows during construction. The project will be consistent 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 proposed project would not adversely impact saltwater living resources. Based on 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 has been closely coordinated with the FWC and should have no significant adverse effects on freshwater aquatic or wild animal life. The project is expected to benefit wildlife through its contribution toward the hydrologic restoration of Northeast Shark River Slough in ENP.

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

Response: The project sponsor is the South Florida Water Management District. The plans for withdrawal, diversion, storage, and consumption of water are fully coordinated with the sponsor, and a recommendation would be made with full concurrence from the State.

**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: Compliance with State law will require the contractor to obtain a General Construction National Pollutant Discharge Elimination System (NPDES) Permit. The NPDES program requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP), which will address the storage, generation, and disposal of hazardous and toxic substances. The retaining of grassed side-slopes along the sides of the highway and the incorporating of a stormwater collection and treatment system with the bridge would result in no adverse effect on water quality.

**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 other petroleum products. Therefore, this chapter does not apply to the proposed project.

**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. This chapter also deals with the Area of Critical State concern program and the Coastal Infrastructure Policy,**

Response: The proposed project will not promote any large-scale development or have an impact defined as regional development. Therefore, the project is consistent with the goals of this chapter.

**16. Chapter 381 (selected subsections on on-site sewage and disposal systems) and 388 (Mosquito/Arthropod Control). Chapter 388 provides for a comprehensive approach for abatement or suppression of mosquitoes and other pest arthropods within the state.**

Response: The projects 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 (FDEP)].**

Response: The project is in compliance with both the Clean Water Act of 1972 and the Clean Air Act of 1970. This project is being fully coordinated with FDEP. Full compliance with State regulations is accomplished.

**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 on or near agricultural lands, including those considered to be prime and/or unique farmlands. Full compliance with State regulations is anticipated.

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