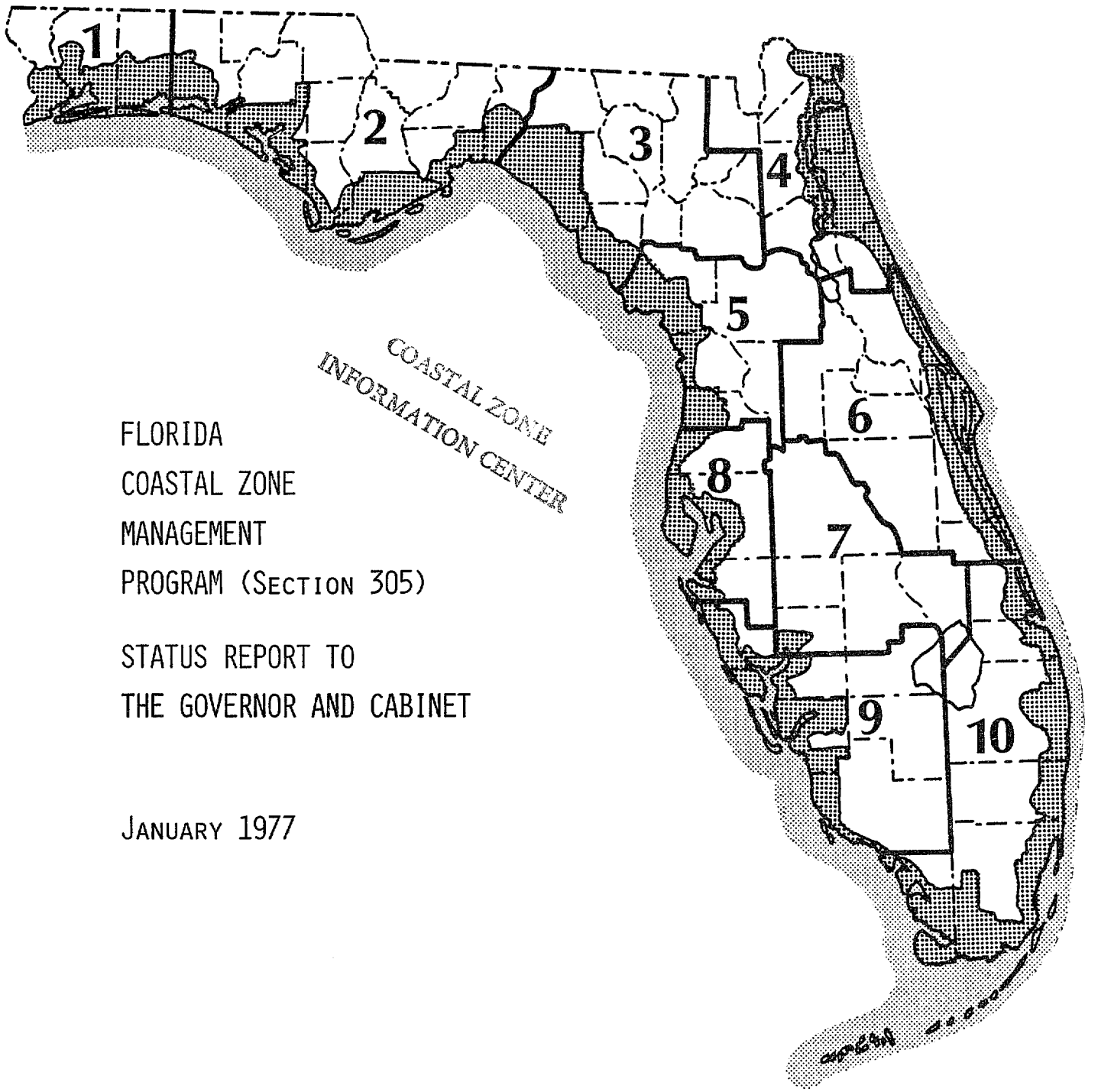


COASTAL ZONE
INFORMATION CENTER

FLORIDA COASTAL ZONE MANAGEMENT PROGRAM (SECTION 305)

STATUS REPORT TO THE GOVERNOR AND CABINET

JANUARY 1977

BUREAU OF COASTAL ZONE PLANNING
DIVISION OF RESOURCE MANAGEMENT
FLORIDA DEPARTMENT OF NATURAL RESOURCES

HT
393
.F5
F527
1977

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

FLORIDA COASTAL ZONE MANAGEMENT PROGRAM
(Section 305)

STATUS REPORT

TO THE

GOVERNOR AND CABINET

January, 1977

U.S. DEPARTMENT OF COMMERCE NOAA
COASTAL SERVICES CENTER
2234 SOUTH HOBSON AVENUE
CHARLESTON, SC 29405-2413

This public document was promulgated at an annual cost of $1010.55, or 67.3¢ per copy for the purpose of presenting the status of the coastal zone plan to the Governor, the Cabinet, and the citizens of Florida.

The preparation of this material was financed in part through Coastal Zone Management Program Development Grant No. 04-7-158-44005 from the Office of Coastal Zone Management, NOAA, under the provisions of Section 305 of the Coastal Zone Management Act of 1972 (P.L. 92-583).

HT393.F5 F527 1977
38917609
FEB 4 1997
Property of CSC Library

Bureau of Coastal Zone Planning
Division of Resource Management
Florida Department of Natural Resources

CONTENTS

		Page
PREFACE		iii
Chapter		
I	INTRODUCTION	1
II	FLORIDA'S COASTAL ZONE PLANNING PROGRAM: EXECUTIVE SUMMARY	13
III	PROPOSED MANAGEMENT POLICIES AND CRITERIA: EXECUTIVE SUMMARY	27
IV	BOUNDARIES OF THE COASTAL ZONE: EXECUTIVE SUMMARY	43
V	PERMISSIBLE AND PRIORITY USES IN THE COASTAL ZONE: EXECUTIVE SUMMARY	53
VI	GEOGRAPHIC AREAS OF PARTICULAR CONCERN: EXECUTIVE SUMMARY	67
VII	PUBLIC INVOLVEMENT: EXECUTIVE SUMMARY	75
VIII	FEDERAL/STATE INTERACTION: EXECUTIVE SUMMARY	79
IX	STATE/REGIONAL/LOCAL GOVERNMENT INTERACTION: EXECUTIVE SUMMARY	85
X	ORGANIZATION AND AUTHORITIES: EXECUTIVE SUMMARY	95
XI	ON-GOING CZM PROGRAM: EXECUTIVE SUMMARY	107
XII	BIBLIOGRAPHY OF PROGRAM PUBLICATIONS	117
Appendix		
A	STATE AND FEDERAL CZM LEGISLATION AND THRESHOLD PAPERS	
B	REGION 5: WITHLACOOCHEE (SAMPLE)	
B-1	Florida Regional Coastal Zone Management Atlas	
B-2	Land Use Analysis	
B-3	Support Services Analysis	
B-4	Land Ownership Analysis	
B-5	Land Ownership Inventory	

Appendix

B-6 Population Analysis

B-7 Economic Analysis

B-8 Environmental Quality Assessment

B-9 Florida Regional Coastal Zone Studies: Existing Legal Authorities

B-10 Outer Continental Shelf Socio-Economic Impact Planning Project

C Suggested State Objectives, Policy and Criteria for Coastal Management in Florida

D Boundaries of the Coastal Zone

E Impact Assessment Handbook

F A Process for Defining a Permissible Use Framework

G Proposed Geographic Areas of Particular Concern

H Examples of General Public Interaction

I-1 Federal Agency Comments on Florida's CZM Program

I-2 Interaction with Other States and Countries

J State/Regional/Local Government Comments on Florida's CZM Program

K Compilation of Laws Relating to Florida Coastal Zone Management (3 v.)

L Analysis of Laws Relating to Florida Coastal Zone Management

M An Overview of Existing Governmental Roles and Responsibilities

N DNR Presentation on Section 306 Lead Agency Designation for the Governor's Task Force on Coastal Zone Management

PREFACE

As the United States embarks upon its third century as a democracy, a central issue being debated is how best to return certain tasks, functions, and responsibilities to the individual states rather than continuing the trend toward an ever-larger federal bureaucracy. Among the tasks so recognized and acted upon by Congress was establishment of a voluntary program of assistance to states, designed to encourage protection and more optimal utilization of one of the nation's most valuable natural heritages--its irreplaceable coastal zone resources.

In acting upon this task, the Congress in 1972 recognized that rational management of these vital resources involves myriad physical, ecological, economic, and socio-political factors which can best be understood and acted upon at the state and local levels of government. The resulting Coastal Zone Management Act of 1972 (PL 92-583) provides a mechanism for establishing federal/state partnerships, whereby financial incentives are provided for states to develop and implement comprehensive coastal zone management programs which include considerations of national interests. By placing this responsibility on the states (if they choose to accept it and demonstrate a resolve for meeting it), the Congress essentially gave the states potential veto power over federal programs and activities found to be inconsistent with approved state coastal zone management plans.

Such a refocusing of responsibility, if successful, would be a healthy step toward the goal of achieving better management of coastal zone resources. However, the task of meeting this responsibility is not a simple one, particularly for the State of Florida. All of the concerns which prompted Congressional action are evident, and in many ways, compounded in Florida's coastal zone.

This dynamic fringe along our Gulf and Atlantic shores not only contains some of the most sensitive and important ecosystems in the world, but also is the residence of over 75 percent of our population and the hub of our economy. If present trends continue, by the year 2000, Florida's coastal zone will contain over ten million permanent residents and play host to several times that many visitors each year. No other state has more at stake in its coastal zone than Florida.

The ability of our present institutional arrangements to cope with the social and environmental ills associated with such a concentration of people is at best questionable, at worst, totally inadequate. It is certain, however, that as people continue to respond to the lure of Florida's coastal resources and

amenities, the number and complexity of conflicts between competing uses and man's activities and the environment will increase dramatically. Offshore oil development, energy facilities siting, maintenance of marine fisheries, water quality, beach access, coastal hazards, economic development, support services, taxation, property rights vs. public interest, political jurisdictions, interstate compacts, interagency rivalry--these are but a few of the sources of conflict that will be increasingly evident in the near future and which will probably require significant modifications to our present methods of resolving issues.

In recognition of many of these problems, major actions have already been taken by the State Legislature as well as many local units of government. The early 1970's produced a significant package of legislation which has been heralded across the nation as placing Florida in a position of leadership in managing growth. Still, evidence strongly suggests that we are continuing to make major allocations and commitments of public resources based upon narrow scope, short-term expediency factors--without adequate regard for cumulative, long-term consequences; without consideration of available options that would be readily apparent upon proper investigation; and without benefit of pertinent information that is often readily available.

If we are to achieve the goal of optimal utilization of our coastal resources, we must first develop a mechanism whereby decisions regarding those resources are based upon well-informed judgment, with a full awareness of the consequences to be expected. Such a mechanism must, at a minimum, insure that the best available information is incorporated in the decision-making process and that readily apparent conflicts and options are understood prior to making major commitments of resources. It should strive to assure that long-term values are not sacrificed for the benefit of short-term gains. This is the essence of coastal zone management and the purpose of this plan.

The Florida Coastal Zone Mangement Program, to be approved at the federal level, will have to show definite linkages with the federal agencies, adjacent coastal states, the State Legislature, the general public, all involved state agencies, regional government such as Regional Planning Councils and Water Management Districts, and local governments in the coastal zone. both county and municipal. The program will have to contain a certification process for development activities in the coastal zone and a conflict resolution process with suitable appeal channels. There will also be required a monitoring and "trouble-shooting" activity to oversee all government levels that implement the program. The plan itself will have to be maintained, updated and supported by on-going research and public participation. All of the above will have to be ready to operate or already functioning before a state's program is approved. As of this date, only the State of Washington has an approved plan.

The present status of Florida's coastal zone management program (Section 305) is described herein. This is a draft document which, after Governor and Cabinet review and revisions, will be the subject of extensive public workshops and hearings throughout the coastal zone during the summer of 1977. Revisions will then be made and the program will again be submitted to the Governor and Cabinet for action in late 1977. Every attempt has been made to utilize all existing legislation and on-going programs so as to minimize the need for additional legislation. In its present form, the coastal zone management program has been certified to be in conformance with the completed sections of the State Comprehensive Plan by the Division of State Planning, Department of Administration.

A number of amendments to PL 92-583 requiring additions to a state's coastal zone management program were passed into law in the summer of 1976 having to do with onshore impacts of energy-related developments, beach erosion and public access to beaches, energy facility siting, interstate coordination, research and technical assistance, and acquiring coastal lands with public funds, especially islands. The subjects contained in these amendments are not included in this Status Report because the guidelines for their implementation have not yet been finalized by the U.S. Department of Commerce for publication in the "Federal Register." However, the subjects are summarized in Chapter XI, ON-GOING CZM PROGRAM, and the complete PL 92-583, including the amendments, can be found in Appendix A.

It should be borne in mind that the value of any plan is only as great as the magnitude and sincerity of commitments to follow through with implementation actions. The proposed coastal management program is the product of six years of effort by literally thousands of participants representing a broad spectrum of coastal zone interests. Obviously, some of these participants may feel the plan is too stringent; others may feel it does not go far enough. However, within technical, financial, as well as time limitations, the plan is a sincere attempt to comply with both the spirit and letter of congressional and state legislative mandates. While it is impossible to adequately address all facets of coastal management at this time, the proposed goals, policies, processes and institutional arrangements will, if carried out, place the State of Florida in a far better posture for meeting its coastal management responsibilities on a continuing basis.

CHAPTER I: INTRODUCTION

FEDERAL COASTAL ZONE MANAGEMENT LEGISLATION

In the last half of the 1960's, the fragile nature of the nation's coastal zone and the intense conflicts occurring there drew the attention of the federal government and many members of Congress. A special Commission on Marine Science, Engineering and Resources was established by President Johnson in 1966, and in its report, Our Nation and the Sea (1968), the Commission concluded, "The key to more effective use of our coastline is the introduction of a management system permitting conscious and informed choices among developed alternatives .... for this productive region in order to ensure both its enjoyment and sound utilization."

Two other government reports, the National Estuarine Pollution Study (1969) and the National Estuarine Study (1970), also suggested that a comprehensive federal/state management system for coastal areas be established.

Debate on coastal management legislation centered in the 91st and 92nd Congresses. The final result was the Coastal Zone Management Act of 1972 (CZMA) which was signed into law by the President on October 27, 1972, and represented the first piece of comprehensive land and water management legislation passed by Congress.

Considered an example of the "New Federalism", the CZMA places the responsibility to act upon the coastal states. The language of the CZMA is quite explicit. Congress declared it to be the national policy "To preserve, protect, develop, and where possible, to restore or enhance the resources of the nation's coastal zone for this and succeeding generations." The Act provides financial assistance to states to help in developing and implementing "management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development." Funds are now granted on a 4/5 federal, 1/5 state basis (CZMA Amendments, 1976). An important provision of the Act provides for increased state control over federal activities. Once the federal government approves a state's management program, all federal activities within a state's coastal zone boundary must be consistent with the state's CZM program, except when the "national interest" is at stake.

States are allowed three years to plan their management programs (Section 305 of the Act -- Development Grants). The 1976 amendments to the Act allow four years, but add additional

requirements. If the program meets specific requirements spelled out in the Act, states will then receive grants to implement their plans (Section 306 -- Administrative Grants) which will also be funded on a 4:1 matching basis.

The Act is more concerned with the "process" devised by the states in their management programs than with specific land or water use decisions. States must address six planning issues in their management programs:

* an identification of the boundaries of the coastal zone: how far seaward and landward does the area to be managed extend.

* a definition of permissible land and water uses within the coastal zone boundary; uses which have a direct and significant impact on coastal waters.

* an identification of the means by which the state proposes to control permissible land and water uses, including a list of relevant constitutional provisions, legislative enactments, regulations, and judicial decisions; what are the governmental authorities under which permissible uses will be regulated?

* an inventory and designation of critical areas within the coastal zone -- areas requiring special management for protection or development.

* broad guidelines on priority of uses in particular areas, including specifically those uses of lowest priority.

* a description of the organizational structure proposed to implement the management program, including the responsibilities and interrelationships of local, regional, and state agencies in the management process.

An important aspect of the Act requires that the public and all levels of government (local through federal), be involved in the process of developing a state program. Congress recognized that if CZM is to succeed, it must be developed along with the coastal communities and be fully understood, accepted, and supported by those citizens most directly affected.

To guarantee federal approval of the program, the Governor must approve the program, and the state must have developed the powers, arrangements, and authorities necessary for implementation. The Act specified three alternative control mechanisms: a) direct state regulation, b) local regulation consistent with state established standards, and c) local regulations with state review of all coastal zone development projects. A combination of any or all of the three is allowed.

The Act is administered by the Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA), in the U.S. Department of Commerce. Threshold papers for each of the federal requirements have been prepared by the OCZM and are included as part of Appendix A.

FLORIDA'S COASTAL ZONE

BACKGROUND

Florida's coastal zone is its most important asset economically, biologically, and aesthetically. The coastal zone is the choice of residence for over 75% of the state's population. The principal transportation terminals for people and goods, the majority of the commercial centers, and the major industrial centers and military bases are in the coastal zone. It is visited by almost all of the over 25-million tourists that come to the state each year. It serves as a "recreation center" for citizens and visitors alike. By the year 2000, if present trends continue, Florida's coastal zone will contain 10-million permanent residents and will serve a yearly influx of several times that many visitors.

Florida, and especially the Florida coastal zone, has been the recipient of extremely rapid growth during the 1960's and 1970's. This growth has caused tremendous pressure on the coastal zone and has threatened the very attractions that the coast holds as a unique natural area. During the late 1960's and early 1970's, Florida's leaders began to recognize that many of the state's coastal areas were in serious trouble. Uncontrolled and unplanned, man's activities were degrading coastal resources at an unprecedented rate. Flood control measures and land development were causing water shortages and degraded water quality in the Everglades basin and in much of southeast Florida. Estuarine resources, dependent upon fresh water in the proper amount, quality, and timing, were being threatened. Massive fish kills were occurring in Escambia Bay and other estuarine areas. Boca Ciega Bay was sacrificed for houses. Several coastal rivers were becoming open sewers, in danger of being destroyed completely. Many major shellfish beds were declared unsafe to utilize; some were killed outright. Once popular swimming areas could no longer be utilized because of pollution. Development had caused severe erosion of once beautiful beaches. The list was long and getting longer.

The writers of the 1968 Florida Constitution, recognizing the need for a policy that would assist the state to protect its natural resources, including coastal resources, declared that:

> "It shall be the policy of the state to conserve and protect its natural resources and scenic beauty."

In an effort to follow this policy and to put a halt to the increasing threat to coastal resources, some excellent legislation and programs were initiated in the next several years. These included:

1. The establishment of an air and water pollution control agency and water quality standards. Any coastal development that may degrade surface water quality is subject to regulation.

2. More stringent state control of most submerged lands and water column use. Permits and/or leases are required for such activities as bulkheading, dredge and fill, marinas, aquaculture, and living and non-living resource extraction.

3. The establishment of beach development controls designed to prevent construction practices, even on private property, which might induce or accelerate erosion of Florida's beaches.

4. The establishment of special use areas such as the Aquatic Preserve System, the State Wilderness System, the Environmentally Endangered Lands Program, the State Park System, and Wildlife Refuges.

5. The passage of the Land and Water Management Act of 1972 establishing the Areas of Critical State Concern and the Developments of Regional Impact programs.

6. The passage of the Water Resources Act of 1972 to provide for the management of water and related land resources.

The question arises, then, with all of these many tools, why is there a need for a coastal zone management program? The answer lies in the fact that these tools by themselves simply are not adequate to the task. They are generally single purpose, in reaction to an existing problem; they are uncoordinated; and they fall under the authorities of several different agencies. No effective coordinated management system designed to manage the multiple uses of coastal resources while providing as many future options as possible has been established. The complex nature of Florida's coastal zone makes a coordinated, systematic management program of utmost importance.

COASTAL ZONE ISSUES AND PROBLEMS

The issues and problems that must be resolved in Florida's coastal zone are multi-faceted. The most basic issue in the state's coastal zone is how to effect a balance between the tremendous growth pressures in the coastal area and the effort to preserve those areas of the coastal zone that are of high environmental and ecological value to the people of Florida, present and future.

The issues that need to be resolved in developing a coastal management program, can, perhaps, be best posed in the form of questions:

* In how many ways is Florida dependent upon the coast and its natural and economic resources? How do coastal resources contribute to a healthy economy?

* Is there adequate public access to coastal resources to swim, fish, sunbathe, boat, etc.?

* What activities require a coastal waterfront location? Which don't?

* What activities should have top priority in the coastal zone? Who should make the decisions on priorities?

* What trade-offs are involved in making coastal management decisions? Who should make the decisions regarding trade-offs?

* What coastal activities have or could have impacts that would affect more than one locality? Who should make the decisions regarding these activities?

* What coastal resources should be preserved for future generations?

* What role should the different levels of government play in future coastal management decisions?

Florida presently has a number of problems which make it difficult to resolve many of the issues posed above. These include:

1. Multiplicity of uses leading to use conflicts. For example, housing needs may pre-empt recreation land and destroy landmarks and ecologically valuable wildlife areas; commercial and/or residential needs may destroy wetlands necessary for fish propagation, storm protection, and waste water assimilation.

2. Jurisdictional overlapping. There is no clear-cut delineation of functions, in many cases, among the various federal, state, 38 county government, and close to 230 municipal government agencies with respect to the management of the state's coastal zone.

3. Lack of inter-agency coordination. Closely related to and stemming from jurisdictional overlap is the problem of lack of coordination among the various agencies which have a stake in the vital coastal environment. Various responsibilities for many coastal zone facets are divided among, federal, state, county and municipal entities. As a result, there is no individual agency which can establish or coordinate policy and delegate authority in dealing with problems ranging from marine water pollution to beach sand removal.

4. Pollution of coastal waters. This problem is still alarming in certain areas of the state. It should be recognized that the quality of Florida's coastal environment is the cornerstone of the tourist industry. Because so much of the economy of the state depends on tourism, Florida is concerned with such federally regulated activities as the leasing of offshore lands for oil exploration and drilling, superport construction, etc. Oil spills and/or water pollution from these activities could have an extremely negative effect on this aspect of the economy.

5. Destruction of the coastal environment. Governmental agencies, environmental engineers, and many citizens continue to express a great deal of concern about the destruction of coastal resources. Beach erosion and dredge and fill projects, as examples, have taken a considerable toll on the resources that are of most value to Florida's coastal zone.

6. Knowledge and understanding gaps. There is a lack of understanding of the differences between traditional land use planning and coastal management planning. There is a need for knowledge on such things as the cumulative effects of development and for more data and analysis on the physical and biological parameters of the shore and inshore areas of the coastal zone.

7. Non-implementation of existing authorities. At both the state and local levels, there are coastal management authorities and policies enacted which have never been fully implemented. Non-implementation may be due to lack of sufficient funds and personnel; lack of knowledge as to the existence of authority or policy; lack of technical expertise; or other reasons. Whatever the reason, it would seem necessary for an effective coastal management program that all available implementation tools be used to the fullest possible extent.

The future of Florida's coast depends on the resolution of the issues and problems discussed above. A well-conceived and carefully prepared program for the wise and balanced use of the state's coastal zone can serve to both protect and rationally use our valuable coastal resources.

FLORIDA COASTAL ZONE LEGISLATION

In recognition of the magnitude and complicated nature of coastal zone problems, and in anticipation of federal coastal zone legislation and funding, the 1970 Florida Legislature created the Coastal Coordinating Council. The Council members and staff were involved in coastal zone planning from September 1970 through June 30, 1975, and considerable progress was made toward the development of a coordinated coastal zone management program.

The primary charges given to the Council were to:

1. "develop a comprehensive state plan for the protection, development and zoning of the coastal zone, making maximum use of any federal funding for this purpose."

2. "conduct, direct, encourage, coordinate, and organize a continuous program of research into problems relating to the coastal zone."

3. "review, upon request, all plans and activities pertinent to the coastal zone and provide coordination in these activities among the various levels of government and areas of the state."

4. "provide a clearing service for coastal zone matters by collecting, processing, and disseminating pertinent information relating thereto."

The 1975 Legislature, as part of the reorganization of state environmental and natural resources agencies, abolished the Coastal Coordinating Council and reassigned its powers, duties, staff, and functions to the Division of Resource Management in the Department of Natural Resources. The Division assumed these responsibilities on July 1, 1975, and the former Council staff now makes up the Bureau of Coastal Zone Planning within the Division. The 1975 legislation called on the Division to develop plans and carry out the programs of coastal zone management, and to utilize "interagency cooperation and agreements to insure the participation of other state and local agencies involved in coastal zone management."

FEDERAL FUNDING IN FLORIDA

Florida's coastal planning effort began to receive funds from the federal government in 1974. By the end of the first two years of funding, Florida had received grants totalling $1,146,000 from the federal program. These grants provided the means by which the program could be expanded to include the participation of the regional planning councils and the establishment of citizens' advisory councils in the coastal regions of the state. Approximately 65% of the federal funding received has been passed through to the RPC's. The planning process described earlier was re-focused in order to meet the requirements of the federal legislation as well as the duties mandated by the state legislation.

PROGRAM GOALS

In the legislation establishing the Coastal Coordinating Council, the 1970 Florida Legislature recognized that, "the environmental aspects of the coastal areas of this state have attracted a high percentage of permanent population and visitors

and that this concentration of people and their requirements has had a serious impact on the natural surroundings and has become a threat to the health, safety and general welfare of the citizens of this state." It was determined by the lawmakers that a coordinated effort of interested federal, state, and local agencies of government was imperative in order to plan for and effect a solution to this threat. The plan they envisioned was for the protection, development and zoning of the coastal zone.

The intent of the Florida Legislature tracks well with the primary policy of the federal Coastal Zone Management Act of 1972 which calls for the preservation, protection, development, and where possible, the restoration and enhancement of the resources of the nation's coastal zone for this and future generations.

To respond to the duties mandated by the Legislature and provide a focus for the coastal planning effort, it was necessary to establish program goals. The goals were enunciated in the Coastal Coordinating Councils annual status report for 1973 to the Governor, Cabinet and the Legislature, and in the first proposal for funding to the federal Office of Coastal Zone Management. The goals for Florida's coastal zone program are:

1. To provide for the coordination of all state, federal, regional, county, and municipal efforts, as well as private efforts, to effectively manage and utilize the resources and features of the state's coastal zone.

    a. To make maximum utilization of regional planning concepts and coordination between the various levels of government.

    b. To provide measures for resolving conflicts and prevent potential conflicts which arise out of competition between uses and users of coastal zone resources.

2. To provide for the most efficient utilization of coastal zone resources.

    a. To encourage multiple uses of coastal resources wherever possible.

    b. To support optimum future utilization of presently undeveloped shorelines.

    c. To restrict development and new construction to those areas physically suited for development.

    d. To support the modernization of existing port facilities.

3. To provide for the protection, management and beneficial utilization of water resources in the coastal zone.

   a. To maintain, restore and improve the quality of water resources in the coastal zone.

   b. To summarize and implement in the planning process the latest fresh water management techniques indicated by recent water resources research.

4. To maintain, restore and improve air quality in the coastal zone.

5. To maintain, increase and extend over time the productivity and productive potential of the living and non-living marine resources in the coastal zone.

   a. To prevent declines in and increase the productivity potential of the state's saltwater fishery and shellfish resources.

   b. To provide for the orderly and beneficial extraction and use of minerals and other non-living resources present in the state's coastal waters: extend the productive potential of the coastal zone's limited supply of petroleum, metallic and hard-rock minerals, peat, and other muckland, and other exhaustible and non-renewable land resources.

6. To provide for the preservation, protection, restoration, improvement, and enhancement of the upland, submerged land, and biological features of the coastal, estuarine, and marine environment of the state.

   a. To protect ocean and estuarine beaches from man-induced erosion.

   b. To restore those beaches and shorelines which have already been damaged.

   c. To minimize hurricane and flood damage in the coastal areas of the state.

   d. To provide for the preservation and enhancement of intangible and aesthetic features of the environment and maintenance of ecological systems and habitats in the coastal zone.

7. To establish and maintain in perpetuity the state's coastal and estuarine areas of unique value so that their features may be preserved for future educational, recreational, and scientific purposes.

8. To maintain and increase over time the productivity and productive potential of the forest, freshwater fish, wildlife, soil, and other renewable land resources of the coastal zone.

9. To provide recreational opportunities and meet the recreational needs of the general public in the coastal zone.

    a. To maximize public access to oceanfront and estuarine beaches.

    b. To support the tourist industry.

10. To provide for the protection and preservation of all significant historical and archaeological sites in the coastal zone.

11. To acquire, evaluate, process, publish, and disseminate basic knowledge and information about the coastal zone environment and ways in which it might be managed to benefit man.

    a. To encourage and support federal, state and academic initiatives in coastal zone and marine research, oceanographic exploration, and utilization of marine resources.

    b. To encourage and support federal, state, and regional initiatives in developing data management systems to speed up data collection and dissemination and avoid duplication of effort.

12. To provide for the acquisition and dissemination of knowledge about general aspects of natural resources and the physical environment of the coastal zone and promote an increased understanding and appreciation of concepts, values, and issues relative to man's natural environment.

The passage of the federal Coastal Zone Management Act necessitated an additional program goal. This goal, simply, was "to develop a coastal zone program which would meet the requirements of the federal CZMA so that Florida would be entitled to receive the management funding provided for in the act." The requirements of the federal legislation were discussed on page 2.

THE PLANNING PROGRAM

Florida's developing coastal management program is a process that will provide a systematic approach to decision-makers regarding the use of the state's coastal lands and waters. It is a means to ensure the continued productivity

of coastal land and water resources while maintaining an acceptable level of environmental quality, and will indicate those areas suitable for additional growth and development.

The heart of the proposed program is the concept of preservation areas, conservation areas, and development areas. This concept provides the basis for the policies presented in Chapter III. A more detailed discussion of the planning program and the preservation, conservation, and development concepts will be found in Chapter II.

STATUS REPORT CONTENT

The material presented in this introduction has attempted to provide a broad picture of coastal management and, in particular, the need for a coastal management program in Florida. The balance of this status report will present executive summaries of the work completed thus far in the effort to meet the requirements of state legislation and the federal Coastal Zone Management Act.

A summary of Florida's planning program, the methodology used and the information contained in the Florida Regional Coastal Zone Management Atlas and accompanying texts constitutes Chapter II. The use made of the information generated in the development of the coastal management program is also covered.

Chapter III discusses the proposed state level objectives, policies, and criteria that have been developed by the Bureau of Coastal Zone Planning with the assistance of other involved state agencies.

Chapter IV presents a discussion of the boundary requirement of the federal CZM Act and the boundary presently being proposed for the Florida coastal zone.

A proposed process for determining permissible and priority uses in the coastal zone is currently being studied for effectiveness. Chapter V summarizes the current status of the effort to meet this federal act requirement.

Florida has a number of existing tools and processes for selecting and managing geographic areas of particular concern. Chapter VI summarizes these coastal management tools.

The federal CZM Act requires extensive public involvement in the development of a state's coastal management program. Chapter VII summmarizes the public information/ public involvement programs that have been carried out to this point in time and discusses a proposed schedule of public meetings and hearings.

Federal-state interaction requirements and the work accomplished thus far to meet these requirements are summarized in

Chapter VIII. A similar discussion of State-Regional-Local Interaction is presented in Chapter IX.

The organizational structure and additional authorities necessary for implementation of a coastal management program are discussed in Chapter X, which was prepared by the Legal Section of DNR with the cooperation of the Bureau of Coastal Zone Planning.

Chapter XI discusses the on-going program both in terms of tasks still to be accomplished in the program development process as well as tasks that will need to be carried out once a program has been implemented in Florida.

The final chapter contains a bibliography of documents that have been published by or under the auspices of the coastal zone planning program in Florida.

Appendices providing detailed information on material summarized in many of the chapters are included.

CHAPTER II

FLORIDA'S COASTAL ZONE PLANNING PROGRAM: EXECUTIVE SUMMARY

THE PLANNING PROCESS

The very difficult decisions that must be made in the state's coastal zone cannot be resolved without adequate knowledge and information concerning existing conditions and the range of options available. The length, complexity, and diversity of Florida's coastal zone and the close to 300 governmental entities that must all work together dictate that a planning and analysis methodology be developed that can be applied on a standardized basis in all coastal areas.

The planning methodology developed by the Bureau of Coastal Zone Planning involves an inventory, analysis, and evaluation procedure that can be utilized by all levels of government making decisions as to the "where, how, and why" of the rapid growth occurring in Florida's coastal zone.

The planning process, beginning with a 1971 pilot study and tested in the 1974 Florida Keys Coastal Zone Management Study, is a five-step process and includes:

1. An Inventory of Biophysical Characteristics. A graphic (mapped) inventory of the components that make up the coastal environment of Florida, including areas already developed, areas physically suited to accommodate future development, and natural features that should be preserved in their present state where possible.

2. An Inventory of Existing Socio-Economic Parameters. This second step looks at how man is presently making use of and altering the biophysical environment of the coastal zone. This includes both mapping and textual analysis of land use, land ownership, and support services. A textual assessment of population trends and economic activity is also included.

3. An Inventory of Environmental Quality. The third step involves looking at the impact that man's activities in the coastal zone have had on the biophysical environment. Maps and textual material indicate documented problem and stress areas and suspected problem areas.

4. A Planning Analysis. From the information gathered in the first three steps, a planning analysis is made. This includes an analysis of where in the coastal zone new growth can be supported; an identification of specific problems and opportunities; an analysis of existing plans; and the formulation of recommended policies, priorities, and specific objectives for coastal zone management at the regional as well as the state level.

5. A Management Analysis. The fifth step involves an analysis from the management point of view. What agencies at all levels of government now have responsibilities and missions in Florida's coastal zone? Where do these responsibilities and missions support each other and where do they conflict or overlap? What laws, rules, and regulations now exist that support a coastal zone management program? Have there been court decisions that will have an impact? Where are there "holes" in existing legislation that need to be plugged before an effective coastal management program can be implemented? What administrative structure will be most effective in making the decisions that must be made? These are just a few of the questions that must be answered in the development of the management procedures.

A more detailed discussion of the inventory and data collection methodology and procedures appears later in this chapter.

A COASTAL ZONE OVERVIEW

The 38 counties which contain Florida's approximately 11,000 miles of marine shoreline range from highly urbanized to almost completely undeveloped. The coastal zone that has been used for planning purposes contains only about 25% of the state's land area but, as stated earlier, contains 75% of the state's population. The majority of these people are concentrated in 16 of the coastal counties.

The brief overview of the coastal zone presented here serves to indicate the wide variation present in the coastal areas of Florida.

BIOPHYSICAL CHARACTERISTICS

There are three primary types of shoreline in Florida: beach, tidal marsh, and mangrove swamp. Beaches constitute 1435 miles (13%) of the state's marine shoreline: 793 miles fronting on the Gulf and Atlantic and 642 miles constituting bay and estuarine beach. Approximately 30% of the shoreline is developed; 6% is in public recreation; and the remainder (51%) is about equally divided between tidal marsh and mangrove swamps. The majority of beach shoreline is in private ownership.

Tidal marshes are found primarily on the Gulf coast north of the Anclote River and on the Atlantic coast north of Volusia County and account for about 5% of the total coastal zone land area of 9.6-million acres.

Mangrove swamps are found primarily in southwest Florida with some on the south Atlantic coastline and throughout the Florida Keys. Approximately 4.7% of the coastal zone land area consists of mangrove swamp.

Both the tidal marsh and mangrove areas are highly productive in terms of providing food and nursery areas for fish and shellfish; of considerable value in protecting upland areas from storm surge and high tides; and serve, in urbanized areas, as waste assimilation "catch basins", ameliorating pollution of marine waters from storm water runoff and other non-point-source pollutants.

Almost 36% of the coastal zone land area is within the 100-year hurricane flood zone. In many areas, extensive development has occurred in this flood zone and disasters of major proportions could happen if a sizable hurricane were to hit these areas.

SOCIO-ECONOMIC CHARACTERISTICS

Population. The 1975 estimate of population in the delineated coastal zone was 6,326,246. One county, Dade, had a coastal zone population of over 1-million. Eleven other counties had coastal zone populations of over 100,000: Broward, Pinellas, Duval, Hillsborough, Palm Beach, Brevard, Escambia, Sarasota, Volusia, Lee and Manatee. At the other end of the spectrum, we find seven counties with coastal zone populations below 10,000: Levy, Franklin, Wakulla, Dixie, Walton, Jefferson, and Flagler.

Land Use. Approximately 30% of the coastal zone land area was classified as "urban and built up" in 1975 regional land use studies. Once again, we find wide variations on a county-by-county basis. All of Pinellas County is included within the coastal zone planning boundary: here, 71% of the land is in the "urban and built up" category. In contrast, seven counties, Gulf, Jefferson, Taylor, Dixie, St. Johns, Flagler, and Nassau had less than 5% of coastal zone land area in the "urban and built up" category.

Twenty-one percent of coastal zone land area fell into the "agricultural" category of land use, and 48.9% was classified as "vacant land and natural areas."

Measurements from the 1972 biophysical inventory, which are currently being updated, indicated that public lands devoted to parks and recreation constituted approximately 9% of coastal zone land use. If Everglades National Park was subtracted from this amount, less than 1% of coastal zone land was being used for public parks and recreation. A preliminary review of the 1975 inventory indicates that there will be no significant increase in this percentage.

Land Ownership. Private interests own 79.5% of the coastal zone land area. The federal government has large holdings in Florida's coastal zone and accounts for 16.9% of land ownership. State and local government owns only about 3.6% of the land area. Shoreline ownership figures are approximately the same: private ownership, 77%; federal ownership, 17%; and state and local ownership, 6%.

Economics. Annual per capita income in coastal zone counties (1974) ranges from a high of $6,662 in Palm Beach County to a low of $2,331 in Franklin County. The 1974 figures show that nine coastal counties have a per capita income above the state average of $5,412. Three counties in the coastal zone have a per capita income below $3,000/year: Franklin, Wakulla and Dixie.

Sources of personal income indicate that a number of counties have over 40% of personal income derived from a combination of "Transfer Payments" (Social Security, pensions, etc.) and the "Dividends, Interest, and Rent" category. In many instances, this indicates a high percentage of retired persons on fixed incomes and/or a lack of diversity in the economic base. Only five coastal counties show manufacturing as the highest source of personal income, and only 16 of the 38 coastal counties include manufacturing as one of the top five sources of personal income. Duval County appears to be the most diversified in economic activity of any of the coastal counties.

Tourism is the number one "industry" in many of the coastal counties in the southern half of the state and is of increasing importance in several of the "panhandle" counties. Approximately $9-billion was spent by the over 25-million visitors to the state in 1975, with much of this expenditure occurring in the coastal zone. Sales tax from these expenditures is a major source of state revenue.

Fourteen of the fifteen largest industries in Florida are located in the coastal zone. The southeastern region of the state (Dade, Broward, Palm Beach counties) has the largest number of industrial firms. The Tampa Bay area, Duval County, and Escambia County also rank high as industrial areas.

Commercial and sport fishing are of economic importance also. Commercial fish landings in 1974 had a dockside value of $68.1-million. Dockside value of landings in 11 counties amounted to over $5-million. Three of these, Nassau, Monroe, and Lee counties, showed landing values of over $10-million.

Although these are no "hard" statistics on salt water sport fishing, it is estimated that this "industry" generates revenues approaching the $500-million mark.

There are 15 deep draft ports (authorized depths of 25 feet or greater) located in Florida's coastal zone. In 1974, these ports handled over 85-million tons of freight and served well over 1-million passengers.

Florida's strategic location for national defense purposes has made it the site of several large military and defense bases. There are 11 such bases in the coastal zone, using approximately 550,000 acres of land area. Military payrolls amount to close to $1-billion, and additionally, civilian federal employees at

the bases earn close to $700-million. A large portion of personal income in eight coastal counties is derived from federal military and civilian payrolls.

SUPPORT SERVICES CHARACTERISTICS

The characteristics of water supply, sewage disposal facilities, solid waste disposal facilities, transportation, recreational facilities, and other support services vary widely in the coastal areas of the state. Perhaps the most widespread support service problem for coastal counties is solid waste disposal--almost all appear to be having problems of either where to put or how to collect their trash and garbage.

Water supply is of great concern to the coastal counties in the southern portion of the state. Urbanized areas that lie directly on the coastline in the northeast and far northwest of the state are also experiencing some water supply problems.

Studies indicate that sewage disposal and transportation facilities are inadequate in many urbanized areas of the coastal zone, especially those that are experiencing extremely rapid growth.

Public parks and recreational facilities of any substantial size are in short supply in almost all areas of the coastal zone. In non-urbanized counties, the lack of such public facilities is not as noticeable because of the large amount of privately owned, undeveloped land that is available for use. Urbanized counties are finding it more and more difficult to provide park and recreational facilities because of the high cost of land.

ENVIRONMENTAL QUALITY CHARACTERISTICS

The environmental concern and awareness demonstrated in the late 1960's and early 1970's by citizens and public officials has done much to halt the rapid environmental degradation that was occurring, but the problems caused by that degradation are still with us in many areas of the coastal zone. Some of the early finger canals associated with housing developments are now suffering the effects of poor planning and construction: they are extremely polluted, give off noxious odors, and have become highly unsightly. Many shellfish waters and swimming areas closed because of water pollution are still closed. Other environmental quality problems caused by unplanned and uncontrolled development also remain.

Water quality and quantity is considered by coastal zone counties and cities to be the most significant environmental quality problem. Storm water runoff is perhaps the most difficult surface water quality problem in urbanized areas. Salt water intrusion into aquifers that supply drinking water is causing a great deal of concern in a number of coastal areas, i.e. southeast Florida, the Tampa Bay area. Duval County, and in

some specific places on the northwest coast. The provision of adequate potable water is of great importance in planning for future growth and development.

Adequate knowledge is lacking in almost all areas of Florida's coastal zone as to water quality and the extent of pollution of offshore marine waters. Sufficient funding for extensive studies of marine pollutants has not been available despite the need for such studies.

Another environmental concern in many areas of the coastal zone is beach erosion. An inventory by the U. S. Army Corps of Engineers (1971) concluded that 292 miles of Florida's beaches could be categorized as demonstrating "critical erosion". Some restoration and remedial measures have been taken since that time, but with the beaches representing a top "drawing card" for tourists, the prevention of further erosion needs to be a high priority item for the state.

Air quality is not considered to be a critical problem in most areas of the coastal zone. The southeast coastal area and the Tampa Bay area suffer some air quality degradation, primarily from automobile emissions. The Jacksonville and Pensacola areas have occasional problems caused by industrial emissions.

DEVELOPMENT OF THE COASTAL ZONE ATLAS AND INFORMATION BASE

The overview above demonstrates that complexity and diversity found in Florida's coastal zone. It indicates the need for a comprehensive planning and management problem that will reflect the wide variety of needs and interest of all those who depend on the coast and its natural and economic resources.

Essential to an effective coastal planning/management program is the requirement that a data and information base be included at an early stage. In order to build a sound information base on which to make coastal management decisions, three factors are of utmost importance.

1. A Standardized Approach. The development of a state coastal zone program involves a great many interrelated biophysical, social, and economic factors. In addition, coastal zone decisions are being made daily at all levels of government. In order to achieve coordination and consistency in coastal zone decision-making, it is important that the data and information collected and the analysis of that data and information be done as uniformly as possible.

2. A Graphic Format. Almost all of the concerns and objectives involved in long-range coastal resource planning can be grouped into a relatively few major categories and can, in most cases, be illustrated in graphic (map) form. This allows for a better

understanding of how coastal zone concerns and objectives relate to the physical landscape and to each other. Such understanding provides a sound basis for analyzing proposed coastal zone activities and making decisions regarding these activities.

3. Flexibility. A coastal zone planning methodology and information base should be flexible enough so that it can be used by varying levels of government and in different geographical locales. It should also be capable of accommodating changing conditions, programs, and technical advancements over a long period of time.

With these requirements in mind, it was determined that there were three elements necessary as an information base for Florida's coastal management decisions: biophysical characteristics, socio-economic characteristics, and environmental quality characteristics. A listing of these elements and the type and format of information included in each element appears in Table 1.

All of the mapping listed (biophysical, land use, land ownership, support services, and environmental problem areas) will be included in the nine-volume Florida Regional Coastal Zone Management Atlas. The Atlas volumes and the accompanying textual material will be distributed by the RPCs for use by governmental and private entities involved in coastal zone activities within the region.

BIOPHYSICAL INVENTORY AND ANALYSIS

The first step in establishing a statewide information base involved looking at the coastal zone from the standpoint of its physical and biological components -- an inventory of "what was there." This resulted in the Florida Coastal Zone Management Atlas (1972), which took into account in map form the following factors:

a. The ecological significance of the areas and its tolerance to alteration.

b. The existing state-level management tools and regulations including the state's water classification.

c. The soil suitability of the area.

d. The susceptibility of the area to flooding both by storm surge and runoff.

e. The archaeological and historical significance of the area.

f. Unique environmental features that may warrant protection.

Table 1

FLORIDA COASTAL ZONE MANAGEMENT INFORMATION ELEMENTS

BIOPHYSICAL

Analysis:

- Present Land & Water Use
- Geologic Data
- Water Classification
- Ecological Significance & Tolerance to Alteration
- Susceptibility to Flooding
- Soils Suitability
- Archaeological & Historical Significance
- Unique Environmental Features
- Legal Constraints

Resource Maps:

- Preservation
- Conservation
- Prime Agriculture & Development

Composite Resources Map

SOCIO-ECONOMIC

Ownership Analysis & Mapping

Land Use Analysis & Mapping

Support Services Analysis & Mapping

Primary	Secondary	
Sewage Disposal	Schools	Parks
Fresh Water Supply	Hospitals	Marinas
Solid Waste Disposal	Fire Stations	Open Space Recreation
Electricity	Police Stations	
Transportation		

Economic Analysis

Population Analysis

Summary: Development Opportunities and Constraints

ENVIRONMENTAL QUALITY

Evaluation of Existing Quality:

- Documented Problem Areas
- Suspected Problem Areas
- Recommended Corrective or Preventive Actions

Environmental Stress Maps

Summary: Environmental Quality Constraints

g. Geologic and hydrologic information where available.

h. Present use of the area.

From an analysis of this inventory, it was determined that coastal land and water would fit into three broad categories: Preservation areas, Conservation areas, and Prime Agricultural and Development areas.

1. Preservation Areas. Those portions of the coastal zone identified as having major ecological, hydrological, physiographic, historical, or socio-economic importance to the public at large.

2. Conservation Areas. Conservation areas are lands and waters of the coastal zone identified as having certain natural or institutional use limitations which require special precautions prior to conversion to development.

3. Prime Agriculture and Development Areas. Prime agriculture and development areas include (a) areas already developed, (b) undeveloped areas intrinsically suitable for intensive development and now used for other purposes, including forestry and agriculture, (c) undeveloped lands having minor physical limitations -- drainage problems, poor permeability, bearing strength problems -- which can be corrected by application of special development techniques, and (d) prime agricultural lands.

The following table indicates the subcategories included within the preservation, conservation, and development categories and depicted on the biophysical maps where they occur.

Table 2

RESOURCE SUB-CATEGORIES		
PRESERVATION	CONSERVATION	PRIME AGR. & DEV.
Class I Waters	Class III Waters	Class IV Waters
Class II Waters	Aquatic Preserves	Class V Waters
Marine Grass Beds	Aquaculture Leases	Presently Developed Areas
Selected Coastal Marshes	Spoil Islands	Non-Conflict
Selected Coastal Mangroves		Conflict
Selected Freshwater Swamps and Marshes	Forestry and Game Management Areas	Undeveloped Lands Suitable for Intensive Development
Gulf and Atlantic Beaches and Dunes	Wildlife Refuges	Undeveloped Lands Suitable for Intensive Development with Corrections
Selected Estuarine Beaches	Parks and Recreation Areas	Undeveloped Lands Suitable for Development if Protected from Flooding
Designated Wilderness Areas	River Flood Plains	Prime Agricultural Lands
Historical and Archaeological Sites	Marginal Lands	Prime Agricultural Lands with other Potential Suitabilities
Other Unique Environmental Features	Hurricane Flood Zone	

The 1972 biophysical inventory and analysis was updated and refined in 1975 using aerial color infra-red photography and new soils data. The new biophysical maps will be published as a section of the nine-volume Florida Regional Coastal Zone Management Atlas.

Appendix B contains a sample set of biophysical maps (Withlacoochee Region) and textual material with a more detailed explanation of the categories and subcategories mapped.

Table A, B, and C in Appendix C provide general information relating to each subcategory, including:

1. Priority use
2. Description/criteria
3. State goals and objectives
4. General state policy
5. State agency(s) having directly related statutory authority
6. Explanation of how the subcategory is identified
7. Brief explanation of major existing state regulatory support and control applying to the subcategory.

It is important that the explanatory text and tables be used in conjunction with the biophysical maps in order to prevent misinterpretation of the mapped material.

SOCIO-ECONOMIC INVENTORY AND ANALYSIS

The socio-economic analysis section of the planning/management methodology consists of five (5) major information categories:

1. Ownership Inventory and Analysis (Maps and text)
2. Land Use Inventory and Analysis (Maps and text)
3. Support Services Inventory and Analysis (Maps and Text)
4. Economic Study and Analysis (Text only)
5. Population Study and Analysis (Text only)

The coastal regional planning councils (RPCs), under contract to the state coastal planning agency, were responsible for collecting and analyzing socio-economic data and information for their regions and for preparing county analyses as well as a regional overview. The RPCs were asked to provide two additional studies that are not included in the socio-economic work tasks.

The first, an analysis of existing legal authorities, allowed them to look at the authorities now being used in the region that relate to coastal zone planning/management activities. An example of this analysis can be found in Appendix B-9. The second study was a socio-economic study of possible onshore impacts of OCS oil development (see Appendix B-10).

Following contract guidelines, the RPCs were asked to provide the material discussed in each of the categories below.

OWNERSHIP

Maps, data, and a textual analysis of land ownership patterns within the regional coastal zone were provided.

Ownership of both public (10 acres or greater parcels) and private lands (20 acres or greater parcels) was identified and mapped in the following manner:

Public Lands	Private Lands
-Federal	-Undeveloped platted
-State	-Developed platted
-County	-Ownership density for each quarter section
-City	-Large Ownerships of over 20 acres each
	-Submerged lands

The land owership maps will be included as part of the Regional Atlas. A sample ownership map is included in the material in Appendix B-1.

A listing of all private ownerships of 20 acres or greater, including current assessed value, was included. Appendix B-5 contains this listing with the Withlacoochee Region, and the textual analysis prepared for the region constitutes Appendix B-4.

LAND USE

Existing land use data and analysis for the regional coastal zone was prepared. The following land use categories were used for preparing, displaying, and analyzing the land use data compiled (five acres or greater segments):

Land Use Classifications *

Urban and Built-Up	Agriculture	Other
- Residential	- Cropland and Pasture	- Natural Cover (includes parks, wildlife refuges, open land, etc.)
- Commercial	- Groves, Orchards	
- Industrial	- Citrus Groves	
- Transportation, Communication, Utilities	- Confined Feeding	
	- Other Agriculture	
- Extractive		
- Institutional		
- Mixed		
- Open and Other		

* Adopted from Florida Land Use and Land Cover Classification System, Division of State Planning Technical Report, April 1976.

The land use data and analysis, when coupled with the other categories, will assist in determining current growth patterns in the coastal zone and provide input into decisions concerning location of future desirable growth areas.

Appendix B-1 contains a sample land use map. A sample textual analysis is found in Appendix B-2.

SUPPORT SERVICES

The input received from the RPCs relating to support services includes mapping, inventorying, and textual analysis, including the identification and location of both primary and secondary support services and an analysis of these services indicating the current service level, design capacity, and current adequacy or inadequacy of the services. The categories of primary and secondary support services which are identified and analyzed are:

Primary Support Services	Secondary Support Services
- Sewage disposal	- Hospital & health care
- Solid waste disposal	- School and educational facilities
- Fresh water supply	- Police and fire protection
- Electrical supply	- Parks and recreation areas
- Transportation facilities	- Public beaches, marinas, and boat ramps

A sample support services map is included in Appendix B-1 and accompanying textual and inventory material can be found in Appendix B-3.

ECONOMIC ANALYSIS

A study of the region's economy and existing economic conditions was prepared and analyzed in terms of their effect on coastal zone planning and management. Opportunities and constraints on the regional economy were identified and analyzed.

Categories that were to be included (minimum) were: business and industry; tourism and commercial recreation; fisheries; ports; government; retirees/second homes; and agriculture (where applicable).

The economic analysis for the Withlacoochee Region is included in Appendix B-7 as an example of the regional economic studies.

POPULATION ANALYSIS

Existing population, population trends, and population estimates are of considerable importance in planning and management of coastal zone resources. The data and analysis provided by the RPCs included, but was not limited to, the following:

1. A history of the coastal zone population by county from 1950 to 1970.

2. An estimate of the population of the coastal zone from 1970 to 1990.

3. A regional analysis of the population trends and their possible impact on the coastal zone.

Appendix B-6 contains, as an example, the population analysis of the Withlacoochee Region.

ENVIRONMENTAL QUALITY ASSESSMENT

The environmental quality assessment was a combined effort of the RPCs and the Bureau of Coastal Zone Planning. This assessment, which represents an important segment of the inventory and analysis effort, consists of an overview of major environmental systems and characteristics; an identification, mapping and general analysis procedure for identifying environmental problem areas; and a discussion of recommended management actions, including both maintenance and restorative measures appropriate to the region.

The assessment specifically consists of a textual analysis and environmental problem area maps for each county. The text includes a discussion of the geology, hydrology, physiology, climate, vegetative communities and major environmental systems. Environmental problems discussed within the text are mapped by problem type.

The material contained in the environmental quality assessment should assist decision-makers in identifying areas in need of special protection or restoration; defining the scope and magnitude of environmental problems; understanding the interrelationships that may exist between man's activities and identified problems; and establishing a basis for evaluating detailed applied research projects.

The text and a sample map from the Withlacoochee Region's environmental quality assessment can be found in Appendices B-8 and B-1 respectively.

SUMMARY

The extremely rapid growth that occurred in Florida's coastal zone during the 1960's and early 1970's has slowed some in the last two years, providing decision-makers with a bit of "breathing room" to catch up on past problems and plan for the future. This slower growth rate is not expected to continue, and planning and management agencies at all levels of government need to make decisions and set policy now to provide for renewed demands on coastal resources.

The information and data collected from the effort discussed above will aid coastal zone decision-makers, both public and private, by providing a sound basis for determining the direction that new growth and economic activity should take.

--- Cities and counties in the coastal zone should find the information base of considerable assistance in the development and adoption of many of the planning elements required by the Local Government Comprehensive Planning Act.

--- The regional planning councils, by assisting in this information collection and analysis effort, have now established an effective data base to assist in their planning and decision-making tasks, such as evaluating Developments of Regional Impact.

--- State agencies with regulatory and/or management functions can use the information and data provided to assist in the decisions they must make on a regular basis.

--- Private developers and business and industry interests will be able to use the information base to assist them in their planning for new housing and industrial facilities.

It should be remembered that the inventory and analysis materials presented in this chapter do not constitute a coastal management plan. They do provide an overview of available resources and existing conditions that form a rational basis for future planning and management in Florida's coastal zone.

CHAPTER III

PROPOSED MANAGEMENT POLICIES AND CRITERIA: EXECUTIVE SUMMARY

INTRODUCTION

BACKGROUND

Rational management of coastal resources demands that policies relating to those resources be clearly and concisely articulated. It also demands that policies so articulated be clearly related to management goals and objectives. In recognition of this, Section 302(h) of the national Coastal Zone Management Act of 1972 (CZMA) states:

> "The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over lands and waters in the coastal zone by assisting states, in cooperation with federal and local governments and other vitally affected interests, in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance." (Emphasis added.)

In furtherance of this recognition, federal guidelines for state coastal management program development and approval have been promulgated. Among other requirements, approved programs must contain (Section 923.4, Rules and Regulations for Program Administration Grants):

1. "Objectives of the program in preservation, protection, development, restoration and enhancement of the state's coastal zone", and
2. "Policies for the protection and conservation of coastal zone natural systems, cultural, historic and scenic areas, renewable and non-renewable resources, and the preservation, restoration, and economic development of selected coastal zone areas."

A key aspect of the program approval guidelines (Section 923.4(c) is that the various elements must be integrated into a balanced and comprehensive program designed to achieve the stated objectives and policies. In order to meet this requirement, the policies and criteria must specifically address a variety of concerns expressed in the rules and regulations, including those related to: boundaries (Section 923.11); methods of assessing impacts and defining permissible land and water uses (Section 923.12); geographic areas of particular concern (Section 923.13); priority uses (Section 923.14); and means of exerting control over land and water uses (Section 923.21).

PRINCIPLES APPLIED TO POLICY DEVELOPMENT

Because policies and criteria provide the basis for imple-

menting coastal management, extreme care must be exercised to assure that proper directions and focus are established at the onset of the policy development process. In view of this, the following general principles were recognized throughout the policy development process:

1. Existing programs and policies should be utilized and built upon where possible.
2. The policies should be clearly and concisely stated to allow easy interpretation.
3. Where possible, the policies should reflect a clear applicability to the coastal landscape.
4. The policies should focus on:

    a. Achieving goals and objectives rather than simply maintaining the status quo.
    b. Improving predictability of governmental decision making.
    c. Increasing efficiency of administrative actions.

5. The policies should reflect recognition that rational coastal management involves not only direct regulation of certain activities, but also provision of positive government leadership and incentives to achieve coastal management objectives. Direct regulation should be restricted to those activities that are an obvious potential threat to the overall public interest.
6. The policies should strive for maximum utilization of legitimate local authorities to achieve coastal management objectives.
7. The policies should be based upon factual information regarding the geographic areas and activities to be directly affected.

POLICY DEVELOPMENT PROCESS

In order to satisfy federal program requirements as well as adhere to the general principles stated above, a basic three-step process was established (See Figure 1). This process involves:

1. Development of a general understanding of coastal zone characteristics and conditions that must be taken into account (biophysical, socio-economic, environmental quality, planning and management).
2. Drafting potential policy statements based upon information gained in (1); and
3. Formal review and modification of draft policy statements by the State Interagency Advisory Committee on Coastal Zone Management, Regional Citizens' Advisory Committees, and other interested parties.

Step 1 - Understanding coastal zone characteristics and conditions.

This step involved establishment of a coordinated program designed to provide a meaningful information base regarding

Figure 1

General Policy Development Process

Step 1 Develop Information Base:

A. Biophysical characteristics
B. Socio-economic considerations
C. Environmental quality
D. Status of existing planning
E. Existing resource management responsibilities, authorities and capabilities

Step 2 Drafting Potential Policy Statements:

A. BCZP first draft work product (to serve as impetus for policy discussion).

B. Concurrent state and local policy articulation efforts by:

1. State Interagency Advisory Committee on CZM. → Suggested Policy

2. Nine regional Citizens' Advisory Committees. → Suggested Policy

Step 3 Formal Review and Modification of State IAC and Regional CAC Work Products

A. Identify any major state/local policy conflicts and issues.

B. Combine State IAC and local CAC work products to extent possible. (Resulting in second BCZP draft)

C. Review of combined products: State I.A.C., local C.A.C.'s, other interested parties.

D. Submission to Governor and Cabinet for review.

E. Final draft for inclusion into proposed State Coastal Management Program.

biophysical, socio-economic, environmental quality, planning and management considerations in the coastal zone (see Table 1). This task, involving state agencies, regional planning councils, counties, universities, and private consultants has provided a substantial volume of reference material directly applicable to state and local policy development, planning, conflict resolution, and other requirements of CZMA. While such inventory and analysis efforts will continue as the management program is implemented, sufficient knowledge has been gained to provide a sound basis for the proposed policies and criteria.

Step 2 - Drafting potential policy statements.

Based upon information gained in Step 1, a process was developed to articulate overall program objectives, specific policies pertaining to various geographically defined coastal resource areas, as well as policies pertaining to activities having potential direct and significant impacts on coastal resources. A concerted effort was made to organize and incorporate the very substantial volume of existing state level legislation, programs, and policies into a unified coastal management program. This step in the process involved concurrent state (through the Interagency Advisory Committee on Coastal Zone Management) and local (through the regional planning councils and citizens' advisory committees) efforts, using resource areas and activities identified in Step 1 as a common base of reference. Throughout this part of the process, a concerted effort has been made to gain the views and input of a broad spectrum of coastal zone interests.

Step 3 - Formal review and modification of draft policy statements.

This step will consist of making a comparison of state and local level work products and resolving, on a case by case basis, any identified conflicts. To date, only minor conflicts have occurred, with these usually being a result of local desires to make policies more specific than is possible from a statewide basis. In such cases, local government is usually empowered to adopt policies more stringent than those of the state if so desired.

APPLICABILITY OF THE POLICIES

1. Non-regulatory State and Federal Agency Activities

In accordance with the principles used in the policy development process, the suggested policies reflect recognition that they should provide positive guidance, leadership and incentives as well as address concerns relating to direct regulation of potentially harmful activities. In addition, they also reflect recognition that, due to administrative inefficiency, governmental projects, programs, and activities sometimes unnecessarily cause (directly or indirectly) some of our most severe resource management conflicts. This awareness of the influences and impacts that governmental activities have on coastal resource management resulted in a recognized need to assure that governmentally conducted or subsidized activities are in conformance with goals and objectives of the coastal management program.

Table 1

FLORIDA COASTAL ZONE MANAGEMENT
CONSIDERATIONS

BIOPHYSICAL

Analysis:

- Present Land and Water Use
- Geologic Data
- Water Classification
- Ecological Significance & Tolerance to Alteration
- Susceptibility to Flooding
- Soils Suitability
- Archaeological & Historical Significance
- Unique Environmental Features
- Legal Constraints

→ Resource Maps:

- Preservation
- Conservation
- Prime Agriculture & Development

→ Composite Resources Map

SOCIO-ECONOMIC

Ownership Analysis & Mapping

Land Use Analysis & Mapping

Support Services Analysis & Mapping

Primary:

- Sewage Disposal
- Fresh Water Supply
- Solid Waste Disposal
- Electricity
- Transportation

Secondary:

- Schools
- Hospitals
- Fire Stations
- Police Stations
- Parks
- Marinas
- Open Space Recreation

Economic Analysis

Population Analysis

Summary:

- Development Opportunities and Constraints

ENVIRONMENTAL QUALITY

Evaluation of Existing Quality:

- Documented Problem Areas
- Suspected Problem Areas
- Recommended Corrective or Preventive Actions

Environmental Stress Maps

Summary:

- Environmental Quality Constraints

Table 1 (Cont'd)

PLANNING ANALYSIS

Existing Carrying Capacity (ability to support new growth)

Analysis of Existing Plans

Identification of Specific Problems and Opportunities

Formulation of Goals, Priorities and Specific Objectives

Planning Recommendations

MANAGEMENT ANALYSIS

Analysis of agency responsibilities and missions: federal-state-regional-county-municipal

Analysis of mutual support or conflict between agencies

Identification of legal decision-making process at county and municipal levels

Inventory of all existing laws applicable to CZM at federal, state, county and municipal levels

Collection and analysis of state and federal court decisions pertinent to CZM

Recommendations for management implementation at municipal, county, regional and state levels (i.e. county and local ordinances)

Creation of administrative mechanisms to implement the plan and meld state and local interests with regional and federal interests

Coordination of area CZM plan with overall state plan

In view of this obvious need and the fact that existing authorities are used as a base, the stated policies are proposed to be binding (where applicable) to the maximum extent practicable to all non-regulatory activities of state and federal agencies throughout the coastal zone except in cases involving national security. Because the Governor and Cabinet collectively control operations of all state agencies, it is felt that applicability of the policies to non-regulatory state agency activities can be achieved through executive order and Cabinet resolution. As regards federal properties, which are specifically exempted from state and local regulations, special efforts must be made to establish conflict resolution procedures to assure compatibility of state and federal efforts.

2. State and Federal Regulatory Programs

Because the policies are based in large measure on existing state legislation, programs, and regulations, most of the policies can be implemented under existing authorities. However, due to legislative constraints placed upon making authorities of state agencies, certain needed adjustments in existing regulations can only be addressed as part of ongoing program development. Taking these constraints into account, it is proposed that state and federal regulatory agencies be directed to exercise their full existing authorities to carry out the stated policies. Any regulatory deficiencies or conflicts identified should be addressed as part of an ongoing policy review, resource evaluation, and planning segment of program implementation. Table 2 summarizes the primary authorities that could be utilized to implement the policies.

3. Local Governments and Private Interests

Present state authorities are and will continue to be binding on local governments and private interests in the coastal zone. Traditionally however, many intergovernmental conflicts have occurred as a direct result of a lack of local knowledge of state programs, policies and criteria. The stated policies are intended to help avoid or minimize such administrative conflicts and facilitate more direct involvement of local government in state resource management efforts. A basic need of the state coastal management program is that local governments recognize and incorporate legitimate state resource management concerns into their plans and programs and that state programs recognize the needs and constraints of local government.

A significant step was taken toward meeting this need with enactment of the Local Government Comprehensive Planning Act of 1975 (LGCPA - Ch. 75-257, Laws of Florida). As provided by this act, counties, municipalities, and certain other units of local government are required by July 1, 1979, to prepare and adopt comprehensive plans for guiding future development. Among the act's required planning elements are: future land use (Section 7(6)(a), conservation (Section (6)(d), recreation and open space (Section 7(6)(c), intergovernmental coordination (Section 7(6)(h), and where appropriate, coastal protection (Section 7(6)(g). Local plans adopted in accordance with provisions of the act have the force of law and are binding

Table 2

PRIMARY AUTHORITIES TO BE UTILIZED

Florida State Comprehensive Planning Act, Chapter 23.011-23.019, F.S.

Provides responsibilities for developing the State Comprehensive Plan.

Local Government Comprehensive Planning Act of 1975, Chapter 163.3161-163.3211, F.S.

Requires mandatory comprehensive planning by cities and counties by 1979.

New Communities Act of 1975, Chapter 163.601-163.632, F.S.

Provides for the establishment of new community districts through which the cost, delivery and maintenance of necessary predevelopment facilities can be financed and operated.

The Florida Environmental Land and Water Management Act of 1972, Chapter 380, F.S.

Provides for the accomplishment of proper state land and water management policies through the coordination of local decision-making and actions relating to growth and development.

Florida Transportation Act, Part III, Chapter 23, F.S.

Provides for planning and development of the state transportation system.

Florida Water Resources Act of 1972, Chapter 373, F.S.

Provides responsibilities for conservation, development and proper utilization of surface and ground water resources in Florida.

Drainage and Water Management, Chapter 298, F.S.

Provides for the formation of water management (drainage) districts to preserve and protect water resources.

Management of State Owned Lands, Chapter 253, F.S.

Provides for the management of state-owned lands and waters.

Public Health, Chapter 381, F.S.

State version of the Federal Safe Drinking Water Act (P.L. 93-423) which calls for the protection and regulation of public drinking water supplies, and the regulation of septic tank installation and use.

Saltwater Fisheries and Conservation, Chapter 370, F.S.

Provides for the administration, supervision, development, and conservation of the state's natural resources, including the development of a comprehensive coastal management plan for the preservation and development of Florida's coastal zone.

Beach and Shore Preservation Act, Chapter 161, F.S.

Provides authorities for averting and preventing erosion and minimizing hurricane and storm damage on Florida's beaches and shores.

Conservation of Oil and Gas Resources, Chapter 377, F.S.

Provides responsibilities to properly regulate and manage oil and gas exploration and development activities.

Florida Aquatic Preserve Act of 1975, Chapter 258.35-258.46, F.S.

Sets aside certain state-owned lands in areas of exceptional biological, aesthetic, and scientific value as aquatic preserves.

Historic Preservation, Chapter 266, F.S.

Creates a number of historic preservation boards to carry on historic preservation planning.

Florida Archives and History Act, Chapter 267, F.S.

Establishes as state policy, the protection and preservation of historical sites and property.

State Disaster Act of 1974, Chapter 272, F.S.

Provides authorities to the Governor and appropriate state agencies to develop programs for disaster prevention, response and recovery.

State Wilderness System Act, Chapter 258, F.S.

Establishes a process for setting aside wilderness areas as permanent preserves.

Outdoor Recreational or Park Lands; Tax Assessments, Chapter 193.501, F.S.

Provides for special ad valorum tax considerations on lands used for recreational or park purposes.

Florida Coastal Mapping Act of 1974, Chapter 177, F.S.

Established standards and procedures for coastal boundary surveys and provides for use of such surveys as evidence in court or before admministrative agencies.

Florida Uniform Land Sales Practices Law, Chapter 478, F.S.

Establishes procedures and requirements for registration and sale of lands.

Environmental Control, Chapter 403, F.S.

Provides authorities for state pollution control, electrical power plant siting regulation, execution of interstate environmental control compacts, solid waste management, and environmental regulation.

Outdoor Recreation and Conservation, Chapter 375, F.S.

Provides authorities for developing and executing a comprehensive multi-purpose outdoor recreation and conservation plan for Florida.

Land Conservation Act of 1972, Chapter 259, F.S.

Establishes a state program for purchase of environmentally endangered lands and outdoor recreation lands.

Oil Spill Prevention and Pollution Control Act, Chapter 326, F.S.

Provides authorities for prevention and control of oil spills in coastal areas.

upon future actions of local government.

Because of the extreme importance local plans can have to future resource management efforts, it is mandatory that close coordination be achieved between local and state programs. To help achieve this, a basic requirement for local receipt of coastal management assistance funding will be that local government recognize state management concerns and, to the maximum extent practicable, achieve consistency with state policy and criteria related to the land use, conservation, recreation and open space, intergovernmental coordination, and coastal zone protection elements of local comprehensive plans.

If local comprehensive plans are to recognize state concerns related to avoiding unnecessary irretrievable commitments of coastal resources, the above referenced elements must serve as the nucleus around which transportation, housing, utilities, and other required elements of the LGCPA will be developed. Satisfactory completion of local plans in this manner will provide a sound basis for assuring consistency with state and federal coastal management efforts. Furthermore, upon adoption of satisfactory local plans and a demonstration that local government has the capability to adequately address state management concerns, it would be possible and desirable to delegate certain existing state management responsibilities to local government.

APPROACH

Basically, the approach utilized for developing and organizing the coastal zone policies involves classifying various portions of the landscape into one of three major categories of concern relating to preservation, conservation, development and agricultural considerations. Specific proposed policies are then articulated for each of the resource subcategories (resource areas), which are also mapped in generalized form for the coastal zone of each county. In addition, policy recommendations are stated for specific activities, regardless of their geographical location.

In order to facilitate understanding of state policy regarding various portions of the coastal landscape, general policy statements were developed for each of the three types of geographic areas. These general policies and criteria are explained below.

PRESERVATION CRITERIA AND SUGGESTED POLICY

The preservation concept utilized in the Florida Regional Coastal Zone Management Atlas includes those portions of the coastal zone identified as having major ecological, hydrological, physiographic, historical, or socio-economic importance to the public at large. Preserving the natural integrity of these areas enhances the aesthetics and quality of life for residents and tourists; provides a measure of natural hurricane protection; helps maintain at least minimum ecological balance; and promotes maintenance of our invaluable commercial and sport fisheries. Public policy should attempt to protect the functions or values of these areas to the maximum degree legally possible consistent

with private property rights as determined by the courts. Where possible, irretrievable commitments regarding these functions and values should be made only by elected public officials and only after full consideration of pertinent factors and an awareness of long term consequences. In cases where private property rights are involved, all legal rights of the property owners and the public shall be considered and if other alternatives for achieving preservation goals have proven inappropriate, public funds should be expended and just compensation made for purchase of areas in immediate jeopardy of destruction.

CONSERVATION CRITERIA AND SUGGESTED POLICY

As used in the Florida coastal management program, conservation areas are lands and waters of the coastal zone identified as having certain natural or institutional use limitations which require special precautions prior to conversion to development. Examples are areas within the hurricane flood zone or river flood plains and lands with severe soils limitations (marginal lands). Failure to consider these limitations may result in direct or indirect consequences harmful to the public health, safety and welfare. Public policy should attempt to ensure that identified use limitations are fully considered and addressed in furture coastal zone planning and management decisions.

PRIME AGRICULTURE AND DEVELOPMENT CRITERIA AND SUGGESTED POLICY

Prime agriculture and development areas, as used in the Florida Regional Coastal Zone Management Atlas, include (1) areas already developed, (2) undeveloped areas now vacant or used for other purposes, including forestry and agriculture, which are intrinsically suitable for intensive development, (3) undeveloped lands having minor physical limitations--drainage problems, poor permeability, bearing strength problems--which can be corrected by minor drainage techniques, central sewage systems or application of special building techniques, and (4) prime agricultural lands. In general, these lands are not considered to be environmentally fragile. However, there are presently developed areas that would have been classified as "conservation" or "preservation" had they not already been developed. Such areas are classified as "conflict" areas on the biophysical analysis maps. Decisions concerning specific uses within "prime agriculture and development" areas are considered almost entirely the responsibility of local government, an exception being developments on the immediate shoreline of estuaries and along the open Gulf of Mexico and Atlantic Ocean. In addition, activities in these areas which may degrade air and water quality are subject to direct state regulation. The other subcategories of "prime agriculture and development areas" are included in the Atlas as an aid to local government and developers. These subcategories are designed to indicate the most favorable areas for development, the relative degree of landscape modification needed, and the types of physical limitations that may be anticipated. Public policy should attempt to guide future growth and development into areas having the best intrinsic suitability, while attempting simultaneously, to minimize and neutralize any identified conflicts.

Specific objectives, policies and criteria for the various resource subcategories, as well as for specific activities are treated in the full report (Appendix C). That document basically represents Step 2 of the policy development process. While some policy topics still must be addressed prior to finalization of the program, the draft report contains 189 suggested policy statements, relating to 65 objectives for 48 policy topics. The policy topics are listed in Table 3.

The policy statements, in conjunction with the biophysical analysis maps and other materials presented in the Florida Regional Coastal Zone Management Atlas are intended to provide a basic framework for managing Florida's coastal zone in a manner which will allow economic development to take place without unnecessary sacrifice of our invaluable coastal resources.

FUTURE POLICY RELATED TASKS

There are several tasks which remain to be completed prior to inclusion of the objectives and policy statements into the proposed coastal management program. Among them are the following: (1) referencing stated policies to appropriate legal authority(s), (2) achieving consistency between IAC and CAC policy development efforts, (3) developing needed statements regarding additional policy topics, and (4) review and modification of the draft statements to reflect comments of federal agencies and other interested parties.

REFERENCING STATED POLICIES TO APPROPRIATE LEGAL AUTHORITIES

A prerequisite for federal approval of the state management program is that the state has in place the necessary legal authorities and administrative mechanisms to carry out the stated policies (CZMA Section 306(d) and Section 923.21, Rules and Regulations for Coastal Zone Management Program Administration Grants). In view of this, it is intended that each final policy statement be cross-referenced to reflect the appropriate constitutional provision, statute, rule, executive order or other authority upon which it is based. This should significantly aid in determining sufficiency of existing authorities and will indicate deficiencies that need to be addressed as part of the ongoing coastal management program.

ACHIEVING CONSISTENCY BETWEEN IAC AND CAC POLICY DEVELOPMENT EFFORTS

As was mentioned earlier the policy development process (Step 2) involved concurrent efforts by the State Interagency Advisory Committee (IAC) and nine regional Citizens' Advisory Committees (CAC's). This has resulted in draft policies reflecting the state agency perspective, as well as draft policies reflecting the perspective of citizens in the nine planning regions. A major task that remains to be completed is the integration of these efforts into a cohesive framework which permits recognition of both state and local concerns.

Table 3

Policy Topics

Preservation Areas

Class I Waters (1)
Class II Waters (2)
Marine Grass Beds (3)
Selected Coastal Marshes (4)
Selected Coastal Mangroves (5)
Selected Freshwater Swamps and Marshes (6)
Gulf and Atlantic Beaches and Dunes (7)
Estuarine Beaches (8)
State Wilderness Areas (9)
Historical and Archaeological Sites (10)
Other Unique Environmental Features (11)

Conservation Areas

Class III Waters (12)
Aquatic Preserves (13)
Aquaculture Leases (14)
Spoil Islands (15)
Hurricane Flood Zone (16)
River Flood Plains (17)
Forestry and Game Management Areas (18)
Wildlife Refuges (19)
Parks and Recreation Areas (20)
Marginal Lands (21)

Development Areas

Class IV Waters (22)
Class V Waters (23)
Presently Developed Lands - Non Conflict (24)
Presently Developed Lands - Conflict (25)
Undeveloped Lands Suitable for Intensive Development (26)
Undeveloped Lands Suitable for Intensive Development with Corrections (27)
Undeveloped Lands Suitable for Intensive Development if Protected from Flooding (28,
Prime Agricultural Lands (with limitations for urban development (29)
Prime Agricultural Lands With Other Potential Suitabilities (30)

Activities

Immediate Shoreline Use Priorities (31)
Federal Activities (32)
Bulkheads and Bulkhead Lines (33)
Breakwaters, Jetties and Groins (34)
Dredging, Filling and Artificial Waterways (35)
Docks and Piers (36)
Removal of Natural Vegetation (37)
Forestry Management Practices (38)
Agricultural Practices (39)
Ports and Water Related Industry (40)
Marina Location and Design (41)
Pipelines, Transportation and Utilities (42)
Residential Development (43)
Septic Tanks (44)
Mosquito/Arthropod Control Projects (45)
Solid Waste Disposal/Sanitary Landfill Sites (46)
Amenities, Aesthetics and Design (47)
Development Activities on Barrier Islands and Barrier Beaches (48)

DEVELOPING NEEDED STATEMENTS REGARDING ADDITIONAL POLICY TOPICS

In addition to the policy topics covered in the draft report there are several others needing attention as part of the coastal management program. Among these are the following:

1. General economic development policy
2. Energy facilities siting
3. Outer continental shelf/offshore oil activities
4. Deepwater ports
5. Extractive industry
6. Coordination of state/federal permitting
7. Development of a working definition of the term "public interest" as it relates to coastal zone management

Preliminary work has been done on several of these topics. It is intended that over the next year suggested policy statements will be developed on these and possibly other topics (if needed) for inclusion into the final proposed coastal management program.

REVIEW AND MODIFICATION OF SUGGESTED POLICIES

In order to receive approval of its proposed management program, the state must show that it "...has notified and provided an opportunity for full participation in the development of its management program to all public and private agencies and organizations which are liable to be affected by, or may have a direct interest in the management program" (CZMA Section 303(3) and Section 923.31, Rules and Regulations for Coastal Zone Management Program Administrative Grants). In view of this requirement the suggested policies will receive wide distribution for review and comment. As a result of this review, modifications will be made to reflect the comments of affected federal agencies, local units of government, and other interested parties.

NOTE: See Appendix C: Suggested State Objectives, Policies and Criteria for Coastal Zone Management in Florida.

CHAPTER IV

BOUNDARIES OF THE COASTAL ZONE: EXECUTIVE SUMMARY

INTRODUCTION

A basic requirement of the Coastal Zone Management Act (CZMA) is that state management programs include an identification of the boundaries of the coastal zone subject to the management program (Section 305(a)). The following discussion explains the rationale used in defining the boundaries of Florida's coastal zone, with emphasis on: (1) the various physical and administrative considerations taken into account; (2) examination of the most relevant options; and (3) the proposed boundaries for management purposes.

MAJOR CONSIDERATIONS TAKEN INTO ACCOUNT

PHYSICAL CONSIDERATIONS

Efforts toward defining Florida's coastal zone took into account the following major physical considerations described in the CZMA (Section 304(a) and accompanying guidelines (Section 923.11.)

1. The zone should extend inland to the extent necessary to control shorelands, the uses of which have direct and significant impacts on coastal waters.
2. The area included should not be so extensive that a fair application of the management program becomes difficult or capricious, or so limited that lands strongly influenced by coastal waters and over which the management program should reasonably apply, are excluded.
3. At a minimum, the coastal zone must include transitional and intertidal areas, salt marshes, wetlands and beaches. However, the coastal zone should not be restricted to only those areas.
4. The seaward boundary must extend to the outer limit of the United States territorial sea.
5. The process for identifying the boundary must be uniformly applied throughout the state.
6. The process utilized must permit identification of the boundary in a reasonable period of time.

ADMINISTRATIVE CONSIDERATIONS

In addition to the physical considerations, the following administrative factors were taken into account:

1. The area included should, to the extent possible, allow easy application of clearly defined management processes.
2. Existing regulatory and planning capabilities should be utilized as much as possible.
3. Provisions of the CZMA prohibit utilization of program planning and implementation funds in areas outside the coastal zone boundaries.

4. Federal lands not subject to control under the program must be identified and excluded.
5. The area should be defined in a manner which maximizes utilization of existing social and environmental data sources.
6. The management program should include provisions for understanding and taking into account externalities; that is, influences adjacent to or inland from coastal resources having direct and significant impact on the resources themselves.
7. State programs may utilize an initial boundary for planning purposes, followed by identification of a final management boundary(s).
8. Provisions of the management program may be implemented at either the state, regional, or local levels of government, or through administrative arrangements involving all three levels.

IDENTIFICATION PROCESSES APPLIED

With the major physical and administrative considerations in mind, the following specific processes were applied toward identifying the planning boundaries:

(1) Identification based upon a specific but arbitrary distance inland (1000 feet, one mile, five miles, etc.).
(2) Identification based upon physical features or conditions (old shorelines, hurricane flood zone, 10 foot contour, saltwater/freshwater interface, etc.).
(3) Identification through application of political jurisdictions (county lines, city limits, special districts, etc.) and
(4) Identification based upon a combination of physical and socio-economic factors.

While processes 1, 2, and 3 proved unworkable for defining the planning boundaries on a statewide basis, process number 4 (combination of physical and socio-economic factors) proved very satisfactory.

RATIONALE

The CZMA (Sections 302 and 303) is clear in its intent that decisions relating to coastal resource management take into account the increasing and competing demands on those resources. To help bridge the gap between existing socio-economic data sources and resource data to be generated under the state coastal management program, it was decided to attempt identification of

the planning boundary based upon a combination of socio-economic and physical factors. This method basically involved utilization of inland boundaries of selected census enumeration districts which most closely matched and specifically included coastal resource areas needing treatment as part of the coastal management program.

Using this process, coastal zone boundaries for initial planning purposes were delineated for each of the 38 counties involved. A variety of studies were then conducted within this area to gain a basic understanding of factors crucial to rational management of Florida's coastal resources. As a result of these studies and input from local interests, the initial planning boundaries were realigned slightly (enlarged) in three counties (Putnam, Manatee, and Collier).

PROPOSED BOUNDARIES FOR MANAGEMENT PURPOSES

As mentioned previously, administrative feasibility should be a major consideration in defining the management boundaries. In view of federal administrative requirements, as well as findings of completed studies, the boundaries used for planning purposes are also the proposed management boundaries.

It is anticipated that the proposed boundaries will meet the requirements of Section 923.11 of the federal guidelines. However, due to the complexity of social and environmental problems within urban areas, it is proposed that the inland boundaries within such areas be reanalyzed as part of the ongoing management program, with possible changes to be made as justified by detailed study and public input.

REGIONAL APPROACH

A basic problem to be recognized in establishing comprehensive coastal management in Florida is the sheer magnitude of the task. Florida's coastal zone involves 38 counties, 228 incorporated municipalities, 11 planning regions, at least 20 special districts, and approximately 11,000 miles of shoreline. The diverse physical and social characteristics of this immense area require that coastal management be conducted, to the extent possible, from a regional perspective. For this reason, it is proposed that the coastal zone for management purposes be subdivided into eleven regions with lateral boundaries corresponding to those of existing planning regions.

SEAWARD BOUNDARY

Section 304(a) of CZMA defines the seaward coastal zone boundary as being the outer limit of the United States territorial sea (three nautical miles). While this definition is consistent with Florida's territorial sea on the Atlantic Coast, the Florida Constitution establishes the state's territorial sea in the Gulf of Mexico as being three marine leagues

(10.35 statute miles). In addition, state legislative authorities regarding natural resource management generally extend to the limits of the state territorial sea. Under the coastal management program the state will, consistent with CZMA intent (Section 302(h)), continue to exercise its full authority over the entire extent of the state territorial sea.

INLAND MANAGEMENT (ADMINISTRATIVE) BOUNDARIES

The proposed inland boundaries reflect recognition that management of Florida's coastal resources must involve a combination of the three basic management techniques permitted by CZMA. In this regard, the term "management" must not be confused with the more narrow term "regulatory." Program provisions within the management or administrative boundary will include a combination of governmental leadership, financial incentives, as well as regulatory actions (Figure 1).

The proposed inland boundaries also reflect a concern for lack of coordination of federal/state/local efforts and encompass that area along our shores where existing planning and management authorities will be focused and coordinated to achieve maximum administrative efficiency. It is proposed that any local general purpose unit of government lying in part or whole within this boundary be elegible for participation in the state coastal management program, with priority to be given to non-urban areas. Such participation will be designed to provide financial and technical assistance to help assure consistency between state and local plans and programs.

DELINEATION OF RESPONSIBILITIES

Study has shown that most of the necessary state resource management authorities are already in place and functioning. The proposed coastal zone is divided into two tiers reflecting existing division of responsibility (Figures 2 and 3).

Tier 1 - that portion of the coastal zone subject to direct state control except for specified exemptions (submerged lands, tidal wetlands, open beach areas, etc.).

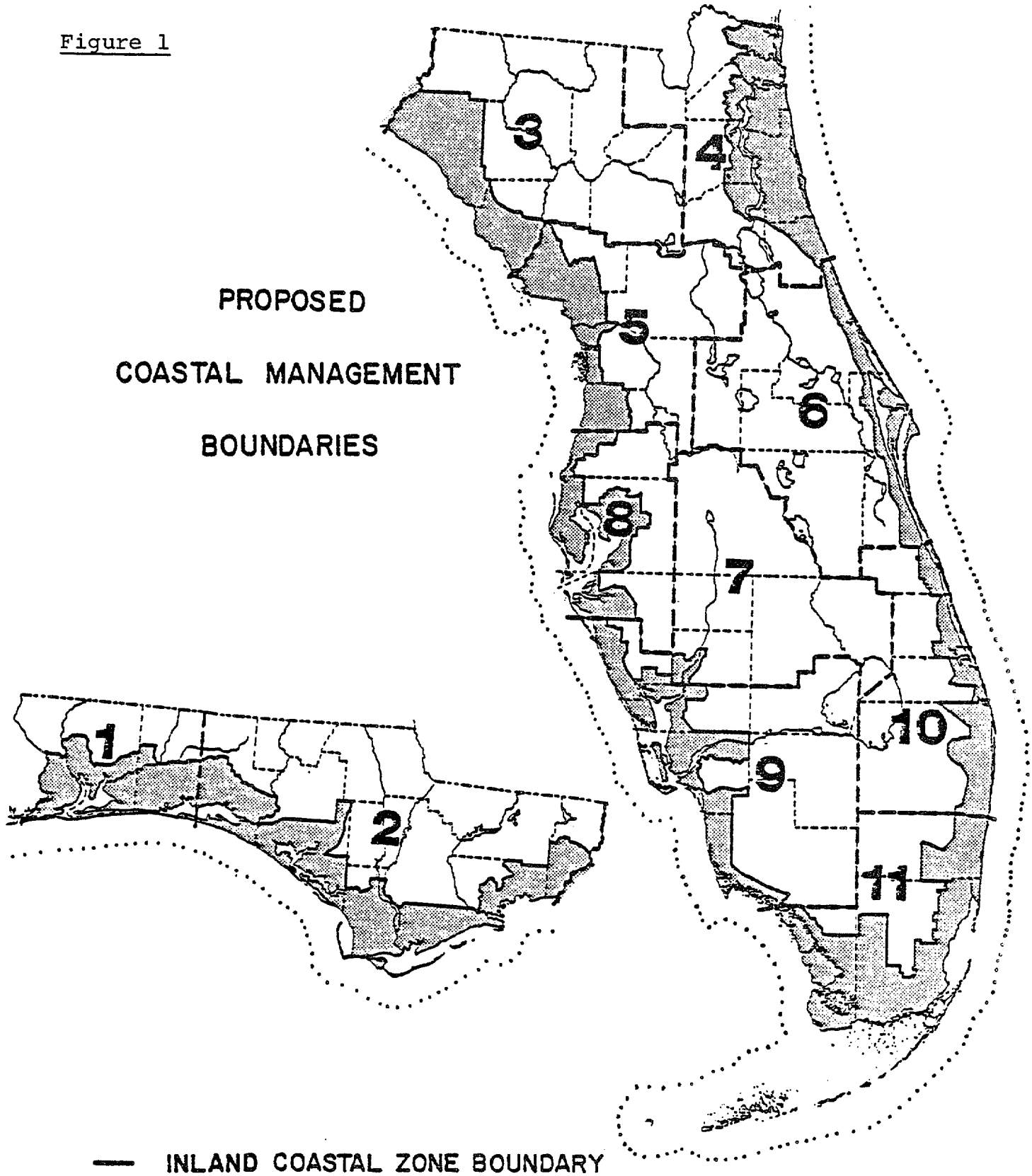
Tier 2 - that portion of the coastal zone subject almost entirely to local control except for specified activities and geographic areas.

Tier 1

State Level Responsibilities

Within Tier 1, the state decision making and regulatory role would basically remain the same as previous to plan adoption, with the primary change being in the manner that resource management decisions are made. After plan adoption, such decisions must formally involve a broader range of factors and be in accord with agreed upon goals, objectives, and criteria of the plan.

Figure 1

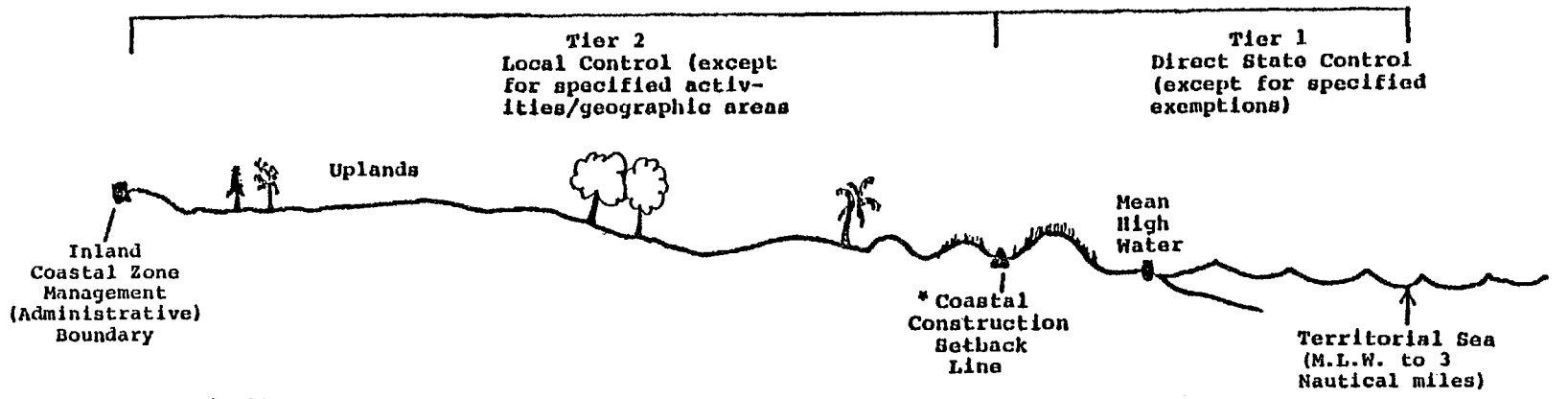


NOTE: See Appendix D for excluded federal lands

Figure 2

OPEN GULF & ATLANTIC BEACH SHORELINES

FLORIDA COASTAL MANAGEMENT RESPONSIBILITIES



* All construction seaward of the coastal construction setback line (50 feet inland from M.H.W. unless otherwise established through consideration of natural beach processes) is regulated under Ch. 161 F.S.

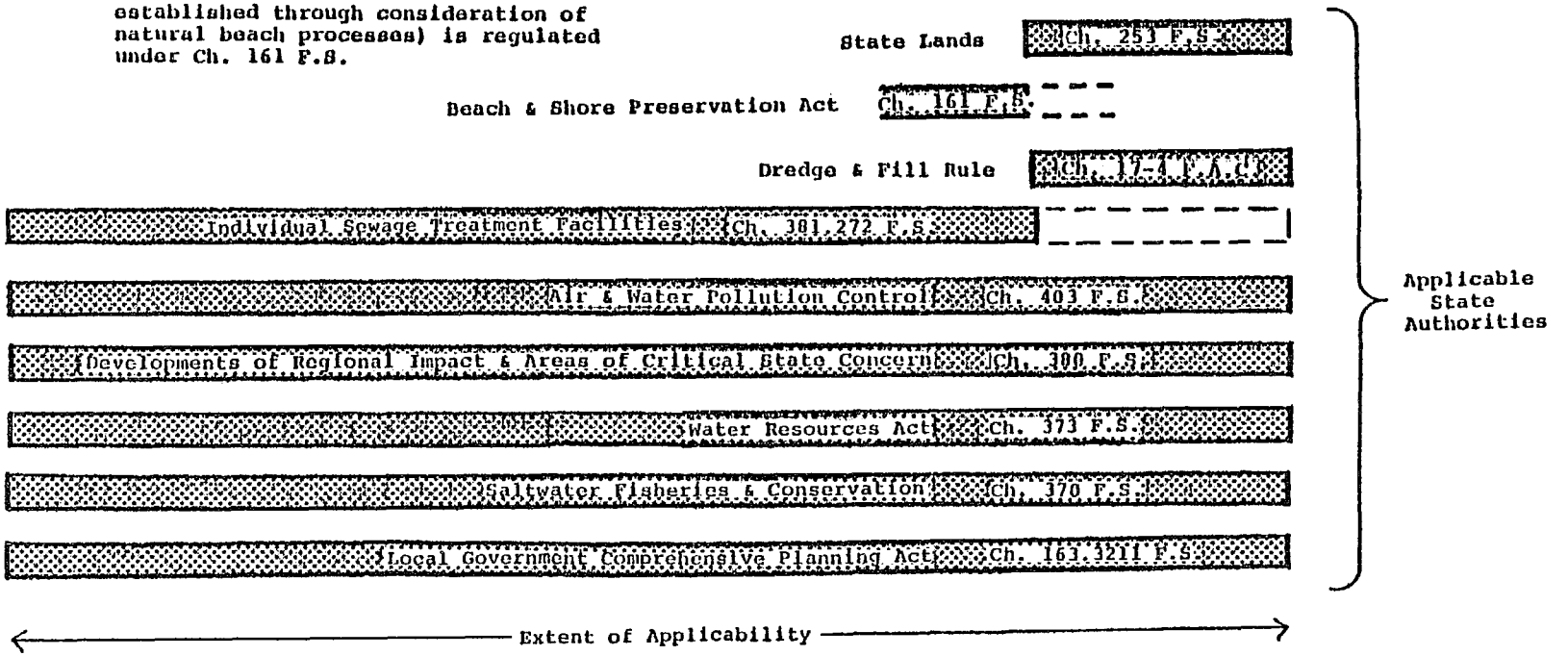
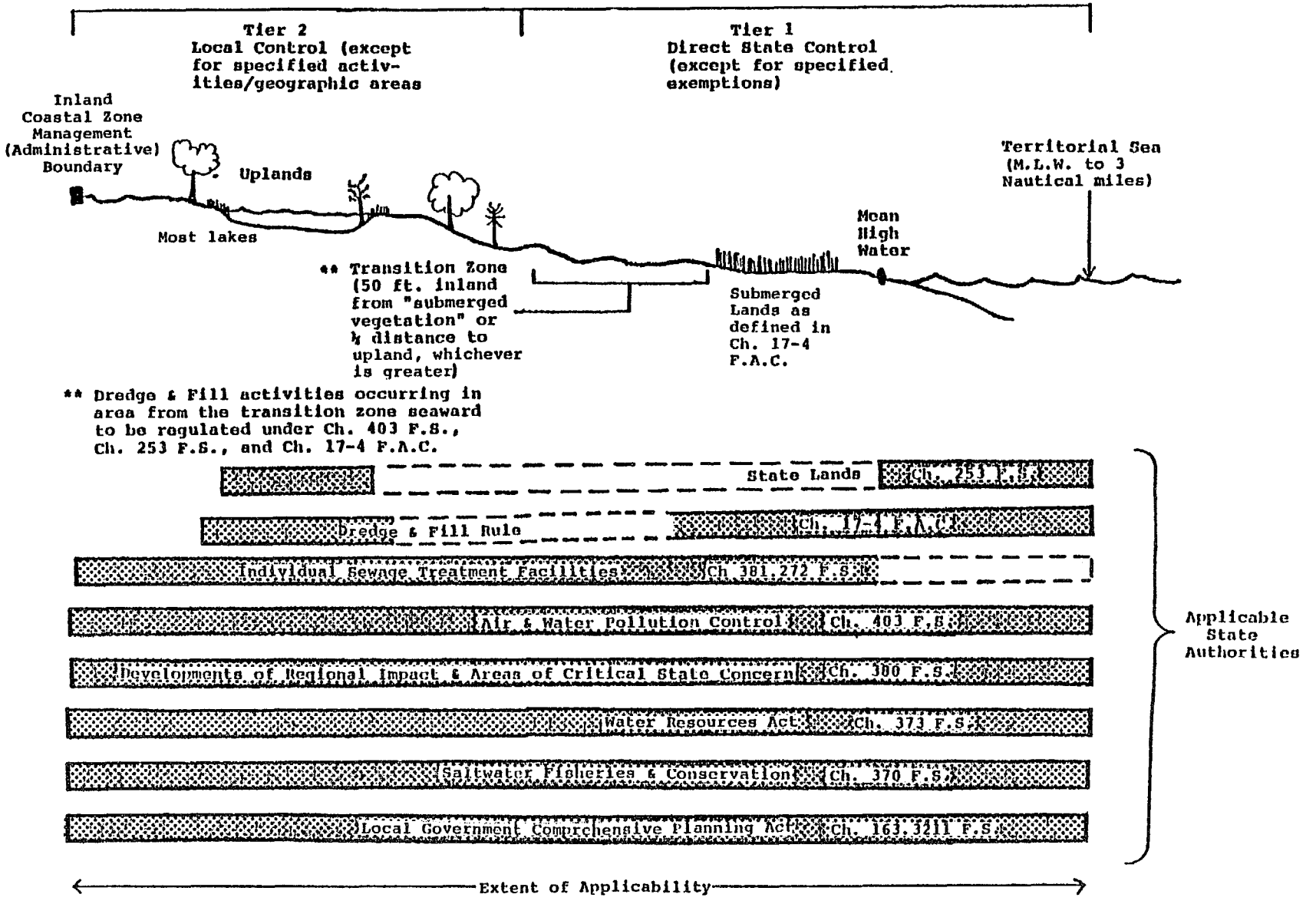


Figure 3

SHORELINES OTHER THAN OPEN GULF & ATLANTIC BEACHES

FLORIDA COASTAL MANAGEMENT RESPONSIBILITIES



Among other things, the following major activities would specifically be subject to direct state regulation in Tier 1.

1. All activities related to oil and mineral exploration and production in the state territorial sea.
2. Dredging, filling, or other construction below the line of mean high water.
3. All construction on Gulf and Atlantic beaches seaward of the coastal construction setback line.
4. Construction activities involving tidal wetlands or wetlands bordering streams, lakes and drainage corridors.
5. All activities that may potentially degrade waters of the state.

State special use areas such as state parks, forests, refuges, etc. will continue to be managed by the state.

Local Responsibilities

Local government responsibilities in Tier 1 would remain the same as previous to plan adoption, except that more formal recognition of legitimate state interests would be required. Specifically, all planning, zoning, land use, and subdivision decisions would remain as they now are, at the local level. However, local plans and programs would need to recognize and be consistent with state plans and programs as they relate to long-term resource management.

Tier 2

Local Responsibilities

As previously stated, Tier 2 is and will continue to be subject almost entirely to local control except for activities and geographic areas specified by law as being of state responsibility. The major difference will be that state financial and technical assistance will be provided to local government to help assure that local plans and programs recognize and, to the extent practicable, achieve consistency with state and federal resource management policies and programs.

State Responsibilities

Within Tier 2, state management responsibilities will remain restricted to control of specified activities/geographic areas (sewage treatment plants, septic tanks, state-owned lands, areas of critical state concern, etc.), conducting further resource analysis studies, providing technical and financial assistance to local planning and management efforts, analysis of key facilities siting (DRIs), and assuring consistency of governmental activities with adopted state policies, goals, and objectives.

Excluded Federal Lands

The CZMA is clear in its intent that federal activities in the coastal zone be consistent with state efforts. However, the exclusionary clause to CZMA Section 304(a) excludes all lands owned by the United States from the definition of the coastal zone. Accordingly, the state coastal management plan excludes all federally owned lands from state regulation, except as may be provided by special agreement. However, in order to prevent unnecessary state/federal conflicts, activities on federal lands that may potentially impact on adjacent resources subject to state control will receive state review and comment through the State Clearinghouse and as provided for by O.M.B. Circular A-95, as amended. In addition, other formal state/federal coordination procedures will be utilized.

Major federal landholdings in the coastal zone have been identified (see Appendix D, Figures 4, 5 and 6) and a complete inventory will be conducted as part of the ongoing state coastal management program.

NOTE: Refer to Appendix D for additional details of boundary recommendations.

CHAPTER V

PERMISSIBLE AND PRIORITY USES IN THE COASTAL ZONE: EXECUTIVE SUMMARY

INTRODUCTION

The CZMA (Section 305(b)(2)) requires that state management programs include "a definition of what shall constitute permissible land and water uses within the coastal zone which have a direct and significant impact on coastal waters." In determining permissible uses, states should give consideration to "requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources." Thus, the Act is clear in its intent that state coastal management programs utilize a balanced-use philosophy toward defining permissible uses. Hence, permissible uses in the coastal zone may very well result in some direct and significant impact on coastal resources. However, the crux of this aspect of the program is to assure that such impacts are recognized and clearly understood prior to making irretrievable resource related committments.

Federal guidelines (Section 920.12) recommend that in meeting this requirement the following general types of study and evaluation should be undertaken:

(a) Determining criteria and measures to assess the impact of existing, projected or proposed uses or classes of uses on the identified coastal environments;

(b) Categorizing the nature, location, scope, and conflicts of current and anticipated coastal land and water use or classes of uses;

(c) A continuing compilation, verification, and assessment of general characteristics, values, and interrelationships within coastal land and water environments.

The CZMA requirements for defining permissible uses are closely related to the requirements for designating priority uses (Section 305(b)(5)), designating geographic areas of particular concern (Section 305(b)(3)), as well as several other major components. To meet the intent of CZMA, the state management program must closely coordinate provisions for; 1) impact assessment procedures, 2) priority uses, 3) geographic areas of particular concern, 4) definition of permissible uses, and 5) goals, objectives and policies of the coastal management program.

APPROACH TO MEETING CZMA REQUIREMENTS

In attempting to meet requirements of CZMA, a variety of studies following the general thrust of guidelines Section 920.12(a), (b), and (c) have been conducted (see Table 1 of Appendix C). These studies have provided a sound basis for establishing

objectives and policies as well as impact assessment procedures, permissible uses and priority uses.

PERMISSIBLE USE CONCEPT

The concept of permissible uses under the CZMA is not the same as that of permitted uses in the traditional zoning ordinance. Rather than being automatically allowed in a given area as would be the case with the permitted use schedule of zoning regulations, permissible uses in the coastal zone management program encompass both land and water use activities which have been determined to potentially have "direct and significant impact on coastal waters." This identified impact places them under the purview of the management program, and while a use may be "permissible" under certain circumstances, it will not be a permitted use if in violation of management criteria.

APPROACHES TO ESTABLISHING PERMISSIBLE USES

There are two basic approaches to establishing permissible uses within the state's coastal management program; however, each can be applied in several ways. First, permissible uses can be established by reference to recognized performance standards which must be met by development activities, thus only indirectly specifying the permissible uses. Second, permissible uses can be listed specifically by type.

While both approaches have favorable as well as unfavorable aspects (explained fully in Appendix F), the performance standards approach is considered most appropriate for Florida's management program.

There are at least three ways that this approach can take place: 1) application of performance standards to the entire coastal zone, 2) application to specific geographic areas, and 3) application to types of resource units.

The Florida coastal zone planning effort is using the resource unit approach and has established a resource unit classification system based on a number of variables, including cultural as well as physical characteristics. It contains recommended land and water use guidelines based on intrinsic capabilities of resource units to support development activities. The three types of resource units identified in the Florida system are Preservation, Conservation and Development.

Because of its utility for understanding coastal zone interrelationships, the resource unit classification system has been utilized as the basis for drafting overall policies for the coastal zone (Appendix C) and is proposed to be used as the basis for impact assessment and defining permissible and priority uses (see Appendix E and F for details).

IMPACT ASSESSMENT PROCESS

The impact assessment process being developed for use under the state coastal management program views the environment in the broadest terms, with impacts upon socio-economic, biophysical, and cultural factors being systematically included. In this regard, several important factors should be empahsized.

1. It must be remembered that a project can have both beneficial and adverse impacts, and an objective assessment should identify both types.

2. Impacts must be viewed in terms of existing site conditions as well as scale of development proposals.

3. An effective and meaningful assessment of impacts must take place within an established framework of objectives and policies relating to planning, resource management and development activities. By assessing impacts within a clearly defined objectives/policy structure, the potential for uncertainty and arbitrary actions is reduced.

4. The National Coastal Zone Management Act requires states to develop a methodology for assessing "direct and significant" impacts of coastal zone land and water uses, thus relating an impact assessment technique to a framework of "permissible uses" based upon performance standards established by governmental units in the state.

Taking these considerations into account, the process being developed attempts to refine and relate existing assessment mechanisms (the D.R.I. process and permitting process of D.E.R.) to the data base and needs of the coastal management program.

Measures of Impact

A concerted effort has been made to explore ways of reducing subjectivity and personal bias from the proposed assessment procedures. This has resulted in identification of 143 potential measures of positive and negative impact pertaining to 51 impact categories (Table 1 and Appendix E, Pages 10-25). Systematic use of such measures can aid significantly toward objective decision making.

Impact Thresholds

The assessment process being developed recognizes the impracticality and undesirability of requiring every proposed use in the coastal zone to undergo detailed impact assessment. Rather, it strives to establish a basis for meeting the expressed intent of CZMA (Section 302(h)) that coastal management programs include "unified policies, criteria, standards, methods and processes for dealing with land and water use decisions of more than local significance" (Emphasis added). This has resulted in definition of the following potential "thresholds" for reviewing projects in the coastal zone:

Local Impacts....Projects or uses which create impacts which are primarily felt by one governmental unit. Review of impact assessment by city or county. Development-scale percentage parameters are as follows:

*10-40% of residential DRI threshold
*20-60% of non-residential DRI threshold

Inter-Local Impacts....Projects or uses which create impacts

Table 1

GENERAL & SPECIFIC IMPACT CATEGORIES

I. PRIVATE ECONOMIC SECTOR

1. Employment
2. Income
3. Trade
4. Agricultural, Forestry and Fisheries Resources
5. Manufacturing
6. Housing Market
7. Tourism

II. DEMOGRAPHIC CHARACTERISTICS

8. Populations Size & Growth Rate
9. Age-Sex Characteristics
10. Labor Force
11. Seasonal Residents
12. Educational Level

III. TRANSPORTATION SYSTEM

17. Streets and Highways
18. Mass Transportation
19. Air and Rail
20. Water Borne
21. Parking

V. PUBLIC FACILITIES & SERVICES

22. Wastewater Management
23. Water Supply
24. Solid Waste
25. Surface Drainage System
26. Education
27. Recreation
28. Health Care
29. Fire
30. Police
31. Energy Supply

VI. HOUSING

32. Inventory & Quality
33. Value
34. Availability

VII. BIO-PHYSICAL ENVIRONMENT

35. Air Quality
36. Water Quality
37. Physiography & Geology
38. Wetlands
39. Upland Vegetation & Wildlife
40. Marine & Estuarine Resources
41. Flood Plains
42. Natural Hazard Areas
43. Noise

VIII. AESTHETIC & CULTURAL FACTORS

44. Historical Landmarks
45. Archaeological Sites
46. Scenic Natural Areas
47. Views & Vistas

IX. PUBLIC FINANCE

48. Public Fiscal Balance
49. Ad Valorem Tax Yield
50. Public Capital Costs
51. Intergovernmental Transfers

which are primarily felt by two or more governing bodies within the same county. Review of impact assessment by county and regional planning agency. Development-scale parameters are as follows:

*41-99% of residential DRI threshold
*61-99% of non-residential DRI threshold

Regional Impacts....Projects or uses which create impacts primarily felt by more than one county. Review of impact assessment by regional planning agency and state. Development-scale parameters correspond with those specified by DRI rules.

Some examples of the types of projects which should be subjected to impact assessments (at some level of government) are:

1. Any project that is likely to be highly controversial on environmental grounds,

2. A proposal that will lead to a noticeable change in the surrounding noise level for a substantial number of people,

3. Development actions that will have a significant aesthetic or visual effect,

4. Projects that will have any effect on areas of unique interest or scenic beauty,

5. Actions that will enhance or detract from important recreational areas,

6. Proposals that will substantially alter the pattern of behavior for an animal species (such as barriers to migration),

7. Actions that will interfere with or protect important breeding, nesting, or feeding grounds,

8. Activities that will lead to significantly increased or reduced air or water pollution in a given area (assessment of impacts of projects with anticipated beneficial impacts as well as those with anticipated adverse impacts will help establish "equal application of the law"),

9. Proposed developments that will either positively or adversely affect the water table of an area,

10. Projects that will disturb the ecological balance of a land or water area through removal of indigenous species or introduction of exotic species,

11. Projects that will involve a reasonable possibility of contamination of a public water supply source, treatment facility, or distribution system,

12. Projects that will bring about marked changes in local population, economic, and social characteristics, and

13. Projects that will markedly change the demand for or capacity to provide public services and/or facilities.

Levels of Review

Since the complexity and type of impact assessment will be sharply affected by a number of factors including type of use, location, scale of development, anticipated impacts, etc., the strictness of review will vary from project to project. Futhermore, it is highly probable that large and complex development proposals will require differing levels of impact assessment for portions falling into or affecting environmentally fragile or other areas having particular conditions. The level of review should be firmly established prior to preparation of the impact assessment.

Assignment of review levels is an extremely important step in the impact assessment and review process. It is at this point that many crucial agreements are made between the developer and those agencies responsible for review and decision making. These agreements will set the groundrules for numerous future actions in the assessment and decision-making process.

The existence of official objectives and policies dealing with planning, development and resource management (Appendix C) will be of primary importance when establishing review levels. Impacts must be measured against some benchmark if objectivity and consistency are to be maintained; therefore, the official status of public policies will provide a clear basis for preliminary examination of a proposed project within established decision-making guidelines. The relationship of the proposed use to the posture of adopted plans, objectives, and policies will heavily influence the review levels that are assigned to the impact assessment.

As a guide, the following preliminary levels of review are defined:

Level I....This level would apply to any proposal presumably meeting performance criteria established by regulatory and planning agencies and considered basically acceptable. The impact assessment will still be a requirement, but since an initial determination that positive impacts outweigh negative consequences, the amount of necessary detail can be significantly reduced on the basis of agency evaluation at a pre-application conference with the developer. Although there is a presumption of acceptability by the review agencies, the following must be demonstrated:

1) that all performance standards and planning criteria are met; and

2) that appropriate steps have been taken to remedy any shortfalls of public facilities and services that the project may bring about.

Level II....Any proposals receiving a Level II review will be subjected to an especially thorough scrutiny of the data sub-

mitted and of any mitigating actions proposed by the applicant, because of potential adverse impacts--even though the project may contribute substantially toward achievement of some important objectives and policies. Projects and impact categories subjected to Level II review are not necessarily viewed as being in conflict with plans and policies, but considerations of project scale and anticipated impacts make it highly advisable to closely examine the consequences of development. A detailed justification of the proposed use, location, development intensity, and design must be included in the impact assessment.

Level III....A Level III review is based on the presumption that the proposed use is unsuitable within the context of location, site conditions, public objectives, plans and policies, etc. Any development proposals being subjected to this level of review must clearly present compelling reasons as to why the project is in the public interest. The developers of such projects will be required to submit extremely detailed impact assessments, and the probability of providing additional information and conferring extensively with review agency staff members is very high. An applicant will still be at liberty to file for a development order by the appropriate governmental agency, challenge the review findings, and appeal an adverse ruling.

Assignment of a Level III review takes place when the project or some major aspect of it is in conflict with adopted plans and policies. The presumption of unsuitability must be clearly based upon established guidelines for planning, development and resource management.

In terms of an overall perspective, the Level II review will probably be assigned in a majority of cases, because the increasing pressures on fragile coastal zone resources mandate a close inspection of the potential consequences of many types of land and water utilization. The other review levels represent extreme ends of the spectrum, and their application by review agencies can be generally anticipated in situations of an unusual nature.

It is not intended that a single review level must be assigned to all projects. While one classification may be appropriate for a small use in an area with a high tolerance to development, a large, complex project may require that different review levels be applied to various geographic areas and impact categories. The following kinds of factors should be taken into consideration:

1) Planning and coastal zone management objectives and policies;

2) Type, intensity, location, and scale of project;

3) Existing conditions on and around site;

4) Irretrievable commitments of coastal resources;

5) Anticipated impacts observed in association with other similar projects;

6) The potential catalytic effects of the project in bringing about marked changes in one or more components of the overall environment;

7) Expected interrelationships and trade-offs related to the project;

8) Existing public facility and services capacities; and

9) Dependence on a waterfront or coastal zone location for successful operations.

Based on these definitions of review levels, Table 2 presents an illustrative display of the levels which may be appropriate for various land and water uses located in three coastal resource units delineated in the Florida Regional Coastal Zone Management Atlas. This is in no way intended to be a "permissible use" list and is included for general guidance only.

In conducting impact assessment reviews, the following items will be emphasized:

1) How the impacts relate to established standards, i.e. air and water quality regulations, density, traffic and parking, etc.;

2) How the impacts relate to commonly recognized benchmarks such as median or percapita income, sales per square foot, age distribution of population, etc.;

3) A clear identification of all direct impacts, whether adverse, benign or beneficial;

4) A full exploration of the mitigating actions which are proposed to reduce adverse impacts; and

5) Sufficiency of data to support the findings of the coastal impact assessment.

PRIORITY USES

A basic requirement of CZMA and accompanying rules and regulations is that the state management program shall include broad policies or guidelines governing the relative priorities which will be accorded in particular areas. As a part of the policy development process (Appendix C) the following priorities were developed and are intended to become a formal part of the impact assessment/permissible use process.

IMMEDIATE SHORELINE USE PRIORITIES (in order of priority)

1) Water dependent activities such as recreation, ports, and water dependent industry, marinas, certain military activities, navigation, fish and wildlife production, etc.

2) Water related or enhanced activities such as certain utilities, water related commerce, water enhanced recreation, water related industry, etc.

Table 2

POTENTIAL REVIEW LEVELS FOR COASTAL IMPACT ASSESSMENTS

LAND/WATER USE ACTIVITY	COASTAL RESOURCE UNIT		
	PRESERVATION	CONSERVATION	PRIME AG. & DEVELOPMENT
1. Military Facilities	II or III	II	II
2. Ports	III	II or III	II
3. Marinas	II or III	II	I
4. Highways	III	II	I
5. Airports	III	II or III	II
6. Railway Lines	II or III	I or II	I
7. Sewage Treatment Plants	III	II	I
8. Sanitary Landfills	III	II or III	II
9. Shopping Centers	III	II or III	I
10. Resorts/Motels	III	II	I
11. Recreation Areas	I or II	I	I
12. Low-density Housing	III	I or II	I
13. Docks and Pierc	III	II	II
14. Dredging & Filling	III	II or III	I or II
15. Agriculture	I or II	I or II	I
16. Forestry	I or II	I or II	I
17. Aquaculture	I	I	II
18. Electrical Generating Plants	II or III	II	II or III
19. Power Transmission Lines	II	I	I or II
20. Petroleum Storage and Refining	III	II or III	II
21. Hospitals	III	II	I
22. Mining Operations	III	II or III	III
23. Office Parks	III	II	I
24. Schools	III	I	I
25. Industrial Parks	III	II or III	I
26. Bulkheads and Seawalls	III	II or III	I

NOTE: Different review levels can be assigned to projects on the basis of factors such as water dependency, site and location conditions, and other factors such as those cited above. Multiple review levels can be assigned to a single project according to both geographic areas and impact categories.

3) Non-water dependent or related activities such as intensive urban residential, non-water dependent or related industry and commerce, etc.

4) Of lowest priority are those uses which are non-water dependent, non-water enhanced, and which would result in irretrievable committment of coastal resources.

PRIORITY USES FOR COASTAL RESOURCE AREAS (See definitions, discussions, and suggested policies in Appendix C)

Preservation Areas

Subcategory	Priority Use
Class I Waters	- Public Water Supplies
Class II Waters	- Shellfish Harvesting and propagation of marine life.
Marine Grass Beds	- Propagation of sport and commercial fisheries; Waterfowl and wading bird food production.
Selected Coastal Marshes	- Propagation of marine life; Hurricane buffer and shoreline stabilization; Aesthetics; Waterfowl and wading bird habitat.
Selected Coastal Mangroves	- Propagation of marine life; Hurricane buffer and shoreline stabilization; Aesthetics; Propagation of bird life.
Gulf and Atlantic Beaches and Dunes	- Buffer areas; Recreation; Aesthetics.
Estuarine Beaches	- Shoreline buffer areas; Recreation; Aesthetics.
Wilderness Areas	- Protection of biophysical environment; Aesthetics; Scientific research; Recreation; Fish and wildlife habitat.
Selected Freshwater Swamps and Marshes	- Open space; Wildlife habitat; Freshwater retention; Possible water recharge; Water quality functions.
Historical and Archaeological Sites	- Cultural uses; Aesthetics; Recreation
Other Unique Environmental Features	- Environmental protection; Aesthetics; Recreation.

Conservation Areas

Class III Waters	- Fish and wildlife propagation and management; Water contact sports; Recreation.
Aquatic Preserves	- Recreation; Research and education; Aesthetics; Maintenance of marine productivity; Propagation of wildlife.
Aquaculture Leases	- Commercial cultivation of animal and/or plant life.
Spoil Islands	- Aesthetics; Bird and wildlife habitat; Recreation
Hurricane Flood Zone	- Uses which require waterfront locations; Uses that will not necessarily jeopardize human life or economic welfare.
River Flood Plains	- Uses which require waterfront locations; Timber management; Greenbelts; Recreation; Wildlife habitat.
Forestry and Game Management Areas	- Timber production; Recreational hunting.
Parks and Recreation Areas	- Wildlife habitat; Recreation, not including hunting.
Marginal Lands	- Recreation; Greenbelts/open space; Timber production; Extensive agriculture/grazing if these activities do not require draining or pumping.

Prime Agriculture and Development Areas

Class IV Waters	- Agricultural and industrial water supply.
Class V Waters	- Navigation, utility and industrial use.
Presently Developed Lands Non-Conflict	- Development, according to local desires and needs, utilizing environmental safeguards.
Presently Developed Lands Conflict	- Uses which recognize and effectively neutralize associated conflicts with biophysical conditions.

Undeveloped Lands Suitable For Intensive Development	- Development according to local desires and needs, utilizing environmental safeguards.
Undeveloped Lands Suitable For Development if Protected from Flooding	- Uses which require waterfront locations; Public recreation; Uses that will not unnecessarily jeopardize human life or economic welfare.
Prime Agricultural Lands	- Agricultural uses.
Prime Agricultural Lands With Other Potential Suitabilities	- Agricultural uses; Development according to local desires and needs, utilizing environmental safeguards.

ADMINISTRATIVE CONSIDERATIONS

In order to meet federal requirements for approval (CZMA Section 305(b)(4) and 306(c)(7), and Rules and Regulations Section 923.21 and 923.22), the proposed state coastal management program must demonstrate that the state is capable of actually implementing the objectives, policies and individual components of the management programs. This must include "a description of the organizational structure proposed to implement the management program, including the responsibilities and interrelationships of local, areawide, regional, and interstate agencies in the management process." The responsibilities for assessing impacts and defining permissible and priority uses must obviously be included in this description.

The following administrative considerations must be taken into account in establishing the various review responsibilities:

1) In all cases, the process should be initiated with the appropriate local governing body having jurisdiction over the site of the proposed project;

2) Procedures for evaluating projects with local impact can be incorporated into the city or county zoning ordinance;

3) Coastal impact assessments for projects exceeding the DRI threshold can be reviewed under the rules adopted for the Environmental Land and Water Management Act;

4) Procedures for projects having inter-local impacts can be established by formal inter-local agreements among the municipalities and counties in the planning region, with the regional planning agency playing an integral role in this process;

5) The procedures should make provisions for incorporating state and federal regulations which have a direct influence on coastal zone development proposals.

6) Procedures for projects at every threshold should incorporate a close relationship with both statewide coastal zone management policies and local planning guidelines;

7) A clear definition of the powers and responsibilities of each governing body and review agency should be incorporated into the process, especially if the governing body having jurisdiction over the site of the proposed use wishes to retain authority in establishing review levels;

8) Both administrative and judicial remedies should be spelled out in the necessary appeals procedure; and

9) A reasonable time frame for the review process should be established.

While much has been done in Florida, there remain numerous tasks that must be accomplished prior to establishment of definitive administrative procedures regarding land and water uses in the coastal zone. Among them are the following (not necessarily in order):

1) The policy framework for the coastal management program must be adopted, thus filling the major void in the essential foundation for analysis.

2) The state must adopt administrative rules regarding impact assessment procedures, permissible uses, and priority uses under the coastal management program. This should include:

   a) Coordination of air and water quality regulations with the coastal management program;

   b) Expansion of D.R.I. impact assessment requirements to encompass those activities falling within the coastal management program, and

   c) Development of procedures for establishing the levels of review that will be needed to adequately assess impacts of proposed activities.

Even though the administrative procedures which will be required to operationalize the coastal impact assessment system have not been defined, the following scenario indicates the general steps that could be anticipated:

1) Developer conceives project idea and reviews it within the context of local planning and zoning requirements, and coastal zone management criteria.

2) Developer and local planning agency undertake a pre-application conference regarding preliminary plans and development specifications. Items covered in this step are:

a) impact threshold applicable to project

b) permissible use framework

c) geographic areas of particular concern

d) priority uses

e) location and site constraints and opportunities

f) appropriate review level

3) Developer prepares plans, studies, impact assessment, etc. in preparation for application for a development order.

4) Developer applies for development order from appropriate local government unit.

5) Official review procedure is initiated for project at "local", "inter-local" or DRI threshold. This can involve a number of meetings, hearings, requests for and submission of additional information, design modifications, commitments for permits, etc.

6) Submission of report by reviewing agencies to decision-making body.

7) Decision by appropriate governmental unit.

8) Appeal, if appropriate.

FUTURE WORK TASKS

As a formal part of the 1976-77 work program, the Bureau of Coastal Zone Planning, Division of State Planning, Office of the Attorney General, Department of Environmental Regulation, as well as regional planning councils will work closely to determine specific modifications to existing rules and regulations or legislation needed to operationalize procedures meeting the requirements of CZMA.

NOTE: Much of the material included in this chapter was taken from the Impact Assessment Handbook (Appendix E) and A Process for Defining a Permissible Use Framework (Appendix F) prepared by the Planning/Design Group under a contract with the Department of Natural Resources.

CHAPTER VI

GEOGRAPHIC AREAS OF PARTICULAR CONCERN: EXECUTIVE SUMMARY

INTRODUCTION

The federal Coastal Zone Management Act of 1972 (CZMA) requires that a state's coastal zone management program include "an inventory and designation of areas of particular concern within the coastal zone." The Act also specifies that prior to receiving approval of its CZM program, the state's management program must make provision for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological, or aesthetic values. The basic purpose for inventorying and designating areas of particular concern (GAPC's) is to demonstrate that certain geographic areas of statewide concern will be subject to special consideration under the purview of the coastal management program.

FEDERAL REQUIREMENTS

In designating GAPC's, CZMA rules and regulation require the state to at least consider certain types of areas upon a review of coastal resources and state-established criteria. These include:

1. "Areas of unique, scarce, fragile or vulnerable natural habitat, physical feature, historical significance, cultural value and scenic importance;
2. Areas of high natural productivity or essential habitat for living resources, including fish, wildlife and the various trophic levels in the food web critical to their well-being;
3. Areas of substantial recreational value and/or opportunity;
4. Areas where developments and facilities are dependent upon the utilization of, or access to, coastal waters;
5. Areas of unique geologic or topographic significance to industrial or commercial development;
6. Areas of urban concentration where shoreline utilization and water uses are highly competitive;
7. Areas of significant hazard if developed, due to storms, slides, flood erosion, settlement, etc.; and
8. Areas needed to protect, maintain or replenish coastal lands or resources, including coastal flood plains, aquifer recharge areas, sand dunes, coral and other reefs, beaches, offshore sand deposits and mangrove stands."

In addition to considering the above types of areas, the state must, prior to program approval, demonstrate that it has developed and implemented policies or actions to address the concerns expressed for each area.

APPROACH TAKEN

The proposed approach to meeting the federal requirements essentially involves utilization of several existing state programs which have identified areas of particular state interest where special management measures are applied. The five major state programs which provide for the designation and management of GAPC's within Florida's coastal zone area:

1. Aquatic Preserves Program
2. State Wilderness System Program
3. Environmentally Endangered Lands Program
4. Areas of Critical State Concern Program, and
5. Coastal Construction Setback Line Program.

The full report (Appendix G) explains each of the five programs in detail, with emphasis on (1) the type of state concern involved, (2) selection criteria, (3) selection process, (4) description of individual areas and (5) priorities regarding those GAPC's designated for preservation and restoration (ARP's).

Existing GAPC's in the coastal zone are shown in generalized form Figure 1 and are listed in Table 2. In addition, aquatic preserves, state wilderness areas, and beach areas are mapped in detail in the Florida Regional Coastal Zone Management Atlas.

SELECTION PROCESS

In accordance with provisions of CZMA and accompanying guidelines, the several state programs have formal procedures for selection and designation. These procedures are shown in schematic form in Figures 2 through 8 and are discussed in detail in the full report (Appendix G).

MANAGEMENT OF GAPC's UNDER THE COASTAL MANAGEMENT PROGRAM

Florida's existing GAPC's are being managed under guidelines outlined in their respective state program legislation. For example, the 30 aquatic preserves in Florida's coastal zone are essentially GAPC's, managed under the provisions of the Aquatic Preserve Act (Chapter 258.35 - 258.46, F.S.). Table 1 lists all of the major state GAPC programs, and their legislative basis. Under each of these state programs, additional GAPC's can be designated.

Appendix G discusses in detail the management of GAPC's. In addition to summary discussions of each program, copies of the full text of program legislation are included. While the total package of authorities is impressive and provides a solid foundation for management of specific areas of the coastal zone, there are deficiencies that must be addressed prior to submission of the final coastal management program for federal approval.

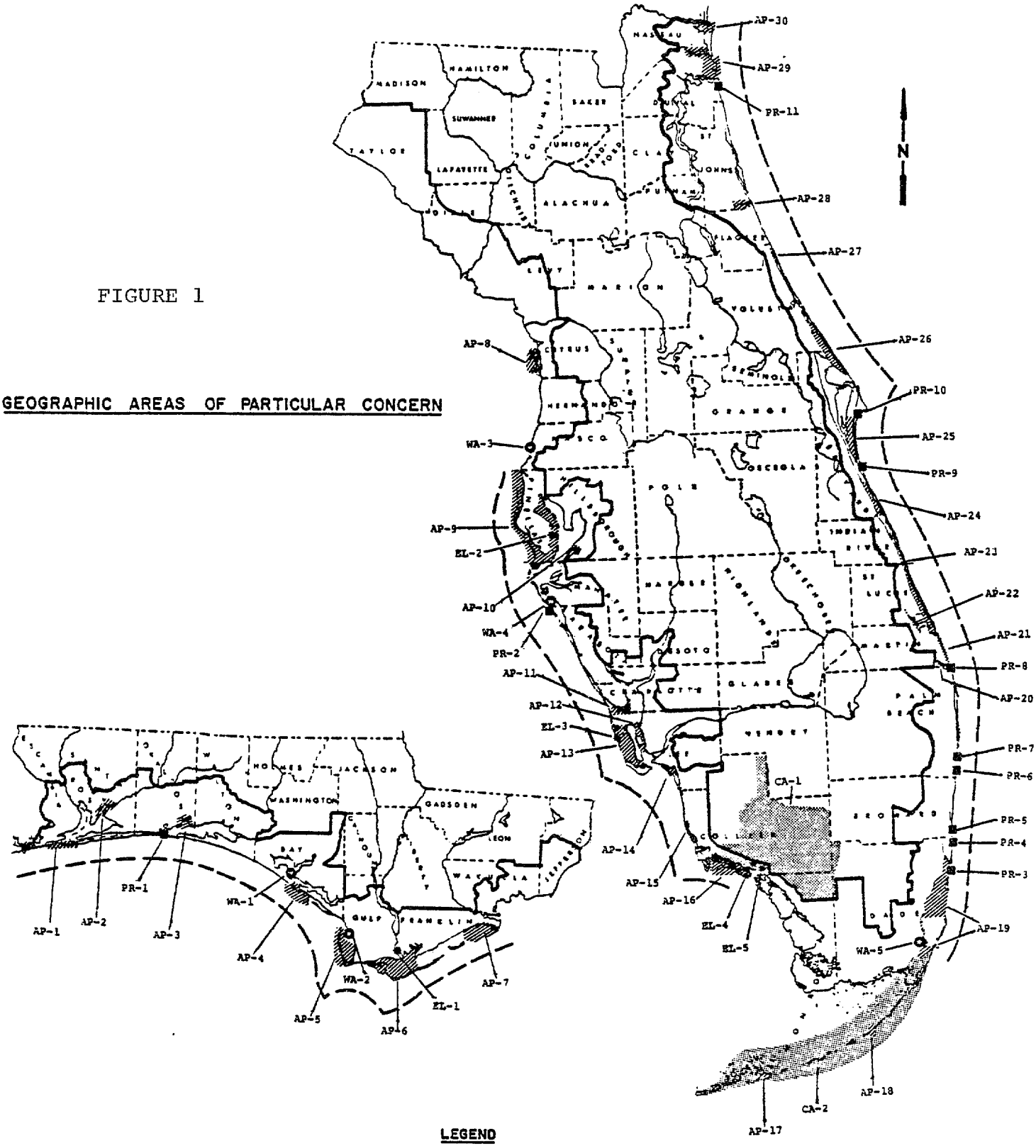
Table 1
MAJOR STATE GAPC PROGRAMS

Number of Areas Within the CZ	Program	Legislative Basis
30	Aquatic Preserve Program	Ch. 258.35-258.46,F.S.
5	Wilderness System Program	Ch. 258.17-258.33,F.S.
5	Environmentally Endangered Lands Program	Ch. 258, F.S.
2	Areas of Critical State Concern	Ch. 380, F.S.
Sandy ocean & Gulf-fronting beach areas in 25 counties (including 11 APR's).	Coastal Construction Set-back Line Program	Ch. 161, F.S.

As is the case with most of Florida's management authorities, the GAPC authorities existed prior to passage of the CZMA and promulgation of federal rules and regulations. Hence, not one of the existing state authorities makes reference to the broader objectives of coastal management or has formal mechanisms for coordination with the coastal management program. While establishment of such formal mechanisms might appear to be a simple task, in practice it will be quite involved. Such mechanisms must assure that state concerns regarding the designated areas are taken into account by decision makers at both the state and local levels of government. This will require changes in existing state/local planning and permitting processes to assure that permitting functions are carried out in accord with the goals and objectives expressed for the GAPC's. These formal mechanisms must be in place and ready to function before the state can receive implementation funds under Section 306 of the CZMA. Proposed coordination mechanisms will be a formal part of the "Organization and Authorities" chapter of the final plan.

FIGURE 1

GEOGRAPHIC AREAS OF PARTICULAR CONCERN



LEGEND

- AQUATIC PRESERVES (AP)
- WILDERNESS AREAS (WA)
- ENVIRONMENTALLY ENDANGERED LANDS (EL)
- AREAS OF CRITICAL STATE CONCERN (CA)
- COUNTIES WITH BEACHES SUBJECT TO SETBACK LINES
- AREAS FOR PRESERVATION AND RESTORATION (PR)
- COASTAL ZONE BOUNDARY

Table 2

REFERENCE MAP KEY

Geographic Areas of Particular Concern

Aquatic Preserves

Reference Code	GAPC
AP-1	Fort Pickens State Park Aquatic Preserve
AP-2	Yellow River Marsh Aquatic Preserve
AP-3	Rocky Bayou State Park Aquatic Preserve
AP-4	St. Andrews State Park Aquatic Preserve
AP-5	St. Joseph Bay Aquatic Preserve
AP-6	Apalachicola Bay Aquatic Preserve
AP-7	Alligator Harbor Aquatic Preserve
AP-8	St. Martins Marsh Aquatic Preserve
AP-9	Pinellas County Aquatic Preserve
AP-10	Cockroach Bay Aquatic Preserve
AP-11	Cape Haze (Gasparilla Sound) Aquatic Preserve
AP-12	Matlacha Pass Aquatic Preserve
AP-13	Pine Island Sound Aquatic Preserve
AP-14	Estero Bay Aquatic Preserve
AP-15	Rookery Bay Aquatic Preserve
AP-16	Cape Romano - Ten Thousand Islands Aquatic Preserve
AP-17	Coupon Bight Aquatic Preserve
AP-18	Lignumvitae Key Aquatic Preserve
AP-19	Biscayne Bay Aquatic Preserve
AP-20	Loxahatchee River - Lake Worth Creek Aquatic Preserve
AP-21	Jensen Beach to Jupiter Inlet Aquatic Preserve
AP-22	North Fork, St. Lucie Aquatic Preserve
AP-23	Indian River - Vero Beach to Fort Pierce Aquatic Preserve
AP-24	Indian River - Malabar to Sebastian Aquatic Preserve
AP-25	Banana River Aquatic Preserve
AP-26	Mosquito Lagoon Aquatic Preserve
AP-27	Tomoka Marsh Aquatic Preserve
AP-28	Pellicer Creek Aquatic Preserve
AP-29	Nassau River - St. Johns River Marshes Aquatic Preserve
AP-30	The Fort Clinch State Park Aquatic Preserve

Wilderness Areas

Reference Code	GAPC
WA-1	Audubon Island Wilderness Area
WA-2	Hallman Island Wilderness Area
WA-3	Robert Crown Wilderness Area
WA-4	Town Islands Wilderness Area
WA-5	Turkey Point Wilderness Area

Environmentally Endangered Lands

Reference Code	GAPC
EL-1	Lower Apalachicola River Tracts
EL-2	Weedon Island
EL-3	Cayo Costa, North Captiva Islands
EL-4	Fakahatchee Strand
EL-5	Big Cypress

Areas of Critical State Concern

Reference Code	GAPC
CA-1	Big Cypress Area of Critical State Concern
CA-2	The Florida Keys Area of Critical State Concern

Counties With Beaches Subject To Setback Lines

1. Escambia
2. Santa Rosa
3. Okaloosa
4. Walton
5. Bay
6. Gulf
7. Franklin
8. Pinellas
9. Manatee
10. Sarasota
11. Charlotte
12. Lee
13. Collier
14. Dade
15. Broward
16. Palm Beach
17. Martin
18. St. Lucie
19. Indian River
20. Brevard
21. Volusia
22. Flagler
23. St. Johns
24. Duval
25. Nassau

Table 2 (Cont'd)

Areas for Preservation and Restoration

Reference Code	GAPC (APR)
PR-1	Ft. Walton Beach
PR-2	Longboat Key
PR-3	Miami Beach
PR-4	Bal Harbour
PR-5	South Broward
PR-6	Boca Raton
PR-7	Delray Beach
PR-8	Jupiter Inlet
PR-9	Indialantic - Melbourne Beach
PR-10	Cape Canaveral
PR-11	Jacksonville Beach

NOTE: See Appendix G for a detailed discussion of the material in this chapter.

CHAPTER VII

PUBLIC INVOLVEMENT: EXECUTIVE SUMMARY

One of the requirements of Florida's 1970 coastal planning legislation was to "provide a clearing service for coastal zone matters by collecting, processing, and disseminating pertinent information relating thereto." In response to this legislative mandate, public information and efforts to involve the public in Florida's coastal planning program were initiated shortly after the coastal planning agency was established. An expanded public participation program was initiated in 1974 in order to fulfill the extensive public participation requirements of the federal coastal zone legislation.

Beginning in November 1970, a monthly newsletter provided information to the public and other governmental agencies concerning program activities; activities of other agencies and interests, both state and local, in Florida's coastal zone; activities in other states that were attempting to solve coastal problems; and activities at the federal level that impacted on coastal zone planning and management. The first issue of the newsletter encouraged readers to respond to the material presented and to provide ideas and comments regarding coastal zone activities. Requesting response from the readers was continued throughout the life of the newsletter.

The mailing list for the first newsletter contained fewer than 300 names. By June 1975, over 3000 persons had asked to receive this publication on a monthly basis.

Following the 1975 reorganization of environmental agencies, the newsletter was discontinued and news items concerning the coastal planning program were placed in DNR's monthly publication, the Conservation News.

Using both the newsletter and direct mailings to individuals and organizations, public input has been requested on a number of specific subjects. These include: a fall 1971 request for suggestions regarding estuarine areas suitable for nomination as estuarine sanctuaries; a July 1972 request for suggested "unique environmental features" to be included on the preservation maps; an August 1973 questionnaire sent to over 500 citizens of Monroe County regarding coastal zone problems in the Keys; a February 1975 request for comments and suggestions regarding a policy for residential canals; and a spring 1975 request for a response to the nomination of Rookery Bay as an estuarine sanctuary. Excellent response was received on all of these requests.

In the fall of 1971, presentations on the planning methodology to interested groups of citizens and public officials were begun. Each presentation emphasized the point that suggestions and recommendations would be welcome and would be considered in the development of the coastal management plan. The number of such presentations increased each year, and approximately 50 were made during 1975 and 1976.

Over 25 publications have been issued in the past six years. (Chapter XII lists these publications and the present status of their availability). These publications, with the exception of the 1972 Florida Coastal Zone Management Atlas, were distributed free of charge upon request. The Atlas was distributed free of charge to all federal, state, regional and local agencies involved in coastal zone activities and was placed in major public and university libraries for use by the public. Because of the limited number published and the high cost of printing, private firms and individuals were charged on a cost basis.

Five-thousand copies of Coastal Zone Management in Florida -- 1971, the first annual report, were distributed, and a great deal of comment and feed-back was received from the public regarding the material in that report. Widespread distribution was made of all succeeding annual reports and of other publications such as Recommendations for Development Activities in Florida's Coastal Zone. A form letter asking for comment and/or questions regarding the material in the publication was included as part of all mail-outs. All of the published materials have been placed in public and university libraries for referral and use by citizens.

As part of the public information effort, and to assist in developing a management program, a coastal zone library was established at an early date. The library, which now contains over 7000 books, studies, and reports, is open to the public and is used by other state agencies, legislative staff, consultants, students, and others interested in the subject material. Library materials are often used in responding to requests for specific coastal zone information. A monthly list of publications received in the library is distributed to approximately 150 persons who have requested it.

It has been a continuing policy to respond to any request for information and/or assistance relative to coastal zone matters in as complete a manner as possible. Providing information in response to requests has often led to continued interest and involvement on the part of the information seeker. Requests for information and publications average approximately 50 per week.

The Bureau of Coastal Zone Planning has often worked on a one-to-one basis with a number of interest groups in

developing educational materials and programs for their membership. Materials and staff time have been provided to such groups as the League of Women Voters, Audubon Society, ECOSWF, Sierra Club, etc.

Materials and assistance have been provided to a number of faculty members and students interested in coastal zone planning and management. A number of junior colleges and universities offer environmental science, planning, and other courses which include a coastal zone section. By assisting in the development of these courses, the Bureau has been able to stimulate additional interest and involvement in the program.

Materials and information have been provided and used as the basis for a number of excellent newspaper and magazine articles that have appeared over the years on Florida's coastal zone and its problems. Many requests for further information have been received as a result of the articles, and further citizen interest was generated.

In 1974, following receipt of the first federal grant, part of the public involvement effort became more formalized. Each regional planning council participating in the program was asked to establish a Citizens' Advisory Committee for Coastal Zone Management (CAC) made up of representatives from (at a minimum) the following interest groups:

Commercial/sport fishing
Tourism and motel/hotel interests
Construction/home building
Conservation organizations
Science/education
Industry
Business/commerce
City and county government
General public

The CACs began meeting on a regular basis early in 1975 and have been actively involved in the planning and policy making process since that time. In some regions, county CACs were established in addition to the regional group. Well over 800 people have been involved in this citizen participation effort. It is anticipated that CAC members will play an important role in the public meetings and hearings scheduled for 1977.

The regional planning councils have also assisted the public information/participation effort by publication of coastal zone material in their newsletters and annual reports; encouragement of media coverage of CAC meetings and coastal planning developments; and response to requests for coastal zone information.

As the material above indicates, the public's "right to know," has been a major thrust since the very beginning of

coastal zone planning in Florida. During 1977, the public participation effort will be expanded to provide all of the citizens of the state an opportunity to express their opinion on a proposed coastal management program. Present plans call for a public meeting in each of the 38 coastal counties and a public hearing in every coastal planning region. The regional planning councils and the CACs will be actively involved in arranging for and conducting these meetings and hearings.

It is anticipated that a brochure containing the highlights of the proposed program will be distributed in late spring. The draft of the proposed program is scheduled for wide-spread distribution in early June.

In addition to providing public input into the final coastal zone management program, the meetings and hearings will enable the Department of Natural Resources to fulfill all of the public participation requirements of the federal Coastal Zone Management Act.

Appendix H contains examples of some of the types of public interaction that have been part of the on-going coastal planning program.

CHAPTER VIII

FEDERAL/STATE INTERACTION: EXECUTIVE SUMMARY

The Coastal Zone Management Act of 1972, (P.L. 92-583) and its attendant guidelines, formally established the requirement for meaningful federal/state interaction during both the developmental stage (Sec. 305) and the implementation stage (Sec. 306), of a state's coastal zone management process. To date, Florida's conduct of coastal zone management activities has met both the letter and spirit of the federal requirements. The Congressional call for substantive federal participation in a state's coastal zone management program was preceded in Florida by the coordination provisions of Chapter 370.0211 (F.S.). This statute, passed by the 1970 Florida Legislature, provided state authority for the development of a state coastal zone management plan involving ".. coordinated effort of interested federal, state, and local agencies of government...". At this point, it would seem appropriate to briefly address the level of federal/state interaction relative to Florida's coastal zone planning effort that occurred prior to participation in the federal CZM program.

The comprehensive nature of Florida's proposed coastal zone management program, coupled with the expressed intent to build upon existing authorities and programs, mandated a major commitment to program coordination. This coordination effort began in early 1971, when the Coastal Coordinating Council (now the Bureau of Coastal Zone Planning) initiated contacts with a number of federal agencies. The primary thrust behind this coordination effort was threefold:

1. To delineate specific programmatic responsibilities and authorities of federal agencies within Florida's coastal zone;

2. To identify federal sources of information and technical data useful to Florida's CZM planning program; and

3. To evaluate federal regulatory authorities within the coastal zone that could be interfaced with existing state and local regulatory authorities to best achieve the purposes of coastal management.

During the period between 1971 and the initial participation in the federal CZM program in 1974, coordination was accomplished with some 23 federal agencies, two U. S. Senators, and 10 U. S. Representatives. Additionally, copies of all publications generated by the coastal zone planning program were sent to these Congressional and federal contacts for review and comment. (See Appendix I-1).

In October 1974, Florida's coastal zone planning program began formal participation in the Congressionally authorized federal CZM program. Involvement in the federal program brought Florida not only some additional federal funds for coastal zone planning, but some specific federal coordination requirements as well.

One of the major challenges has been to identify those federal agencies with specific programmatic interests and responsibilities that would have to be addressed in a state coastal management program. Additionally, many of these federal agencies conduct their activities in concert with one or more state agencies (e.g. EPA-DER). The establishment of coordination networks with federal agencies, therefore, is not only essential to the inter-facing of state CZM elements with on-going federal activities, but is often a required ingredient for the successful coordination with other state agencies. In recognition of the necessary level of federal/state interaction required of a state CZM program, a program coordination section has been established within the Bureau of Coastal Zone Planning. The primary objective of this section is to establish and maintain effective coordination linkages with interested and affected agencies and individuals and to insure their full participation in the coastal zone planning and management process.

Rules and regulations promulgated pursuant to the Coastal Zone Management Act of 1972 (P.L. 92-583) contain a number of references to the need for substantive state/federal interaction. Perhaps the most comprehensive statement regarding the necessity for federal coordination is contained in Section 923.31(2) CFR, which requires that state CZM programs provide "opportunity for full participation by relevant federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, public and private." Within the confines of this rather broad directive, the federal Act and supportive rules and regulations specify five elements that necessarily involve extensive state/federal interaction. These five elements address:

1. "excluded federal lands." and the consistency of federal actions within these areas relative to an approved state CZM plan;

2. consideration of the national interest in facilities siting when the impact is of greater than local concern;

3. the strengthening of cooperative mechanisms for state/federal consultation in areas of key mutual concern;

4. the location and utilization of existing information and data, to the extent applicable, rather than conducting unnecessary independent research; and

5. the establishment of a conflict resolution process for activities within the coastal zone.

Of these five elements, only the questions of "excluded federal lands" and the delineation of a conflict resolution process are perceived as being "new" federal coordination areas.

At the present time, federal coordination activities are proceeding very well. To date, coordination linkages with approximately eighty-five federal contacts representing twenty-seven federal agencies have been established. The major points of concern currently requiring extensive state/federal interaction revolve around the issues of "excluded federal lands," national security considerations, and CZM program consistency with federal programmatic responsibilities.

The "excluded federal lands" issue has been the subject of much discussion in the past, and holds the potential of requiring substantive state/federal interaction throughout the life of a state's CZM program. The underlying problem inherent in this issue is not one of physically inventorying and excluding federally-owned lands within Florida's coastal zone, but rather one of insuring that federal agency actions within these excluded areas are conducted in a manner consistent with an approved state CZM plan "to the maximum extent practicable" (CFR 920.11(c)). The rather nebulous language of this coordination requirement, ("to the maximum extent practicable") obviously allows much interpretive latitude. It is, therefore, vitally important that an attempt to clarify this issue with the major federal landholding agencies such as the Department of Interior and the Department of Defense be made. Toward this end, the Bureau of Coastal Zone Planning has communicated with all federal agencies holding lands within Florida's coastal zone, and has mapped all major federal landholdings.

A corollary issue that has surfaced as a result of the "excluded federal lands" discussions concerns the question of national security. Some federal agencies, primarily within the Department of Defense, contend that many of their activities are essential to national security, and, therefore, should be exempt from the consistency requirement of CFR 920.11 (c). Concurrence with this position, provided that those military activities deemed not directly supportive to national security will be subject to the "consistency" clause, is recommended.

No insurmountable conflicts with federal agencies appear to be looming on the horizon. This positive situation is undoubtedly due, in part, to the long-standing coordination linkages with key federal agencies. Every attempt has been made to keep these agencies abreast of state CZM activities that may potentially impact upon their congressionally mandated programs. In addition, all substantive federal comments received relative to the coastal zone planning program to date have been considered and integrated where possible. (See Appendix I-1).

Mechanisms used, or proposed to be used, to insure adequate state/federal coastal zone management interaction include the following:

1. A-95 Clearinghouse review and comment;

2. Direct agency contact, via document mailout, personal contact and discussion, and formal presentations;

3. Presentations to, and coordination with multi-agency organizations such as the Southeast Federal Regional Council;

4. Formal agreements between the state CZM agency and various federal agencies to ensure compatibility of state and federal efforts; and

5. Establishment of a formal conflict resolution procedure.

The necessity for including a formal conflict resolution process within a state's CZM plan is specifically addressed in CFR 923.4 of the federal rules and regulations. This process will be especially significant once the state CZM plan is in place. It will potentially be called upon to arbitrate jurisdictional questions between state and federal agencies and to settle differences arising from conflicting, competitive activities within the coastal zone. A more definitive discussion regarding the proposed conflict resolution process is perhaps in order, but due to the close interrelationship of this process with the proposed implementation structure, it must await further state policy-level actions. It would appear appropriate, however, to suggest examination of the A-95 process as a starting point in building a conflict resolution process.

In summation, state/federal interaction has been on-going since 1971, relative to Florida's coastal zone management program. It is not only a legal requirement, but a practical requirement that should be continually relied upon throughout both the development and implementation stages of coastal management. Achieving successful coastal management is analagous to the construction of a national rail system.

Many separate entities may construct miles of track, but unless someone has had the forethought to require gauge standardization, the end result might well be useless. Adequate state/federal interaction is necessary to good coastal zone management if we are to avoid building a narrow gauge rail system.

NOTE: As part of the coordination effort under the federal CZM program, Florida has provided information and materials to other states and to foreign countries interested in coastal zone planning. Appendix I-2 contains examples of letters that have been received from other states and countries requesting or in response to receipt of information concerning the Florida program.

Materials in Appendix I-1 provide examples of state/federal interaction during plan development.

CHAPTER IX

STATE/REGIONAL/LOCAL GOVERNMENT INTERACTION: EXECUTIVE SUMMARY

One of the hallmarks of the Coastal Zone Management Act of 1972 (P. L. 92-583) was the Congressional intent that units of state, regional, and local government would utilize the coastal management program as a vehicle for reasserting their rightful governmental perogatives and responsibilities. In short, this Act envisioned a state-level planning and management program that, via meaningful coordination, would involve all interested and affected governmental bodies within the management process. It is clear that Congress did not intend for the program coordination provisions of this Act to be mere "window dressing," as is too often the case. Two specific excerpts from the rules and regulations, which amply demonstrate this position are as follows:

1. "One of the most critical aspects of the development of state coastal zone management programs will be the ability of the states to deal fully with the network of public, quasi-public, and private bodies which can assist in the development process and which may be significantly impacted by the implementation of the program." (923.30 CFR)

2. "Section 306 (P. L. 92-583) requires that: Local governments and other interested public and private parties must have an opportunity for full participation in the development of the management program: the state has coordinated with local, areawide, and interstate plans; and, the state has established an effective mechanism for continuing consultation and coordination with local governments and other units to insure their full participation in carrying out the management program." (920.14 CFR)

The program coordination requirements contained in the Coastal Zone Management Act of 1972 serve only to reinforce the on-going coordination effort of the Florida coastal zone planning program. Chapter 370.0211 (F.S.), which preceded the federal Act by some two years, specifically directs the coastal zone planning agency "To review, upon request, all plans and activities pertinent to the coastal zone and to provide coordination in these activities among the various levels of government and areas of the state." This statute also requires that a clearing service be provided for coastal zone matters by collecting, processing, and disseminating pertinent information relating thereto. These two legislative directives have provided the opportunity to coordinate and assist state

agencies, regional planning organizations, local government, and other public and quasi-public entities.

The importance of proper program coordination was recognized early in the planning program and one full-time position was established to accomplish these activities. In 1974, with the advent of federal funding, a second coordination position was added. During the last two years, coordination links with nine regional planning councils, most of the thirty-eight coastal counties, five water management districts, fifteen deepwater ports, and numerous coastal municipalities have been initiated. (See Appendix J)

The level of coordination that has been achieved to date embraces both the letter and spirit of the governmental involvement provisions of Chapter 370.0211 (F.S.) and P. L. 92-583. A brief synopsis of the various levels of governmental coordination are discussed in the following sections.

STATE-LEVEL COORDINATION

The primary focus of the federal CZM program is on the development and implementation of state coastal zone management plans. Section 303 of the federal Coastal Zone Management Act clearly states the Congressional intent of this Act, which is "... to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and aesthetic values as well as needs for economic development...". While recognizing the important management roles played by other governmental entities, this Act places the major responsibility for achieving sound coastal management squarely upon the shoulders of state government. Therefore, the establishment and maintenance of state agency coordination links is of highest priority.

The coordination relationships with state agencies have been on-going since 1970. As a result of this long-standing and substantive interaction conducted pursuant to the provisions of Chapter 370.0211 (F.S.), Florida's coastal zone management program more thoroughly addresses state agency goals, objectives, and responsibilities than is the case for any other level of government. Substantive state-level coordination activities conducted under the auspices of the state and federal legislation include the following:

1. Participation in permit meetings of the Trustees of the Internal Improvement Trust Fund and the

Department of Pollution Control for projects proposed within the coastal zone,

2. Participation in the A-95 Clearinghouse review process and weekly A-95 Clearinghouse meetings,

3. Participation on the Inter-Agency Planning Committee for Endangered Lands,

4. Participation on Inter-Agency Committee for State Wilderness Areas, and

5. Provision of coastal management project review and technical data assistance, upon request, to various state agencies and legislative committees.

In addition to these long-standing coordination functions, several other state-level activities requiring close coastal management interaction have materialized since mid-1975. These activities include:

1. Passage of the Local Government Comprehensive Planning Act of 1975,

2. Completion of several draft elements of the "State Comprehensive Plan,"

3. Establishment of a State "Inter-Agency Advisory Committee on Coastal Zone Management,"

4. Creation of a Governor's Task Force on Coastal Zone Management, and

5. Establishment of direct contractual relationships, relative to Florida's developing coastal zone management program, with the Division of State Planning, the Department of Environmental Regulation and the Attorney General's office.

A more detailed discussion of these activities is in order, due to the significant nature of these five activities to Florida's coastal management program.

1. Local Government Comprehensive Planning Act - The Local Government Comprehensive Planning Act of 1975 (LGCPA) holds the promise of becoming a major tool in the effective development and implementation of Florida's coastal management program. Various provisions of this Act have reinforced the necessity of establishing close coastal management coordination contacts with state agencies, regional planning agencies, and local governmental bodies. At the state level, the Bureau of Coastal Zone Planning has worked cooperatively with the Division of State Planning and the Department

of Community Affairs in providing planning assistance and supporting data to local governments within the coastal zone. The Bureau has also reviewed all submitted local comprehensive plan elements within the coastal zone, particularly the required "coastal protection" elements. Written review comments have been provided to the Division of State Planning as well as the initiating local governmental body. This LGCPA review function is on-going, and represents one avenue toward achieving consistency between local planning efforts and the developing state coastal zone management plan. The Act does not, however, require local governments to conform with the consistency review comments submitted by the state coastal management agency. This is an inherent weakness in the LGCPA, which could result in built-in conflicts between locally adopted plans and the state CZM plan. Federal program guidelines will require rectification of this situation prior to approval of Florida's "306" submission.

2. State Comprehensive Plan - During the last eighteen months, several draft elements of the State Comprehensive Plan have been developed by the Division of State Planning and circulated for review. The Bureau of Coastal Zone Planning has participated extensively in this review process. Various elements, such as the "Land Development", "Agricultural", and "Economic Development" elements have received special attention, and substantive review comments have been provided to the Division of State Planning. This review process has resulted in an increased compatibility between the draft state plan elements and the developing state coastal management plan. It is anticipated that the Bureau will continue to work closely with the Division of State Planning throughout the developmental stages of the State Comprehensive Plan. This program interaction should result in a minimization of potential conflicts between these two management documents, and eventually enhance the goals of coastal management.

3. State Interagency Advisory Committee on Coastal Zone Management - In October 1975, the Department of Natural Resources established a State Interagency Advisory Committee on Coastal Zone Management. Committee membership consists of designated representatives from each state agency having an identified program responsibility within Florida's coastal zone. This committee was established as a formal means of securing state agency input into the state coastal management program.

   The Committee has met on a monthly basis since October 1975, and has greatly assisted the Bureau of Coastal

Zone Planning in the development of the draft document "Suggested State Objectives, Policy and Criteria for Coastal Management in Florida." This Committee has also substantively reviewed other documents generated by the state coastal management program, and has discussed at length CZM issues such as management boundaries, "306" management alternatives, and geographic areas of particular concern. The Committee has been invaluable as an informal conflict resolution forum during the development of the "Suggested State Objectives, Policy and Criteria for Coastal Management in Florida."

4. Governor's Task Force on Coastal Zone Management - In October, 1976, Governor Askew signed Executive Order 76-44, which created a coastal management Task Force. This Task Force has been charged with the responsibility of recommending to the Governor, prior to the 1977 Legislative session, a proposed legislative package for the creation of an "acceptable" CZM managerial network. To date, the Task Force has convened on three separate occasions, and appears well on its way toward recommending a state-level "306" management structure. Various state agencies, including the Department of Natural Resources; the Department of Environmental Regulation; the Department of Administration, Division of State Planning; the Department of Commerce; and the Department of Community Affairs have made formal presentations to the Task Force. Local governmental representatives and private special interest groups have also addressed the Task Force.

   The final Task Force recommendations, followed by specific legislative and/or executive action, will form the cornerstone of Florida's coastal management program. Many federally required details, such as the delineation of a conflict resolution process, must necessarily await a decision as to the "306" management structure.

5. State Agency Contracts - The Bureau of Coastal Zone Planning is currently working toward the development and execution of contracts with the Department of Environmental Regulation, the Division of State Planning and the Attorney General's office to fulfill work tasks authorized by the federal Office of Coastal Zone Management as part of Florida's third year CZM program. The purpose of the contracts is to allow these key management agencies (DER, DSP) to evaluate their programs relative to implementation of the state coastal zone management plan. The Attorney General's office will review the developing state CZM plan for legal sufficiency.

On the whole, it appears that the current level of state coordination is sufficient to satisfy the minimum federal requirements established pursuant to P.L. 92-583. It is not, however, sufficient to ensure that sound coastal management principles are considered in day-to-day state level management decisions. This matter will require further attention once a proposed coastal zone management implementation framework is established.

Successful completion of the state CZM program should include the following coordination activities by the designated management agency.

1. Continuation of the A-95 review and comment process,

2. Continuation of the State Interagency Advisory Committee on Coastal Zone Management,

3. Direct consistency review and comment on all state permit decisions within the coastal zone,

4. Continuation of review and comment on various developing elements of the State Comprehensive Plan.

5. Continuation and expansion of CZM consistency reviews of projects proposed by state agencies within Florida's coastal zone, and

6. Continuation of LGCPA Plan review and comment.

The accomplishment of the above-referenced coordination tasks will put Florida well on the road to realization of a good coastal management program at the state level.

In addition to these state coordination efforts, special attention should be given to the establishment of legislative linkages. This particular program coordination activity represents one of the specific requirements for state CZM program approval, as established by the federal Office of Coastal Zone Management. The newly established Coastal Zone Select Subcommittee of the House Governmental Operations Committee is a step toward satisfying this federal requirement. (See Appendix J) Creation of a similar body within the Senate would effectively complete the necessary legislative coordination network.

REGIONAL INTERACTION

Coordination and interaction with regional governmental entities, especially regional planning agencies, has been, and should continue to be an important activity of the state coastal zone management program. (See Appendix J) As creatures of local government, the regional planning councils (RPCs) serve as sources of professional planning expertise, and provide a direct link to local governmental bodies.

Beginning in October, 1974, contractual work programs were initiated with the nine regional planning councils within the coastal zone. Since that time, the regional planning councils have been continually involved in coastal management activities. These activities include the following:

1. Establishment of regional Coastal Zone Management Citizens' Advisory Committees - Each RPC was contractually obligated to set up a citizens' advisory committee representing the various coastal interests within their region. These committees meet at least once every two months, and usually once a month.

   One of the primary purposes of these committees is to assist in the development of a "workable" state coastal zone management plan. To this end, each of the nine regional advisory committees has developed draft CZM policy documents reflecting the goals, objectives and aspirations of their particular regions. These committees have also reviewed and commented on all work products developed by the Bureau of Coastal Zone Planning and regional planning agencies under the auspices of Florida's coastal management program. This interaction has resulted in the development of a more viable coastal zone planning approach and has produced a greater awareness of the goals of coastal management at the local level.

2. Collection and assimilation of baseline CZM data - During the first two contract years, the RPCs collected, analyzed and assimilated a great deal of coastal baseline data. Working in partnership with the Bureau, the regions gathered information regarding population, economics, support services, land use, land ownership, legal structure, deepwater ports, and OCS onshore impact. This data has been mutually beneficial to the Bureau of Coastal Zone Planning, the regional planning councils, and to units of local government. In essence, the RPC's have created a comprehensive regional data base, having wide utility, and at the same time, have assisted the Bureau in the development of a coastal zone management process.

3. Local government assistance - One of the benefits derived from RPC involvement in the CZM program has been the development of regional coastal management expertise. Contractual arrangements between the Bureau and the RPCs strongly encourage the regions to utilize this expertise in assisting local governments with coastal management problems. This expertise is also of benefit to other regional programs, such as DRI review of projects within the coastal zone.

4. Public information programs - One of the tasks undertaken by the RPCs has been to conduct public information programs on coastal zone management. The forums for these presentations have included county public meetings, workshops, presentations to county commissions, and presentations to private interest groups and civic organizations. This work element is anticipated to greatly intensify during the next year.

All of the RPCs have specific program activities which should be recognized and incorporated into Florida's coastal zone management program. Some of their major program activities that bear directly upon CZM include:

1. DRI review and comment;

2. Local government planning assistance; and

3. Regional A-95 Clearinghouse coordination and review.

The RPCs should be considered as full participants in any coastal zone management program formulated by state policy makers. The regions will be especially important to the "306" management program from the standpoint of providing regular planning updates, conducting CZM consistency reviews, and serving as a formal part of the required conflict resolution process. The RPCs should also continue an active citizen participation program, as well as continue the programs of local government assistance.

Other regional governmental entities with management responsibilities and authorities within the coastal zone, such as water management districts, must be incorporated into the state CZM program. The Bureau has previously initiated coordination activities with these bodies, but the present degree of interaction must be increased if these important management agencies are to be fully integrated into the state CZM network.

LOCAL GOVERNMENT INTERACTION

The greatest opportunities for effective coastal zone management reside within local governmental structures. Florida's "home rule" provisions allow local governments to exercise a wide array of resource management authorities except in areas specifically exempted by state statutes. Additionally, county and municipal governments are often in the best position to properly gauge local resource management goals and objectives.

The Bureau has targeted local government coordination as a priority item in recognition of the potential role local governments may play in the state CZM program. This priority consideration, however, does not imply an absence of previous

local government coordination by the Bureau. It does imply that previous program interactions have not been commensurate with the opportunities available at the local government level.

In the past, the Bureau has made contacts with practically every coastal county commission, and many municipal governments. These contacts have been made via direct CZM presentations, provision of technical data and planning assistance, and active participation in the regional CZM Citizens' Advisory Committees. Examples of local government interaction include Sarasota and Franklin counties and the City of Clearwater. (See Appendix J)

As Florida moves toward finalization of the State Coastal Management Program every effort should be made to foster local government involvement. In keeping with this proposal, the Bureau is attempting to secure federal funds from OCZM that can be passed through to coastal counties. This money could then be utilized by the counties for the development of local CZM plans. This local planning effort would also satisfy many of the requirements outlined in the Local Government Comprehensive Planning Act of 1975.

Local government should be considered as potential recipients of "306" management funds as the state enters the implementation stage of its coastal zone management program. This action would be consistent with the overall management authorities present at the local level. Every effort should be made to strengthen local governments' ability to actively participate in matters such as conflict resolution, consistency review, and compliance monitoring. Additionally, local governments possess management tools, such as zoning and eminent domain, which could be used as a valuable adjunct to effective coastal management.

Other local governmental and quasi-governmental bodies, such as port authorities, must also be integrated into the overall coastal management process. The Bureau has initiated contacts with all of Florida's deepwater ports, and communicates regularly with their operational bodies (See Appendix J). The important role ports and other similar facilities play in maintaining Florida's economic well-being is well recognized. These water dependent facilities are also subject to direct impact from any adopted state CZM plan, and it is essential that the opportunity for full participation in the planning and management process be afforded these entities.

Note: Materials in Appendix J provide examples of state/regional/local interaction during plan development.

CHAPTER X

ORGANIZATION AND AUTHORITIES: EXECUTIVE SUMMARY *

INTRODUCTION

Before a management program for the coastal zone of Florida can be approved by the federal government, the state must demonstrate that it is capable of implementing such a program. The internal organization and legal authorities must be in place and operable upon federal approval (Office of Coastal Zone Management Threshold Papers (TP#6&7). See Appendix A). The Bureau of Coastal Zone Planning (DNR) has been actively involved in working toward compliance with the organization and authorities requirements. The threshold documentation requirements (TP#6&7) include:

1. An inventory of the constitutional provisions, laws, regulations and judicial decisions which constitute the legal basis for management of the state's coastal zone.

2. An identification of the assigned responsibilities of various state, regional and local bodies in administering the program, including submission of documents delegating and assigning the needed authorities to appropriate agencies.

3. A description of how the program would operate, including "walk-through" examples of how specific projects would be regulated under the program.

4. A certification in letter form signed by the Governor indicating that he has reviewed and approved the program, that the state has the authorities and organization needed to carry out the program, and that the state as a matter of policy is committed to implementing the program's terms and policies.

5. A description of how the federal consistency provisions would be operated by the state including specific "walk-through" examples for individual federal actions, development projects, licenses, permits or financial assistance.

* Prepared by the DNR Legal Section with the assistance of BCZP staff.

AUTHORITIES

Section 305(b)(4) of the Coastal Zone Management Act (CZMA) requires that the state's coastal management program include an "identification of the means by which the state proposes to exert control over the (permissible land uses and water uses within the coastal waters), including a listing of relevant constitutional provisions, laws, regulations, and judicial decisions." The authorities mandate is also found in Section 306(c)(7) of the CZMA, which requires that the state have "the authorities necessary to implement the program, including the authority required under (Section 306(d))."

INVENTORY OF AUTHORITIES

The Center for Governmental Responsibility, Holland Law Center, University of Florida, under contract with DNR has prepared two significant research reports toward fulfillment of the authorities requirement. One report, published in three volumes in June 1976, is Compilation of Laws Relating to Florida Coastal Zone Management (See Appendix K). The report is an inventory consisting of a brief summary of the laws, including constitutional provisions, statutes, regulations and court opinions, and a description of the impact of the law on the coastal zone. The first volume contains federal and state laws. The second and third volumes contain local laws arranged by region.

A companion report, published in one volume in October 1976, by the Center for Governmental Responsibility, is Analysis of Laws Relating to Florida Coastal Zone Management (See Appendix L). That report analyzes federal, state and local laws, discusses how those laws could affect the management program, and makes some recommendations for change in the existing legal structure.

The topics used for compiling the inventory of laws and analyzing the laws were as follows:

1. Conservation of Living and Non-Living Resources
2. Environmental Quality
3. Coastal Hazard Prevention and Protection
4. Recreation and Beach Access
5. Land Use Regulation
6. Energy Siting
7. Port Operations, Waterways and Navigation

8. Mineral Resource Development

9. Water Resource Development

10. Economic and Development Assistance

11. Indirect Impact

These topics were selected because they cover the types of land and water uses significant to the coastal zone.

A document which ties together existing legal authorities and policies to be implemented in the coastal management program is Suggested State Objectives, Policy and Criteria for Coastal Management in Florida prepared by DNR's Bureau of Coastal Zone Planning in cooperation with the State Interagency Advisory Committee on Coastal Zone Management (See Appendix C). The policies, having been based on existing laws and regulations, can for the most part be implemented under existing authorities. A table of "Primary Authorities to be Utilized" to implement the policies is a part of the policy document, pages 11-13. The policy document also includes charts of the three categories, preservation, conservation, and prime agricultural and development, indicating what existing state regulatory support and controls can be brought to bear in carrying out the policies assigned to the various subcategories. The preface to the policy document does recognize the existence of potential legal deficiencies, but points out that these may be addressed as part of the ongoing management program.

SPECIFIC AUTHORITIES REQUIRED

Section 306(d) of the CZMA places the following authorities mandate on the state:

"Prior to granting approval of the management program, the Secretary shall find that the state, acting through its chosen agency or agencies, including local governments, areawide agencies designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, regional agencies, or interstate agencies, has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power--

(1) "to administer land and water use regulations, control development in order to ensure compliance with the management program, and to resolve conflicts among competing uses; and

(2) "to acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program."

Authorities to administer land and water use regulations and to control development are abundant in Florida. For a comprehensive analysis, see Appendices K and L, which are the inventory and analysis of laws prepared by the Center for Governmental Responsibility. No single agency has all the required authorities. The federal regulations governing the CZMA point out, however, that it is "clear that the State may choose to administer its program using a variety of levels of governments and agencies" (15 CFR Sec. 923.24).

Authority to resolve conflicts among competing uses is not so clear as other authorities. Conflict resolution provisions ought to be made a part of draft legislation to support the coastal zone program.

Property acquisition authority resides mainly in local governments although DNR is authorized under Florida Statutes, Chapters 253, 259, 592, and 375 to acquire interests in land. The power of eminent domain, however, lies primarily with local governments, with some exceptions. Because the CZMA requires, when necessary, more than the mere authority to purchase lands or waters from a willing vendor, the power of condemnation is essential (15 CFR Sec. 923.25). It is expected that local governments would be relied upon in large measure where the implementation of policies requires condemnation.

ORGANIZATION

Section 305(b) of the CZMA requires that the state's coastal management program include a "description of the organizational structure proposed to implement such management program, including the responsibilities and interrelationships of local, areawide, state, regional, and interstate agencies in the management process." The organization mandate is also found in CZMA Section 306(c)(6).

An initial step toward describing a proposed organizational framework is a study of existing governmental organization at all levels, federal, state and local. Such a study, prepared by the Bureau of Coastal Zone Planning, entitled Overview of Existing Governmental Roles and Responsibilities, is attached as Appendix M. Based upon that study, four coastal management options were considered. These options included designation of either the Department of Natural Resources (DNR), the Department of Environmental Regulation (DER), the Department of Administration (DOA) or an interagency commission as the state coastal management authority. Of these four alternatives, the preferred choice of the Department staff is that the Department of Natural Resources be designated the state coastal management authority.

SINGLE AGENCY DESIGNATION

Section 306(c) of the Coastal Zone Management Act requires that the Governor have "designated a single agency to receive

and administer the grants for implementing the management program" before a state's program will be approved. The purpose of single agency designation is to identify what agency will be fiscally and programmatically responsible for receiving and administering Section 306 grants (15 CFR Sec. 923.23). The threshold paper, TP 6 & 7, lists the following capabilities a single agency must have: (1) fiscal and legal capability to accept and hold Section 306 funds, to make contracts and "pass-through" grants and similar agreements with other agencies, and to disburse Section 306 funds to other agencies; (2) administrative capability to monitor systematically and evaluate the work of other agencies and local governments with specific coastal management responsibilities regardless of whether they receive Section 306 funds; (3) capability of accounting to the federal government on adherence to the management program. DNR presently has these capabilities although the capability to monitor and evaluate work of other agencies and local governments could be strengthened to make it mandatory.

DNR staff has submitted to the Governor's Task Force on Coastal Zone Management a rationale for receiving the single agency designation. See Appendix N, entitled DNR Presentation on Section 306 Lead Agency Designation for the Governor's Task Force on Coastal Zone Management, December 7, 1976. Similar written presentations were submitted to the Task Force by DER and DOA.

TECHNIQUES FOR CONTROL

Section 306(e) of the Coastal Zone Management Act requires that a state's management program provide "for any one or a combination of the following general techniques for control of land and water uses within the central coastal zone":

(A) "State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance;

(b) "Direct state land and water use planning and regulation; or

(C) "State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any state or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings."

Techniques (A) and (B) would be the major techniques of control utilized. Technique (C) is presently viewed as unrealistic.

Inasmuch as the authorities for implementing the policies of the coastal management program are fragmented in Florida among various state agencies and local governmental agencies, the most suitable approach for Florida is to define an organizational network which utilizes more than one of the above techniques of control. State and local government entities would continue to carry out their existing responsibilities. The new factor introduced by the coastal zone management program is accountability by all governmental entities as to the consistency of their exercise of authorities with the coastal zone management policies.

The Department of Natural Resources has prepared a general outline of what the organizational framework might look like in Florida (See proposed organizational chart, Figure 1). The chart identifies proposed linkages or "interrelationships between local, areawide, state, regional and interstate agencies" as required by Section 305(b)(6) of the CZMA. Also shown are linkages with the federal government, with the state legislature, and with the public through citizens' advisory committees at local, state and regional levels. Conflict resolution could be handled through an administrative appeals process as diagrammed in Figure 2.

Central to the organizational structure proposed is the belief that ultimate authority in coastal zone management decision-making ought to reside in the Governor and Cabinet as the body which unifies the fragmented executive branch of Florida government and as the body which gives the people of Florida the broadest opportunity for representation in the administration of the coastal zone management program. Another principle recognized in the development of the proposed organizational structure is that local governmental entities ought to be allowed maximum participation in the implementation phase.

FEDERAL CONSISTENCY

Sections 307(c) and (d) of the CZMA contemplate including federal consistency provisions in a state's management program. Basically, the CZMA makes it incumbent on federal agencies to conduct only those activities in the coastal zone which are, to the maximum extent practicable, consistent with the state's approved management program.

Under Section 307(c), any applicant for a federal license or permit to conduct an activity that would affect land or water uses in the coastal zone, and any person submitting a plan to the Department of Interior for the exploration, development or production of any area leased under the Outer Continental Shelf Lands Act which is in the coastal zone, must submit to the federal licensing or permitting agency or Department of Interior a certification that the proposed activity will be consistent with the management program. The applicant must simultaneously

Figure 1

Proposed Organizational Chart

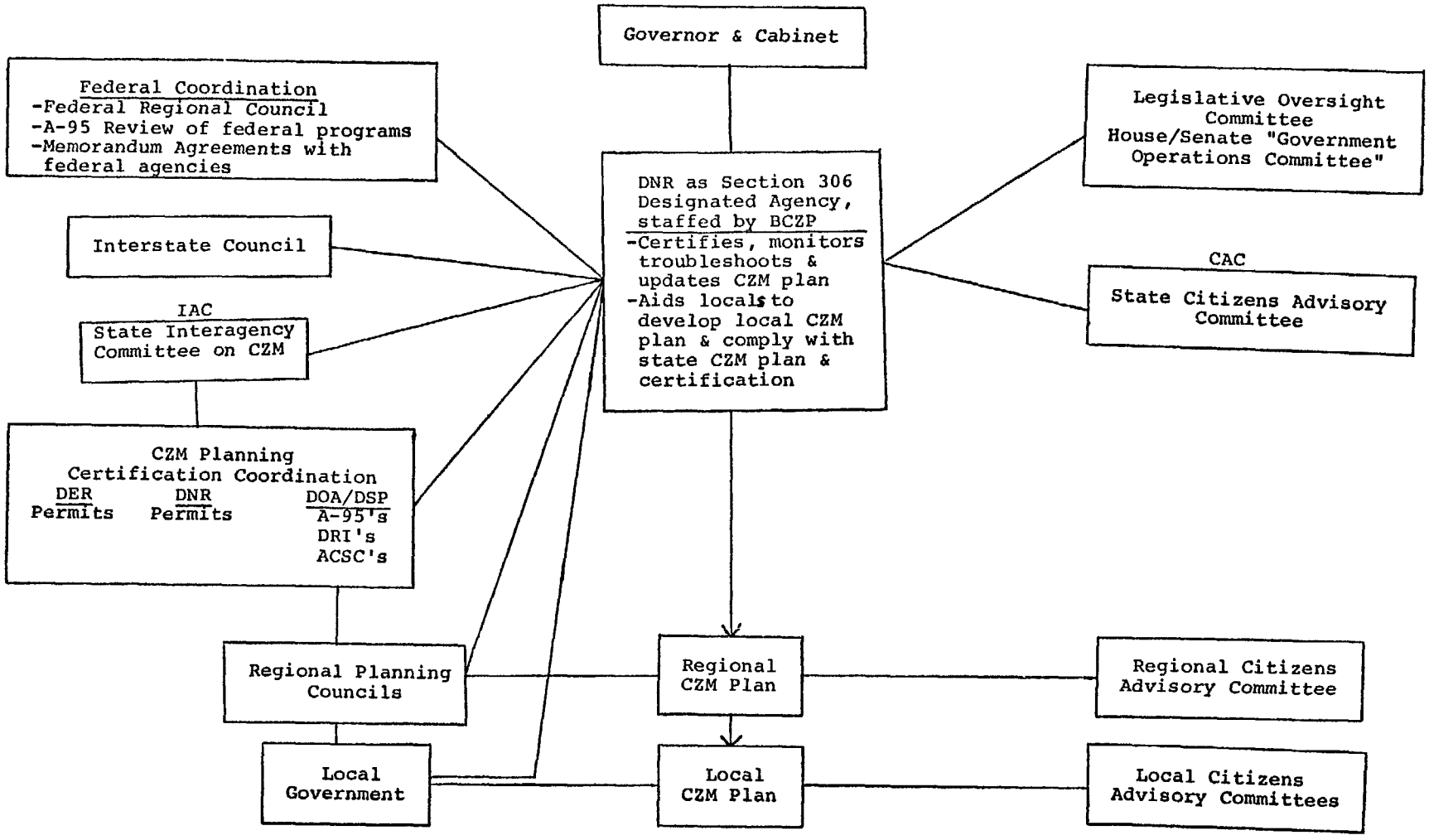
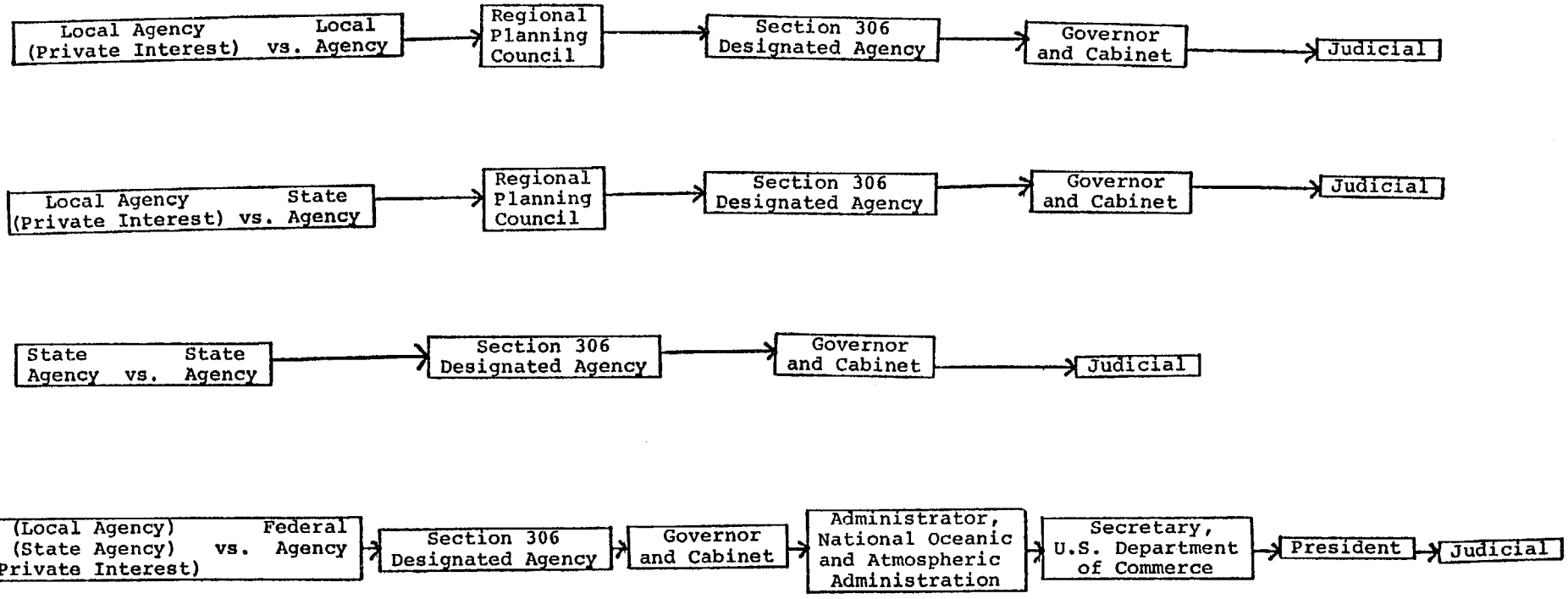


Figure 2

Proposed Conflict Resolution and Appellate Processes



furnish the state or its designated agency a copy of the certification. If the state or its designated agency does not notify the federal agency concerned that it objects to or concurs with the applicant's certification within six months, the state's concurrence is conclusively presumed. Procedures are required to be established in the state for public notice of all certifications and, to the extent deemed appropriate, procedures for public hearings in connection with certifications (CZMA, Section 307(c)(3)(A)). Although these procedures for public notice and public hearings are not currently in place, the Department of Natural Resources does have broad legislative authorization to adopt rules which might arguably encompass this subject (Fla. Stat. Sec. 370.0211(4) and (7)). More likely, however, additional legislation would be required.

Under Section 307(d), any state or local government applying for federal aid under programs that will affect the coastal zone must indicate whether the appropriate state or local agency views the proposal as consistent with the state's management program.

The appropriate state agency to respond to or comment on the consistency of proposed projects involving the federal government through licensing, permitting or financial assistance would be the state agency designated as the Section 306 agency.

EXAMPLES

The threshold paper on organization and authorites, TP #6 & 7, requires "walk-through" examples of how specific projects would be regulated, including examples of how the federal consistency provisions would operate in connection with federal actions, development projects, licenses, permits or financial assistance.

A. Example #1: Onshore Support Facilities for Offshore Oil and Gas Production

Onshore port facilities, pipelines for transporting oil and gas onshore, onshore terminal facilities, and offshore terminal facilities and ports to receive the oil and gas are regulated and controlled by a number of state laws and agencies. The Department of Environmental Regulation (DER) would be involved regarding the permitting of construction and dredge and fill activities. The Department of Natural Resources (DNR) would be responsible for leasing the submerged lands or water column, for permitting pipeline installation or onshore facilities construction which is either below the mean high water line or seaward of the coastal construction setback line, for monitoring the pipeline, and for registering the terminal facility. If the facilities are considered to be developments of regional impact, the Department of Administration (DOA) would be involved, as would local government and regional planning councils. Local

government may also be involved through the use of their zoning powers. The federal government may become involved through the Federal Water Pollution Control Act, the National Environmental Policy Act and the Clean Air Act. Federal consistency provisions would come into play with respect to the leasing of outer continental shelf lands and with respect to federal licensing and permits required under the federal acts. Florida's designated Section 306 agency would play an active role in commenting on any such federal license or permit affecting the coastal zone as a prerequisite to its issuance.

B. Other Examples

Other examples currently under study include (1) the development of a salt-water marina; (2) the development of a coastal building project such as a hotel; (3) the development of a public recreation area on the coast. No small number of examples could possibly devote attention to all the federal, state and local authorities that can be brought to bear, but a proper selection of categories of development should provide the necessary overview.

CONCLUSION

The Department staff is working on the premise that DNR ought to be the single agency designated under Section 306. This premise is based on a number of reasons:

1. DNR has been responsible for developing the coastal zone management program (Fla. Stat. Sec. 370.02(3)(g) and .0211).

2. DNR is presently authorized to "carry out" the program as it develops (Fla. Stat. Sec. 370.02(c)(g)).

3. DNR exercises a plethora of legal authorities significant to the coastal zone, as noted in Appendices K through N.

4. DNR is responsible to the Governor and Cabinet as the ultimate authority. See Table A (Preservation Chart) of Appendix C (policy document) which states that "irretrievable commitments regarding (preservation) functions and values should be made only by elected officials."

5. DNR is interested in carrying out a coodinative role which allows existing governmental roles and responsibilities to remain essentially in place, except for strengthening responsibilities where needed, e.g., making mandatory presently voluntary roles.

6. DNR is committed to maintaining the integrity of local governmental involvement so long as it is tied into the state level for review for consistency with the coastal zone management program.

7. DNR has the fiscal and legal capability to receive and disburse funds, including subgranting to other governmental entities, e.g., contracts with DER, DOA and the Department of Legal Affairs, and Regional Planning Councils.

8. Reorganization tends to create confusion and delays which would hinder the smooth implementation of a management plan.

9. The coordination and planning process ought to be housed outside the most identifiable environmental permitting agency in order to promote credibility in objective decision-making (See 16 William and Mary Law Review 747, 768 (1975)).

CHAPTER XI

ON-GOING CZM PROGRAM: EXECUTIVE SUMMARY

INTRODUCTION

The federal Coastal Zone Management Act affords the State of Florida as well as other coastal states the opportunity not only to provide for the preservation, protection and development of our coastal lands and waters, but also the means by which the state and local government can regain control of the relevant actions of federal agencies. Once the state's coastal zone management program is developed by Florida and accepted by the federal government, by law the actions of any federal agency, with few exceptions, must be consistent with the state program. The consistency requirement will also be applicable to any other private or governmental unit that seeks any federal permit, license or financial support. If Florida is to take advantage of the opportunity presented, the state's coastal zone management effort over the next two years will be transitional in nature and will require the complex involvement of diverse entities. Fundamental management decisions will have to be made.

The Florida program, to date, has developed comprehensive baseline data, inventories and summaries of the physical and social/economic characteristics of the coastal zone as well as the existing plans and controls for the interface of these characteristics. Utilizing this basic information, the short-term objectives of the on-going program must be the involvement in program development of all affected entities and the selection and adoption of the organizational structure and authorities to implement a unified coastal zone management program in Florida. For continued federal support, the resulting program must meet general federal guidelines and be considered acceptable by the federal government by October of 1978. If the program is acceptable but requires additional legislative action to be complete, the state may apply for "305½" status for one additional year of federal planning money. Because of review and possible amendment requirements, as well as performance requirements of many levels and agencies of government, the basic architecture of the program should be completed by the summer of 1977.

Also to be considered in any discussion of on-going programs are the requirements for operating elements once the transition has been made from Program Development (Section 305) to Program Management (Section 306). The ultimate organizational structure and authority mechanisms that will be contained in an adopted coastal zone management program in Florida are unknown at this time. It is, thus, not practical to consider organizational responsibilities. Basic requirements and elements that must be contained in the program, however, are known and can be considered from the standpoint of functional responsibility.

In addition to the on-going efforts to take the coastal zone management program from the development stage into the implementation stage, other on-going efforts must be introduced to respond to this year's amendments to the federal Coastal Zone Management Act. These efforts include additional planning elements which are to be eventually included in the state's management program but need not necessarily be completed prior to program approval as long as the planning process for each has been established. The amendments also include separate but complementary programs that can provide significant benefits to Florida.

PROGRAM DEVELOPMENT (Section 305)

The completion of the development of the Florida coastal zone management program will take the concerted and coordinated efforts of some 300 local governmental units, ten regional planning councils, adjacent states and most of the agencies of the state and federal governments as well as participation by concerned nongovernmental individuals and organizations. There are a multitude of details to be completed. These have been documented and are available to interested parties. In this summary, only major tasks and responsibilities required to meet minimum federal requirements will be considered. To the extent possible, they will be considered in relation to the participating agency/unit as defined in the federal grant application.

The Department of Natural Resources' Bureau of Coastal Zone Planning will shortly complete the necessary extensive and coordinated studies and planning to form a solid foundation upon which a management structure can be based. The basic work completed is considered one of the most comprehensive in the country. In addition to the efforts required to support the amended Coastal Zone Management Act discussed elsewhere, DNR has a prime responsibility for the successful transitional effort since it is the Governor's designated 305 program development agency and the prime contractor with OCZM on this phase.

In addition to program development administration and the necessary documentation for the management program adoption and approval, the BCZP's on-going program requires support elements. Perhaps the most important element during the transition period is the coordination effort with the public and all levels of government. Drawing on the extensive coastal zone library, baseline data and in-house expertise, assistance and review capabilities must be provided by all affected by and involved in the Florida coastal zone. That capability must be continually improved through data update, development of state-of-the-art techniques and research. The state's needs as well as problems,

issues, objectives, and policies for the coastal zone must be finalized. The method of impact assessment of activities in the coastal zone will be documented. An Environmental Impact Assessment for the management plan will be required. The BCZP will also need to provide for an on-going program during the period of federal review after submission of the state's CZM Plan. It must necessarily include the mechanism to respond to comments and change requests by any and all federal agencies.

Most state agencies have been and are involved in the Florida CZM effort via the State Interagency Advisory Committee on Coastal Zone Management. However, in addition to DNR, the DOA, DER, and the Department of Legal Affairs, Office of the Attorney General have specified work elements and have received federal funds for their completion in the third year 305 grant program. These are:

DEPARTMENT OF LEGAL AFFAIRS:

1. Review each completed draft segment of the coastal zone management plan for legal sufficiency in terms of compliance and conformity with applicable federal and state laws.

2. Interpret the Office of Coastal Zone Management's legal mandates as applied to Florida's analyses of roles and responsibilities of the various state and local governmental agencies.

3. Provide analysis of the University of Florida's existing legal inventory of state laws applicable to the coastal zone management program as well as any other legislation affecting the program including recent enactments of the Florida Legislature.

4. Provide day-to-day legal advice for development of the coastal zone management plan, including resolution of conflicting agency jurisdictions, determination of need for enabling legislation, and participation in drafting needed legislation.

5. Develop coastal zone management plan and program experience in anticipation of establishing 306-funded Coastal Environmental Law Unit.

DEPARTMENT OF ADMINISTRATION, DIVISION OF STATE PLANNING

1. Study and make recommendations on the adequacy of Developments of Regional Impact and Areas of Critical State Concern processes (Chapter 380, F.S.) for guiding developments of greater than local concern in the coastal zone.

2. Investigate the feasibility of utilizing regional planning agencies and local governments in the implementation of the state's coastal zone management program. Special attention would be given to the utilization of regional planning agencies in handling appeals.

3. Prepare reports and recommendations as needed to guide legislative budgetary decisions on programs by state agencies which would be helpful in implementing the coastal zone management plan.

DEPARTMENT OF ENVIRONMENTAL REGULATION

1. Analyze Chapters 403, 253, 381, and 373, Florida Statutes and the rules contained in Chapter 17, Florida Administrative Code (the Chapter pertaining to the Department of Environmental Regulation) for conflicts or compatibility with the Bureau of Coastal Zone Planning's "Suggested State Policy and Criteria for Coastal Management in Florida."

2. Study and make recommendations on how the regulatory process of the Department of Environmental Regulation can be linked into coastal zone management once the plan is adopted. This will include a proposed mechanism for state Coastal Zone Certification to the United States Army Corps of Engineers for dredge and fill projects.

3. Analyze the department's report under HR 4251 on coordinated state environmental permitting as it relates to the regulatory process in the coastal zone and to possible delegation of regulatory authority to local governments and the water management districts.

4. Coordinate water quality planning, water quantity planning, potable water supply, air quality planning and solid waste planning programs of the Department of Environmental Regulation with the coastal zone management development program.

5. Insure Section 201 planning for the construction of sewage treatment plants is coordinated with the CZM program.

Federal CZM rules and regulations place great emphasis on the early and continued involvements of the public and local and regional governments in the development of a CZM plan. In addition to the coordination and information dissemination by BCZP, much has and will be accomplished by pass-through funding to the regional planning councils and local government units. Regional planning councils have been providing for public participation and the local review and hearing requirements as well as doing some of the basic studies and analyses. The Florida Local Government Comprehensive Planning Act of 1975 provides a vehicle

for the assurance of the compatibility of local, state and federal CZM objectives, if it can be amended to provide for local compliance with state review comments as required by OCZM guidelines. The federal government will provide eighty percent of the funding for the development of the Local Comprehensive Plans if the plans are based on state guidelines and the local coastal zone management plans receive state certification for compliance with the comprehensive state CZM Plan. The Bureau of Coastal Zone Planning and the regional planning councils will provide technical assistance as required.

For the most part, Florida has in existence the knowledge and the tools and mechanisms for the management of the coastal zone. They are in place and, when properly applied, are working. These tools and mechanisms, however, are not integrated and are usually applied from the narrow agency mission standpoint rather than from the broader requirements of comprehensive management. The major task remaining to the development of a viable CZM program, and by far the most difficult, is the integration of state policies and mechanisms to manage the coastal zone with the development of an organizational and authority network that can effectively and efficiently implement the CZM program. This is the last major element requiring completion before the CZM program can progress from the development stage to implementation.

Upon final completion of all of the elements, the Department of Natural Resources will prepare a draft of the proposed CZM program for the review and approval of the Board of the Department of Natural Resources. Public hearings and agency reviews meeting specific federal guidelines will have to be held, perhaps resulting in the need for additional legislative or executive action. The Governor or his designated legal officer will need to document compliance with several specific items before formal submission of the Florida CZM program to the federal government for approval. Moreover, legislative action will probably be required to mandate the selected organizational CZM structure, to amend the Local Government Comprehensive Act and to consider a coastal wetlands protection act and a construction setback line for estuarine beaches.

Throughout this transitional phase, caution must be exercised. Independent or uncoordinated action can easily destroy one of the required elements of federal approval and set the program back many months or totally defeat it.

PROGRAM MANAGEMENT (Section 306)

Once the federal government has accepted the Florida coastal zone management program, the state will have the ability and means to satisfy the original legislative objectives in the creation of the Florida coastal zone legislation of 1970. The objective to comprehensively provide for both the protection and development

of the coastal zone is compatible with the federal policy stated in 1972. The unexpected advantage, not originally foreseen, will be the return of many of the federal decision processes to the state and local governments.

Coastal zone management touches on all aspects of private and governmental activities. Obviously, it cannot replace all government and control all activity, nor should it. It can, however, provide the network to integrate plans and efforts to the basic CZM objectives. The network of organizational structure and authorities is yet to be defined. Probably local and state agencies will maintain their basic responsibilities but will need to exercise them in a more coordinated and comprehensive way. There are basic requirements of an approved CZM program that can be considered from a functional if not organizational standpoint. These requirements may well be exercised by many different agencies and levels of government. For program management, the federal government anticipates funding at least 250 percent greater than that for program development.

The minimum requirements for the CZM program are similar to many of the elements of program development now being exercised by DNR's Bureau of Coastal Zone Planning plus the need for increased emphasis on consistency review/regulation and legal support. Minimum functional responsibilities are:

ADMINISTRATION

1. Program supervision.

2. Receive, sublet and administer state and federal CZM funds.

3. Measure program progress against established objectives.

4. Provide mechanism for continued consideration of national and state needs.

5. Develop mechanism for review, monitoring and refinement of the program in light of changing parameters.

6. Provide for periodic review by Governor, Cabinet and Legislature.

COORDINATION

1. Provide for coordination of concerned federal, interstate, state and local agencies.

2. Provide for continued public participation and education.

3. Provide informational services to all interested parties.

PLANNING

1. Program to recognize planning and program development is essentially a continuing process, requiring continuing review and update.

2. Provide planning assistance to local CZM efforts.

3. Review and provide assistance for Local Comprehensive Plans.

4. Provide for recognition and notice of program conflicts.

5. Plan for the siting and impact on the coastal zone of energy facilities.

6. Plan for coastal and beach preservation, protection and increased access.

TECHNICAL SERVICES

1. Improve data base and management capabilities through monitoring and adapting state-of-the-art techniques and research.

2. Provide a consulting mechanism and technical support, as needed, to federal, state, regional, county, and municipal agencies/planners.

3. Develop cooperative programs with air and water pollution control agencies.

4. Develop training program to insure CZM capabilities at all levels of government.

CONSISTENCY REVIEW

1. Provide for review and certification of consistency with state's CZM program of federal activity or any application for federal support, license, or permit.

2. Provide for assessment of consistency of proposed land and water uses with the Florida CZM program.

3. Provide for assurance that local activity does not restrict or exclude uses of regional benefits or the required needs of state and federal governments.

4. Provide for public hearings as required.

5. Provide mechanism for appeal of decisions.

LEGAL SUPPORT

1. Provide day-to-day legal services for the program.

2. Participate in hearings, appeals and legal defense as required.

3. Assist, where needed, in the acquisition of fee simple or less than fee simple interests in lands, waters and other property.

4. Attempt to recover damages to environmental or recreational resources from coastal energy activities.

5. Provide mechanism for loans, loan guarantees, and loan management for impacts of coastal-dependent energy activity development.

1976 AMENDMENT REQUIREMENTS

In 1976 the Coastal Zone Management Act was amended. The amendments included increased emphasis in three planning areas of program development, provided for an increase in time for program development and transition to the management phase, and introduced or expanded several programs complementary to the CZM program. The introduced "Coastal Energy Impact Program" is a particularly significant and controversial program and has the potential of many times greater federal funding support than that of all other CZM programs combined. It should be noted that the amended programs are tied to the CZM program but need not necessarily involve the same agencies. The amended planning items are to be completed by the agencies responsible for CZM program development irrespective of the status of or the responsible agency or agencies for program management.

PLANNING ELEMENTS

1. Define the term "beach" and develop a planning process for the protection of, and access to, public beaches and other public coastal areas of environmental, recreational, historical, aesthetic, ecological, or cultural value.

2. Develop a planning process for energy facilities likely to be located in, or which may significantly affect, the coastal zone, including but not limited to a process for anticipating and managing the impacts from such facilities.

3. Develop a planning process for assisting the effects of shoreline erosion (however caused) and studying and evaluating ways to control, or lessen the impact of, such erosion, and to restore areas adversely affected by such erosion.

INTERSTATE GRANTS

1. Coordinate state coastal zone planning, policies and programs with respect to contiguous areas of such states.

2. Study, plan and/or implement unified coastal zone policies with respect to such areas.

3. Establish effective mechanisms for the identification, examination and/or cooperative resolution of mutual problems with respect to marine and coastal areas which affect, directly or indirectly, the applicable coastal zone.

RESEARCH AND TECHNICAL ASSISTANCE (Training)

1. The federal government will conduct a program of research, study and training to support the general development and implementation of management programs.

2. Grants are available to states to carry out specific research, studies and training required with respect to CZM.

ESTUARINE SANCTUARIES AND BEACH ACCESS

1. Grants are available for acquiring, developing or operating estuarine sanctuaries, to serve as natural and human processes occurring within the estuaries of the coastal zone. The Rookery Bay and Apalachicola areas are being considered.

2. Grants are available for acquiring lands to provide for access to public beaches and other public coastal areas of environmental, recreational, historical, aesthetic, ecological, or cultural values, and for the preservation of islands.

COASTAL ENERGY IMPACT PROGRAM

1. Plan for the impacts in the coastal zone of any new or expanded energy facilities.

2. Provide loans and guarantees for the construction of new or improved public facilities or services required as a direct result of new or expanded Outer Continental Shelf energy activity.

3. Assistance possibly available to state and local government to prevent, reduce, or ameliorate unavoidable past or future environmental and recreational losses in the coastal zone resulting from specified coastal energy activity.

   NOTE: The coastal energy impact program is complex and controversial, still being interpreted by the federal government, and being challenged by several states.

CHAPTER XII: BIBLIOGRAPHY OF PROGRAM PUBLICATIONS

STAFF PUBLICATIONS

1. Coastal Zone Management in Florida - 1971
2. Coastal Zone Management in Florida - 1972
3. Coastal Zone Management in Florida - 1973
4. Coastal Zone Management in Florida - 1974
5. Florida Coastal Zone Management Atlas. (1972)
6. Florida Keys Coastal Zone Management Study. (1974)
* 7. Florida Regional Coastal Zone Management Atlas. (1976)
8. Escarosa: A Preliminary Study of Coastal Zone Management Problems and Opportunities in Escambia and Santa Rosa Counties, Florida. (1971)
9. Unofficial Composite: General Permitting Procedures for Coastal Zone Activities in Florida. (1971)
10. Newsletter (CCC). June, 1975, last issue.
11. A Selected Bibliography on: Thermal Pollution; Thermal Effluents; and Electric Power Plants, Their Effects, Planning, and Siting. (1971)
12. _____. 1972 Supplement.
13. Florida Coastal Zone Applied Research Needs. (1972)
14. Marine Environmental Studies of Florida's Gulf Coast: Summary and Selected Bibliography. (1973)
15. Recommendations for Development Activities in Florida's Coastal Zone. (1973). (Companion volume to Florida CZM Atlas).
16. A Statistical Inventory of Key Biophysical Elements in Florida's Coastal Zone. (1973). (Companion volume to Florida CZM Atlas).
17. Salt Marsh Workshop and Conference. (1973)
18. Florida Keys Coastal Zone Management Study: Executive Summary. (1974)
19. Proceedings of the Florida Keys Coral Reef Workshop. (1974)
20. Inventory of Florida Coastal Zone Planning Publications. (3v.) (1975).

* Texts to Accompany Florida Regional Coastal Zone Management Atlas. (1976). Regions 1-10:

Florida Regional Coastal Zone Management Atlas (Text). (7/1/76)

Biophysical Analysis Methodology Appendix to Florida Regional Coastal Zone Management Atlas. (March, 1976)

Land Ownership Analysis (accompanies maps in Atlas).
Land Ownership Inventory.

Land Use Analysis (accompanies maps in Atlas).

Support Services Analysis (accompanies maps in Atlas).

Economic Analysis.

Population Analysis.

Existing Legal Authorities.

Environmental Quality Assessment.
(maps - included in Atlas)

CONTRACT PUBLICATIONS

1. Coastal Zone Resources Corporation. A Plan and Program for Amenities and Aesthetics in the Escarosa Pilot Area. (Dec. 1971)

2. Florida. State University System. Institute of Oceanography. Escarosa I: An Oceanographic Survey of the Florida Territorial Sea of Escambia and Santa Rosa Counties. (Nov. 1973)

3. Hopkins, Thomas S. Marine Ecology in Escarosa. (Sept. 1973)

4. Livingston, Robert J. The Ecological Impact of Pulp Mill Effluents on Aquatic Flora and Fauna of North Florida: Comparison of a Polluted Drainage System (Fenholloway) with an Unpolluted One (Econfina). (Dec. 1972)

5. Martin-Marietta Corporation. Florida Coastal Zone Land Use and Ownership Atlas (1971).

6. Milo Smith and Associates. Planning Inventory: Florida's Coastal Areas. (Dec. 1972)

7. Northwest Florida Development Council and Economic Development District. Commercial Tourism Land Absorption Study. (Dec. 1972)

8. O'Connor, Dennis M. Legal Aspects of Coastal Zone Management in Escambia and Santa Rosa Counties, Florida. (March 1972)

9. RMBR Planning/Design Group. Clearwater Coastal Zone Management Plan. (1972)

10. RMBR Planning/Design Group. Local Coastal Zone Management: A Handbook. (1972)

11. South Florida Regional Planning Council. An Assessment of the Development Suitability of Land in South Florida. (June 1973)

12. Tampa Bay Regional Planning Council. A Preliminary Investigation of the Use of Natural Resources in the Tampa Bay Region as a Basis for Future Developmental Policy. (Dec. 1972)

13. University of Florida. Department of Architecture. Identification and Evaluation of Coastal Resource Patterns in Florida. (1972)

14. Barloga, Fred. Considerations for Review of Florida's Coastal Canal Construction Policy. (1975)

15. Collier, Courtland. Seawall and Revetment Effectiveness, Cost and Construction. (1975) (Sea Grant)

16. Planning/Design Group. Impact Assessment: A Case Study. (July, 1976)

17. Planning/Design Group. A Process for Defining a Permissible Use Framework. (July, 1976)

18. Planning/Design Group. Impact Assessment Handbook. (July, 1976)

19. University of Florida. Holland Law Center. Center for Governmental Responsibility. Compilation of Laws Relating to Florida Coastal Zone Management. (3v.) (June, 1976)

20. _____. Analysis of Laws Relating to Florida Coastal Zone Management. (Oct. 1976)

SPECIAL PROJECTS: PRODUCTS FROM REGIONS
(Not Yet Completed)

OCS Study.

JAPB, ECFRPC, NWFRPC, SWFRPC, WFRPC, WithRPC

Port Analysis.

JAPB, ECFRPC, NWFRPC, SFRPC, SWFRPC, WFRPC

Special OCZM Financed Projects:

Duval County (Selection of Heavy Industrial Sites).

Dade County Wetlands Project. (Shoreline Management Suggested for Biscayne Bay)

AVAILABILITY OF DOCUMENTS LISTED IN BIBLIOGRAPHY OF PROGRAM PUBLICATIONS

PUBLICATIONS AVAILABLE FOR DISTRIBUTION

Florida Keys Coastal Zone Management Study. (1974)

Recommendations for Development Activities in Florida's Coastal Zone. (1973) (Companion volume to Florida Coastal Zone Management Atlas - 1972).

A Statistical Inventory of Key Biophysical Elements in Florida's Coastal Zone. (1973). (Companion volume to Florida Coastal Zone Management Atlas - 1972).

Inventory of Florida Coastal Zone Planning Publications. (3 v.) (1975).

Florida. State University System. Institute of Oceanography. Escarosa I: An Oceanographic Survey of the Florida Territorial Sea of Escambia and Santa Rosa Counties. (Nov. 1973)

Hopkins, Thomas S. Marine Ecology in Escarosa. (Sept. 1973).

Martin - Marietta Corporation. Florida Coastal Zone Land Use and Ownership Atlas (1971).

Collier, Courtland. Seawall and Revetment Effectiveness, Cost and Construction. (1975) (Sea Grant).

Planning/Design Group. Impact Assessment Handbook. (July, 1976).

University of Florida. Holland Law Center. Center for Governmental Responsibility. Analysis of Laws Relating to Florida Coastal Zone Management. (Oct. 1976).

LIMITED COPIES AVAILABLE - CAN BE REPRODUCED IN QUANTITY

Coastal Zone Management in Florida - 1972

Coastal Zone Management in Florida - 1973

Coastal Zone Management in Florida - 1974

Marine Environmental Studies of Florida's Gulf Coast: Summary and Selected Bibliography. (1973).

Florida Keys Coastal Zone Management Study: Executive Summary. (1974).

Proposed Geographic Areas of Particular Concern. (January 1977)

Planning/Design Group. Impact Assessment: A Case Study. (July, 1976)

PUBLICATIONS AVAILABLE IN BUREAU OF COASTAL ZONE PLANNING LIBRARY

Coastal Zone Management in Florida - 1971

Escarosa: A Preliminary Study of Coastal Zone Management Problems and Opportunities in Escambia and Santa Rosa Counties, Florida. (1971)

Unofficial Composite: General Permitting Procedures for Coastal Zone Activities in Florida. (1971)

Newsletter (CCC). June, 1975, last issue.

A Selected Bibliography on Thermal Pollution; Thermal Effluents; and Electric Power Plants, Their Effects, Planning, and Siting. (1971)

_____. 1972 Supplement.

Florida Coastal Zone Applied Research Needs. (1972)

Salt Marsh Workshop and Conference. (1973)

Proceedings of the Florida Keys Coral Reef Workshop. (1974)

Coastal Zone Resources Corporation. A Plan and Program for Amenities and Aesthetics in the Escarosa Pilot Area. (Dec. 1971)

Livingston, Robert J. The Ecological Impact of Pulp Mill Effluents on Aquatic Flora and Fauna of North Florida: Comparison of a Polluted Drainage System (Fenholloway) with an Unpolluted One (Econfina). (Dec. 1972)

Milo Smith and Associates. Planning Inventory: Florida's Coastal Areas. (Dec. 1972)

Northwest Florida Development Council and Economic Development District. Commercial Tourism Land Absorption Study. (Dec. 1972)

O'Connor, Dennis M. Legal Aspects of Coastal Zone Management in Escambia and Santa Rosa Counties, Florida. (March 1972)

RMBR Planning/Design Group. Clearwater Coastal Zone Management Plan. (1972)

RMBR Planning/Design Group. Local Coastal Zone Management: A Handbook. (1972)

South Florida Regional Planning Council. An Assessment of the Development Suitability of Land in South Florida. (June 1973).

Tampa Bay Regional Planning Council. A Preliminary Investigation of the Use of Natural Resources in the Tampa Bay Region as a Basis for Future Developmental Policy. (Dec. 1972).

University of Florida. Department of Architecture. Identification and Evaluation of Coastal Resource Patterns in Florida. (1972).

Barloga, Fred. Considerations for Review of Florida's Coastal Canal Construction Policy. (1975).

Planning/Design Group. A Process for Defining a Permissible Use Framework. (July, 1976).

University of Florida. Holland Law Center. Center for Governmental Responsibility. Compilation of Laws Relating to Florida Coastal Zone Management. (3 v.) (June, 1976).

PUBLICATIONS NOT YET AVAILABLE IN FINAL FORM

Florida Regional Coastal Zone Management Atlas. 1976.

Biophysical Analysis Methodology Appendix to Florida Regional Coastal Zone Management Atlas. (March 1976).

Texts to Accompany Regional Atlases: Regions 1-10

Land Ownership Analysis (accompanies maps in Atlas).
Land Ownership Inventory.

Land Use Analysis (accompanies maps in Atlas).

Support Services Analysis (accompanies maps in Atlas)

Economic Analysis.

Population Analysis.

Existing Legal Authorities.

Environmental Quality Assessment.
maps - included in Atlas

Suggested State Objectives, Policy and Criteria for Coastal Management in Florida. (January 1977) (Draft)

Boundaries of the Coastal Zone.

Special Projects: Products from Regions.

OCS Study

Port Analysis

Special OCZM Financed Projects.

Duval County (Selection of Heavy Industrial Sites).

Dade County Wetlands Project. (Shoreline Management Suggested for Biscayne Bay).