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THE FLORIDA COASTAL MANAGEMENT PROGRAM

COASTAL ZONE INFORMATION CENTER

LEGISLATIVE DRAFT

PREPARED FOR SUBMISSION TO
THE 1978 FLORIDA LEGISLATURE
IN RESPONSE TO
CHAPTER 77-306, LAWS OF FLORIDA

State of Florida

DEPARTMENT OF ENVIRONMENTAL REGULATION

March 1, 1978

Dept. of Environmental Regulation

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THE FLORIDA
COASTAL MANAGEMENT PROGRAM

LEGISLATIVE DRAFT

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

PREPARED FOR SUBMISSION
TO THE

1978 FLORIDA LEGISLATURE

IN RESPONSE TO

CHAPTER 77-306, LAWS OF FLORIDA

BY THE

STATE OF FLORIDA

DEPARTMENT OF ENVIRONMENTAL REGULATION

MARCH 3, 1978

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Florida. Dept. of Environmental Regulation.

This public document was promulgated at a cost of $15,353 or $2.20 per copy to inform the citizens of Florida of the content of the Florida Coastal Management Program submitted to the 1978 Florida Legislature by the State of Florida Department of Environmental Regulation.

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THE FLORIDA COASTAL MANAGEMENT PROGRAM LEGISLATIVE DRAFT
EXECUTIVE SUMMARY

This document presents to the 1978 Legislature the proposed Florida Coastal Management Program, as required by Chapter 77-306, Laws of Florida. As required by the 1977 Legislature, the program contains a boundary, policies, goals, and programs necessary to comply with the requirements of the Federal Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451-1464), specifically delineating the role of state, regional, and local agencies in implementing the plan. The proposed implementing legislation will be submitted as a separate document.

While the Department of Environmental Regulation has been the lead agency in the development of the proposed program, the material presented in this legislative draft is the result of a substantial effort to obtain input from all parties concerned with the future of Florida's coastal resources.

This document emphasizes the major elements of the proposed program for managing Florida's coastal resources. Chapter I lists program objectives. Chapter II provides an overview of the Florida coastal zone. The remaining chapters are directed toward satisfying federal CZMA requirements. Chapter III discusses the uses to be managed, the boundaries, and special management areas and uses. Chapter IV contains proposed policy statements for achieving the program objectives. Chapter V reviews the authorities and proposed organizational structure for implementing the Coastal Management Program. Coordination and participation efforts are discussed in Chapter VI.

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SUBSTANTIVE ELEMENTS OF FLORIDA'S COASTAL MANAGEMENT PROGRAM

The scope of the Florida Coastal Management Program - what activities it manages and where it manages them - is the product of two requirements: uses subject to management and the state coastal zone boundary. These requirements are related, and reflect the kind of uses and their impacts on coastal resources.

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PROGRAM AUTHORITIES, ORGANIZATION AND IMPLEMENTATION

Through legislative and executive action, the policies will be implemented by a combination of existing state agency regulatory, planning, and public works programs and by the voluntary participation of local government and regional agencies. State agencies will be required to revise their rules and procedures to be consistent with the objectives, policies, and standards of the Coastal Management Program within one year after its adoption. A variety of state authorities for planning, projects, and regulatory programs, especially Chapter 403, 253, 161, 380 and 373, Florida Statutes, will form the basis for implementing the program. DER will be the lead state agency and will provide assistance to other state agencies, local governments, regional planning councils, water management districts and other affected interests.

The program encourages the participation of local governments by providing a framework for them to develop local plans and ordinances that complement and provide greater specificity to the state coastal management policies and guidelines. As a result, local needs and conditions can be appropriately recognized in the Coastal Management Program, and the program itself substantially enhanced without altering the responsibilities of local governments relative to state agencies.

The program will rely upon the basic administrative remedies provided in Chapter 120 and 403, Florida Statutes, as well as existing appeal mechanisms in regulatory programs, as the basis to enforce compliance with the program.

BENEFITS

The proposed Florida Coastal Management Program will provide a variety of benefits. With only slight modifications to existing procedures and activities, it will offer the opportunity for additional technical, financial, and legal assistance in managing coastal resources. The program provides common objectives and clearer standards for activities in the coastal zone, and will provide greater predictability for planning and permitting reviews.

Vital areas include those natural resources of the coastal zone identified as having major ecological, hydrological, physiographic, historical, or socio-economic importance to the public at large. Vital areas should be managed to ensure the protection of continued biological productivity, fish and wildlife habitat, recreation opportunities, and public health, safety, and welfare.

Conservation areas include those areas of the coastal zone which have moderate resource benefits; or which have substantial benefits that are less susceptible to adverse effects from alterations or use than are vital areas; or the use of which poses significant hazard to life and property. Because of their resource values or the hazards they may pose, conservation areas require special precautions prior to alteration or development. The appropriate place to address the necessary precautions is generally in the local government planning, zoning, and building codes.

Development areas form the third category of resources and are a broad group which includes all those areas of the coastal zone other than vital and conservation areas.

Based on preliminary review of coastal resources, about 26% of the lands in the coastal zone are classified as vital, 24% as conservation, and 50% as development.

These three resource categories, with their differing benefits, limitations, and suitability for use, set the basis for the policies of the Florida Coastal Management Program. They provide a way of relating different uses and objectives to the resources of the coast. They also help define the balance between preservation and development which must occur in the coastal zone. The preservation of vital areas will balance the planned development of other areas and resources as well as the continued long-term benefits which the vital areas provide.

Based on the review and the identification of the three categories of resources, fourteen policies were developed for the Florida Coastal Management Program. These policies set the common objectives, concerns, and standards for planning and conducting activities in the coastal zone.

The policies for Florida's Coastal Management Program were derived from a variety of sources. Some are directions from existing legislation. Others were generated as a result of the coordination efforts with Regional Planning Councils, their Citizens Advisory Committees, the Interagency Advisory Committee, and the State Advisory Committee on Coastal Zone Management.

SPECIAL MANAGEMENT AREAS

The CZMA requires that a state's coastal management program include an inventory and designation of areas of particular concern within the coastal zone. The Act also requires that a state's management program must include procedures for designating specific areas for the purpose of preserving or restoring them for their conservation, recreational, ecological, or aesthetic values. The basic purpose of inventorying and designating geographic areas of particular concern (GAPC's) is to identify special management needs, objectives, opportunities, or considerations under the coastal management program for selected areas or resources of statewide concern.

Florida proposes to use several existing state programs which provide special management measures to identify and designate geographic areas of particular state concern (GAPC's). Four major state programs which provide for the designation and direct state management of GAPC's within Florida's coastal zone are the Aquatic Preserves System, the State Wilderness System, Environmentally Endangered Lands, and Areas of Critical State Concern. Several sites exist now in each of these categories, and each contains a process for designating additions.

In addition, Florida proposes a number of other potential management programs which are important in regulating activities or resources. Although established in different ways and administered by various governmental agencies, they serve to complement management provisions of the FCMP.

POLICIES FOR MANAGEMENT OF COASTAL RESOURCES AND ACTIVITIES

Effective management of coastal resources and their uses requires that policies relating to those resources be clearly and concisely articulated. These policy statements are categorized into the three main elements of the program: resource protection and restoration, economic development, and governmental process and institutional coordination. The policies reflect and serve to balance the differing needs for resource protection and development in the coastal zone.

The program classifies the coastal zone into three general categories of resources: vital areas, conservation areas, and development areas.

USES SUBJECT TO MANAGEMENT

The Coastal Zone Management Act requires that state programs determine and identify which uses shall be subject to the management program. At a minimum, the program must provide at some level of government for control of land and water uses and activities which may have a direct and significant impact on coastal waters.

These uses and activities have a variety of impacts, some broad and pervasive, others relatively narrower or more limited. Most of these impacts are transmitted via water, affecting water quality, quantity, or distribution. This in turn directly affects coastal resources such as fisheries and wildlife populations, and man's use of these resources, such as for recreation or for commercial fishing.

BOUNDARIES

The boundary of the coastal zone must be broad enough to include those uses and activities which have a direct and significant impact on coastal waters. It must include transitional and intertidal areas, salt marshes and wetlands, beaches, islands, and all state waters with a measurable quantity of salt. As required in the CZMA, federal lands are excluded from the state's coastal zone boundary. However, this does not remove or reduce the obligations for federal consistency on these lands.

Based on the data collected during the planning phase, comments received on the alternatives, and management needs identified, the Florida coastal zone planning boundary was reviewed and adjusted in order to establish a boundary more appropriate for management purposes. Primary considerations during the review and revision were that the boundary of the coastal zone should:

1) include all identified vital areas, the most environmentally important or sensitive coastal areas;
2) include all hazardous areas, especially the coastal floodplain; and
3) reflect the relationship between anticipated uses and their impacts on coastal waters.

The proposed management boundary includes about 16 million acres, of which about 8.9 million acres are land and 7.1 million are water. Local governments which elect to participate in the FCMP will have the opportunity to review and adjust the boundaries in their jurisdiction.

Of great importance to Florida, particularly with the pending federal sale of offshore oil and gas leases, will be the requirement that federal activities must be consistent with Florida's Coastal Management Program once it receives federal approval. The program also lays the foundation for the state to seek delegation of federal 404 permitting authority, thereby reducing the potential duplication and distance associated with that process in Florida.

In addition, the program provides a process for more formally linking local government planning activities to state agency regulatory processes. It provides a means to more clearly address basic land-use considerations and local economic needs in permit decisions. By linking planning and permitting, the effects and potential of cumulative impacts can be better assessed. The program also seeks to reduce duplication or overlap in project or permit reviews, to both streamline the process and avoid the potential for conflict.

The program also requires a number of specific actions. For example, it provides for tax incentives as one basis for achieving the program objectives (Policy 1); requires that a state spoil disposal plan be produced, which will assist port and navigation interests as well as help protect environmental resources (Policy 4); and provides formal standing for ports and electric utility sites with plans that meet program requirements (Policies 7 and 8). The program would give priority in permitting to local governments and ports which develop plans consistent with the policies and standards (Policies 2, 8 and 11). It also provides a new requirement for mitigation of dredge and fill activities in intertidal areas.

Finally, the policies taken together and including the exceptions process provide a means to address and balance in a comprehensive fashion the competing needs and demands upon the coast and its resources.

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NOTE TO READER: The Program includes a Glossary of words and terms which is located in the back of the document on page 159. In addition, the following is a list of abbreviations used throughout the text.

ABBREVIATIONS

ACSC	Area of Critical State Concern
APR	Area for Preservation or Restoration
BCZP	Bureau of Coastal Zone Planning
CAC	Citizens Advisory Committee
CCSL	Coastal Construction Setback Line
CZMA	Coastal Zone Management Act of 1972 (PL 92-583), as amended
CZPE	Coastal Zone Protection Element
DER	Department of Environmental Regulation
DNR	Department of Natural Resources
DOA	Department of Administration
DOT	Department of Transportation
DSP	Division of State Planning
DRI	Development of Regional Impact
FAC	Florida Administrative Code
FCMP	Florida Coastal Management Program
FIA	Federal Insurance Administration
FS	Florida Statutes
GAPC	Geographic Area of Particular Concern
IAC	Interagency Advisory Committee on Coastal Zone Management
LGCPA	Local Government Comprehensive Planning Act of 1975

ABBREVIATIONS (CONTINUED)

MHW	Mean High Water
NOAA	National Oceanic and Atmospheric Administration, in U.S. Department of Commerce
OCS	Outer Continental Shelf
OCZM	Federal Office of Coastal Zone Management, NOAA
RPC	Regional Planning Council
SAC	State Advisory Committee on Coastal Zone Management
WMD	Water Management District

GUIDE TO COASTAL ZONE MANAGEMENT 306 PROGRAM REQUIREMENTS

The following guide relates the OCZM requirements for Program Approval (Section 306) to Florida's Coastal Management Submission.

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15 CFR Part 923 Section:		
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.13 Uses of regional benefit	Chapter 5	138
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JOSEPH W. LANDERS, JR.
SECRETARY

MEMORANDUM

TO : Reviewers of the Florida Coastal Management Program

FROM: Department of Environmental Regulation

The 1977 Florida Legislature transferred the coastal resource planning program to the Department of Environmental Regulation on July 1, 1977, and directed the Department to present to the Legislature by March 3, 1978, a program which would meet federal requirements for an approvable coastal management program.

On March 3, 1978, the Department of Environmental Regulation submitted to the Legislature a draft program document entitled The Florida Coastal Management Program - Legislative Draft. The Department has placed major emphasis on determining a scientifically sound coastal zone boundary and delineating general resource policies. This document also contains draft implementation policies, procedures, and roles which represent one alternative for managing the coastal zone in Florida.

The program document submitted to the Legislature is intended to serve as a reference document for general information about Florida's coastal zone and as a basis for further discussion and analysis with respect to management alternatives. Unless the 1978 Legislature chooses to discontinue Florida's participation in the federal coastal zone grant program, the Department will develop for the Governor's submittal to the federal government a final program document which reflects the action of the Legislature during the 1978 session.

The draft legislation submitted by the Department to the Legislature does not attempt to implement all of the management concepts contained in the draft program document, since the Department does not believe that to be necessary in order to satisfy the federal requirements for an approvable coastal management program. Fortunately, existing environmental and planning law in Florida is of such a nature that, with few exceptions, sound coastal management can be accomplished through rule alterations without the necessity of new legislation.

The Department's proposed legislation sets forth coastal zone policies and then focuses on the adjustment of agency rules to accomplish more fully those policies through, and within the limits of, existing statutes. Within ninety days of the effective date of the Florida Coastal Management Act, each state agency, port authority, water management district, and regional planning council would have to review its rules to determine if they are consistent with the policies of the Act. Then, each of them would be required to initiate rule-making proceedings under Chapter 120 of the Florida Statutes to modify their rules for consistency with the policies of the Act to the degree legally possible under their existing enabling legislation. The policies in the Florida Coastal Management Act would serve to clarify, with respect to the coastal zone, previous legislative enactments, thereby building on and within the existing governmental framework. By using the provisions of the Administrative Procedure Act, Chapter 120 of the Florida Statutes, rule adjustments could be considered along with their economic impact in an orderly manner which would enable affected persons to be heard and protect their interests.

Through the approach taken in its proposed legislation, the Department believes that improvements in the management of Florida's coastal resources and regulatory processes can be achieved without creating confusion and new layers of government. If enacted, the Florida Coastal Management Act would provide a sound basis for fine-tuning Florida's environmental control system in a manner consistent with the long-term economic and social needs of the state.

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 several federal agencies and many members of Congress. A special Commission on Marine Science, Engineering and Resources was established by President Johnson in 1966. The Commission's report, Our Nation and the Sea (1968), concluded, "The key to more effective use of our coastline is the introduction of a management system permitting conscious and informed choices among development alternatives ... for this productive region in order to ensure both its enjoyment and sound utilization".

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 President Nixon on October 27, 1972. The Act, which is administered by the Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, represents the first piece of comprehensive land and water management legislation passed by Congress. The CZMA was amended and given additional authorities in 1976, which demonstrated continued concern by Congress.

Considered an example of "New Federalism", the CZMA places the responsibility to act upon the coastal states. Their participation is totally voluntary. In the Act's Declaration of Policy, 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 an 80% federal - 20% state basis. An important feature of the Act is the federal consistency provision under which activities in the coastal zone requiring federal permits and projects financed with federal funds must be certified as consistent with a state's coastal management program. Direct federal projects are required to be consistent with a state's coastal management program to the maximum extent possible.

As amended in 1976, the Act allows states four years to plan their management programs (Section 305 of the CZMA -- Development Grants). If the program meets the requirements spelled out in the CZMA, states will then receive grants to implement their management programs (Section 306 -- Administrative Grants) which will also be funded on an 80% federal: 20% state basis.

In order to have their programs approved, states must address several requirements in their management programs:

* an identification of the boundaries of the coastal zone which must extend inland to the extent necessary to control uses having a direct and significant impact on coastal waters;

* an identification of uses to be managed within the coastal zone boundary: uses which have a direct and significant impact on coastal waters and resources;

* an identification of the means of control over uses to be managed to promote, encourage, restrict, prohibit or otherwise direct the uses;

* an inventory and designation of areas of particular concern within the coastal zone, including guidelines on priorities of use within those areas;

* a process for designating areas for preservation or restoration;

* a process for anticipating and managing the impacts from energy facilities in or affecting the coastal zone;

* a planning process that will identify public shorefront areas appropriate for access and/or protection;

* a planning process that will assess the effects of shoreline erosion;

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

An important aspect of the CZMA 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 coastal management is to succeed, it must be developed with the aid of coastal communities and be fully understood, accepted, and supported by those persons most directly affected.

To receive federal approval of the program, the Governor must approve the program, and the state must have developed the policies, organization, and authorities necessary for implementation. The CZMA specifies three alternative management mechanisms: (a) direct state regulation; (b) local regulation consistent with state established standards, with review for enforcement of compliance; or (c) local regulations with state review and approval of all coastal zone development projects. A combination of any or all of the three is allowed.

FLORIDA'S COASTAL ZONE

BACKGROUND

State concern for coastal resources paralleled that expressed at the federal level. The writers of the 1968 Florida Constitution, recognizing that Florida's natural resources are the basis of the state's economy and the primary attraction for residents and tourists alike, declared that:

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

The Florida Legislature also recognized that many of the state's coastal areas were in serious trouble. Starting in the late 1960's a number of legislative programs were enacted which addressed coastal resources problems. These included:

- The establishment of an air and water pollution control agency and water quality standards.

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

- The establishment of beach development controls designed to prevent construction practices which might induce or accelerate erosion of Florida's beaches.

- 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 Wilderness Areas.

- The passage of the Environmental Land and Water Management Act of 1972, establishing the process for managing areas of critical state concern and developments of regional impact.

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

- The enactment of the Oil Spill Prevention and Pollution Control Act which provides a mechanism for dealing with oil spills in the state's coastal waters.

- The passage of the Florida Electrical Power Plant Siting Act.

- The establishment of legislation which will ensure safe drinking water for Florida's citizens.

- The enactment of the Florida State Comprehensive Planning Act and the Local Government Comprehensive Planning Act which requires state and local governments to plan for the future.

WHY A COASTAL MANAGEMENT PROGRAM?

With these many governmental authorities and legal tools already in existence, why do we need a coastal management program? The answer lies in the fact that existing environmental legislation, because of its single-purpose, fragmented nature, does not provide a systematic approach to evaluating all aspects of proposed projects or consider both the short- and long-term effects of a proposed use of coastal resources. The state needs to provide a mechanism which will encourage economic development while guiding it to physically and biologically suitable areas. An awareness and general understanding of the relationship between the amount, kind, and location of coastal resources and the long-term costs of their utilization is lacking in the existing, largely regulatory framework.

The Florida Coastal Management Program (FCMP) will address environmental, economic, and institutional problems within a general resource management framework. The program will, by establishing a body of coastal resource policy, provide all levels of government with basic ground rules for decision-making. Adopted local comprehensive plans that are consistent with coastal management policies and guidelines will serve to complement state regulatory programs. These local comprehensive plans will provide a means of addressing long-term cumulative impacts, land use considerations, and economic need factors now lacking in the regulatory programs. This should increase both the predictability and efficiency of governmental actions as well as achieve a more balanced approach to coastal resource allocation.

Coastal management should also be of assistance to the private sector. Biophysical and socio-economic baseline data and clearly stated coastal management policies will give the developer an early indication as to the suitability of a proposed project. Areas suitable for development activities will be clearly identified, providing a positive approach that has not previously been available. If the project is to be sited in an area of environmental sensitivity, the developer will be aware well ahead of time that he will have a great deal of difficulty in obtaining project approval.

The advantages that will accrue to Florida by participation in the federal coastal management program can be summed up as follows:

- Federal funds up to $2.3 million annually would be available to assist in managing the coastal zone. This would allow for financial and technical assistance to local government for resource planning and management projects and for funding to state and regional agencies to carry out coastal management related responsibilities;

- The continuation of research data, information, and planning services from the state coastal management agency would be ensured;

- There will be greater cooperation and coordination among different levels of government, with local government playing a key role if they so desire;

- State and participating local governments will gain increased authority in federal agency decision-making regarding permitting and funding activities in the state's coastal areas. Federal activities affecting coastal resources would have to be conducted in a manner consistent with the Florida Coastal Management Program to the maximum extent practicable;

- The state will have a more powerful voice as a potential "adjacent coastal state" under the Deepwater Port Act of 1974;

- Local communities affected by coastal energy facilities will be eligible to receive grants to pay for additional required support services and facilities;

- The state will be given a more formal role in reviewing Outer Continental Shelf oil and gas development plans;

- The state will be in a more advantageous position to receive federal funds made available for the establishment of estuarine sanctuaries and for the purchase of islands and shorefront access areas.

FLORIDA COASTAL ZONE LEGISLATION

In recognition of the magnitude and complicated nature of coastal zone issues, 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 resource management program.

The primary functions and duties given to the Council by Ch. 370.0211, F.S. 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; and

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

The 1975 Legislature abolished the Coastal Coordinating Council and transferred its duties and functions to the

Department of Natural Resources (DNR). New legislation in 1977 transferred these powers and duties to the Department of Environmental Regulation (DER) and added an additional mandate:

> The state coastal zone management plan ... shall contain a boundary, policies, goals, and programs necessary to comply with the requirements of the Federal Coastal Zone Management Act of 1972 ... specifically delineating the role of state, regional, and local agencies in implementing the plan.

The 1977 legislation also stated that participation by Florida citizens was an important factor in developing the plan. Coordination among state, regional, and local officials and agencies was stressed in both the 1970 and 1977 legislation.

COASTAL MANAGEMENT PROGRAM GOALS AND OBJECTIVES

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 legislators that a coordinated effort of interested federal, state, and local agencies of government was imperative in order to plan for and implement a solution to this threat. The plan they envisioned was for the protection and development of the state's coastal zone. The 1977 Legislature required that the state coastal zone management plan be developed to comply with the requirements of the federal CZMA.

The intent of the Florida Legislature, then, tracks with the primary policy of the federal CZMA which calls for the preservation, protection, development, and where possible, the restoration and enhancement of the nation's coastal zone for this and future generations.

To respond to the duties established by the Florida Legislature and the requirements of the federal Act, and to

provide a focus for the coastal planning effort, it was necessary to establish program goals.

The overall goal of the Florida Coastal Management Program is to attempt to provide a balance between the tremendous growth pressures in Florida's coastal areas and the need to protect and conserve those coastal resources that have attracted residents and tourists, providing a foundation for much of the state's economy. Three specific goals were developed to carry out this larger mission. They are:

1. To protect, preserve, and where possible, restore the natural resources and systems of the coastal zone;

2. To maintain and enhance coastal economic development, public access, and recreational use consistent with resource limitations; and

3. To provide for a coordinated intergovernmental management approach for the protection and proper utilization of coastal land and water resources.

To achieve these goals, the Florida Coastal Management Program has identified the major objectives listed below:

GOAL 1: TO PROTECT, PRESERVE, AND WHERE POSSIBLE, RESTORE THE NATURAL RESOURCES AND SYSTEMS OF THE COASTAL ZONE.

Objectives:

1. Maintain and protect the integrity of the coastal ecosystem and the benefits it provides.

2. Protect and conserve natural areas, wildlife habitat, fisheries resources, and other renewable and non-renewable resources of the coastal zone.

3. Maintain and restore acceptable levels of air and water resources in coastal areas.

GOAL 2: TO MAINTAIN AND ENHANCE COASTAL ECONOMIC DEVELOPMENT, PUBLIC ACCESS, AND RECREATIONAL USE CONSISTENT WITH RESOURCE LIMITATIONS.

Objectives:

1. Provide adequate opportunity for economic development consistent with resource limitations.

2. Provide and improve opportunity for recreational and aesthetic enjoyment of coastal resources.

3. Reduce or prevent loss of property and lives in flood hazard areas.

4. Prevent man-induced shoreline erosion and restore presently eroded areas where restoration efforts will be in the public interest.

5. Integrate economic and environmental factors into local government's land use decision-making process.

GOAL 3: TO PROVIDE FOR A COORDINATED INTERGOVERNMENTAL MANAGEMENT APPROACH FOR THE PROTECTION AND PROPER UTILIZATION OF COASTAL LAND AND WATER RESOURCES.

Objectives:

1. Distribute responsibility to the levels of government best suited for coastal resource decision-making and implementation and clearly delineate governmental responsibilities for management in order to prevent and cope with overlap and conflict.

2. Increase citizen participation in decisions affecting coastal land and water resources.

3. Improve the administration and efficiency in the management of coastal resources.

4. Identify gaps in existing resource management processes that must be corrected to enhance coastal resource protection and restoration.

5. Promote research and technical support to enhance the basis for decision-making concerning coastal resources.

6. Provide a basis to review and regularly revise coastal resource policies and management procedures to provide for changing or unforeseen needs.

Designed to achieve these objectives, the Florida Coastal Management Program will benefit:

- The investor and developer, by enabling them to make investments with greater confidence;

- Local governments, by providing them with the opportunity to play a more effective role in the management, protection, and use of coastal resources;

- State regulatory agencies, by enhancing their ability to make more effective decisions on permits and to address the aggregate or cumulative effects of scattered activities; and

- The public, by increasing their role and opportunity for participation in decision-making by protecting resources and the long-term benefits they provide for future use, and by internalizing many of the costs now borne by society.

II. THE FLORIDA COASTAL ZONE: AN OVERVIEW

Florida's coastal zone is a rich resource providing a variety of benefits to man. The coast is a unique environment subjected to more intense development and growth pressure than any other area in the country. The combination of wide environmental diversity and unusual stress underscores the need for effective management of coastal land and water resources if the benefits that they provide are to be maintained.

Florida is basically a long, narrow subtropical appendage of the United States. Its tidal shoreline is approximately 11,000 miles in length and consists of three primary types: beach, tidal marsh, and mangrove swamp. As defined for planning purposes, the Florida coastal zone includes parts of 40 coastal counties and 203 incorporated municipalities. The coastal zone represents approximately 30% of the state's land area but contains over 75% of the state's population. The majority of the population is concentrated in 16 of the coastal counties.

BIOPHYSICAL SETTING

Florida's coastal zone is diversified with many vegetative systems, including the pine and hardwood forests of north Florida; the pine flatwoods, cypress heads and prairies and marshes of the St. Johns River basin; the vast wetland complexes of the Everglades and Big Cypress Swamp; and finally the band of mangroves and coral reefs of Florida's southern extremity. On the Atlantic side of the state there is a long pattern of barrier islands with sandy beaches lying between salt marshes and the open ocean, while on the Gulf shore there are similar, less extensive barrier islands with a long series of mangroves or salt marshes laced by tidal channels to the open Gulf of Mexico.

The coastal zone, with relatively flat topography, contains all or part of three physiographic regions: Western Highlands, Coastal Lowlands, and the Continental Shelf. Florida comprises half of a larger geologic unit, the Floridian Plateau, which separates the deep Atlantic waters from the deep waters of the Gulf of Mexico. Its core is composed of metamorphic rocks buried under a layer built mostly of limestone. Most of Florida last emerged from the seas in the past one million years making it, geologically, a very young land mass.

The coastal area can be categorized into six environmental systems: offshore marine waters, barrier islands, estuarine and nearshore systems, ground water, drainage basins, and overlying air mass.

The marine system of Florida, which includes the Gulf of Mexico, the Atlantic Ocean, and the Florida Straits is the area below the shore boundary of the mean low water line, where fresh water has not diluted sea water. Florida's marine system is based upon many chemical, physical, and biological factors which all interrelate to form a unique ecosystem. Of special consideration to the Florida marine environment is the coral reef system along the southern and lower east coast of the state. It is an integrated community containing the most varied forms of marine life found in the contiguous United States.

Barrier islands and beaches are fragile ecosystems which provide a unique habitat for countless terrestrial and aquatic species of wildlife. They form the first line of defense for the mainland against storms, waves, and tides. Barrier islands, which are transition zones between estuarine and marine waters, grow and shrink in response to storms and to fluctuations in season, sea level, currents, and sediment supply. Wetlands of salt marshes or mangroves are found on the estuarine side of these islands. Tropical hammocks, dune vegetation, and palms are usually found on upland areas of barrier islands.

The estuarine systems of Florida are particularly valuable and extremely vulnerable. These areas, which are part river and part sea, are open connections to the sea and contain a mixture of salt water from the ocean and fresh water from upland drainage areas. Estuarine systems contain coastal marshes, coastal mangroves, submerged grass beds, tidal flats, and shellfish beds. The marshes and mangroves serve as a vehicle for storage and transfer of nutrients and provide the needed food for the organisms in estuarine waters. Commercial and sport fisheries depend on the high biological productivity of the coastal bays, lagoons, and marsh or mangrove areas. Game species, spectacular wading birds, birds of prey, and other waterfowl nest or rest in estuarine areas and feed upon estuarine organisms.

The coastal zone is affected by the drainage basins of many of Florida's rivers and streams as well as by areas, such as the Everglades, that are drained by sheet flow and canals. The four main components of drainage basins are uplands, coastal wetlands, floodplains and drainageways. Upland areas help govern sediments, nutrients, minerals, and dissolved substances that enter the rivers and coastal ecosystems. Coastal wetlands, consisting of fresh water swamps and marshes, provide natural reservoirs; purify and settle substances; and gradually release waters to the estuaries. Floodplains act as a buffer zone to protect wetlands from heavy runoff and prevent pollutants from entering estuarine areas. They also absorb and contain flood waters. Drainageways deliver water to the estuarine system. One of the most important functions of many drainage basins and areas is to recharge ground water systems.

Ground water in Florida exists in two systems: artesian and non-artesian aquifers. The Floridan Aquifer (artesian) is the primary source for drinking water and water used for agriculture and industry in most of the state. Of major concern is the fact that the recharge to this aquifer is outside the coastal zone. The non-artesian aquifers, such as the Biscayne Aquifer, are localized and are used as drinking water supplies. Excess drainage, which diverts surface water and prevents adequate recharge, has led to salt water intrusion into these shallow aquifers in many coastal areas.

Florida's air quality is of particular concern in urbanized areas of the coastal zone. The air has always contained a small amount of pollutants which were removed through natural atmospheric cycles. Due to the extremely rapid growth in many areas of Florida's coastal zone, man's activities have upset these cycles and placed an overload on the air system, thereby reducing the system's potential to disperse and filter pollutants.

SOCIO-ECONOMIC SETTING

In the last two decades, Florida has been subjected to extremely rapid growth pressures. There has been a transition from a primarily agricultural economy to a more urban economy, with tourism coming to the forefront as the major "industry" in the state.

In the period from 1950 to 1970, Florida's population grew by four million, and during the early 1970's new residents were arriving at the rate of more than 6,000 each week. The 1976 estimate of population in the coastal planning area was 6.4 million. Population projections for the coastal area remain awesome: 1980 - 7 million; 1985 - 8 million; and 1990 - 8.8 million.

Annual per capita income for 1974 in the counties included in the coastal planning area ranged from $2,331 in Franklin County to $6,662 in Palm Beach County. Nine coastal counties had per capita income above the state average of $4,412; three counties had per capita incomes below $3,000 per year.

Tourism is the largest industry in the coastal zone. In 1975, 25 million visitors to the state spent over $9 billion. Sales tax from these expenditures is a major source of public revenue. Tourism-related trades and services account for the majority of employment in the southern half of the state.

Value added by manufacturing in coastal counties was over $6 billion in 1975. Fourteen of the state's fifteen largest industries are located in coastal counties. However, these are concentrated in the larger urban areas, and only five of these counties show manufacturing as one of the top five sources of personal income.

Commercial and sport fishing are of considerable economic importance. Commercial fish landings had a dockside value of $73.7 million in 1975. Fish processing and marketing added another $156 million to this value. Salt water sport fishing is estimated to add another $500 million annually to the state's economy.

Florida has 12 deep draft ports (authorized depths of 32 feet or greater) which handled over 85 million tons of freight and served well over one million passengers in 1975. In addition, there are nine shallow draft or barge ports in the coastal zone.

Eleven military and defense bases use over 550,000 acres (6%) of land area in the Florida coastal planning area. These bases generated military payrolls amounting to $1 billion and civilian payrolls totalling close to $7 million in 1975.

Forestry is an important economic activity in the state's coastal zone, especially in the northernmost counties. The value added to county income from the forest industries and forest resources was $2.27 billion (1976) in the 40 counties included in the coastal planning area. Forestry activity ranks high in economic importance in many of the northern coastal counties.

About 30% of the land in the coastal planning area is classified as urban or built-up; of this 57% is used for residential and institutional purposes. Agriculture uses 21% of coastal lands and about 49% is classified as vacant land and natural areas. Excluding Everglades National Park, less than 1% of the coastal planning area is devoted to public parks and recreation areas. Approximately 6% of the planning area falls within the classification of undeveloped subdivision land.

The vast majority of coastal land is privately owned. Private interests account for approximately 78% of coastal land ownership; the federal government owns about 71%; and state and local government own the remainder.

The cost of land in coastal areas has skyrocketed, primarily due to the demand for residential development near the water. Total valuation placed on Florida real estate jumped from $2.1 billion in 1941 to $51.2 billion in 1970. In coastal areas this increase in value has been even more dramatic.

Support services (which include water supply, sewage treatment facilities, solid waste disposal facilities, transportation, recreational facilities, etc.) vary in demand and supply characteristics in the coastal zone. Solid waste disposal and water supply are by far the two most serious support services problems in Florida's coastal areas. Sewage disposal, transportation facilities, and park and recreation areas are inadequate in many urbanized areas, especially those experiencing rapid growth.

BENEFITS OF THE COASTAL ZONE

In its natural state, the coastal zone provides a variety of social, economic, and environmental benefits to society. Although many of these benefits are not readily apparent, they are produced by nature and accrue to the public as a whole. Eleven major categories of benefits have been identified as resulting from the natural coastal system. They include fresh water recharge, maintenance of water quality, maintenance of biological productivity, recreation and open space, storm protection and flood control, climate control, commerce and economic development, education and research, harbors of refuge, cultural traditions, and mineral resources.

Florida's wetlands serve many purposes including their natural functioning as a sponge and reservoir to store water, to recharge ground water aquifers, and to provide a hydrostatic head which protects fresh water supplies from salt water intrusion. Their storage and timely, gradual release of water also serve the function of regulating the salinity balance in Florida's productive coastal estuarine ecosystems.

Wetlands also function as natural water filters, serving to maintain water quality and reduce the adverse effects of runoff from upland sources. They are particularly efficient in absorbing and filtering out sediments, particulates, nutrients, and organics. Moreover, wetland systems, including mangroves, marshes, and submerged grass beds, control erosion through trapping and binding sediments and perventing highly turbid water conditions.

Coastal wetlands and adjacent estuarine areas provide extremely productive habitat, nursery grounds, and food supplies for a vast array of fish and wildlife. As the wetlands filter nutrients out of water and runoff, they convert the nutrients to a form usable by marine life. In addition, coastal waters supply a transportation corridor for migratory fish and wildlife. Coastal estuaries and rivers play a key role in the sustainment of commercial and sports fisheries. About 80% of the catch value of Florida's Gulf and Atlantic fisheries is estuarine dependent. Moreover, the coastal zone, particularly the wetlands, estuaries, and nearshore waters, is the primary remaining habitat for endangered or threatened species which are found in Florida.

Coastal wetlands serve as a buffer against storm surge and flood waters by dissipating wave energy and storing flood waters. Undeveloped barrier islands also serve as natural buffers, protecting mainland areas from the full force of storms. In this sense, coastal features serve as natural defense mechanism to mitigate the hazards to man's use of the coastal zone. Coastal bays, estuaries, and rivers have historically provided harbors of refuge for boats as well as wildlife, from hurricanes.

The recreational values of Florida's coastal zone are another significant benefit of both economic and social importance. Tourism is the leading industry in Florida, and the coastal zone is the state's major tourist attraction. In a recent state survey, beaches received the single highest rating from tourists when they were asked what recreation resources they looked forward to visiting in Florida. Florida residents spend much of their leisure time in the coastal zone participating in activities such as swimming, fishing, hunting, boating, photography and camping.

The coastal zone also has an aesthetic and cultural appeal to residents and tourists. It is rich with aesthetically pleasing physical features and historical and archaeological sites. To the scientific, engineering, technical and educational community, the coastal zone offers a challenge and an opportunity to study and solve a wide variety of problems. The long-term impacts of man's activities on the physical, chemical, and biological interrelationships are often unknown or little understood. Florida needs answers to questions pertaining to the preservation and utilization of coastal resources that will be responsive to public needs and representative of diverse social values.

The climate of the Florida peninsula, which has attracted millions of residents and tourists and is also important for agriculture, is a result of many factors including its relationship to coastal waters, coastal vegetation, and Florida's topography. The coastal waters, including the wetlands and large intertidal expanses, are responsible for the moderate climate, making winters warmer and summers cooler than in upland or inland areas.

The coastal zone is equally important because of the benefits it provides to commerce and economic development. Coastal waters provide routes for the water-borne transportation of goods and supplies such as oil and agricultural products, as well as sites for ports and harbors.

Other water-dependent uses and activities depend on the coastal zone and its coastal waters. In Florida, particularly, the coastal zone is the primary site for large electrical generating facilities which, because of limited inland water supplies, need access to coastal waters for cooling. The coastal zone may also serve as a site for minerals such as sand, shell, phosphate, and oil and gas.

The systems which provide these benefits are self-regulating and can provide work for society indefinitely if they are not under stress. Further, these benefits are provided using natural sources of energy, without energy costs to man. This is especially relevant considering the current and anticipated future rise in energy prices. All of the benefits identified are available to future generations as well as in the present if society is willing to forego the development of these areas and avoid stressing natural systems through over-utilization.

PROBLEMS AND ISSUES

The rapid, often unplanned growth that has occurred in Florida's coastal areas has led to a number of specific issues and problems that serve as impetus to the development of a coastal management program. Many of these problems relate to water quality and to land and water use conflicts. Another related issue is the consideration of short-term economic benefits versus long-term economic productivity. The resolution of these issues and problems depends on the development of a soundly based system of resource management and a coordinated govermental approach.

Problems in the coastal zone may originate in one environmental system, but because of the unique topography, climate, geology, and hydrology of Florida, these problems affect other systems as well. Not only do environmental problems cause other environmental problems, they also create economic burdens and affect the social attitudes of Florida's citizens and tourists.

RESOURCE PROBLEMS AND ISSUES

Increased economic activity has created pressure on the resources of Florida's coastal area. Shorefront areas are highly desirable for development, and as a result, residential,

commercial, industrial, recreational, public and institutional uses are often in direct competition for limited shorefront space. Urban development and activities associated with the use of coastal lands are primary problems to the maintenance of Florida's coastal resources and the benefits they provide. Significant coastal land use problems include: the degradation of water quality; the shortage of fresh water supply; the loss of important, ecologically valuable natural areas; beach erosion; loss of aesthetic resources; development in flood prone areas; constraints on public beach access; and air quality problems.

Extensive development may cause marine and estuarine water quality to be adversely affected. Florida's environmental legislation has served to slow and, in recent years, even reverse in some areas the deterioration of water quality. Many areas are still polluted or showing signs of deterioration. Uses and activities which affect the quality of coastal waters include sediment runoff, dredging and filling, discharge of sewage effluents (including septic tank seepage), and disposal of solid waste materials.

Ground water systems are crucial to use of the coast, because without an adequate supply of drinking water, people cannot live in coastal areas. The demand for water by agriculture and industry, especially in areas where there is competition for potable water, creates major conflicts. Shortages of potable water are also caused by salt water intrusion due to over-pumpage of aquifers and to stream and wetland channelization. Economic losses are great when potable water is not available. In south Florida, where local aquifers are heavily used, ground water quality and quantity are causing many development problems.

Coastal areas that are the most attractive for the location of economic activities are frequently ecologically fragile and extremely vulnerable to development of any kind. Ecologically valuable mangroves, coastal marshes and beaches have been destroyed to accommodate the development of residential, industrial, resort, or marina projects. The functions of vital estuarine areas have often been impaired by encroaching development. These losses are irrevocable in most cases and have contributed to declining marine fishery productivity as well as to other coastal resource related problems.

Closely related to the loss of natural areas is the problem of beach erosion. Often caused by improper development too close to the water, erosion has occurred in many prime beach areas, destroying their value for recreational and aesthetic purposes as well as causing loss of life and property. Destruction of primary dunes in many coastal areas has negated the function of the beach in buffering the effects of storms.

One of the most important resources of Florida's coastal zone has been its high degree of aesthetic attractiveness.

The beauty of shoreline areas has attracted residents and visitors alike. Haphazard development and the location and type of development along the shorefront have become major concerns. The aesthetic features which have drawn people to Florida are rapidly disappearing in many areas of the coast. This is exemplified by Miami Beach where tourism has been replaced to a large extent by convention trade. Many of the tourists who used to come to enjoy the sea, sun, sand, and other natural features now go elsewhere.

Another problem associated with coastal development is related to the fact that approximately one-half of the coastal zone land area is within the 100 year hurricane flood zone. In many areas, extensive urban development has occurred in the flood zone, and a disaster of major proportions could occur if a sizable hurricane were to hit these areas. Barrier islands and low-lying finger-fill canal developments are particularly susceptible to hurricanes. Between 1900 and 1975, approximately $1.5 billion of damage was inflicted on Florida's coastal areas due to hurricanes. The damage that could be inflicted by one major hurricane occurring today in an extensively developed south Florida area could approach the total figure for the 1900-1975 period.

Intensive commercial and residential development in beach areas has restricted the public's use of the beaches. Property owners are not required to provide access to the publicly-owned wet sand beach. Even where public access is available, the presence of residential or resort development often presents a psychological barrier to beach users. Many existing public beaches are in heavy demand and use, causing beach litter, erosion, and other problems.

Development in coastal areas also affects air quality. With people comes the automobile, the coastal area's greatest single air pollution source. Power plants and industrial facilities also contribute particulates, sulfur oxide, and other pollutants to coastal air masses. Coastal air pollution has not been a widespread critical problem up to this point in time, but as growth continues, air pollution will need increasing attention.

ECONOMIC PROBLEMS AND ISSUES

The resource problems discussed above are related to the issue of short-term versus long-term benefits. Florida's past experience has shown that the allocation of coastal resouces has often resulted in short-term economic benefits being favored over long-term resource productivity. The state has recognized in the last several years that large, major projects often have adverse effects on coastal resources and has tried to provide mechanisms that will minimize these effects. There has been less ability to consider the potential cumulative

adverse effects of many, small projects, however.

Gradual, piecemeal use of coastal resources is not generally thought of as causing an economic loss; however, these small, incremental impacts pose a serious problem in terms of economic productivity. For instance, storm water runoff from one small housing project may have little, if any, adverse impact on coastal waters. Runoff from several of these projects may, in time, result in the loss of these waters as a recreational or shellfish resource. There is a need to evaluate the aggregate effects of minor projects.

Florida's coastal resources and amenities together represent the state's most important economic asset. This asset, however, is a factor in a number of the state's economic problems. The attractive setting and the climate serve to draw permanent residents and tourists in ever-increasing numbers. This influx of people has caused economic problems which include: low per capita income in areas where retirees on fixed incomes make up a large percentage of the population; low per capita income and high seasonal unemployment in areas where tourism is the mainstay of the economy; financial problems for local governments in attempting to provide adequate support services; conversion of prime agricultural land to development; and land speculation which inflates land values.

Almost all of the economic problems in coastal areas are related to a lack of diversity and balance in the economic structure of the area. There is a need to encourage the development of clean, non-polluting industry, guiding it not only to those areas suitable for development, but also to those areas that are economically depressed and most lacking in economic balance. It is anticipated that the Florida Coastal Management Program will provide assistance in guiding development to those areas where it is most suitable and most needed.

GOVERNMENTAL PROBLEMS AND ISSUES

Although Florida enjoys a variety of environmental laws, the following quotations from a recent report by INFORM, Inc. highlight a number of problems and issues relating to Florida's existing environmental legislation:

> Florida is a state of lofty plans and elaborate procedures, but of little in the way of concrete, state-level standards...(p. 77)
>
> The DRI procedure substitutes complicated and involved procedure for substantive regulation, and relies on extensive proposals, hearings, rebuttals, and appeals procedures to arrive at its end. Because of its rather vague mandate, the DRI procedure has been termed a 'process without a policy', merely prescribing a

> procedure for land use decisions without any definite and binding criteria or standards for those decisions. The procedure combines aspects of federal lawmaking and the judicial process, but never actually defines what may be developed and what must be protected. (p. 88)
>
> ...the DRI process still relies more on administrative road blocks than substantive, predictable do's and don'ts. (p. 89)
>
> The implementation of the Florida Comprehensive Planning Act follows a familiar pattern: although the plan reflects an elaborate scheme for regulatory goals, it is overly vague and requires no state or private action of any sort. (p. 96)
>
> ...the permit procedure for dredge-and-fill activities became increasingly complex, involving environmental impact evaluation and review by dozens of state and federal agencies. Yet it was a procedure without any substance, an attempt to protect wetlands by showing water-quality degradation, rather than by establishing guidelines and rules based on the value of critical wetland resources. This lack of substantive criteria meant that each case had to be decided individually. Neither developers nor government agencies were assured of uniformity or consistency of decisions, and the maze of procedural requirements most often resulted in a decision favorable to whichever side had more staying power. (p. 97)
>
> The Local Government Comprehensive Planning Act of 1975 follows the familiar Florida framework of designating procedures by which local governments may implement substantive provisions. While this Act provides procedural guidelines indicating which issues must be addressed and includes deadlines and penalties for non-compliance, it lacks provisions for quality control. ...Again, however, no specific standards apply in the case of these (state and regional) reviews. (p. 107)
>
> (Simko, P.A., et al. Promised Lands Volume 3: Subdivisions And The Law. New York, INFORM, Inc. 1978)

Although the criticism concerning dredge-and-fill activities has now been largely addressed through the criteria and guidelines of Chapter 17-4, Florida Administrative Code, all of the other comments are still relevant. Procedures still appears to be paramount to standards and criteria, causing difficulties with property owners and developers who do not always understand what is allowable under existing law.

It is anticipated that the adoption of the policies contained in the Florida Coastal Management Program will provide a uniform base for decision-making, at least in coastal areas, that is presently lacking in existing environmental and resource management legislation.

III. SUBSTANTIVE ELEMENTS OF FLORIDA'S COASTAL MANAGEMENT PROGRAM

The scope of the Florida Coastal Management Program - what activities it manages and where it manages them - is the product of two requirements: uses subject to management and the state coastal zone boundary. These requirements are related, and reflect the kind of uses and their impacts on coastal resources.

Early in the development of the Florida Coastal Management Program, the Bureau of Coastal Zone Planning (then the Coastal Coordinating Council) developed a planning boundary which served as the basis for data collection and analysis and for initial planning purposes. It was based on a combination of natural resources, socio-economic data, and administrative considerations. Although approximating natural resources and coastal features, the planning boundary primarily utilized census enumeration district lines. This allowed for the collection of socio-economic data with maximum relation to the geographic base.

The resources and demographic patterns in the planning boundary were inventoried, mapped, anlayzed, and summarized. These initial efforts, in 1972, led to the identification of important resources, hazardous areas, potential problems for development, and areas most suitable for development. Collection and analysis of this information continued and was revised and republished at a larger scale in regional atlases in 1975, along with summaries of land use and economic and census data.

These inventories enabled the identification of uses subject to management and areas or resources of special concern. They also formed the basis for the development of the proposed management boundary and program policies.

USES AND ACTIVITIES SUBJECT TO MANAGEMENT

The Coastal Zone Management Act requires that state programs determine and identify which uses shall be subject to the management program. At a minimum, the program must provide at some

level of government for control of land and water uses and activities which may have a direct and significant impact on coastal waters.

In order to systematically define those uses and activities which should be subject to management under the Florida Coastal Management Program, the Department relied upon a combination of knowledge, experience and comments from research and resource management agencies and individuals; technical information; and resource analyses prepared by the Bureau, as well as experience and past legislation addressing coastal resources. For determining whether these impacts on coastal waters were direct and significant, the following definitions were developed.

> Impact is any modification or alteration of an element of coastal waters, including their quality, quantity, hydrodynamics, surface area, living resources, and aesthetics, or the human or natural use thereof. Impacts can be positive or negative.
>
> Direct indicates a causal relationship, denoting that the impact on coastal waters results from a consequence of an action or use.
>
> Significant impacts are those which can reasonably be expected to: i) alter the physical, chemical, radiological or biological properties of coastal waters; ii) affect other uses of coastal resources; iii) affect public health, safety, or welfare; or iv) result in irretrievable commitments of coastal resources.

Table I indicates the impacts of different activities on coastal waters identified as a result of this analysis. The relationship of these activities to coastal uses - the manner in which they affect coastal waters - is shown in Table II. These are then the uses subject to the management program.

Assessment of the various impacts associated with uses in the coastal zone revealed that some, such as ports, power plants, and navigation projects, can usually be expected to have direct and significant impacts. However, the impacts of many other uses such as residential, commercial, or recreational development, cannot simply be correlated with the use itself. While having a potential impact in some instances, these uses need not always have a significant or direct impact. In these cases, the impacts will depend largely on project size, the degree and extent of landscape alteration, the manner of conducting or undertaking the use, and the specific location and resources affected.

These uses and activities have a variety of impacts, some broad and pervasive, others relatively narrower or more limited. Most of these impacts are transmitted via water, affecting water

TABLE I

IDENTIFICATION OF ACTIVITIES TO BE MANAGED

ACTIVITY	WATER CHARACTERISTIC					
	WATER QUALITY	COASTAL WATER QUANTITY	WATER HYDRO-DYNAMICS	LIVING AQUATIC RESOURCES	AESTHETICS	WATER SURFACE AREA
CONSUMPTIVE USE OF LIVING RESOURCES				X		
SPACE OR SURFACE USE OF WATER			X		X	X
DREDGE OR FILL	X	X	X	X	X	X
IMPOUNDMENT	X	X	X	X		
WATER DISCHARGE: POINT OR NON-POINT	X	X	X	X		

"X" indicates direct and significant adverse impact of activity on coastal water characteristic

TABLE II

RELATIONSHIP OF COASTAL USES AND ACTIVITIES,
AND THE IMPACT OF USES ON COASTAL WATERS

USES \ ACTIVITIES:	CONSUMPTIVE USE OF LIVING RESOURCE	SPACE OR SURFACE USE	DREDGE OR FILL	IMPOUNDMENT OF SURFACE WATERS	WATER DISCHARGE: POINT AND NON-POINT
ENERGY PRODUCTION, TRANSMISSION, STORAGE ELECTRICAL FACILITIES, OIL AND GAS STORAGE	X	X	X	X	X
WATER-BORNE NAVIGATION AND TRANSPORTATION a. ports, offshore terminals b. marinas, docks, piers		X	X		X
HIGHWAYS, AIRPORTS, RAILROADS			X	X	X
AGRICULTURE, FORESTRY, FISHERIES AND AQUACULTURE	X	X	X	X	X
SHOPPING CENTERS, INDUSTRIAL/OFFICE PARKS, HOSPITALS, SCHOOLS			X	X	X
RESIDENTIAL/RESORT DEVELOPMENT		X	X		X
SOLID WASTE/WASTE WATER MANAGEMENT			X		X
DRAINAGE PROJECTS, EROSION CONTROL/BEACH RESTORATION, PEST CONTROL	X	X	X	X	X
RECREATION	X	X	X	X	X

TABLE III

CONTROLLING AUTHORITIES

USES TO BE MANAGED	APPLICABLE CONTROLLING AUTHORITIES	
	FCMP Policy	Other State Statutes
ENERGY PRODUCTION, TRANSMISSION, STORAGE ELECTRICAL FACILITIES, OIL AND GAS STORAGE	Resource Protection Energy Facilities Areas of Particular Concern Resource Utilization Water Resources Air Quality Exceptions	Ch. 253-State Lands Ch. 370-Fisheries Ch. 403-Air and Water Pollution Control Ch. 373-Water Resources Ch. 377-Oil and Gas Resources
WATER-BORNE NAVIGATION AND TRANSPORTATION a. ports, offshore terminals b. marinas, docks, piers	Resource Protection Resource Utilization Ports Water Resources Areas of Particular Concern Exceptions	Ch. 253-State Lands Ch. 258-Aquatic Preserves Ch. 403-Air and Water Pollution Control
HIGHWAYS, AIRPORTS, RAILROADS	Resource Protection Air Quality Land Transportation Exceptions	Ch. 253-State Lands Ch. 403-Air and Water Pollution Control
AGRICULTURE, FORESTRY, FISHERIES AND AQUACULTURE (MINING)	Resource Protection Resource Utilization Water Resources Exceptions	Ch. 211-Mine Reclamation Ch. 253-State Lands Ch. 370-Fisheries Ch. 373-Water Resources Ch. 377-Oil and Gas Resources Ch. 403-Air and Water Pollution Control Ch. 533-Mine Wastes
SHOPPING CENTERS, INDUSTRIAL/OFFICE PARKS, HOSPITALS, SCHOOLS	Resource Protection Economic Development Air Quality Exceptions	Ch. 253-State Lands Ch. 373-Water Resources Ch. 403-Air and Water Pollution Control
RESIDENTIAL/ RESORT DEVELOPMENT	Resource Protection Recreation and Shoreline Access Exceptions	Ch. 253-State Lands Ch. 403-Air and Water Pollution Control Ch. 553-Residential Building Codes

TABLE III (CONTINUED)

USES TO BE MANAGED	APPLICABLE CONTROLLING AUTHORITIES	
	FCMP Policy	Other State Statutes
SOLID WASTE/WASTE-WATER MANAGEMENT	Resource Protection Resource Utilization Water Resources Exceptions	Ch. 403-Air and Water Pollution Control
DRAINAGE PROJECTS, EROSION CONTROL/ BEACH RESTORATION, PEST CONTROL	Resource Protection Recreation and Shoreline Access Water Resources Areas of Particular Concern Exceptions	Ch. 161-Beachfront Construction Ch. 253-State Lands Ch. 370-Fisheries Ch. 373-Water Resources Ch. 387-Subsurface Waters Ch. 403-Air and Water Pollution Control Ch. 582-Soil and Water Conservation
RECREATION	Resource Protection Recreation and Shoreline Access Resource Utilization Areas of Particular Concern Exceptions	Ch. 253-State Lands Ch. 370-Fisheries Ch. 371-Recreational Boating Ch. 372-Game and Freshwater Fish Ch. 403-Air and Water Pollution Control

features or conditions (i.e., old shorelines, floodplains, contours); iii) political jurisdictions (city or county lines); iv) a two-tiered boundary which distinguished a management and an administrative area; and v) inclusion of the entire state as the coastal zone. Examination of these alternatives indicated problems and benefits associated with each.

Based on the data collected during the planning phase, comments received on the alternatives, and management needs identified, the planning boundary was reviewed and adjusted in order to establish a boundary more appropriate for management purposes. Primary considerations during the review were that the boundary of the coastal zone should:

1) include all identified vital areas, the most environmentally important or sensitive coastal areas;

2) include all hazardous areas, especially the coastal floodplain; and

3) reflect the relationship between anticipated uses and their impacts on coastal waters.

Using the data collected during the planning phase, the planning boundary was then adjusted to more closely reflect these considerations. Whereas the planning boundary had largely followed census enumeration district (CED) lines, this relationship was not necessary to maintain during administration of the management program. Use of the CED boundaries had expanded the boundary inland in some areas beyond where it was necessary for implementation. Such areas were deleted from the management boundary.

This review and adjustment procedure resulted in significant revision to the boundary. While the program management boundary was enlarged in a few areas (to incorporate portions of vital areas or the coastal floodplain which had been omitted during the development of the initial planning boundary), there has been a net reduction of about 1.3 million acres of the land area included in the planning boundary. The result is a management boundary for implementation purposes which more closely relates to natural resources, hazards to use in the coastal zone, and impacts of man's activities on coastal waters (Plate 1).

It is important to recognize, in terms of the federal requirements, that not all lands the use of which directly and significantly affect coastal waters, are within the coastal boundary. Some uses in inland areas can be expected to have a direct and significant impact on coastal waters. However, these impacts from inland uses are all transmitted via water, affecting either its quality, quantity, or flow characteristics. These water-related impacts can be adequately addressed through existing authorities in Chapter 373 and 403, F.S.

In the process proposed for implementation of the Coastal Management Program, local governments which elect to participate in the FCMP will have the opportunity to review and adjust the boundaries in their jurisdiction. Refinements may be based upon more detailed resource or hazard information developed as a result of local planning efforts; updated information from other sources (such as F.I.A. floodplain maps when completed); consideration of local needs identified during the planning process; anticipated impacts of uses and activities contemplated as a result of the local planning process (depending upon their nature, location, and magnitude); and changing technology. Such adjustment would be reviewed by DER during its acknowledgement of local plans, and would be one basis for determining whether the plan complied with the policies and objectives of the FCMP.

EXCLUDED FEDERAL LANDS

According to CZMA, certain federal lands are excluded from state coastal zone boundaries (Section 304(a)). While this affects the expenditure of coastal zone management funds and state planning activities, it does not exempt federal agencies from the consistency requirements of the CZMA. Further, existing state authorities over federal lands in Florida remain in effect.

Where the impacts of any public or private use, activity, or development project on excluded federal lands extend beyond the federal lands and affect the state's coastal zone, those uses and actions must be consistent with the approved FCMP to the maximum extent practicable. Moreover, Congress has indicated that in general, even the uses of those excluded lands which do not have impacts extending beyond the federal boundary should be coordinated and consistent with state management efforts.

Because of the combination of: 1) the national mandate for federal agencies to coordinate and implement their actions consistent with an approved state program; 2) the complex and interdependent nature of activities in the coastal zone; and 3) the national interest in the protection, development, and use of coastal resources; the exclusion of federal lands from the boundaries and conditions of Florida's Coastal Management Program is a significant issue. In recognition of recent U.S. Attorney General opinions which conclude that all federally owned or leased lands should be excluded from the coastal zone, and in response to the revised federal regulations, Florida has provisionally agreed to exclude all federally owned and leased lands from the boundary of its coastal zone for the purposes of meeting the requirements of Section 304(a), pending further resolution of the status and definition of federal excluded lands.

The location and size of major federal land holdings (over two square miles) are identified in Plate 1; most other federal holdings are represented by a numbered symbol, which refers to a complete list of excluded federal lands in Appendix B. This list was developed from material provided by the U.S. General Services Administration as well as by individual federal agencies. Material developed during preparation of property ownership maps by regional planning councils, under contract to the Department, was also utilized in identifying these sites.

As indicated in Plate 1 and Appendix B , the major federal land holdings are National Park Service lands (primarily Everglades National Park), Department of Defense facilities, National Wildlife Refuges, and the NASA facility at Cape Canaveral. Together, excluded federal lands represent a total of about 2.6 million acres of land and water.

SPECIAL MANAGEMENT AREAS

The CZMA and implementing regulations require that states provide a focus for areas "...that are of particular concern because of their coastal related values, characteristics, or impacts on them, or that face pressures which demand detailed attention beyond a state's general planning and regulatory system as proposed in the management program". Included in this group are requirements for geographic areas of particular concern, guidelines on priorities of uses, shorefront access and protection planning, and areas for preservation and restoration.

GEOGRAPHIC AREAS OF PARTICULAR CONCERN

The CZMA requires that a state's coastal management program include an inventory and designation of areas of particular concern within the coastal zone. The Act also specifies that prior to receiving federal approval, a state's management program must make provisions 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 geographic areas of particular concern (GAPC's) is to identify special management needs, objectives, opportunities, or considerations under the coastal management program for selected areas or resources of statewide concern.

The federal regulations suggest that several different kinds of areas should be considered for designation, including important natural areas; habitat; cultural and scenic resources; hazard areas; areas for development and for siting of large

facilities; and areas of intense competition for space or resources. In addition to considering the many 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.

Florida proposes to use several existing state programs which provide special management measures to identify and designate geographic areas of particular state concern (GAPC's). Four major state programs which provide for the designation and direct state management of GAPC's within Florida's coastal zone are the Aquatic Preserves System, the State Wilderness System, Environmentally Endangered Lands, and Areas of Critical State Concern (Table IV). Several sites exist now in each of these categories, and each contains a process for designating additions. The objectives, procedures for designation, and management regulations for these major GAPC's are described in Appendix B . The location and extent of selected categories of GAPC's are also shown in Plate II.

In addition to the major GAPC programs, Florida also has a number of other potential management programs which are important in regulating activities or resources. Although established in different ways and administered by various governmental agencies, they serve to complement management provisions of the FCMP. Many of these programs are not under direct state control, but they impose different constraints or have special management considerations that should be addressed by state agencies and local governments as they undertake development or implement their management responsibilities.

Coastal Shorefront Areas

Reflecting the great concern expressed by the Florida Legislature and by state agencies and resource specialists about shorefront areas, the FCMP considers the coastal shorefront a GAPC. Coastal shorefront areas have many special benefits, problems, and potential opportunities which should be recognized by state agencies and local governments in their plans and actions. These include their great importance for water-dependent industry and for recreation; their unique values as fish and wildlife habitat and as an aesthetic resource; the role of the shorefront in preventing erosion; and the physical hazards they pose to improperly designed development. Designation of coastal shorefront area as a GAPC recognizes the importance of this narrow geographic area and the unique relationship of the land to coastal waters. Under the coastal management program there are several interrelated management tools including the coastal construction setback line, the state beach renourishment and protection activities, and the special planning activities of local government, that will be applied to address the special importance of shorefront areas.

TABLE IV

MAJOR STATE GAPC PROGRAMS

NUMBER OF PROGRAM UNITS WITHIN THE CZ	PROGRAM	LEGISLATIVE BASIS
30	Aquatic Preserve Program	Ch. 258.35-258.46, F.S.
5	Wilderness System Program	Ch. 258.12-258.33, F.S.
5	Environmentally Endangered Lands Program	Ch. 259, F.S.
2	Areas of Critical State Concern	Ch. 380, F.S.
Not Applicable	Coastal Shorefront Areas	Ch. 161 and 375, F.S.

Shorefronts involve five types of vital areas: tidal marshes and mangroves; intertidal areas; state wilderness areas; and coastal freshwater marshes and swamps. They may also involve several types of conservation areas, including coastal and riverine flood plains, and parks and recreation areas. In addition, some shorefront areas include presently developed areas or other types of development areas. Policies 1, 3, 8, and 10 of the Coastal Management Program specifically address how certain shorefront resources and activities should be protected or developed.

In addition to broad consideration of coastal shorefront areas, beach shorefronts require special consideration because of their special erosion and hazard problems and recreational potential. Under Chapter 161, F.S. the state is empowered to develop and implement comprehensive programs to preserve and restore the sandy beach areas fronting on the Atlantic Ocean and Gulf of Mexico. These areas, totalling over 782 miles in length, are subject to direct state planning and regulation designed to control activities, on both private and public property, which could induce or accelerate erosion of the beaches. As part of this effort (explained more fully in Appendix B), state authorization is required to construct or maintain erosion control structures along the beach or for any construction seaward of a state established coastal construction setback line. These areas seaward of the coastal construction setback line are designated as specific GAPC's under the state Coastal Management Program.

In addition to providing direct state regulation of beachfront construction, Chapter 161, F.S. also has formal processes for identifying erosion problem areas, restoring them for recreation use, and providing for public access. Under the Coastal Management Program, areas subject to such restoration are considered as Areas for Preservation and Restoration (APR's).

Chapter 375, F.S. (the Outdoor Recreation and Conservation Act) empowers the state to develop and carry out a state comprehensive outdoor recreation plan. This plan provides the focus for the state's interest in recreational opportunities for beach and other coastal areas. Using the plan the state attempts to meet identified shorefront access needs through several recreational and environmental resource acquisition and development programs (see Appendix B).

In the forefront of these programs are the Environmentally Endangered and Outdoor Recreation Land Acquisition bond programs. These bond programs, totalling $240 million, have been utilized in part to obtain prime shorefront areas for public use. In addition, the state administers a statewide system of parks and recreational areas, many of which are designed to provide for public use and enjoyment of shorefront areas.

The state also participates in several federal funding programs, such as those provided by the Department of Interior (Land and Water Conservation Fund), Department of Transportation, and the Department of Housing and Urban Development to facilitate state and local programs for providing public access to the shorefront.

The Coastal Management Program also recognizes the intense competition for access to and use of the shorefront, and the unique features, benefits and potential which it provides. Designation of the area extending from the shoreline inland 100 feet as a special GAPC provides a process for addressing these needs and considerations and a framework for deciding future use and allocation of the shorefront. In developing comprehensive plans, local governments electing to participate in the FCMP should consider the following special features or needs of the shorefront area:

1) Coastal shorefront development should be designed to maintain the integrity of coastal waters and estuaries. The vegetative fringe should be maintained in all coastal shorefronts adjacent to vital areas.

2) The maintenance and enhancement of historic, unique, and scenic waterfront uses should be encouraged in urban areas, allowing for non-water dependent uses in keeping with such communities.

3) Because of the intense competition for access to the shorefront, the following priorities should be considered in developing plans for shorefront areas (in descending order of priority):

    a) Water dependent uses;

    b) Water related or enhanced uses;

    c) Historic, unique and scenic waterfront communities in urban areas;

    d) Non-dependent and non-related uses which retain flexibility of future use and do not prematurely or inalterably commit coastal resources and landscape features to more intensive uses; and

    e) Non-dependent and non-related uses in urban areas compatible with existing or committed uses.

Areas for Preservation and Restoration

Areas for preservation and restoration (APR's) have been distinguished as one of these special categories of GAPC's. Nominations for these areas will occur through a variety of processes. The inventories, data, and biophysical analyses developed by the program will serve as one base for identifying areas. In general, identification of areas for preservation or restoration will depend heavily upon comment, advice, and analysis by the resource specialists associated with coastal planning. Studies and evaluations by other state agencies and universities will be a major source for indicating areas for restoration and preservation. The efforts to restore the water quality, biological communities, and recreational potential of North Biscayne Bay are an example of this kind of effort.

There are a number of specific programs in Florida that could be used to preserve or restore coastal areas. The areas identified as major GAPC's are all examples of programs providing for the preservation of coastal resources. The state will be relying in part on existing state restoration programs, to implement the provisions for restoration. Activities and products developed by local government and regional planning councils during program implementation will also provide a basis for identifying areas for restoration and preservation.

Existing programs addressing restoration needs, and which will identify specific areas for restoration include:

- Beach nourishment projects authorized by the Beach and Shore Preservation Act of 1970 (Chapter 161, F.S.).

- Water areas identified for restoration by the Pollution Recovery Trust Fund administered by DER (Chapter 403, F.S.). These include areas adversely affected by specific pollution incidents.

- Areas identified for restoration by the Water Restoration and Preservation Trust Fund, also administered by DER (Chapter 403, F.S.). Criteria for identifying these areas have not been fully developed, but will include consideration of degradation, public use, and ecological value. Feasibility studies have initially identified three potential sites under this program: Bayou Chico and Bayou Texar in Escambia County; and Big Hickory Pass in Lee County.

As indicated by these programs, areas can be designated for restoration for different purposes. The objects and management techniques will differ, reflecting the different purposes

and procedures inherent in each program. Beach areas designated as an area for restoration as a result of the Beach and Shore Preservation Act would be so designated to renourish or re-vegetate the beach or beach areas, thereby restoring the sandy areas lost by erosion. Waters identified under the Water Restoration and Preservation Trust Fund would be designated and managed to restore water quality or living resources. Specific procedures would be designated and developed for each individual site and set of conditions.

It is clearly not the intention of the restoration efforts to restore developed areas - for example, homesites or buildings on filled wetland or former bay bottoms - to natural conditions. The restoration efforts will largely be focused on restoring undeveloped but damaged or lost resources to more natural condition, compatible with existing uses. Opportunities also exist, however, for restoring cultural resources, such as historic districts or urban waterfront areas, where rehabilitation or reconstruction of the community could enhance the historic, scenic, or cultural values, use and traditions. Such opportunities are best identified during the development of the local government comprehensive plan. Although established programs do not now exist for providing funding and reconstruction, placing these projects in the context of a comprehensive land-use plan should result in greater funding potential.

Local Areas of Particular Concern

Another category of potential GAPC's are sites identified during the local government planning process as requiring special management considerations. In support of the state's program of designating GAPC's of state concern, the Bureau contracted with state regional planning councils to identify GAPC's of local and regional significance in a fashion consistent with federal CZMA guidelines. A major result of this effort is that a process was established whereby potential GAPC's were or could be identified for future action by appropriate authorities during the development of local plans. A number of natural and man-made coastal resources were identified as potential GAPC's in order to determine if they are being adequately managed to protect their conservation, recreational, ecological, development and aesthetic values. As a continuing effort in this approach, the state will utilize established and potential local GAPC's as an important link between the FCMP and the implementation of the LGCPA requirements. Local GAPC's would primarily be of local or regional concern and the management of these areas would be incorporated in the adopted LGCPA elements. However, upon review of the local comprehensive plan and acknowledgement by DER that the plan was consistent with the FCMP, the local GAPC's would receive state recognition and state activities would also be consistent with the objectives of the local GAPC designation.

Additional Areas of Particular Concern

Finally, during the development and review of the FCMP, several other specific categories of resources or areas were recognized as needing some special management recognition and consideration. Additional areas of particular concern are listed below with a brief explanation of selected state concern within each listed area. The FCMP would require that in the design and implementation of other state, regional, and local plans these selected concerns and management needs would be considered.

I. Areas where development and facilities are dependent upon the utilization of, or access to, coastal waters:

A. Ports

The primary ports in Florida operate in an environment that is unique in Florida. With few exceptions, Florida primary ports are:

1) entities of local government as provided by Chapter 315, F.S.;

2) governmental bodies that operate within the private market system;

3) comparatively numerous and often directly competitive with one another;

4) local entities which collectively serve an international mission;

5) facilities which require appreciable federal expenditures for the maintenance of channels and harbors; and

6) facilities in the national interest.

Because of their coastal, water-dependent nature and because of their mission linking local markets with international commerce, Florida's ports will be designated as geographic areas of particular concern after they have developed long-term development and management plans which are acknowledged by DER as consistent with the FCMP. This designation will require that the port lands and needs be recognized and protected in local government comprehensive plans and state agency actions.

Designation as a GAPC does not imply automatic permitting, unlimited development or continuous deepening of entrance channels and harbors. Rather, the GAPC designation implies that a port's policy

board has confronted economic development and environmental issues affecting port development and operations, and has addressed them in a manner which provides for efficient port development and operation while minimizing adverse social and environmental impacts. Furthermore, designation as a GAPC indicates that the local government and the FCMP generally concur with the planned strategy for port growth including implementation of mitigating measures for environmental and social impacts. In the long term, a GAPC should expedite the permitting process for ports and result in an overall increase in governmental efficiency regarding port decision-making. It should also protect port lands from non-compatible uses in plans, actions and programs of all lands of government.

B. Power Plant Sites

The limited availability of inland fresh water and the sensitivity of coastal ecosystems in Florida present severe problems for the siting of electrical generating facilities. These power plants require large amounts of cooling water, the use of which may cause substantial impacts on natural systems and socio-economic conditions of the surrounding areas.

To focus attention on these problems, electrical power plant sites which are identified in Ten-Year Sites Plans as "preferred sites", will be designated geographic areas of particular concern (GAPC). Within the rules promugated by the Division of State Planning, the following definition has been made:

> Preferred Sites are sites on which a utility intends to construct a power plant, provided certification is obtained. These sites shall be fully disclosed in the ten-year site plan as soon as all parcels of land making up the site have either been purchased by, or are under option to, the utility or are the subject of condemnation proceedings, or as soon as the decision has been made to site a plant offshore.

Designation as a GAPC reflects the state's concern in providing for the development of electrical generating facilities and in minimizing adverse impacts associated with such development.

The designation of "preferred power plant sites" as GAPC's would implement specific siting requirements of the Florida Electrical Power Plant Siting Act and

provide some standing to the ten-year site plan requirements. It would not provide automatic permitting. Rather it ensures that all possible impacts and potential problems at the identified site have been considered. It also ensures that the preferred site management strategy has attempted to mitigate any undesirable consequences. Finally, it will ensure that state and local government actions do not result in committing these preferred sites to other uses.

II. Areas of significant natural, recreational, scientific, or historical value:

A. Barrier Islands and Beaches

Barrier islands and barrier beaches are low, usually narrow sandy strips of land that parallel the mainland. They are valuable, fragile and dynamic ecosystems which strongly resist attempts to stabilize them or hold them in place, and therefore possess special hazards to use and development. Barrier islands and barrier beaches form the first line of defense for the mainland area against coastal hazards, especially hurricanes and shoreline erosion. Their value and benefits are being compromised by development, some of which is facilitated by government subsidies or public work projects.

To ensure that this important resource is wisely managed, the following considerations are listed as a guide for the preparation and implementation of state programs and regional and local comprehensive plans in order to provide consistency with the FCMP.

1) Plan for and locate all future development on barrier islands and barrier beaches in a manner consistent with natural processes and constraints.

2) Plan for and implement restoration and stabilization of eroding shorelines on developed barrier islands in a manner that does not induce erosion in adjacent areas.

3) Ensure, through appropriate land use controls, that development in the hurricane flood zone does not jeopardize human life and welfare.

4) Encourage retention of natural vegetation to aid in protecting water quality and aesthetic values, and to stabilize soils and dunes.

5) Minimize dredge and fill activities on barrier islands and beaches and ensure that necessary dredge and fill activities have the least possible adverse environmental, social and economic impacts.

6) Recognize the changing nature of barrier island systems and the consequences of disturbing or destroying dune vegetation and soil cover or erosion.

7) Ensure maximum retention of recreational values of barrier islands and beaches, particularly the provision of public access.

8) Recognize the important impact on development, and particularly on development in hazardous areas, which federal and state subsidies, including direct construction projects, often have on barrier islands.

9) Protect the fragile potable water resources and the limited waste absorption capacity of barrier islands.

10) Recognize the cost of providing services to barrier islands, which because of their size and location often depend on services from the mainland.

11) Plan and provide for priorities of use for both privately and publically owned barrier islands and beaches. From highest to lowest these priorities of use should be:

    a) Undeveloped barrier islands and beaches should be kept in a natural state with natural processes acting on them to maintain their all-important function of storm protection for mainland areas, and to avoid the high hazards and costs associated with their use.

    b) To provide recreational activities, including the provision of public access, which requires minimal alterations to the landscape and construction projects (low-intensity recreation).

    c) To provide minimal support services for recreational activities:

Marked swimming areas
Picnicking areas - tables, grills
Marked fishing areas
Nature trails
Campsites - primitive
Boat ramps
Over-dune (elevated) walkways
Parking lots, refuse and restroom facilities set well behind dune line

d) Jurisdictions with responsibilities for developed barrier islands should provide for necessary water-dependent activities including recreation, consistent with the overall limitations of the resources. These activities may include but are not limited to:

Fish and wildlife production
Water dependent recreation
Marians
Navigation
Ports and water-dependent industry

e) Water related and non-dependent, non-water related uses may be appropriate on developed barrier islands, but should be planned and restricted to avoid creating public hazards and liabilities. When determining whether such uses are compatible with the resource limitations, problems, and hazards, the amount of alteration of the landscape, physical size, needed support services, hazards, and the amount of resources the activity will utilize (especially potable water) should be considered.

B. Unique Environmental Features

The FCMP recognizes that other unique environmental features will require special management and consideration in the development of state, regional, and local comprehensive plans. These areas would be natural or unusual features occupying a comparatively small geographic area, characteristic of a coastal region. Examples range from such diverse features as coral reefs (and "man-made" reefs) to unusual sinkholes, caves, and pristine rivers and springs. Several unique environmental features were identified in the Regional Atlases (1975). Others may be identified during the development of local government comprehensive plans.

In these areas, uses of the highest priority will be non-intensive uses that are water dependent and which maintain natural functions. Use of the lowest priority would include those non-water dependent, non-water enhanced activities which would resulte in an irretrievable alteration or loss of the unique resources.

C. Critical Habitat for Endangered Species

The coast of Florida includes some unique fish and wildlife habitat areas which will require special management considerations. These areas include critical habitats designated pursuant to the Federal Endangered Species Act for the following endangered Florida species: 1) Florida Manatee, 2) American Crocodile, 3) Florida Everglades Kite, 4) Dusky Seaside Sparrow, and 5) the Cape Sable Sparrow. These areas which are identified in Plate 2, are provided some protection as a result of the federal Act.

The majority of the federally designated critical habitat areas for these species are on lands and in waters within the coastal zone as defined by the FCMP. As such, the FCMP offers some protection through the vital areas category, but the majority of the designated areas are within the conservation areas. Other state and federal management programs, such as aquatic preserves; parks and recreation areas; and wildlife refuges also provide some measure of protection for endangered species. However, the importance of these critical habitat areas should be recognized in the development of local comprehensive plans.

D. Historical and Archeological Sites

Areas of historical, archeological, and cultural significance have been identified and mapped by section and depicted in the Regional Atlases (1975). This material reflects information supplied by the Florida Division of Archives and History of the Department of State. The significance of these sites should be recognized in regional and local plans. The National Register "Criteria for Evaluation" in assessing areas of historical or cultural value should be used as a guide. In designated areas, use of highest priority would be those uses that preserve historic and cultural values.

ENERGY FACILITY SITING

The CZMA was amended by Congress in 1976, to require, among other things, that coastal states develop planning processes than can anticipate and manage the impacts from energy facilities located in, or which may significantly affect, the coastal zone. As defined in the CZMA the term "energy facilities" is very broad and encompasses nearly every conceivable energy activity. Energy facilities mean any equipment or facility which is or will be used primarily:

A) in the exploration for, or the development, production, conversion, storage, transfer, processing, or transportation of, any energy resource; or

B) for the manufacture, production or assembly of equipment, machinery, products or devices which are involved in any activity described in subparagraph (A) (Section 304(5)).

The planning process for energy facility siting must address present and future facilities located in or significantly affecting the coastal zone. Energy facilities which may significantly affect the coastal zone must be identified to ensure adequate consideration of these facilities as land or water uses subject to the management program.

Table V lists those energy facilities, which are now or are likely to locate in or significantly affect Florida's coastal zone, and which are therefore considered subject to the management program. Table V also lists the corresponding means to manage the siting and related impacts resulting from each facility.

During program implementation, other energy facilities including geothermal, wind power and other alternative power generating facilities will be considered for possible classification as uses subject to management. Such determination would be made following further studies and analyses. At the present, however, these are not anticipated for Florida, and therefore are not subject to the coastal program.

As can been seen from Table V, Chapter 403, F.S., is relied upon heavily as the means for achieving the intent of the FCMP's energy facility siting policies. Under Chapter 403, a procedure for assessing the sutiability of sites for electrical power plants has been established and operating in Florida for the purpose of certifying:

> any steam or solar electrical generating facility using any process or fuel, including nuclear materials, and shall include associated facilities and those directly

TABLE V

ENERGY FACILITIES SUBJECT TO THE MANAGEMENT PROGRAM

FACILITY	AUTHORITIES TO MANAGE ENERGY FACILITY SITING
1. Fossil fuel, nuclear powered, and hydroelectric generating plants	Chapter 403, F.S.
2. Resource recovery electric generating plants	Chapter 403, F.S.
3. Solar energy electric generating plants	Chapter 403, F.S.
4. Electric transmission lines	Chapter 403, F.S. (for linking new plants to existing transmission networks on right of way) Chapter 380, F.S. (if greater than 230 K.V. and crosses a county line)
5. Petroleum storage and tank farm	Chapter 380, F.S. (if greater than 50,000 barrels and within one mile of navigable waters; if greater than 200,000 barrels elsewhere)
6. Nuclear fuel processing plants	Chapter 290, F.S. Federal Consistency
7. Deepwater ports	Chapter 253, F.S. (for associated coastal dredging) Federal Consistency
8. LPG or LNG related facilities	Chapter 527, F.S. Federal Consistency
9. Refineries	Chapter 380, F.S. (for associated storage facilities only)
10. Oil and gas exploration and production	Chapter 377, F.S. (landside state waters) Chapter 253, F.S. (for state lands only) Federal Consistency

11. Onshore support facilities for offshore exploration, development and production	OCS Order #15 Federal Consistency Amendment proposed to Chapter 380, F.S.
12. Pipelines (energy)	Chapters 253 and 403, F.S.; Federal Consistency
13. Terminal facilities (including transfer facilities)	Chapter 253 and 403, F.S.; Federal Consistency
14. Other water dependent, energy related facilities	Chapters 253 and 403, F.S.; Federal Consistency
15. Ocean thermal energy conversion facilities	Chapter 253 and 403, F.S. (for associated coastal dredging); Federal Consistency

associated transmission lines required to connect the electrical power plant to an existing transmission network or right of way to which the applicant intends to connect. (Chapter 403, F.S.)

Other statutes, including Chapter 253 for dredge and fill activities, and Chapter 377 for oil and gas regulation, as well as the federal consistency provisions of the CZMA will be employed to satisfy the federal requirements for a procedure to assess the suitability of potential sites for those facilities not specifically addressed above.

Existing state statutes as well as the FCMP itself express state policies relative to energy facility siting. These include:

Chapter 403.502:

As a section of the Power Plant Siting Act, this provision gives specific guidance for the safe and environmentally acceptable siting and operation of electrical generating facilities.

Chapter 377.702:

This section of the Florida Statutes expresses the state's general policy to promote energy conservation, to include consideration of state and local planning on energy demand and conservation, to encourage the use of alternative energy resources, and to consider all impacts associated with energy activities.

Chapter 23:

The proposed State Comprehensive Plan includes two elements - the Energy and the Utility Elements - which establish general state policy and guidelines for energy activities and siting in the coastal zone. Both of these elements address activities required under the federal regulations.

FCMP Policies:

Policy #1 - Resource Protection, Preservation, Development and Restoration; and Policy #8 - Energy Facilities; provide specific standards and guidance for the siting and management of energy facilities in the coastal zone.

Should new energy-related policies be developed or the above policies amended, they shall be considered for possible integration into the FCMP energy facility siting process.

Finally, the mechanisms for coordination and cooperation relative to energy facility siting will be developed during the fourth year development grant. The means for state agency coordination, in large part, will be based on the Ten-Year Power Plant Planning Process, Power Plant Site Certification Program and the Coastal Energy Impact Program (Section 308 of the CZMA). The actual mechanism will be developed in cooperation and consultation with the Florida Energy Office and the Division of State Planning, which share responsibility for energy facility planning and management, and with DER's Power Plant Site Certification Program. The mechanism for coordination between the FCMP and those federal agencies associated with energy facility siting will be based on federal consistency reviews and will be refined subsequent to further federal coordination.

IV. POLICIES FOR MANAGEMENT OF COASTAL RESOURCES AND ACTIVITIES

Effective management of coastal resources and their uses requires policies relating to those resources be clearly and concisely articulated. These policies, guidelines, and subsequent administrative rules must be clearly related to management objectives. By protecting vital coastal resources, by encouraging economic development consistent with resource capabilities, and by providing for intergovernmental coordination and cooperation, Florida's CMP will guide long-term resource and growth management for the coastal areas.

Because of the comprehensive and complex nature of coastal resource management, the program's policy statements are categorized into the three main elements of the program: resource protection and restoration, economic development, and governmental process and institutional coordination. This categorization essentially parallels the U.S. Congress' declaration of policy on coastal zone management which states, in part:

> The Congress finds and declares that it is the national policy (a) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations, (b) ... 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 needs for economic development, (c) for all federal agencies ... to cooperate and participate with state and local governments and regional agencies in effectuating these purposes ... (CZMA, Section 303).

By following the national policy declaration on coastal zone management, the program's overall direction and focus become more understandable, and its general position toward coastal resource protection, uses to be managed and governmental roles

and institutional responsibilities is clarified. At the same time, by paralleling federal language, the program fulfills one of the requirements for federal approval.

Policies for Florida's Coastal Management Program are derived from a variety of sources. Some are directions from existing legislation. Others are generated as a result of the coordination efforts with regional planning councils, their citizens advisory committees, the Interagency Advisory Committee, and the State Advisory Committee on Coastal Zone Management.

Several specific criteria and principles were recognized during the policy development process:

1. Policies should be clearly and concisely stated to provide for consistent interpretation by different interests and to minimize confusion to the extent possible.

2. Where possible, the policies should reflect a direct applicability to the coastal landscape and resources.

3. The policies should focus on:

   a. Achieving objectives rather than simply maintaining the status quo.

   b. Improving predictability of governmental decision-making.

   c. Increasing efficiency of administrative actions.

4. The policies should reflect recognition that coastal management involves not only direct regulation of certain activities but also provision of positive government leadership and incentives to local governments to achieve coastal management objectives.

5. The policies should provide clear direction and guidance to all levels of government and should strive for utilization of legitimate local authorities to achieve coastal management objectives. To the greatest extent possible, direct state regulation should be restricted to those activities that are currently subject to regulatory powers.

6. The policies should be based upon factual information regarding directly affected geographic areas and activities.

In coordination with the Regional Planning Councils, the CAC's, and other state agencies, over 160 policies were initially developed. Review of these policies indicated that while they were very specific to the resource or use they addressed, they provided only general direction or guidance. Many were open to broad interpretation during application. Moreover, there was a substantial amount of duplication and some conflict among the policies. In order to provide clearer direction, a more commonly understood program, and to avoid duplication, the initial draft policies were condensed and reduced to 18 policies and guidelines. These policies were circulated for review in the workshop draft, and further revised to reflect comments received during that review. During this review, the policy revision continued to be coordinated with the RPC's, the Interagency Advisory Committee, and the State Advisory Committee.

Through legislative and executive action, the policies will be implemented by a combination of existing state agency regulatory, planning, and public works programs and the voluntary participation of local government and regional agencies. The new policy statements provide for regional agency and local government roles by encouraging them to develop regional and local plans and ordinances that complement and provide greater specificity to the state coastal management policies and guidelines. As a result, local needs and conditions can be appropriately recognized in the Coastal Management Program. Additional specificity for the policies will also be found in state administrative rules developed pursuant to legislative action and direction on coastal management.

RESOURCE CATEGORIES

Florida's many coastal resources and features are of untold value to the citizens of Florida for many different reasons. The biophysical analyses of the coastal zone which were developed during the planning program identify and classify many of the major coastal resources and geographic areas that serve to benefit the citizens of Florida. These analyses also classify portions of the coastal landscape according to their suitability for development and susceptibility to change or alteration. Based on these analyses and a review of the benefits which the coast provides, the coastal zone was classified into three general categories of resources: vital areas, conservation areas, and development areas.

Vital areas include those natural resources of the coastal zone identified as having major ecological, hydrological, physiographic, historical, or socio-economic importance to the public at large. These vital areas, which are

of critical importance for this and future generations in Florida, include:

Class I Waters are surface waters in the coastal zone that are designated as a source of potable water supplies pursuant to Ch. 403, F.S. and Ch. 17-3, F.A.C.

Class II Waters are coastal waters in areas which either actually or potentially have the capability of supporting recreation or commercial shellfish propagation and harvesting, designated pursuant to Ch. 403, F.S. and Ch. 17-3, F.A.C.

Tidal Marshes and Tidal Mangroves are wetland areas as defined by dominance of marine species or transitional marine species identified pursuant to Ch. 403.817, F.S. and implementing rule Ch. 17-4, F.A.C. They are valuable habitat for numerous species of birds and terrestrial animals, and also provide necessary nutrients to adjacent waters and biota. They filter waters, maintaining water quality. In addition, they serve to absorb, store, and retard flood waters and reduce erosion and sedimentation. Included in this category are "high" marsh and mangrove areas generally considered as being above the level of mean high water.

Marine Grass Beds are shallow water areas containing submerged vegetation and include those areas defined as marine and estuarine aquatic beds in the U.S. Fish and Wildlife Service's Classification of Wetlands and Deep-Water Habitat of the United States. These include both true marine grasses and algae beds. These areas serve as important habitats for many organisms, are an important base of marine food chains, and perform several important functions related to water quality, including reducing siltation and turbidity in the water.

Estuarine Intertidal Areas are those areas in the intertidal zone in estuaries and bays. These areas, which are regularly flooded and exposed by tidal waters are extremely productive and of great importance as feeding grounds for shore and wading birds and marine life. They also serve to absorb wave forces, provide access to coastal waters, and provide opportunities for recreation.

Gulf and Atlantic Beaches and Associated Active Dune Systems are all beaches and active dune systems fronting on the open Gulf of Mexico or the Atlantic Ocean including barrier beaches and barrier islands. The landward extent of these areas is defined by the Coastal Construction Setback Line as identified and established pursuant to Ch. 161, F.S. In addition to being very

important recreational resources, Gulf and Atlantic Beaches and Associated Dune Systems constitute natural shoreline protection features. Left in a dynamic state, they serve as important barriers to storm waves.

State Wilderness Areas are undisturbed or natural state-owned lands which have been set aside under Ch. 258, F.S., for preservation in essentially their natural condition as part of the State Wilderness System.

Coastal Freshwater Marshes and Swamps are areas contiguous to or having continual connection by surface waters to tidal waters, tidal marshes, or tidal mangroves, and which have a high freshwater table and support water-tolerant vegetation as defined by a dominance of freshwater species or transitional freshwater species identified pursuant to Ch. 403, F.S. and Ch. 17-4, F.A.C. They also include areas defined as broad-leaved deciduous forested wetlands in the U.S. Fish and Wildlife Service's Classification of Wetlands and Deep-Water Habitats of the United States. They are of direct substantial ecological importance and also serve to store and gradually release fresh water into tidal waters, thereby maintaining the salinity balance. They provide nutrients to coastal waters, maintain water quality, and may also function as aquifer recharge areas. By maintaining a high hydrostatic head, they also provide a barrier to saltwater intrusion.

Coral Reefs are subtidal ridge or mound-like structures formed by the colonization and growth of corals and associated organisms. They are characterized by their elevation above the surrounding substrate. Florida's coral reefs are unique features in the United States of great biological diversity, productivity, and importance. They are also an important tourist and recreational attraction, and serve to buffer storm waves.

These vital areas are resources of statewide significance. All of these areas provide substantial benefits to the state and the public (Table VI). Moreover, with the exception of parts of Wilderness Areas, all are within the lowest and most vulnerable portions of the floodplain. Vital areas cannot be developed without so altering the resource that the benefits are lost or significantly diminished.

All of the vital resources and areas are already subject to state regulatory programs. Many of them are also state-owned lands. Most of the vital areas - including Class I and II Waters, tidal marshes and mangroves, marine grass beds, coral reefs, and coastal freshwater marshes and swamps - are

TABLE VI

THE IMPORTANCE OF VITAL AREAS IN
PRODUCING AND MAINTAINING COASTAL BENEFITS

SELECTED COASTAL BENEFITS	VITAL AREAS								
	CLASS I WATERS	CLASS II WATERS	TIDAL MARSHES AND MANGROVES	MARINE GRASS BEDS	ESTUARINE INTERTIDAL AREAS	BEACHES AND DUNES	WILDERNESS AREAS	COASTAL FRESH-WATER SWAMPS	CORAL REEFS
FRESH-WATER RECHARGE	X							X	
MAINTAIN WATER QUALITY			X	X	X			X	
BIOLOGICAL PRODUCTIVITY		X	X	X	X		X	X	X
RECREATION/OPEN SPACE		X		X	X	X	X	X	X
STORM PROTECTION AND FLOOD CONTROL			X		X	X	X	X	
CLIMATE CONTROL	X	X	X		X			X	
COMMERCE AND ECONOMIC DEVELOPMENT	X	X	X	X	X	X		X	
EDUCATION AND RESEARCH		X	X	X	X	X	X		X
HARBORS OF REFUGE		X				X			X

"X" denotes that the vital area resource plays a significant role in providing the benefit (see Chapter II for a brief discussion of coastal benefits)

considered as waters of the state, which also include some areas not classified as vital. As such they are subject to Ch. 403 and 373, F.S. Chapter 403 primarily addresses water quality, and requires a permit for the operation, maintenance, construction, expansion or modification of any stationary installation which will reasonably be expected to be a source of water pollution. Chapter 373 is a broad authority which establishes the regulation and management of use of water resources, establishes Water Management Districts, and also requires a State Water Use Plan.

Many of the waters, including some wetland areas, are also subject to Ch. 253, F.S., which regulates dredging and filling activities. Chapter 253 explicitly recognizes the importance of many of the vital areas, such as marine grass beds "suitable as nursery or feeding grounds" as factors relevant in consideration of the public interest.

Shellfish waters (included in Class II Waters) are also monitored and regulated by DER, DNR, the Department of Health and Rehabilitative Services, and County Health Units. Class II Waters (as well as Class III Waters) may be a part of the state Aquatic Preserve System; uses in Aquatic Preserves are subject to regulation by Ch. 258, F.S.

In addition to waters of the state, the beach and dune areas considered as vital areas are all subject to state regulation through Ch. 161, F.S. Construction seaward of the Coastal Construction Setback Line (the limit of the vital area) must receive a permit from the Bureau of Beaches and Shores in DNR. As indicated, state wilderness areas are all state-owned and managed under Ch. 258, F.S.

Finally, in addition to state regulation, the vital areas are also subject to a variety of federal regulations. Activities involving dredging, filling, or waste discharge in the waters and wetland areas (including the coastal and freshwater marshes, swamps and forests) require permits by the U.S. Army Corps of Engineers. Because most of the vital areas are within the 100-year floodplain, development there is also subject to regulation by the Federal Insurance Administration. Most of the beach and dune areas are within the high velocity zone for storm surge (the "V" zone) defined by the FIA.

Because of the benefits which they provide, and the hazardous conditions they pose, development in vital areas results in substantial costs to the public.

Protecting and preserving the natural integrity of these vital areas enhances the aesthetics and quality of life for residents and tourists; provides a measure of natural hurricane

and flood protection and avoids creating development in hazardous areas; helps maintain ecological balance; promotes maintenance of our invaluable commercial and sport fisheries and economically important recreational opportunities. Public policy should be to manage vital areas to preserve the natural resources in recognition of dynamic natural, geological, and evolutionary processes, and to maintain the benefits which these areas provide. Vital areas should be managed to ensure the protection of continued biological productivity, fish and wildlife habitat, recreation opportunities, and public health, safety, and welfare. The general location and size of vital areas are illustrated in Plate III.

Conservation areas include those areas of the coastal zone which have moderate resource benefits; or which have substantial benefits that are less susceptible to adverse effects from alterations or use than are vital areas; or the use of which poses significant hazard to life and property. Because of their resource values or the hazards they may pose, conservation areas require special precautions prior to alteration or development. Failure to consider these limitations may result in direct or indirect consequences harmful to the public health, safety, and welfare. Proper precautions could entail extensive design and construction criteria to protect the development from unsuitable landscape conditions. The appropriate place to address the necessary precautions is generally in local government planning, zoning, and building codes.

Conservation areas include the following, unless otherwise designated as a vital area:

Class III Waters are generally recreational waters as classified pursuant to Ch. 403, F.S. and Ch. 17-3, F.A.C. They include all coastal waters not otherwise specifically designated. Included are bays, rivers, lakes, estuaries, and open waters of the territorial sea. The primary requirement for these waters is that they be maintained at a quality sufficient to allow body contact water sports and propagation of fish and wildlife.

Spoil Islands are artificial islands created with dredged material, resulting from disposal of material created, resulting from, or as waste product of creating, maintaining, or deepening channels, harbors, ports, or other such projects. They provide important recreational and habitat values. Their management is also important because of the adverse impacts some activities can have on water quality and sedimentation. They are state owned and are under the jurisdiction of Ch. 253 and 372, F.S.

Coastal and Riverine Floodplains are the lands, other than vital areas, covered by the largest flood which has a one percent chance of occurring in any one year; that is, the area subject to flooding at a statistical probability of at least once every 100 years as a result of higher than normal rainfall, streamflow, high tides, high winds, natural stream blockages, or tsunamis. The coastal and riverine floodplains are, or will be, defined by the FIA in flood disaster prevention maps. Floodplains are inherently hazardous to life and property. They are also particularly susceptible to man-induced sedimentation and erosion. Of particular importance in coastal floodplains is the severe wave action which accompanies hurricane-driven tides.

Interior Freshwater Marshes and Swamps are areas which have a high water table and which support a dominance of freshwater or transitional freshwater species listed in Ch. 403, F.S. and Ch. 17-4, F.A.C., but which are seldom or only intermittantly connected by surface water to coastal waters. That is, they are inland wetlands not continuously connected to coastal waters. Like coastal freshwater marshes and swamps, they are important wildlife habitat; they may serve as aquifer recharge areas, although they may be "perched" wetlands. Because they are only connected intermittantly, they lack the functions of maintaining the salinity balance in estuarine waters and of providing significant nutrients to coastal biota.

Forestry and Wildlife Management Areas are areas established by law as state or national forests or identified under Ch. 372, F.S. by the Florida Game and Fresh Water Fish Commission as part of the state wildlife management area program. They include public lands and privately-owned lands managed through agreements with private landowners, with special values for forestry or for managing wildlife.

Parks and Recreation Areas are areas devoted to outdoor recreational activities of various types. They include state, county and municipal parks and historical and archaeological sites. Also included are privately-owned lands dedicated to recreational use under Ch. 193, F.S., or leased or with acquired easements for recreational purposes under Ch. 375 and 418, F.S.

As with vital areas, most of the conservation areas are publicly owned lands or lands with some state regulatory control. The primary category of lands not directly owned are the upland portions of the Coastal and Riverine Floodplains. These areas pose potentially hazardous conditions.

Development in conservation areas, especially floodplain areas, is usually very expensive, both initially and in terms of continuing maintenance costs. Moreover, development in these areas also results in costs to and subsidies by the public.

Finally, many of the privately-owned conservation areas are not subject to strong pressures for dense development. They are frequently used for recreational, open space, forestry and agricultural purposes. If properly planned (so as to avoid excessive erosion, runoff, water pollution and adverse impacts on wildlife, for example), these kinds of uses are most appropriate. However, many privately-owned conservation lands are currently being encouraged toward intense development by tax practices based on revenue-producing potential rather than best use of the land.

The primary objective in managing conservation areas should be to recognize and address during planning and permit reviews the special values, importance, and hazards associated with these areas. This is a mixture of state and local government responsibilities.

Development areas form the third category of resources. They are an extremely broad group which includes all those areas of the coastal zone other than vital and conservation areas. They 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 physical limitations - drainage problems, poor permeability, bearing strength problems - which can be corrected by drainage techniques, central sewage systems or application of special building techniques, and (4) prime agricultural lands. The differences in the suitability for development - and the kinds of development - would affect the costs of providing and maintaining facilities and services. The differences in terms of access to and impact on public services and facilities, including transportation and utilities, also affect the suitability for development. In general, development areas are not considered to be environmentally fragile; however, the air, water, and biological resources may also affect the suitability for development of these areas.

Development areas include:

Class IV Waters are surface water designated under Ch. 403, F.S. and Ch. 17-3, F.A.C. for use as agricultural and industrial water supply. Because their primary use is for irrigation, stock watering or industrial purposes, these waters are vulnerable to contamination from excessive nutrients, pesticides

or industrial wastes. For this reason, maintenance of ecological balance in these waters is very difficult; but unless reasonable water quality is maintained in Class IV waters, there is a potential for inflicting severe ecological damage on adjacent water bodies.

Class V Waters are surface waters designated under Ch. 403, F.S. and 17-3, F.A.C. for navigation, utility and industrial use. Standards for these waters are the lowest of any applied to surface waters in Florida. These waters will possibly be reclassified as corrective measures are taken and water quality improves.

Undeveloped Lands Suitable for Intensive Development are lands needing little or no modification to make them suitable for development. Such areas have elevations, soils, topography, and other physical conditions favorable for development if appropriate environmental safeguards are utilized. Controls on distribution, density and design of development within such areas are almost entirely the responsibility of local government, with possible technical assistance from the state and federal government upon request.

Undeveloped Lands Suitable for Development if Limitations are Corrected are areas having minor or major physical limitations but suitable for intensive development with modifications such as improvement of drainage and installation of central sewage facilities. The modifications necessary to overcome limitations such as soils having low permeability, high water table, or low-bearing strength, may entail high initial and maintenance costs.

Presently Developed Lands are urban, suburban, and rural areas which have already been developed. Prior to development these areas in their original state may have fallen into the vital or conservation area categories.

Prime Agricultural Lands. The term "prime agricultural lands" is based upon natural soil conditions delineated in the Florida General Soils Atlas as having limitations for urban development but having an overall high soils rating for: 1) citrus, or 2) both truck crops and pasture.

Prime Agricultural Lands with Other Potential Suitabilities are areas having soil conditions which meet the criteria for "prime agricultural lands", such as high ratings for 1) citrus or 2) both truck crops and pasture, but having few, if any, physical limitations for urban development. These areas may or may not be already in agricultural use.

Unlike vital and conservation areas, only a small portion of the development areas is publicly owned. Class IV and V Waters are still under the jurisdiction of the state, and there is state control over some aspects of development, such as the use of septic tanks, drainage projects, and the consumption of potable water. Developments large enough to qualify as developments of regional impact may be subject to state review under Ch. 380, F.S. In general, however, the planning and approval of different kinds of uses or activities in development areas are controlled by local government authorities, such as zoning, comprehensive plans, and building codes.

The general location and extent of many of these resources and areas have been identified and mapped for the old coastal planning area in the series of nine regional coastal zone management atlases compiled in 1975 by the Bureau of Coastal Zone Planning with assistance from the regional planning councils. These atlases help to identify potential problems and limitations, as well as sites with intrinsic suitability for development. However, they are only general approximations of many resource areas, and are not provided at a scale sufficient for the application of management practices on the ground. Table VII presents an estimate of the amounts of land and water in each of the three resource categories, based on the general data collected in the regional atlases.

Additional investigation of these areas and further refinement of the overall biophysical atlases by local planning agencies, with technical assistance from the state, would be necessary for implementation of the coastal management program. In this manner, the severity of limitations to developments could be identified on a specific basis, and local planning capabilities could greatly enhance the Florida Coastal Management Program.

These three resource categories, with their differing benefits, limitations, and suitability for use, set the basis for the policies of the Florida Coastal Management Program. They provide a way of relating different uses and objectives to the resources of the coast. They also help define the balance between preservation and development which must occur in the coastal zone.

TABLE VII

ESTIMATED AMOUNTS OF LANDS AND WATERS IN
VITAL, CONSERVATION, AND DEVELOPMENT AREAS

	LAND		WATER		TOTAL	
	Area (Acres)	Percent of Total Land	Area (Acres)	Percent of Total Water	Area (Acres)	Percent of Total Coastal Zone
VITAL AREAS	2,320,849	26%	1,812,913	25%	4,133,762	26%
CONSERVATION AREAS	2,119,264	24%	5,346,215	75%	7,465,479	47%
DEVELOPMENT AREAS	4,426,250	50%	1,904	0+	4,428,157	27%
TOTAL COASTAL ZONE	8,866,363		7,161,035		16,027,398	

NOTES: (1) Areas include the area of federally-owned lands nominally within the coastal zone. Although these will be excluded from Florida's coastal zone, they were not deducted from these calculations. The total land and water area of these lands is about 2.6 million acres.

(2) Areas for the water include territorial sea waters within the coastal zone.

The policies for Florida's Coastal Management Program are also derived in part from the requirement of the Florida Constitution to conserve and protect the natural resources and scenic beauty of the state (Section 7, Art. II). They reflect the philosophy that sound management of the natural resources involves the careful development of some resources, the controlled use of others, and the preservation of the most critical, fragile, or valuable. In this manner, the policies serve to provide guidance on how the natural resources and scenic beauty of the coastal zone can be conserved and protected.

Implementation of the Coastal Management Program requires that management of the resources reflect the existing and potential value and vulnerability of the resources as well as public needs and demands. The preservation of vital areas will balance the planned development of other areas and resources as well as the continued long-term benefits which the vital areas provide.

Preservation is a concept which is already well embodied in Florida law. Some programs provide for preservation through acquisition or public ownership; examples of these programs include the Environmentally Endangered Lands (Ch. 259, F.S.) and the Wilderness Act (Ch. 258, F.S.) Programs. Others provide for preservation through regulatory or planning efforts. Some mandates for preservation include:

Florida Water Resources Act of 1972, which indicates that it is the policy of the Legislature to preserve natural resources, fish and wildlife (Ch. 373.016(2)(c), F.S.);

Water Resources Restoration and Preservation Act, directing DER to establish a program to assist the restoration and preservation of bodies of water (Ch. 77-369, Laws of Florida);

The Aquatic Preserves Act (Ch. 258.36, F.S.), which identifies certain estuarine and marine areas to be set aside forever as aquatic preserves or sanctuaries;

The Florida Transportation Code, which indicates that the preservation and enhancement of the environment are vital to the health and welfare of the people of Florida (Ch. 334.02(3), F.S.);

The Saltwater Fisheries and Conservation Act, which charges DNR to preserve, manage, and protect the marine, crustacean, shell and anadromous fishery resources of the state (Ch. 370.02, F.S.); and

The Local Government Comprehensive Planning Act of 1975, which requires that local governments in the coastal zone adopt a coastal zone protection element to their plan which includes, in part, policies for the orderly and balanced utilization and preservation, consistent with sound management principles, of all living and non-living coastal zone resources (Ch. 163.3177(6)(g)3, F.S.).

Several other statutes address the protection, conservation and development of natural resources. Examples of a few include:

Ch. 159, F.S., establishing industrial development authorities empowered to encourage and promote the location of desirable industry;

Ch. 253, F.S., concerning the use of state-owned or submerged lands;

Ch. 288, F.S., concerning the growth and development of the state;

Ch. 380, F.S., the Florida Environmental Land and Water Management Act of 1972; and

Ch. 403, F.S., regarding air and water pollution.

It is the intent of the Florida Coastal Management Program, using these and other programs, to provide for a reasonable balance of preservation, protection and development in the coastal zone, a balance which reflects the differing benefits, values, hazards, and development potential of Florida's coastal resources.

POLICIES OF THE COASTAL MANAGEMENT PROGRAM

Based on the review and the identification of the three categories of resources, fourteen policies were developed for the Florida Coastal Management Program. These policies set the common objectives, concerns, and standards for planning and conducting activities in the coastal zone. In order for the FCMP to be implemented, these policies will have to be adopted and enforced by legislative and executive action.

POLICY 1. RESOURCE PROTECTION, PRESERVATION, DEVELOPMENT, AND RESTORATION

Consistent with the public and national interests, it is the policy of Florida to conserve and protect the natural resources and scenic beauty of Florida's coastal zone. In furtherance of this policy, all agencies of government shall recognize the variety of benefits and potential of Florida's valuable resources by:

A) protecting, preserving, and where possible, restoring vital areas;

B) providing and encouraging uses in conservation areas which result in low impact on resources and benefits, maintain the values of the resources, are consistent with resource limitations, and minimize hazards to life and property;

C) providing and encouraging development and economic growth in development areas consistent with resource tolerance;

D) promoting and supporting the restoration of those resources and areas, including cultural resources, which have been diminished or lost by past alterations, activities, or catastrophic events, and where restoration would not be inconsistent with established uses; and

E) developing and providing suitable fiscal development incentives and appropriate economic adjustment techniques to implement this program.

POLICY 2. ECONOMIC DEVELOPMENT

It is the policy of Florida to guide, stimulate, and promote the coordinated, efficient, and beneficial development of the coastal zone in accordance with present and future needs, services, and resource limitations. State and local government shall encourage growth in a manner consistent with the policies of this program.

POLICY 3. RECREATION AND SHORELINE ACCESS

Consistent with state and national interests, it is the policy of Florida to protect, foster, ensure and improve access to and recreational opportunities in the coastal zone, including aesthetic use and enjoyment of coastal waters and shorefront areas, for all people consistent with private property rights and with the limitations and suitability of the coastal resources.

POLICY 4. RESOURCE UTILIZATION

Consistent with state and national interests, it is the policy of Florida to maintain the long-term benefits of the coastal zone by giving priority to the proper management and protection of renewable resources, benefits, and uses of coastal waters, such as production of fish and wildlife, maintenance of water quality, navigation, recreation and aesthetic enjoyment over the development and use of non-renewable resources.

POLICY 5. WATER RESOURCES

Recognizing that water is the common link between all parts of the coastal system and is a predominant factor in the benefits which the coastal zone provides, it is the policy of Florida that all agencies of government shall:

A) maintain and where possible upgrade water quality and the conditions of the coastal resources;

B) provide in all cases for the most reasonable beneficial uses of the waters;

C) maintain sufficient quantities of water flow;

D) maintain the freshwater seasonal fluctuations and delivery schedules to estuarine waters; and

E) utilize the provisions of the Florida Coastal Management Program as guidance for implementation of the Florida Water Plan in the coastal zone.

POLICY 6. AIR QUALITY

It is the policy of Florida that development shall be designed, constructed, and operated in a fashion that maintains or improves established ambient air standards, protects and enhances the public health and welfare, and prevents the significant deterioration of existing high quality air resources.

POLICY 7. ENERGY FACILITIES

Consistent with state and national interests, it is the policy of Florida that energy facilities may be planned for and sited in the coastal zone consistent with the resource limitations defined in Policy 1, and with the need to balance the dual concerns of the availability of fresh water for cooling in inland areas and the impact on other uses and resources in the coastal zone.

POLICY 8. PORTS

Consistent with state and national interests and recognizing that ports are water-dependent activities, it is the policy of Florida to:

A) provide for the operation, maintenance and necessary expansion and modification of existing primary ports through implementation of long-term port development plans which are consistent with the Florida Coastal Management Program, and by coordinating these plans with necessary permit reviews;

B) allow for the environmentally conscious operation of ports and related facilities through implementation of port pollution prevention regulations, the operation of waste disposal systems, and other methods necessary to meet water and air quality standards; and

C) discourage the creation of new primary ports.

POLICY 9. LAND TRANSPORTATION

Recognizing the significant impact of roadways and transportation facilities on land use, growth patterns, economic development, and environmental quality, it is the policy of Florida that those facilities and corridors necessary to meet the transportation needs of the state shall be planned, designed, located, constructed and operated in a manner consistent with the Florida Coastal Management Program, with the resource limitations as described elsewhere in these policies, and with the need to provide safe and efficient population exodus in cases of natural disasters and public safety hazards.

POLICY 10. AREAS OF PARTICULAR CONCERN

It is the policy of Florida to recognize the state and national interests associated with selected areas of particular concern. In furtherance of this policy, all levels of government shall use their authorities to protect and maintain areas of particular concern for the objectives for which they were designated, to promote or provide for uses which are compatible with the designation, and to avoid or discourage uses which are not compatible.

POLICY 11. PROGRAM PROCESS

It is the policy of Florida to encourage full coordination with and opportunities for particpation of all affected levels of government in the implementation of the Florida Coastal Management Program, to coordinate planning, land-use, and regulatory decisions and processes into an integrated program for efficient management of coastal resources, to provide for regular review and continuing evaluation of the program's effectiveness, and to provide for a means to revise and refine the program as necessary to address changing needs and technology.

POLICY 12. INFORMATION, RESEARCH, AND INVENTORIES

It is the policy of Florida:

A) to promote and coordinate research and technical assistance to provide an improved basis for management of coastal resources; and

B) that state, regional and local land-use plans, actions, projects, and activities related to or affecting coastal resources shall be preceded by inventories and other factual information necessary to understand the impacts and relationships of the proposed activities on coastal resources and the benefits they provide.

POLICY 13. CITIZEN INVOLVEMENT

It is the policy of Florida that all levels of government shall provide for and maintain effective mechanisms for citizen and public participation as sources of public ideas, comments and suggestions, and as a means of program review, for projects, activities, or plans in the coastal zone.

POLICY 14. EXCEPTIONS TO COASTAL MANAGEMENT PROGRAM AND POLICIES

When, during the application of these policies to plans and land-use actions, it is not practicable to apply a policy to specific properties or situations, an exception to the policy may be made upon a finding which includes:

A) a demonstration of public interest; and

B) an analysis and consideration of alternative actions and locations; and

C) a determination that adverse impacts have been minimized; and

D) a finding that the proposed use or activity will not be incompatible with other appropriate adjacent uses; and

E) that the proposed use is in compliance with acknowledged local comprehensive plans unless otherwise determined as a result of the regional and the state decision-making roles in reviewing Developments of Regional Impact pursuant to Ch. 380, F.S., and in power plant siting pursuant to Ch. 403, F.S.

Factors which may be considered when evaluating a demonstration of public interest include, but are not limited to, the public need as supported by inventories, data, and projections; public benefits; uses of regional benefit; and the national interest.

These policies address three broad considerations: resource use and protection, economic development, and governmental processes. Policies 4 (Resource Utilization), 5 (Water Resources) and 6 (Air Quality) address general resource concerns; policies 1 (Resource Protection, Preservation, Development, and Restoration) and 10 (Areas of Particular Concern) address specific needs for resource protection, as well as some development needs. In addition to policies 1 and 10, policies 2 (Economic Development), 3 (Recreation and Shoreline Access), 7 (Energy Facilities), 8 (Ports), and 9 (Land Transportation) consider needs and standards for coastal growth and development. Finally, policies 11 (Program Process), 12 (Information, Research, and Inventories), 13 (Citizen Involvement) and 14 (Exceptions) address the procedures for coordination, administration, and implementation of Florida's Coastal Management Program.

These policies are the heart of the FCMP, and provide the direction for the program. Procedures and authorities exist now to implement many of the policies; others will require action by the legislative or executive branches of government. The plans and ordinances of local government, particularly the coastal zone protection element, and the plans and activities of regional planning councils and water management districts will also play a significant role in the implementation of the program and its policies.

STANDARDS AND PROCEDURES FOR IMPLEMENTING PROGRAM POLICIES

The general standards and procedures for implementing each of the policies of the Florida Coastal Management Program include:

Implementation of Policy 1 - Resource Protection, Preservation, Development and Restoration

A. Vital Areas

1) The Legislature finds that it is in the public and national interest to manage vital areas to preserve the natural resources in recognition of dynamic natural, geological and evolutionary processes, and to maintain the benefits which these areas provide. Such areas shall be managed to ensure the protection of continued biological productivity, fish and wildlife habitat, recreation opportunities and public health, safety and welfare.

The Legislature finds that pursuant but not limited to Chapters 253, 403, and 161, F.S., activities or uses in vital areas which reduce, adversely alter,

or destroy these benefits are contrary to the public interest unless otherwise determined by the application of the Exceptions Policy (#14).

2) The Department of Environmental Regulation shall use its authorities pursuant to Chapters 253 and 403, F.S., to prohibit the following activities in those vital areas which are waters of the state:

   a) Dredging or filling, except i) to maintain existing facilities, or ii) where the effects of the dredge or fill activity is only of a temporary nature and following the activity the area is returned to its original elevation, contours, and condition (such as might be required to lay pipelines), or iii) as otherwise exempted under Chapter 403.813(2), F.S., and implementing rules, or iv) may otherwise be necessary for public health or safety; and

   b) Harvest or removal of native vegetation in tidal mangroves and marshes except trimming and pruning of vegetation which does not significantly impair the habitat or productivity values of the areas.

3) The Department of Natural Resources shall use its authority in Chapter 161, F.S., to include as standards for variances the following criteria:

   a) Existing criteria of Chapter 161.052, including clear and unequivocable justification based on facts and circumstances including engineering data; the location of the construction line in immediate contiguous or adjacent areas; and county or municipal setback requirements;

   b) The public need for healthful, safe and aesthetic surroundings;

   c) The need to avoid adverse impacts on public access to and recreational use of the beach area or other public lands;

   d) The need to avoid conditions resulting in long-term or recurring costs to the public; and

   e) The need for the project or construction to extend seaward of the setback line.

4) Water Management Districts shall use their authorities pursuant to Chapter 373, F.S. to prohibit in vital areas the alteration of the water flow characteristics, including the volume and rate of surface flow and existing seasonal fluctuations and the drainage of or other reduction in the capacity of the area to collect and store water and discharge it into downstream areas.

B. Conservation Areas

1) The Legislature finds that it is in the public and national interest to plan for and manage uses, activities and development in conservation areas to give special recognition to the natural resources and hazards to life and property inherent to these areas. All agencies of government shall develop plans which consider the hazards to life and property imposed by conditions in conservation areas.

2) State agencies, and those local governments and regional planning councils which elect to participate in the Coastal Management Program, shall use their authorities to plan, permit or undertake activities and development in coastal conservation areas to:

a) Promote and encourage appropriate uses in coastal and riverine flood plain areas which are consistent with limitations imposed by hazards to life and property. Open space, recreation, and uses which do not lead to dense inhabitation should be encouraged. Flood and shoreline erosion control shall be undertaken through implementation of long-term management plans that recognize natural flood and coastal system dynamics, and which are consistent with the federal flood plain management criteria for flood prone areas.

b) Minimize and mitigate erosion from man-induced sources;

c) Give priority to implementation of positive siting techniques, land management mechanisms and non-structural solutions to problems of flood control and shoreline erosion over structural solutions such as bulkheads, seawalls, groins, dikes, or canals.

d) Encourage the protection and where feasible the restoration of coastal resources and landscape features that serve as natural flood and hurricane barriers;

e) Avoid or minimize adverse impacts on adjacent or downstream vital areas, if any;

f) Consider the initial and long-term costs of construction and maintenance of facilities associated with development in conservation areas; and

g) Develop in accordance with the planned provision of, and minimize the adverse impact on, community facilities and services.

3) The Division of Disaster Preparedness in the Department of Community Affairs shall utilize its authorities under Chapter 252, F.S. to review plans and proposals, particularly transportation plans and local government comprehensive plans in order to facilitate programs and opportunities for disaster prevention, response, and recovery.

C. Development Areas

1) The Legislature finds that it is in the public and national interest to encourage development and growth consistent with resource tolerance and the ability of local governments to efficiently provide and maintain necessary services.

2) State agencies, and those local governments and Regional Planning Councils which elect to participate in the Coastal Management Program, shall use their authorities to plan, permit or undertake activities and development in coastal development areas to:

a) Encourage development consistent with resource tolerance and the ability of local government to efficiently provide and maintain necessary services;

b) Encourage through the use of incentives the protection and maintenance of prime agricultural lands for agricultural purposes;

c) Analyze and consider proposed development in terms of its long-term social, economic, environmental, energy, and agricultural consequences;

d) Encourage the maintenance of long-term options for future growth and development by avoiding the irretrievable commitment of natural resources and prime agricultural lands;

e) Encourage through the use of incentives the retention and maintenance of forestry lands for the production and harvest of wood fibre and other forestry uses;

f) Recognize the benefits which forestry lands provide for maintaining air and water quality, for recreation and open space, for grazing and as fish and wildlife habitat;

g) Maintain and enhance historic, unique, and scenic waterfront uses and communities in urban areas;

h) Encourage development which adapts to, utilizes, and complements the natural landscape, the functioning of coastal systems, and the benefits derived from coastal resources, especially those in vital areas; and

i) Recognize and consider uses of regional benefit and the national interest in siting facilities and uses in the coastal zone.

D. Restoration

1) The Legislature finds that it is desirable for the long-term public interest to restore many coastal resources which by accident, catastrophe, misuse, or negligence have been lost or of which the benefit has been diminished. Of particular significance are areas where water quality has been decreased so as to reduce the opportunities for shellfish harvest, recreation, or potable water; where important coastal habitat has been lost or degraded; where recreational and aesthetic opportunities have been reduced; and where erosion has occurred threatening life and property.

It is not the intention of this policy to restore developed areas which are presently utilized, back to natural conditions. In addition, many developed or altered areas which are not now used are prime sites for future development, and should not be restored. The restoration provisions could be used to rebuild or rehabilitate decayed urban waterfront areas, in order to restore the scenic, cultural, economic, and historic values of these waterfront communities.

2) State agencies, and local governments and regional agencies electing to participate in the Coastal Management Program, shall use opportunities in planning, permitting, or undertaking activities in the coastal zone to encourage and promote both active

and passive restoration of coastal resources. Particular consideration shall be given to the opportunities and potential for restoration provided by the authorities in Chapters 161, 370.02 and 403, F.S. and Chapter 77-369, F.L. In reviewing potential opportunities for restoration, the following factors shall be considered.

a) The potential benefits to be provided by the restoration; the public costs, particularly the long-term and maintenance costs of the project; and the balance of public benefits and public costs; and

b) The compatibility of the area if restored, with existing or proposed uses in adjacent areas.

3) When carefully planned, proper beach renourishment and dune construction may be appropriate to mitigate shoreline erosion and to enhance natural flood and hurricane barriers. The Department of Natural Resources, when planning for beach renourishment projects pursuant to Chapter 161, F.S. should specifically consider:

a) The cost effectiveness of the proposed project;

b) The level of investment in development to be protected; and

c) The compatibility with natural physical processes, including erosion and subsidence.

The potential benefits should be carefully weighed against the immediate and long-term costs.

E. Economic Adjustment Mechanisms

1) All levels and agencies of government shall use their authorities to promote and encourage new techniques and means to reduce or avoid adverse impacts on private landowners.

2) Local governments shall use their authority provided in Chapter 193.5011(2), F.S. to include the potential for use authorized by the policies of the Coastal Management Program as a factor in arriving at just valuation.

3) Local governments electing to participate in the Coastal Management Program shall use their authorities under home rule to consider:

a) Implementing innovative planning and zoning provisions such as transfers of development rights or density bonus transfers;

b) Providing capital financing bonuses;

c) Locating and constructing public investments and projects in a fashion which induces desirable development;

d) Requiring dedication of lands or easements for the purposes of outdoor recreational or park lands, including access, as provided in Chapter 193.501, F.S.;

e) Acquisition, including acquisition of conservation easements, other partial interests, or fee simple acquisition.

4) The Department of Natural Resources shall use its authority under Chapter 193.501, F.S. and Chapter 375.031(4), F.S. to receive dedications of lands or easements and actively pursue acquisition of lands, including easements and partial interests, consistent with limitations of available funds and the needs to provide access, opportunities for recreation, and resource protection in the coastal zone.

5) Consistent with constitutional and legislative recognition of private property rights, if the economic readjustment mechanisms above do not provide appropriate relief and if any action pursuant to this policy results in a judicial determination of a taking for any individual parcel of land existing at the time of this legislation, then the level of government responsible for the action shall either:

a) Provide an exception to the policy to allow some reasonable use; or

b) Acquire an interest in the land sufficient to provide just compensation.

Implementation of Policy 2 - Economic Development

It is recognized that many of these policies will significantly affect economic development in the coastal zone. The primary role of the State will be that of coordination to ensure efficient implementation throughout the program. The policies of the Coastal Management Program shall serve to provide specific guidance for implementation of the State Economic Development Plan as it affects the coastal zone. The

Division of Economic Development in the Florida Department of Commerce shall utilize these policies in carrying out its directive under Chapter 288, F.S.

The Department of Environmental Regulation shall provide technical assistance and information to the Department of Commerce, to local government, and to other state agencies to assist them in identifying development needs and constraints, and in identifying sites suitable for development.

Local governments shall determine their own specific goals, objectives, policies and implementation strategies for economic development through establishment of local comprehensive plans and coastal zone protection elements. These plans will then serve as guidelines for local governments in making land use decisions regarding site specific development. Local governments which develop comprehensive plans acknowledged by the Department of Environmental Regulation as consistent with the Florida Coastal Management Program shall receive special consideration in the permitting process.

Implementation of Policy 3 - Recreation and Shoreline Access

A. All levels of government shall recognize the unique benefits which the coast offers for recreation; the importance of coastal recreation to the state's economy and manner of life; and the state and national interest in siting water-dependent recreational facilities in the coastal zone. Furthermore:

   1) The Department of Natural Resources and local governments electing to participate in the program shall:

      a) Maintain and enhance access to and recreational use of public recreational areas of traditional public use through acquisition, dedication, easements, or other methods consistent with private property rights;

   2) Provide for public access as well as appropriate support facilities for areas with publicly funded beach nourishment projects or for other publicly funded projects such as roads and bridges which increase opportunities for shoreline access. Shoreline access including beach access shall be provided in a reasonable manner consistent with resource limitations and the availability of sites for access;

   3) Maintain and where feasible improve visual access to the shorefront area.

B. The policies and standards of the Florida Coastal Management Program shall serve as providing specific guidance for fulfilling the responsibilities for recreation and public access of the Department of Natural Resources under Chapter 375, F.S. In implementing this statute, DNR shall give highest priority to acquiring, maintaining, and enhancing access and recreational use of coastal areas.

C. Marinas and other water use recreation facilities having a demonstrated public interest may be accommodated consistent with the limitations and suitability of the coastal resources and public need and demands. In reviewing applications for marinas under its authorities pursuant to Chapter 253 and 403, F.S., Department of Environmental Regulation shall consider opportunities for and encourage upland boat storage with associated facilities in preference to in-water boat storage that requires dredging and other resource alterations. DER, and local governments which elect to participate in the Coastal Management Program, shall act to restrict the proliferation of individual single-purpose docks and piers by encouraging community facilities common to several uses and interests.

Implementation of Policy 4 - Resource Utilization

A. In developing comprehensive or long-term plans, state agencies, and local governments which elect to participate in the Coastal Management Program, shall give priority when selecting between different uses to those uses which maintain or restore future options and which do not irretrievably commit or destroy coastal resources.

B. In reviewing applications for permits pursuant to Chapters 253 and 403, F.S., Department of Environmental Regulation shall:

1) Consider the long-term impacts, including cumulative impacts, of dredge, fill, waste discharge, and other alteration of the natural estuarine values and benefits; and

2) Mitigate dredge or fill activities in intertidal estuarine areas by requiring the creation or restoration of an area of similar biological potential to ensure that the integrity of the ecosystem is maintained.

C. In exercising their authorities over natural resources, Department of Natural Resources, Florida Game and Fresh Water Fish Commission and the Division of Forestry of the Department of Agriculture and Consumer Services shall

manage the use of renewable resources to maintain the optimum sustainable yield while protecting the coastal ecosystem.

D. The Department of Environmental Regulation, in coordination with affected interests and agencies including the Florida Department of Natural Resources, the Florida Department of Transportation, the Florida Game and Fresh Water Fish Commission, Florida Ports, and the United States Army Corps of Engineers, shall develop a program for the long-term disposal of dredged material, including the identification of suitable spoil disposal sites. When they are identified, such sites shall be protected through the permitting process and by local government plans to protect them from non-compatible uses.

E. Local governments which elect to participate in the Coastal Management Program shall identify sites for mitigation and restoration in their comprehensive plan, and protect these sites from non-compatible uses.

F. Guidelines for Implementing the Mitigation Standard

In identifying and assessing sites to mitigate the effects of dredging or filling, the following factors should be considered:

1) In selecting sites of similar biological potential areas should preferably be chosen with similar ecological characteristics. The intention of mitigation is to provide an area that, with time, will develop a qualitatively and quantitatively similar fauna and flora. The emphasis is on similar potential, not substitute productivity. The area provided does not have to be fully developed biologically; the opportunity, at least, should exist for it to develop once the area is returned to the estuarine system. However, the surface area of the estuary should not be diminished.

2) The most appropriate sites would be those in the general proximity of the proposed dredge or fill action. These would probably contain the most similar ecological characteristics. If similar areas are not available nearby, then areas in other parts of the estuary may be selected according to the similarity of the following characteristics (in order of importance, most important first):

a) salinity regime

b) tidal exposure and elevation

c) substrate type

d) current velocity and patterns

e) orientation to solar radiation

f) slope

3) If similar areas, or those with a similar potential, cannot be found or provided, then mitigation efforts should seek to restore areas or resources which are in the greatest scarcity compared to their past abundance and distribution. That is, those resources which have been most severely impacted by man's activities, measured by a ratio of present to past abundance, should be restored through mitigation.

4) Appropriate locations for mitigation activities include:

a) Non-productive dredged material islands, which could be lowered (by removal of spoil) to the intertidal level, thus adding the surface area back to the estuarine system;

b) Diked marsh areas which have been abandoned or are in disrepair; and

c) Estuarine areas removed from effective circulation by causeways or other fills, where circulation can be restored or improved through replacement of the causeway with pilings or culverts.

5) The transfer of ownership of estuarine lands, including wetlands and submersible lands, to public ownership; the dedication of estuarine lands for certain natural uses; and the provision of funds for research or land acquisition do not constitute mitigation as defined by this policy.

Implementation of Policy 5 - Water Resources

A. The Florida Coastal Management Program shall serve as providing specific guidance for implementation of the Florida Water Plan in the coastal zone.

B. All efforts shall be made to ensure that state and areawide waste water treatment and areawide sewage treatment plans shall be consistent with and complementary to the Florida Coastal Management Program. State and areawide waste water management plans shall provide for environmental and public health needs by encouraging the

development and effective implementation of long-term waste recycling or disposal plans consistent with the needs for economic growth and considering the primary and secondary effects that such facilities may produce.

C. The state shall encourage the development of innovative waste collection and disposal systems and water treatment facilities that meet health needs and standards and financial cost requirements.

D. State agencies, Regional Planning Councils and local governments responsible for areawide waste water management plans pursuant to Chapter 403.061, F.S., shall develop and implement those plans to minimize man-induced sedimentation and other non-point source pollution into coastal waters.

E. While it is recognized that the proximity of septic tanks to coastal waters may degrade water quality, the Department of Health and Rehabilitative Services and local governments which elect to participate in the Coastal Management Program should recognize septic tanks may perform a legitimate role in meeting waste disposal needs in low density areas when soil conditions and other factors are favorable, and where they will not contaminate surface or ground waters.

F. The Department of Environmental Regulation and Water Management Districts shall use their authorities pursuant to Chapter 373, F.S. to ensure that:

1) Ground water supplies are protected from salt water intrusion by the maintenance of sufficient amounts of ground water in coastal aquifers to prevent intrusion through regulation of withdrawals, maintenance of adequate recharge, and sufficient controls on coastal canals, including weirs. The role of coastal marshes and swamps as reservoirs for recharging aquifers and preventing salt water intrusion should be recognized.

2) Fresh water flows to coastal areas are maintained in sufficient quantities and fluctuations to protect and enhance the vital estuarine productivity.

G. All levels of government, working with private industry, should seek more efficient reuse of waste water.

Implementation of Policy 6 - Air Resources

The Department of Environmental Regulation shall use its authorities under Chapter 403, F.S. to maintain and enhance air quality in the coastal zone.

Implementation of Policy 7 - Energy Facilities

A. Electrical Facilities

1) The procedures of the Florida Electrical Power Plant Siting Act (Chapter 403.501, F.S.) shall be used as the procedure for the licensing, construction, and operation of new or expanded electrical power plants, their associated facilities and directly associated transmission lines in the coastal zone. The policies of the Coastal Management Program shall be considered as policies and standards in the Power Plant Siting Act. Site certification resulting from this process shall be the final state determination for siting, and will form the basis for the state consistency determination relating to federal permits.

2) The procedures of the ten-year site plan review (Chapter 23.0101, F.S.) shall be used to identify future land-use needs for coastal electric facilities. These procedures shall be revised to ensure that coastal impacts are addressed and that the plan is consistent with the policies of the Coastal Management Program, and with local government comprehensive plans where they are acknowledged as being consistent with the Coastal Management Program. State, interstate and national energy plans shall also be used to assist in the long-term energy planning and as one basis for review of ten-year site plan reviews as they relate to the FCMP.

3) Where specific areas are identified in approved ten-year site plans as required for future land-use needs, they shall be geographic areas of particular concern and shall be recognized and protected for these purposes during the issuance of state agency permits and in the comprehensive plans of local governments which elect to participate in the FCMP.

B. Oil and Gas Facilities

1) Onshore facilities used to support offshore oil and gas exploration, development and production, along with required oil and gas pipelines, shall be described in exploration, development and production plans as provided for in 30 CFR 250 (U.S.G.S. Outer Continental Shelf Guidelines). Such plans and supporting documentation shall be used to assist state resource management agencies and local planning agencies in planning for and dealing with the impacts associated with OCS oil and gas operations. Similar information shall be provided for any oil and gas operations in state waters.

2) The procedures of Chapter 377, F.S. shall be used for permitting oil and gas exploration and production within the coastal zone. The policies of the Coastal Management Program should be considered as policies and standards in the implementation of rules for Chapter 377, F.S. in the coastal zone.

3) The Division of State Planning pursuant to Chapter 380, F.S. shall adopt rules which designate i) onshore facilities to support offshore oil and gas development and production, and ii) petroleum refineries and associated facilities as developments of regional impact.

C. Energy Transmission and Transportation

1) When electric transmission lines and oil and gas pipelines must traverse or be located in the coastal zone, they shall:

a) minimize aesthetic and environmental damage;

b) minimize use of the shorefront;

c) utilize utility corridors to the extent possible;

d) be designed to minimize adverse secondary impacts resulting from their location; and

e) avoid vital areas to the extent practicable.

2) Non-water dependent energy facilities shall be located inland of vital areas and shorefront areas.

D. Liquified Natural Gas

Liquified natural gas (LNG) facilities and other hazardous energy facilities shall not be located so as to endanger public health and safety.

Implementation of Policy 8 - Ports

The Legislature recognizes the need to selectively develop coastal areas for port facilities and uses. It is the intention to coordinate this development and necessary permit reviews by relating them to long-term planning.

1) Primary ports, in cooperation with and the participation of affected parties including affected local governments, regional planning councils, and state agencies, shall develop port development plans which:

a) identify long-term port land requirements and potential development patterns;

b) discuss land transportation and other support services necessary to accommodate port expansion and activity;

c) identify planned channel depths, dredging needs (including maintenance dredging needs) and spoil disposal plans;

d) identify state and regional port needs; and

e) identify the environmental and social impacts resulting from the proposed development, and means to avoid or mitigate the impacts.

2) The Department of Environmental Regulation shall review the port development plans for consistency with the FCMP. DER shall give priority for public works funding and special permitting considerations for proposed projects that are in accordance with port development plans which DER has acknowledged as consistent with the FCMP.

3) Areas identified in port development plans which have been acknowledged by DER as in compliance with the Coastal Management Program shall be geographic areas of particular concern. The port development plan shall be the management plan for the GAPC, and the lands shall be protected from non-compatible uses by the plans and actions of state agencies and of local governments which elect to participate in the Coastal Management Program.

Implementation of Policy 9 - Land Transportation

A. Where transportation facilities traverse or are located in the coastal zone, they shall:

1) minimize aesthetic and environmental damage through design and construction criteria;

2) minimize use of the shorefront; and

3) be designed to avoid or minimize adverse secondary impacts.

B. Where otherwise consistent with resource limitations in Policy 1, the Florida Department of Transportation shall use its authorities in Chapter 334, F.S. to plan for and locate land transportation facilities in the coastal zone to allow for efficient population exodus in cases of natural disasters and public safety hazards. The Florida Department of Transportation shall coordinate this planning with the Division of Disaster Preparedness to ensure the best opportunities for evacuation are considered.

C. In planning or constructing transportation facilities in the coastal zone, the Florida Department of Transportation and local governments which elect to participate in the Coastal Management Program shall consider all modes of transportation including highway, rail, air, bicycle, pedestrian, ferries, mass transit, and pipelines. The FDOT shall develop rules and procedures to ensure that coastal transportation modes and facilities:

1) are based on an inventory of local, regional and state transportation needs;

2) minimize adverse social, economic, and environmental impacts and costs;

3) conserve energy;

4) facilitate the flow of goods and services so as to strengthen the local and regional economy; and

5) conform with local and regional comprehensive land use plans.

Implementation of Policy 10 - Areas of Particular Concern

A. The Legislature finds that areas may be designated of particular concern based upon the need to provide special management considerations for areas of exceptional ecologic or environmental value, areas of high recreational use or potential, and areas especially suited or necessary for water-dependent development. The following are found to be areas of particular concern:

1) Aquatic Preserves designated by Chapter 258.35-258.46, F.S.;

2) Areas in the State Wilderness System designated by Chapter 258.17-258.33, F.S.

3) Environmentally Endangered Lands, acquired pursuant to Chapter 259, F.S.;

4) Areas designated of Critical State Concern pursuant to Chapter 380, F.S.;

5) Estuarine Sanctuaries designated pursuant to PL 92-583;

6) Shorefront areas;

7) "Preferred Sites" designated in ten-year power plant site plans, after they are acknowledged by DER as consistent with the FCMP;

8) Ports designated with port development plans acknowledged by DER as consistent with the FCMP;

9) Barrier Islands;

10) Critical Habitat for Endangered Species, identified by the U.S. Department of Interior pursuant to PL 91-135;

11) Local government geographic areas of particular concern which have been identified as part of a LGCP, and which have been acknowledged by DER as consistent with the FCMP;

12) Areas for preservation or restoration identified pursuant to Chapter 161, F.S., Beach Renourishment; Chapter 403.165, F.S., Pollution Recovery Trust Fund; and Chapter 403, F.S., Water Resource Restoration and Preservation Act;

13) Historical and Archaeological Sites; and

14) Unique Environmental Features

B. DER may from time to time add other specific sites or general categories of geographic areas to this list as it feels appropriate to carrying out the responsibilities of the FCMP and the CZMA.

C. The plans and actions of state agencies, and of local governments which elect to participate in the Coastal Management Program, shall protect and maintain identified geographic areas of particular concern.

Implementation of Policy 11 - Program Process

In order to provide for effective implementation of the Florida Coastal Management Program, the Legislature finds that:

A. It is desirable to avoid overlapping or duplicating reviews of the same issue by different bodies or authorities with jurisdiction. Therefore, it is desirable to clearly delineate review authorities.

1) It is recognized that there are local, state, and land-use concerns involved in part in the variety of public interest tests which currently exist in state law. These public interest land-use concerns can best be addressed in the context of a comprehensive plan which clearly identifies long-term needs and projections, including the balance of environmental and economic concerns, uses of state and regional benefit, and the national interest. Therefore, if local governments voluntarily develop local coastal zone protection elements consistent with these policies and guidelines (as determined by the Department of Environmental Regulation), then the approved local plans shall serve as one basis for judging land use and economic development considerations of the public interest in the lease or sale of state lands, in the classification of state waters, and in the regulatory process, in particular, state agency permitting.

2) The review of regulatory or technical issues will remain a state agency permitting responsibility. In exercising this responsibility, the state shall use local standards when they are stricter than state standards, if provided by state law. The state's determination of regulatory decisions, such as compliance with air or water quality standards, shall serve as the definitive basis of these issues for review of Development of Regional Impact and for local government review.

3) Except as limited by statutory time requirements, or as otherwise provided by the provisions of the Power Plant Siting Act (403, F.S.) or the Development of Regional Impact process (380, F.S.), the state shall not render a decision on permit applications prior to local determination of

project compliance with local government comprehensive plans which have been reviewed and acknowledged as consistent with the policies of the Florida Coastal Management Program.

B. The Department of Environmental Regulation shall be the lead state agency for coordinating and administering the Florida Coastal Management Program, and shall develop such procedures, assistance, and rules as are necessary to implement the program. As the lead state agency, DER shall be determined to be a substantially affected interest in proceedings under Chapter 120 and 403.412, F.S.

C. 1) All state agency approved, conducted, or financed activities shall be consistent with the objectives, policies, and standards of the Florida Coastal Management Program and with local government comprehensive plans after they have been reviewed and acknowledged as consistent by DER.

2) Within one year of the date of enactment of the necessary enabling legislation, all state agencies shall develop or amend their rules, regulations and procedures to comply with the objectives, policies, and standards of the Florida Coastal Management Program.

a) Within three months of enactment of the necessary enabling legislation, all state agencies shall review their rules, regulations and procedures and identify changes or additions that may be required. A list of the changes and additions identified shall be provided to Department of Environmental Regulation.

b) Within 45 days of the receipt of the list, DER shall respond to the agencies, indicating its concurrance with the list, or identifying items or requirements which were omitted.

D. Local governments and regional planning councils which elect to participate in the FCMP shall develop local comprehensive plans and regional plans and policies consistent with the objectives, policies and standards of the Florida Coastal Management Program.

1) DER shall review and comment upon those plans and ultimately determine whether they are consistent with the FCMP. If they are, DER shall so acknowledge that the plans are

consistent, and the unit of local government or regional planning council shall be eligible for the continued assistance and other benefits of the FCMP.

2) In its reviews, DER shall provide opportunities for all affected interests to review and comment upon the proposed plan.

3) DER's review for consistency should include both procedural as well as substantive concerns. The review should examine how the information and considerations were used and addressed, and how the plan and supporting information reflects the data collected and the needs identified by citizen input during the planning process. The review shall address considerations such as:

a) The adequacy of the inventories and factual information;

b) The opportunities afforded for citizen participation and how the participation was used;

c) How regional, state, and national interests were considered;

d) The needs identified and how they are justified; and

e) What conflicts were identified and how they were resolved.

E. The objectives, policies, and standards of the Florida Coastal Management Program shall serve as standards and criteria for the review of A-95 applications, development of regional impact, and federal consistency, and shall be so employed by affected agencies of government.

F. Vested Rights

1) The policies of this program shall not affect the status of any permit issued prior to July 1, 1978, unless the project is changed to adversely affect the environment and to require a new or amended permit.

2) Developments shall be exempt from application of any new requirements created by or as a result of this program if they have a vested interest.

3) In the situation where outstanding contractual obligations exist as of July 1, 1978, and the obligations are breached as a result of new requirements resulting from this program, any award of damages resulting from an action for failure to perform such contract shall, unless otherwise specifically provided by the terms of the contract, be limited to the actual purchase price, plus an amount equal to taxes paid and a reasonable amount of interest in excess of actual expenses paid or obligated in an effort to fulfill the terms of the contract.

Implementation of Policy 12 - Information, Research, and Inventories

The Department of Environmental Regulation shall establish and maintain an integrated coastal data clearinghouse which provides for the efficient collection and use of information and data through a data management network. Information from the clearinghouse shall be available to local governments, Regional Planning Councils, Water Management Districts, and state agencies for their use in planning or reviewing coastal activities.

The Bureau of Coastal Management will coordinate with local governments, state, and federal agencies, in the establishment of common inventory standards and techniques so that inventory data collected by different agencies or units of government, or data between different coastal areas, will be comparable.

Implementation of Policy 13 - Citizen Involvement

A. The Legislature finds that public participation is an essential element in the development and administration of the Florida Coastal Management Program. Through citizen involvement, public needs and aspirations can be reflected in decision-making, and understanding of the plans and programs can be generated. All levels of government should seek to provide opportunities for full participation at all appropriate stages of the development and administration plans and projects in the coastal zone. Participation is not limited to, but includes, legal notices, opportunities for public review and comment, and public hearings and workshops.

B. State agencies and those local governments which elect to participate in the Coastal Management Program shall establish and maintain Citizens Advisory Committees and

Technical Advisory Boards representing various affected interests, to provide information in the development of plans and projects; to serve as a conduit for evaluating public interest and concerns; and to assist in forming program directions.

Implementation of Policy 14 - Exceptions to Coastal Management Program and Policies

A. It is the intent of the Legislature that the exceptions process is to be used in those rare or unusual circumstances where special circumstances warrant an exception from overall policy. Exceptions may be applied during the time of plan development because of special circumstances where a comprehensive plan might provide for uses contrary to the policies of the Florida Coastal Management Program. They may also be applied during the consideration of an individual permit or project. They are not meant to become commonplace.

B. When demonstrating the public interest, consideration might be made of such factors including, but not limited to:

   1) public need as supported by inventories, data, and projections;

   2) public benefits;

   3) uses of regional benefit; and

   4) overriding national interest

C. The Legislature recognizes that there is a state and national interest in providing access to or locations in water areas for certain water-dependent uses and facilities. Examples of such uses may include, but are not limited to:

   1) recreation related to the use of water, including marinas;

   2) sport and commercial fishing facilities;

   3) energy facilities;

   4) port facilities; and

   5) national defense.

It is the intent of the Legislature that while these are legitimate needs and uses of Florida's coastal zone, they should be located to the maximum extent practicable in conservation and development areas, and avoid vital areas. In the rare or unusual circumstances when this may not be practicable, the agency with regulatory jurisdiction may grant an exception by awarding a permit, subject to such conditions as it may wish to impose, for the activity in vital areas. Such exceptions cannot adequately be addressed through permit reviews alone, and should be identified and considered in the context of a local goverment comprehensive plan which addresses public need and demand and the standards of this program.

V. PROGRAM AUTHORITIES, ORGANIZATION AND IMPLEMENTATION

The implementation of the Florida Coastal Management Program will depend upon the authority and the coordinated roles of a variety of participants, including federal and state agencies, water management districts, regional planning councils, local governments and other participants including ports and the general public. Florida presently has a broad array of existing authorities which relate to the management of coastal resources. Because of their single-purpose and fragmented nature, these authorities do not presently provide a systematic approach to the overall management of the coastal zone. The adoption of the FCMP will provide common objectives, policies, and standards for the administration and coordination of these authorities. In addition the adoption of the program and enabling legislation will create new authorities to be utilized in program implementation. Executive and administrative action will be necessary to combine the new requirements and for implementation of the Florida Coastal Management Program.

The planning, projects and regulatory authorities of state agencies will be the primary mechanism for assuring that the program objectives and policies will be implemented. The Florida Coastal Management Program will require that all state agencies revise their rules and practices to be consistent with the objectives, policies and standards of the program. Many state agencies now have the discretionary ability to implement the policies and standards of the FCMP, although that discretion may not now be exercised. Other state agencies may need additional enabling legislation to fully implement the program policies and standards; this enabling legislation will be offered as part of the proposed Florida Coastal Zone Management Act. In this fashion, state agency activities which affect the coastal zone including actions, development projects, plans, permits and financial grants will be consistent with the FCMP.

The program will also rely upon the responsibilities and authorities of other agencies of government, and encourage the voluntary participation of local governments by providing a framework for them to develop local plans and ordinances that complement and provide greater specificity to the state Coastal Management Program. As a result, local needs and conditions can be appropriately recognized in the FCMP, and the program itself substantially enhanced by their participation without altering the basic responsibilities of local governments relative to state agencies.

AUTHORITIES

A variety of state agency authorities will be utilized as the basis for implementing the Coastal Management Program. The primary authorities for this purpose will be the regulatory and planning authorities of Chapters 403, 253, 161, 373 and 380, F.S.

Chapter 403, F.S. establishes the basic environmental regulation programs of the state, including those for air, water, solid waste and noise pollution. The statute also establishes the duties and powers of the Department of Environmental Regulation. The Power Plant Siting Act and site certification process, which is coordinated by DER, is also in this statute. This chapter also provides for a process for the judicial appeal by citizens to enforce regulations for the protection of the air, water and other natural resources.

Chapter 253, F.S. provides for the management of state-owned lands. Basic responsibilities are divided between DER, which enforces a program for dredge and fill activities in the submerged waters of the state, and DNR, which is responsible for the management, including the lease and sale of state lands. The Department of Natural Resources is also required to develop a comprehensive plan for the acquisition, management and disposition of state-owned lands.

Chapter 161, F.S. provides for the protection of beach areas and the reduction of erosion on marine beaches. It establishes the coastal construction setback lines and the procedures and standards for the granting of variances to the lines to be implemented by DNR. The state authority for conducting beach renourishment projects is also contained in this chapter.

Chapter 373, F.S. provides for the conservation, development and proper utilization of surface and groundwater resources. It establishes five Water Management Districts and provides for the duties of the Water Management Districts

and the Department of Environmental Regulation in relation to water resources. Permits are required for the withdrawal, diversion, impoundment or consumptive use of water. The chapter also requires a water plan for each district.

Chapter 380, F.S. provides for the implementation of state land and water management policies through coordination of local decision-making processes. The chapter specifically establishes the Development of Regional Impact and Area of Critical State Concern programs, and provides responsibilities for administration of these programs to the Division of State Planning, Regional Planning Council, local governments and the Cabinet.

In addition to these basic authorities, other statutes will be utilized in the implementation of the FCMP. These are listed in Table VIII and are particularly important because they provide for the state agency plans, actions and projects which may affect the coastal zone. It is particularly important that state agency rules and practices under these statutes be reviewed and administered consistently with the requirements of the program. The discussion of standards and procedures for implementing the program policies (Chapter IV) and Tables III and V relate some of these authorities to particular uses and program requirements.

In addition to the direct requirements on or of state agencies, a number of important authorities which are administered by other governmental agencies will be utilized in the implementation of the FCMP. As indicated, Water Management Districts are authorized to develop district water resource plans and to establish permit programs for the withdrawal, diversion, impoundment or consumptive use of water. These activities and responsibilities will be fundamental to the program. The Regional Planning Councils have the general authority to develop plans, coordinate activities among members and make recommendations to public agencies. They have specific authority related to the review of Developments of Regional Impact, Local Government Comprehensive Plans and the A-95 review process. Ports which are created by state statute have numerous authorities including the ability to acquire land through various means (including eminent domain) and to construct and operate port facilities.

Local governments have particularly important authorities related to planning, land acquisition, and enforcement of local codes, especially those under Chapters 125, 163 and 193, F.S. However, without altering the relative responsibilities of state and local governments by providing some means of mandatory state enforcement, these authorities cannot be relied upon for enforcement of the FCMP. These authorities will need to be used in a fashion consistent with the program if its full potential and range of benefits are to be provided.

TABLE VIII

PROGRAM IMPLEMENTATION

AGENCY	STATUTE/PROGRAM	FLORIDA COASTAL MANAGEMENT PROGRAM POLICY	EFFECTS OF POLICY IMPLEMENTATION
Department of Environmental Regulation	Chapter 253, F.S. - Dredge and fill activities	1-A) Resource Protection 3) Recreation and Shoreline Access 4) Resource Utilization 11) Program Process	Establishes criteria for granting of dredge and fill permits. Provides for increased local government involvement.
	Chapter 373, F.S. -		
	a) State Water Use Plan	1-A) Resource Protection 5) Water Resources	Establishes policies for guiding development of State Water Use Plan.
	b) Public Works Program	1-A) Resource Protection 4) Resource Utilization 5) Water Resource 8) Ports	Establishes criteria for review of projects. Ports with acknowledged plans are given priority of funding.
	Chapter 403, F.S. -		
	a) Discharges into air and water	1-A) Resource Protection 3) Recreation and Shoreline Access 4) Resource Utilization 5) Water Resources 6) Air Quality 11) Program Process	Establishes criteria for review of water discharges. Air quality standards adopted as part of FCMP. Provides for increased local government involvement.
	b) Electrical Power Plant Siting	1-A) Resource Protection 4) Resource Utilization 5) Water Resources 6) Air Quality 7) Energy Facilities 10) Areas of Particular Concern	Establishes substantive criteria for review of electric power plant sites.

TABLE VIII (CONTINUED)

AGENCY	STATUTE/PROGRAM	FLORIDA COASTAL MANAGEMENT PROGRAM POLICY	EFFECTS OF POLICY IMPLEMENTATION
Department of Environmental Regulation	c) 208 Areawide Wastewater Management Program	1-A) Resource Protection 5) Water Resources	Provides policies for review of 208 plans.
	d) Water Preservation and Restoration	1-A) Resource Protection 1-D) Restoration 10) Areas of Particular Concern	Provides criteria for review of potential areas for restoration. Designates restoration areas as GAPC's.
	New Responsibilities		
	a) State Spoil Disposal Plan	1-A) Resource Protection 4) Resource Utilization 8) Ports	Requires the development of a State Spoil Disposal Plan. Plan must be consistent with FCMP.
	b) OCS Onshore Development Plans	1-A) Resource Protection 4) Resource Utilization 7) Energy Facilities	Requires development of OCS Onshore Development Plans. Plans must be consistent with FCMP.
	c) Tidal Vegetation - Prohibitions on Harvesting or Removal	1-A) Resource Protection	Protects natural tidal vegetation from harvesting or removal.
	d) DER designated as lead agency for implementation of FCMP	All Policies	Assigns duties and establishes authorities of lead agency for coordination and administration of FCMP.

TABLE VIII (CONTINUED)

AGENCY	STATUTE/PROGRAM	FLORIDA COASTAL MANAGEMENT PROGRAM POLICY	EFFECTS OF POLICY IMPLEMENTATION
Department of Natural Resources	Chapter 161, F.S. -		
	a) Coastal Construction Setback Line	1-A) Resource Protection	Establishes criteria for granting of variances.
	b) Beach Renourishment	1-A) Resource Protection 1-D) Restoration 3) Recreation and Shoreline Access 10) Areas of Particular Concern	Provides criteria for review in judging areas for renourishment. Provides for beach access as a part of all renourishment projects. Designates renourishment areas as GAPC's.
	Chapter 193, F.S. - Assessment of Recreational Lands	1-E) Economic Adjustment Mechanisms 3) Recreation and Shoreline Access	Encourages DNR to acquire recreational areas through dedication and conveyance of development rights.
	Chapter 253, F.S. - Management of State Lands	1-A) Resource Protection 4) Resource Utilization 11) Program Process	Provides policies for management of state lands and development of State Lands Plan. Relates public interest in state lands to policies and acknowledged local government plans.
	Chapter 258, F.S. -		
	a) Aquatic Preserves	1-A) Resource Protection 4) Resource Utilization 10) Areas of Particular Concern	Aquatic Preserves designated as GAPC's. Provides policies for management of preserves.

TABLE VIII (CONTINUED)

AGENCY	STATUTE/PROGRAM	FLORIDA COASTAL MANAGEMENT PROGRAM POLICY	EFFECTS OF POLICY IMPLEMENTATION
Department of Natural Resources	b) Wilderness System	1-A) Resource Protection 4) Resource Utilization 10) Areas of Particular Concern	Wilderness Areas designated as GAPC's. Provides policies for management of Wilderness Areas.
	Chapter 259, F.S. - Land Conservation	10) Areas of Particular Concern	Designates lands purchased under Environmentally Endangered Lands Program as GAPC's.
	Chapter 370, F.S. - Saltwater Fisheries and Conservation	4) Resource Utilization	Provides policies for management of marine resources.
	Chapter 375, F.S. - Outdoor Recreation and Conservation	1-E) Economic Adjustment Mechanisms 3) Recreation and Shoreline Access	Provides policies for selection and acquisition of recreation areas. Provides for priority of funding for purchase of recreation areas in the coastal zone.
	Chapter 377, F.S. - Oil and Gas Resources	1-A) Resource Protection 4) Resource Utilization 7-B) Energy Facilities	Provides policies for location and conduction of oil and gas exploration.
	New Responsibility	4) Resource Utilization	Encourages participation of DNR in development of state spoil disposal plan.

AGENCY	STATUTE/PROGRAM	FLORIDA COASTAL MANAGEMENT PROGRAM POLICY	EFFECTS OF POLICY IMPLEMENTATION
Department of Transportation	Chapter 334, F.S. - Transportation Planning	1-A,B) Resource Protection and Conservation 4) Resource Utilization 9) Land Transportation	Provides criteria for location and construction of transportation facilities in the coastal zone.
	New Responsibility	4) Resource Utilization	Encourages participation of the Department of Transportation in development of state spoil disposal plan.
Department of Commerce - Division of Economic Development	Chapter 288, F.S. - Economic Development	1-C) Resource Development 2) Economic Development	Provides guidance for development of State Economic Development Plan. Provides policies to guide the identification of sites for economic development projects.
Department of Administration - Division of State Planning	Chapter 23, F.S. -		
	a) State Planning Clearinghouse	Policies 1 - 11	Provides substantive criteria and policies for revision of A-95 projects. Provides for modification of existing A-95 procedures to accommodate Federal Consistency comments.
	b) State Comprehensive Plan	Policies 1 - 11	Provides for the State Comprehensive Plan to be consistent with FCMP. Provides for the Division to utilize the FCMP policies in reviewing the state budget.

TABLE VIII (CONTINUED)

AGENCY	STATUTE/PROGRAM	FLORIDA COASTAL MANAGEMENT PROGRAM POLICY	EFFECTS OF POLICY IMPLEMENTATION
Department of Administration - Division of State Planning	c) Coastal Energy Impact Program (CEIP)	Policies 1 - 11	Provides that the standards and allocation formula of the CEIP be complementary to the FCMP.
	d) Ten Year Site Plan	1-A,B,C) Resource Protection, Conservation, Development 4) Resource Utilization 5) Water Resources 6) Air Quality 7) Energy Facilities 10) Areas of Particular Concern 11) Program Process	Provides criteria and policies for review of ten year site plans. Approved sites are designated as GAPC's.
	Chapter 380, F.S. -		
	a) Development of Regional Impact (DRI)	Policies 1 - 11	Establishes the policies of the FCMP as substantive criteria for review of DRI's. Designates certain energy facilities as DRI's.
	b) Areas of Critical State Concern (ACSC)	Policies 1 - 11	Areas of Critical State Concern designated as GAPC's. Provides criteria and policies for review of local plans and programs submitted in accordance with the ACSC program.

TABLE VIII (CONTINUED)

AGENCY	STATUTE/PROGRAM	FLORIDA COASTAL MANAGEMENT PROGRAM POLICY	EFFECTS OF POLICY IMPLEMENTATION
Department of Community Affairs	Chapter 163.03, F.S. - HUD 701 Program	11) Program Process	Encourages modification of 701 grant procedures to give priority of funding to local governments who participate in the FCMP.
	Chapter 252, F.S. - Disaster Prepardness	1-B) Resource Conservation 9) Land Transportation	Provides for DOT to coordinate transportation facilities with DCA to ensure consideration of evacuation needs in case of natural disasters.
Game and Fresh Water Fish Commission	Chapter 372, F.S. - Management of Game and Fish.	4) Resource Utilization	Provides for management of game and fish resources consistent with protecting the coastal ecosystem.
	New Responsibility	4) Resource Utilization	Encourages participation of the GFC in development of state spoil disposal plan.
Department of Agriculture and Consumer Services	Chapter 582, F.S. - Soil and Water Conservation	1-C) Resource Development 4) Resource Utilization	Encourages the protection and maintenance of prime agriculture areas through use of incentives.
	Chapter 589, F.S. - Forest Management	1-B,C) Resource Conservation and Development 4) Resource Utilization	Encourages the maintenance of forestry lands for production and harvest of wood fibre.

TABLE VIII (CONTINUED)

AGENCY	STATUTE/PROGRAM	FLORIDA COASTAL MANAGEMENT PROGRAM POLICY	EFFECTS OF POLICY IMPLEMENTATION
Department of Health and Rehabilitative Services	Chapter 381, F.S. - Public Health	1-B) Resource Conservation 5) Water Resources	Provides policies for location of septic tanks in regards to coastal waters, marginal lands and flood-prone areas.
Water Management Districts	Chapter 373, F.S. - Water Resources	1-A) Resource Protection 5) Water Resources 11) Program Process	Establishes policies and criteria for development of district water use plans and permitting activities.
Regional Planning Councils	Chapter 163, F.S. - Regional Planning and Coordination	11) Program Process	Encourages participation of RPC's in FCMP. RPC's would utilize existing authorities to review A-95 projects, DRI's, and local plans for consistency with acknowledged plans.
Regional Planning Councils (subsequent to plan acknowledgement)	Chapter 23, F.S. - Regional Planning Clearinghouse	Policies 1 - 11	Provides policies and criteria for review of A-95 projects.
	Chapter 163, F.S. - Review of Local Plans	All Policies	Provides process and criteria for review of local government comprehensive plans.
	Chapter 380, F.S. - Development of Regional Impact	Policies 1 - 11	Establishes substantive criteria for review of DRI's in coastal zone.

TABLE VIII (CONTINUED)

AGENCY	STATUTE/PROGRAM	FLORIDA COASTAL MANAGEMENT PROGRAM POLICY	EFFECTS OF POLICY IMPLEMENTATION
Local Government	Chapter 163, F.S. - Local Government Comprehensive Plan	1-B) Resource Conservation 11) Program Process	Encourages participation of local governments in program conditioned upon adoption of plans consistent with policies of FCMP. Also requires all local governments in the coastal zone to develop safety element as part of their local plans.
	Chapter 193, F.S. - Assessment Procedures	1-E) Economic Adjustment Mechanisms	Requires local governments to address re-evaluation of property based upon the potential for use authorized by the policies of the FCMP.
Local Government (subsequent to plan acknowledgement)	Chapter 163, F.S. - Implementation of Plans	All Policies	Provides policies and criteria for implementation of plans by local government through utilization of their full authorities.
Ports	Chapter 315, F.S.	8) Ports 10) Areas of Particular Concern	Requires the development of plans for primary ports. Encourages that these plans be developed consistent with policies of the FCMP. Upon acknowledgement ports will be designated as GAPC's.

TABLE VIII (CONTINED)

AGENCY	STATUTE/PROGRAM	FLORIDA COASTAL MANAGEMENT PROGRAM POLICY	EFFECTS OF POLICY IMPLEMENTATION
Ports	New Responsibility	4) Resource Utilization	Encourages participation of ports in the development of the state spoil disposal plan.

Because these authorities are so important, the program seeks to have local governments implement their responsibilities, particularly those under Ch. 163, F.S. (The Local Government Comprehensive Planning Act) and Ch. 193, F.S. (taxing authorities) consistent with the program on a voluntary basis. The program encourages the participation of local governments by providing a variety of benefits to local government, including a framework for them to develop local plans and ordinances that complement the state regulatory process.

Although the proposed program requires that all state agency plans, projects, and actions be consistent with the FCMP, the state and interested parties will require some means to ensure that in fact state practices and rules are developed and administered consistently with the program's objectives, policies and standards. To comply with these requirements, the Florida Coastal Management Program will utilize the basic appeal provisions of the Administrative Procedures Act (Ch. 120, F.S.) and the Environmental Protection Act (Ch. 403, F.S.).

These two procedures will provide a basis to appeal or seek appropriate action for the failure to adopt consistent rules and practices, as well as the failure to administer rules and practices in a fashion consistent with the program. Chapter 120, F.S., provides standing in appealing the administrative activities of state agencies and agencies of the state to interests "substantially affected" by agency decisions and establishes procedures utilizing a hearing officer, to hear appeals. Under this authority, for example, actions or decisions by DER under Ch. 403, F.S. could be appealed to the Environmental Regulation Commission; actions by DNR under Ch. 253, F.S. could be appealed to the Governor and Cabinet sitting as the Trustees of the Internal Improvement Trust Fund; and actions under Ch. 380, F.S. could be appealed to the Governor and Cabinet sitting as the Land and Water Adjudicatory Commission. The DER, as the lead state agency, would be identified as a substantially affected interest in matters relating to the implementation of the FCMP.

Chapter 403, F.S. provides that the Department of Legal Affairs, any political subdivision or municipality, or any citizen of the state may institute action for injunctive relief against "any agency or authority charged by law with the duty of enforcing laws, rules and regulations for the protection of the air, water and other natural resources of the state to compel such governmental authority to enforce such laws, rules and regulations" (Ch. 403.412, F.S.).

These procedures will allow the opportunity for all affected interests to review the performance of all participants in the Coastal Management Program to ensure that they are complying with its requirements.

ORGANIZATIONAL STRUCTURE

The task of coordinating the many authorities into a framework which allows recognition and involvement of the various interests and which clearly demonstrates that direct and significant impacts are systematically managed in compliance with the program policies is perhaps the greatest challenge facing the state program. Florida's Coastal Management Program will be an integrated approach based on the participation and cooperation of a variety of levels of government: cities and counties, Regional Planning Councils, Water Management Districts, and state and federal agencies, as well as the public and quasi-governmental bodies such as ports. This participation will be based upon the adoption of the Florida Coastal Management Program. The specific roles of these agencies will be dependent primarily upon their existing statutory authorities. Inherent in this determination of agency roles will be an effort to identify and reduce duplication of planning and permitting by all levels of government.

LEAD STATE AGENCY

The Department of Environmental Regulation will be the lead state agency for the Coastal Management Program. As the lead agency, DER will have the primary administrative responsibilities for the program. During this past year, the Coastal Management Program was transferred to the Department of Environmental Regulation by the Legislature. In addition, the Governor has designated the Department as the lead agency for implementation of the Coastal Management Program. DER's duties associated with administration and implementation of the program will include:

1. Apply for and administer federal funds.

   The Department will apply for federal funds from the Office of Coastal Zone Management to implement the program and will be fiscally and programatically responsible for their use. These funds will be distributed to the various governmental agencies which are involved in program implementation. It is anticipated that a significant amount of these funds will be distributed to local governments who have developed or are in the process of developing acknowledged local plans.

2. Coordinate management programs for coastal resources and activities

In the process of utilizing the numerous and varied state authorities to implement the Coastal Management Program, the state will have to ensure that planning, management, regulatory and research programs are consistent with the program policies. The lead state agency will have to coordinate with each agency which is involved with programs directly relating to coastal resources or with activities that affect these resources. It will have the specific task of assisting in the review and development of appropriate rules and practices for implementation of the program.

3. Provide financial, technical and legal assistance.

The Department will provide assistance, upon request, to other state, regional, and local governmental agencies and interested parties involved in or concerned about the implementation of the program. While financial assistance will be of significant value, the importance of technical and legal assistance should not be overlooked. The Department will provide both technical and legal assistance to agencies involved in the developing or altering of rules and implementation procedures. Technical, financial, and legal assistance will be provided to local governments for the development and administration of their plans and ordinances. DER will also provide funding to other state agencies to provide assistance in administering requirements resulting from the FCMP.

4. Develop central file/clearinghouse for coastal resource data information.

The Department has an existing coastal information system, which includes a library, subject files, and an extensive data base for the coastal zone developed in cooperation with the Regional Planning Councils. This information/data system will continue to be updated and enlarged in order to provide current information on coastal resources to both governmental agencies and interested parties.

5. Provide for federal consistency decisions.

The Department will be responsible for coordinating and administering the federal consistency provisions of the CZMA. While the Department will generally retain the final signoff for federal consistency, Regional Planning Councils, local governments with acknowledged plans, other state

agencies and the public will have a significant role in the final decision. These roles are discussed in greater detail in the section on Federal Consistency.

6. Review and acknowledge local plans.

As now provided in Ch. 163, F.S., the Department will review local plans for consistency with the adopted Coastal Management Program and its policies. The FCMP provides that consistent comprehensive plans will be acknowledged by DER and will gain benefits associated with program participation. The state will not have the authority to require a change in the local government plan or to force local government participation in the state program. In order to receive an acknowledged status, local plans will have to meet or exceed the minimun standards established by the state policies. It is anticipated that the Department will develop rules establishing the specific requirements for acknowledgement of local plans subsequent to program approval.

7. Negotiate and appeal conflicts.

When a difference of opinion arises between agencies (including DER) involved or affected by the program over the interpretation of the coastal management policies, DER will negotiate with the affected agencies. If no decision agreeable to both agencies can be identified, DER will have the opportunity to appeal the agency's decision. Likewise, other agencies will be able to appeal decisions of DER. Appeals will follow existing administrative remedies, such as those in Ch. 120, F.S.

8. Establish advisory councils.

The Department will establish advisory councils made up of both public and private interests as needed to assist it in implementation of the program. These councils will be utilized to address both specific and general issues related to coastal management. An example would be the re-establishment of the Florida Coral Reef Advisory Committee.

9. Review special purpose plans.

The Department will review special purpose plans, such as port and energy facility siting plans and Regional Planning Council coastal management plans submitted for review and acknowledgement pursuant to the program policies.

STATE AGENCY MANAGEMENT ROLES

As distinguished from the administrative responsibilities of the lead state agency, a number of state agencies including DER will have management roles in the implementation of the Coastal Management Program. Their involvement will be based upon the adoption of the FCMP and will be required since all state permitted, financed or conducted state activities must be consistent with the program policies. This requirement will specifically affect all state agencies when they: 1) develop rules and plans, 2) enforce state regulatory or management authority through permitting and review powers, and 3) conduct development and construction activities. It is intended that the requirements of the Coastal Management Program vested with state agencies by the Legislature will be self-implemented by each agency. In general, it will be the responsibility of each state agency to implement the Coastal Management Program through changes in its rules and procedures. The DER, as the lead agency, will assist state agencies as necessary in the adoption or alteration of rules and practices.

State agencies that will have specific responsibilities in the management program include: 1) the Department of Environmental Regulation, 2) the Department of Natural Resources, 3) the Division of State Planning, Department of Administration, 4) the Department of Transportation, 5) the Department of Commerce, 6) the Department of Community Affairs, 7) the Game and Fresh Water Fish Commission, 8) the the Department of Health and Rehabilitative Services, and 9)the Department of Agriculture and Consumer Services.

The Department of Environmental Regulation will utilize its broad array of authorities, including those under Ch. 253, 373 and 403, F.S., in the implementation of the Florida Coastal Management Program. This program requirement will involve many of the existing functions of the Department, including: 1) the issuance of permits for air discharges, water discharges, and dredge and fill activities; 2) water treatment plans and projects; 3) the issuance of electric power plant site certifications; 4) development of the State Water Plan; 5) review of projects submitted under the Federal Public Works Program; and 6) restoration projects. In addition, DER will have new responsibilities based upon the adoption of the FCMP including coordination of agencies involved in the development of the state spoil disposal plan, review and enforcement of requirements for OCS onshore facilities plans, and the enforcement of restrictions related to the harvesting of native tidal vegetation. Implementation of these responsibilities in a fashion consistent with the program will require some rule changes by DER.

The Department will also be responsible for coordinating the development of the Florida Water Plan and 208 areawide wastewater management plans with the program policies, especially the Water Resources Policy. In addition, the policies of the FCMP will be utilized by the Department n the review of public works projects and areas for restoration. The existing procedures related to the Federal Public Works Program will be modified to ensure that projects which are consistent with the objectives, policies and standards of the FCMP are given priority for funding.

The Department of Natural Resources will utilize its broad authorities related to planning, management, regulatory and development activities to assist implementation of the Florida Coastal Management Program. The Department will be responsible for modifying and developing rules as necessary consistent with the FCMP. Department activities which will be involved in the program include: 1) the establishment of and issuance of variances to the coastal construction setback line; 2) the management of the Aquatic Preserve System; 3) the management of the Wilderness System; 4) the lease or sale of state lands; 5) the development of the State Lands Plan; 6) the development and acquisition of park and recreation areas; 7) beach renourishment projects; and 8) the management of mineral and living marine resources.

The rules related to issuance of variances to the coastal construction setback line will be modified to incorporate the standards and criteria established in the Resource Protection Policy. In general, the decision-making process will include protection of native flora and fauna, recurring public costs, and impacts on adjacent areas. Management programs related to aquatic preserves, wilderness areas and other state lands shall be planned and conducted to recognize the benefits of vital areas. In addition, the recommendation of a local government with an acknowledged plan will be one basis for determining the public interest in the lease or sale of state lands, enhancing the ability of the state to determine, on a comprehensive basis, that interest. The development of park and recreation areas will be a major part of the FCMP, and DNR's authorities for recreation lands will be critical. DNR's responsibilities for beach renourishment projects will also be an integral part of the program. The Department will also assist in the development of the state spoil disposal plan.

The Department of Transportation will be responsible for conducting activities, particularly its planning and development of road projects, consistent with the policies of the FCMP, especially the policy on Land Transportation. Major road projects will be coordinated with DER, local government, and other affected interests at the earliest stage possible to

identify potential conflicts. In addition, DOT will assist in the development of the individual port plans and in the development of the State Spoil Disposal Plan.

The Division of State Planning, acting as the lead state planning agency, will assist in the implementation of the FCMP by utilizing its planning and management authorities relating to: 1) the Development of Regional Impact (DRI) process; 2) the A-95 review process; 3) the ten year site plan requirements; 4) the review of the state budget; 5) the State Comprehensive Plan; and 6) the Coastal Energy Impact Program consistent with the Florida Coastal Management Program.

The policies and standards of the FCMP will become standards for substantive review of coastal DRI's under Ch. 403, F.S. The Division will work to coordinate the elements of the State Comprehensive Plan with the FCMP. The Division will also utilize the policies of the FCMP in the review of the state budget as authorized in Ch. 23, F.S. The A-95 review process will be modified by the Division to provide for the Federal Consistency comments. Finally, the Division will work with DER to ensure that the standards and allocation formula of the Coastal Energy Impact Program are complementary to the policies of the FCMP.

The Department of Commerce and, in particular, the Division of Economic Development shall assist in the identification of suitable development sites and regional and state port needs. In addition, the Department shall utilize the policies of the FCMP (in accordance with the policy on Economic Development) for the implementation of the State Economic Development Plan as it affects the coastal zone.

The Division of Disaster Preparedness in the Department of Community Affairs will review local plans and state transportation plans to provide for effective disaster evacuation consistent with the policies of the FCMP. In addition, the Department of Community Affairs will be responsible for modifying the rules in relation to the HUD 701 grants to give priority to local governments in the coastal zone who agree to develop or have developed acknowledged local comprehensive plans.

The Game and Fresh Water Fish Commission will be responsible for exercising its authorities under Ch. 372, F.S. to manage living resources consistent with the policies of the FCMP. In addition, the Commission will cooperate with DER in the development of the state spoil disposal plan.

The Department of Agriculture and Consumer Services will use its existing Ch. 589, F.S. authorities over agriculture and forestry consistently with the policies of the FCMP. The Department of Health and Rehabilitative Services will be

responsible for exercising its existing authorities related to wastewater management, septic tanks, and mosquito control consistent with the policies of the FCMP.

In addition to these specific tasks, state agencies in general will also be involved in the process for reviewing and acknowledging comprehensive plans for those local governments which elect to participate in the program. Many will have special assistance, information, and expertise they can offer to local governments in the development of their comprehensive plans.

WATER MANAGEMENT DISTRICTS

The involvement of the five Water Management Districts relates specifically to their planning and regulatory powers under Ch. 373, F.S. The Water Management Districts are presently developing water resource plans which will eventually become part of the State Water Plan. In addition, the districts regulate the use, transfer and consumption of water through the regulatory authorities vested with them under Ch. 373, F.S. The participation of the districts is especially critical because most of the impacts on coastal resources are a result of, or transmitted via, changes in water quality, quantity or delivery schedule. The most important role of the WMD's will relate to their authorities over ground and surface waters both within the coastal zone and within non-coastal, inland areas. In this way, they will play a prominent role in managing uses, primarily related to water areas, which are outside of the coastal management area but which might affect the coastal zone. Their participation in the program and the consistency of their planning and regulatory actions with the program policies will be necessary.

REGIONAL PLANNING COUNCILS

The Regional Planning Councils have been involved in the development of Florida's Coastal Management Plan since 1975. This involvement has consisted of developing regional coastal management programs, providing public input to the state program, and assisting the state in the development of the state program. The continued involvement of the RPC's is important due to both the geographic extent and the regional differences of the coastal zone of Florida. The councils will be encouraged to continue their involvement in coastal management as the program moves from the planning to the management phase. The involvement of the councils will in part consist of their voluntary adoption of a set of coastal management policies as the regional coastal management plan or as a part of the regional comprehensive plan. These policies will have

to be consistent with the state policies and comprehensive in nature. Issues and problems which are addressed by the state Coastal Management Program and applicable to the region will also have to be addressed by the RPC's in their policy development.

Additional responsibilities of the RPC's will include:

1. Regional Planning Councils will provide technical assistance upon request to all local governments within their administrative boundaries.

2. The RPC's will utilize their acknowledged regional coastal management plan as criteria in the substantive review of A-95 projects and Developments of Regional Impact (DRI's). This review will be particularly important in relation to projects in the conservation and development areas as they are generally not subject to state review, and for inland activity which might affect the coastal zone. Projects reviewed under the A-95 process which are inconsistent with the adopted plan will receive a negative determination of consistency under the provisions of the CZMA. DRI's which are found to be inconsistent with the policies would be subject to appeal by the RPC to Land and Water Adjudicatory Commission (possibly joined by DER).

3. The RPC's will review local government comprehensive plans for consistency with acknowledged regional coastal plans. This would form the first review of local plans in determining their consistency or compatibility with the Coastal Management Program. This review and recommendation would be utilized by DER in making the final determination for acknowledgement under the Coastal Management Program.

4. The RPC's will continue the citizen involvement activities which they have provided. These activities will help monitor the administration, progress, and effectiveness of the FCMP, as well as provide formal opportunities for revision and update.

5. The RPC's will ensure that all portions of their region comprehensive plan as well as ongoing planning programs, such as 208 areawide plans, are consistent with the FCMP and their coastal management policies, when acknowledged as consistent. For instance, many of the RPC's are now developing 208 water quality management plans.

These as well as other regional plans shall be reviewed by the region for any necessary changes resulting from the adoption of the FCMP.

6. If local governments wish to participate in the Coastal Management Program and receive the benefits it provides, then once a local plan is adopted and acknowledged as consistent with the state program, the RPC's would assist in monitoring the local decision-making process. The RPC's will also serve on a voluntary basis to coordinate comprehensive plans between jurisdictions. In this role they could help identify and avoid incompatible plans or conflicts between different units of government.

PRIMARY PORTS

The primary ports of the state are an important part in the transportation network which links Florida with the rest of the nation and the world. These ports, which have special needs due to their locational requirements, are encouraged to become part of the Florida Coastal Management Program. This involvement will be predicated upon their adoption and submittal for acknowledgement of a port development plan which is consistent with the policies of the Coastal Management Program. Upon acknowledgement the port will be designated a geographic area of particular concern and will be protected from incompatible development. While the primary role of ports will relate to the development of their individual port plans, the ports will also be encouraged to assist the state in the development and implementation of the state spoil disposal plan.

LOCAL GOVERNMENT

Although the Florida Coastal Management Program provides broad opportunities for participation by coastal local governments in the management process, it places few requirements on them unless they choose to participate of their own discretion. Mandatory requirements address their authorities under Ch. 193, F.S. relating to taxation policies, the requirement to have plans for activities in conservation areas address hazards to life and property, and the requirement for providing public beach access as a part of beach renourishment projects. The major roles for local government, however, will result from their voluntary decision to develop and adopt a comprehensive plan, including a coastal zone protection element, which is consistent with the objectives, policies, and standards of the Coastal Management Program. Upon the review and acknowledgement by DER that a local plan

is consistent with the FCMP, a number of benefits will be provided to the local government.

This participation by local government is important not only to fully achieve the program policies - some of which are best addressed through zoning and other local tools - but to provide the positive dimension to the program. Local government plans developed consistent with the policies will identify local needs and resources, provide direction for growth and development, and reduce permit delays and costs. Local government plans which are consistent with the FCMP will provide a way to address land use and public interest in a comprehensive fashion that does not now exist in permit reviews. Local participation is also needed to interpret and apply the policies at the local level and to serve as a check against inappropriate activities and projects of state and federal agencies.

As stated previously the involvement of local governments will depend upon their adoption of a comprehensive plan which is submitted for review and subsequently acknowledged by the Department of Environmental Regulation as being consistent with the program policies. Local governments are now required by the Local Government Comprehensive Planning Act, Ch. 163, F.S. to develop comprehensive plans. Moreover, cities and counties in the coastal zone are required to develop coastal zone protection elements, which by existing statute are to be reviewed by DER. Although DER - nor any other state agency - has the authority to approve these plans, it is desirable that they be consistent with the FCMP. Local governments that do choose to participate in the Coastal Management Program would be expected, as part of those plans, to address the program policies. New responsibilities that would be required include the need to review areas for possible restoration projects. Also, plans would identify local areas designated as geographic areas of particular concern by the state and complement the state's objectives in regards to these areas. The local plan would also include a hazard element with specific attention given to the hazards related to hurricanes. Finally, in plan implementation local governments will consider the adoption of economic adjustment mechanisms. During the planning process, local governments would be given the opportunity to adjust the boundary of the coastal zone and of the shorefront areas.

Local governments that do choose to participate in the Coastal Management Program will be eligible for a number of benefits. These benefits include:

1. Financial, technical, and legal assistance will be provided to local governments for development of their local comprehensive plans, in particular of the coastal zone protection elements (CZPE's).

Direct funding, as well as specialized technical and legal assistance, will provide enhancement for local government's capability to meet the requirements of the LGCPA. It is during the development of the comprehensive plan that local government can interpret and apply coastal policies. Here, for example, they can identify local needs and determine which shorefront uses to provide for. Also, resource units (vital, conservation, development) can be reviewed, refined, and mapped and local government can establish local geographic areas of particular concern.

Technical assistance would be in the form of mapping vital resource areas to a useable local scale, provision of socio-economic data, provision of model ordinances (beach access, floodplains), development of joint research projects, informal review and pre-application meetings on local projects, and provision of source materials on coastal management. Financial assistance would consist of direct grants for 1) development of elements not presently mandated by the LGCPA but required as a result of the adoption of the FCMP for local plan acknowledgement, 2) development of innovative implementation tools including economic adjustment mechanisms, 3) funding, after acknowledgement, for special management needs for both state designated GAPC's and areas of local concern, and 4) cost-sharing for local development projects (shoreline access, erosion control). Legal assistance would include the development of potential staff ordinances and assistance if necessary in court challenges.

2. Local governments with an acknowledged plan will be provided an increased role in state decision-making processes (i.e. state consistency). Because local government plans will identify long-term activities and impacts which have been reviewed and acknowledged as consistent with the FCMP, they will provide a means to address local economic and environmental needs in a balanced fashion in decisions allocating the use of lands and waters. The basic land-use issues can be addressed in a comprehensive fashion in permitting. These concerns are frequently lacking in traditional permit decisions. Moreover, because the plan will identify long-term growth and development patterns and projections, cumulative impacts can be more easily assessed. By reviewing the plans, state agencies can be assured that a permit

granted in one area will not eventually lead to permits allowing development or destruction in vital areas. They will be more willing to grant a permit when it can be placed in the context of a soundly developed comprehensive plan.

In addition, DER will provide a right of first review to local governments. Within the time frame allowed for each permit by statute, and except as might be restricted by Ch. 380 and 403, F.S., state agencies will not approve a permit if local government objects to a permit on the basis of inconsistency with its local comprehensive plan. In this manner, local government can determine whether the permit and proposed project are consistent with local needs and balanced plans for land use, something which state agencies are now largely constrained from considering. The state agencies will continue to judge the technical aspects of state permits. Basically, the plan and the process for developing it will decide where certain kinds of development might be acceptable; the issue during state agency permit review would be restricted to the technical conformance to environmental standards.

Other state management decisions which have local land use implications include the lease and/or sale of state lands and the classification of waters of the state. In making these decisions the state will utilize the acknowledged local plan as one basis for judging land use and economic development considerations of the public interest.

3. In a similar fashion local governments with acknowledged plans will have the opportunity to participate in the federal consistency process. Local governments will have the opportunity to review federal actions, development projects, and licenses which affect their jurisdiction. The local government comments and reliance on their acknowledged comprehensive plans would be a part of the process in reaching a state decision on federal consistency. Actions or projects which could be affected include lease sales of outer-continental shelf lands; the construction of Department of Defense installations; water resource projects conducted by the Corps of Engineers; disposal of federal property; and fisheries management programs. In addition, federal licenses subject to review would include licenses or permits for activities such as construction of nuclear power plants; power plant

siting; construction and operation of interstate gas pipelines; exploration and development of outer-continental shelf lands; and pipeline rights of way for oil and gas transmission.

4. Local governments will be able to propose new geographic areas of particular concern for inclusion in the Coastal Management Program. Areas approved by the state as GAPC's would then receive the same consideration afforded to existing GAPC's by state and federal agencies reviewing, conducting or financing activities.

It will be of mutual benefit to both state and local government to have strong local participation in the program. The state Coastal Management Program will be implemented under a progressive management approach consistent with adopted state policies and local needs rather than through a reactionary process dependent solely upon state regulatory and management mechanisms. Local regulatory and management tools including both existing and new innovative tools would become a major part of the coastal management process. While much of the program implementation would be at the local level, the local decision-making process will be monitored to ensure conformance to the state plan. Local governments which consistently utilize inappropriate judgement in implementing the program will be subject to loss of funds, delegated authorities, and other benefits. Local governments would benefit in that they would play a much greater role in existing state and federal decision-making processes. In addition, they would receive technical, financial, and legal support for development and implementation of their local comprehensive plans.

FEDERAL INTERESTS AND CONSISTENCY

The Coastal Zone Management Act imposes extensive obligations on the coastal states to coordinate the development of their coastal programs with all affected federal agencies. In addition to providing opportunities for participation in all formal reviews by interested federal agencies, the Act requires that the U.S. Secretary of Commerce not approve any state program which does not provide for

> ...adequate consideration of the national interest involved in planning for, and in the siting of, facilities...which are necessary to meet requirements which are other than local in nature...(Section 306(c)(8)).

The Secretary of Commerce, under Section 307(b) of the Act, will also deny approval of any management program "...unless the views of federal agencies principally affected by such programs have been adequately considered". Finally, the Program Approval Regulations also require that the state assess and balance in its management program the national interest in the siting of facilities with the national interest in coastal resource protection. In response to these considerations, the CZMA includes strong provisions to ensure that federal actions, projects, permits, licenses, and grants will be consistent with approved state programs.

NATIONAL INTEREST

In light of these explicit requirements Florida has sought to identify the national interest in its coastal zone primarily through meetings and correspondence with federal agencies, other states' coastal management programs, and regulations issued by the Office of Coastal Zone Management. Additional input on the national interest will be received during the remaining months of program development through formal public hearings and, most importantly, through intensified coordination with individual federal agencies.

Identification of the national interest began early in program development when Florida developed mechanisms to coordinate, consult with, and include the participation of federal agencies. As a part of this participation, affected federal agencies were asked to specifically identify activities and considerations of the national interest from their own perspectives. During the reviews of the Status Report (1976) and the Workshop Draft of the Coastal Management Program (1977) they were again asked to review and comment upon how adequately the national interest had been considered and to identify areas where greater consideration was needed.

Based on these meetings and requests, a strong national interest in Florida's coastal zone was identified for the following facilities and resources:

1) National Defense

2) Energy

3) Endangered Species (Critical Habitats)

4) Port Development

5) Wetlands Protection

6) Water-borne Transportation

7) Flood Protection

8) Water Resource Management

9) Coastal Hazards and Shoreline Erosion

10) Air and Water Quality Maintenance

These expressions of the national interest have been and will continue to be considered in the FCMP in a variety of ways including the development and standards of policies, implementation processes, consistency provisions, and up-date and revisions of other program and complementary plans.

As a result of federal agency comments and review, the FCMP has identified, considered, and attempted to balance the following primary national interests which are of special importance in Florida:

1) FISH AND WILDLIFE PROTECTION - Florida provides resources which are unique in the Nation;

2) RECREATION - Of major economic and national importance;

3) DEFENSE - Of special importance because of unique geographic position, at one extreme corner of the Nation;

4) ENERGY PRODUCTION - Florida is now a large energy importer, but has potential for oil and gas production;

5) PORT DEVELOPMENT - A large economic and national impact;

6) HURRICANE AND FLOOD PROTECTION - Florida is highly susceptible to seasonal storms; and

7) BARRIER ISLAND PROTECTION - To maintain their function in protecting life and property and to minimize shoreline erosion.

Maintaining the federal coordination efforts will allow for further refinement of and adjustments to these recognized national interests. Appendix D presents a list of federal agencies and their responsibilities affecting coastal management which will be the object of further coordination efforts.

Tables IX and X list the national interest in facilities and resources identified in 15 CFR 923.52, as well as the policies that address each of the corresponding uses and resources which may be in the national interest. Besides application of the goals and policies, the national interest will be considered through the development of consistent local coastal zone protection elements as part of local comprehensive plans, and the issuance of state permits and licenses. Finally, the exceptions process specifically provides for recognition and consideration of the national interest in balancing potential development activities with coastal resource protection.

During program implementation and subsequent to program evaluation, the FCMP will consider refining the recognized national interests through continuing coordination and consultation with federal agencies and public input. The FCMP will also utilize all available federal policy information including:

1) Presidential policy statements and executive orders applicable to coastal management including those on energy, transportation, environmental protection, recreation and commerce;

2) Subsequent federal laws and legislation;

3) Statements and regulations provided by OCZM;

4) Plans, reports and studies from federal, state and inter-state groups; and

5) Testimony from public hearings or other public input.

FEDERAL CONSISTENCY

One of the many benefits accruing to the State of Florida for its participation in the federal coastal management program will be closer coordination of federal and state activities. This will result in part from the general requirements of the CZMA for coordination and participation. It will also result

TABLE IX

FACILITIES IN WHICH THERE MAY BE A
NATIONAL INTEREST IN PLANNING OR SITING

USES	ASSOCIATED FACILITIES	ASSOCIATED FEDERAL AGENCIES	APPLICABLE FLORIDA POLICIES AND LAWS
National Defense and Aerospace	Military bases and installations; defense manufacturing facilities; aerospace facilities	Department of Defense, National Aeronautics and Space Administration	Federal Consistency Policies 1,4,6,14
Energy Production and Transmission	Oil and gas rigs, storage, distribution and transmission facilities; power plants; deep-water ports; LNG facilities; coal mining facilities	Federal Energy Administration, Federal Power Commission, Nuclear Regulatory Commission, Energy Research and Development Administration, Department of Interior, Department of Transportation, Corps of Engineers	Policy 5, Goal 2 (Objective 1) Policies 6,10,14 Chapters 377, 380, and 403, F.S.
Recreation	National seashores, parks, forests; large and outstanding beaches and recreational waterfronts	Department of Interior, Department of Agriculture	Policy 3, Goal 2 (Objective 2) Policies 10 and 14
Transportation	Interstate highways, railroads, airports; ports; aids to navigation	Department of Transportation, Department of Commerce, Corps of Engineers	Policy 6 Policy 9, Goal 2 (Objective 1) Policies 10 and 14 Chapters 315, and 334, F.S.
Regional Water Treatment Plants	Sewage treatment plants; desalination plants	Environmental Protection Agency	Policy 7, Goal 1 (Objective 3)

TABLE X

RESOURCES IN WHICH THERE MAY BE A NATIONAL INTEREST

RESOURCE	MAJOR RELATED FEDERAL LEGISLATION	ASSOCIATED FEDERAL AGENCIES	APPLICABLE FLORIDA POLICIES AND LAWS
Water	Federal Water Pollution Control Act	Environmental Protection Agency, Corps of Engineers	Policies 1 & 7 Chapter 403, F.S.
Air	Clean Air Act	Environmental Protection Agency	Policy 8 Chapter 403, F.S.
Wetlands	Federal Water Pollution Control Act, Fish and Wildlife Coordination Act, Executive Order	Corps of Engineers, Environmental Protection Agency, Department of Interior, Department of Commerce	Chapter 403, F.S.
Endangered Flora and Fauna	Endangered Species Act	Department of Interior, Department of Commerce	Policies 1,4,10 Chapter 372, F.S. Chapter 16E-4.02 F.A.C.
Floodplains and Erosion Hazard Areas	Flood Insurance Act, Executive Order	Housing and Urban Development, Corps of Engineers, Department of Agriculture	Policy 1
Barrier Islands	Coastal Zone Management Act, Executive Order	Department of Interior, Department of Commerce	Policies 1,9,10
Historic Sites and Districts	National Historic Preservation Act	Advisory Council on Historic Preservation	Policy 10, Goal 2 (Objective 2) Chapters 266 & 267, F.S.
Wildlife Refuges and Reserves	Pitman-Robinson Act; Dingall-Johnson Act; Land and Water Conservation Fund Act	Department of Interior, Department of Commerce	Policies 1 & 10

TABLE X (CONTINUED)

RESOURCE	MAJOR RELATED FEDERAL LEGISLATION	ASSOCIATED FEDERAL AGENCIES	APPLICABLE FLORIDA POLICIES AND LAWS
Areas of Unique Cultural Significance	National Historic Preservation Act	Advisory Council on Historic Preservation	Policy 1 (Restoration) Policy 10
Minerals	Mineral Leasing Act	Department of Interior	Policy 4 Chapters 211, 253 & 258, F.S.
Prime Agricultural Lands	Homestead Act	Department of Agriculture	Policy 1
Forests	National Forest Management Act	Department of Agriculture, Department of Interior	Policy 1
Living Marine Resources	Fisheries Conservation and Management Act	Department of Commerce, Department of Interior	Policies 1,4,7,10 Chapters 370 & 372, F.S.

from the requirements which the federal act places on federal agencies for consistency. The CZMA provides that, except in special circumstances, federal actions and programs affecting Florida's coastal zone must be in compliance with the coastal management program. The federal consistency requirements of the CZMA represent a unique opportunity for the coastal states to assume leadership roles in the management of their coastal resources and activities, and subsequently, to have federal programs and activities comply with approved state management programs. In one respect, these provisions may be viewed as a quid pro quo for the requirements that the federal agencies participate fully in the development of management programs, and for the adequate considerations of the national interest.

Sections 307(c)(1), (2), (3) and (d) of the CZMA provide:

> (c)(1) Each federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs.
>
> (2) Any federal agency which shall undertake any development project in the coastal zone of a state shall insure that the project is, to the maximum extent practicable, consistent with the approved management programs.
>
> (3) ...any applicant for a required federal license or permit to conduct an activity affecting land or water uses in the coastal zone of the state shall provide in the application...that the proposed activity complies with the state program and that such activity will be conducted in a manner consistent with the program.
>
> (d) Federal agencies shall not approve proposed (financial assistance) projects that are inconsistent with a coastal state's management program.

These unique provisions of the federal law are important to Florida since they will promote greater coordination and cooperation among federal, state and local governments. Most importantly, federal consistency will provide the State of Florida and participating local governments with an effective mechanism for determining the use of coastal resources as these may be affected by federal agency actions and programs. In this way, the CZMA federal consistency provisions will, in most cases, extend the requirements of this program to federal

agencies as well. This is one of the most important benefits of the FCMP.

Federal consistency requirements can be outlined according to whether the applicable federal program is:

1) a federal license or permit including a federal license or permit for activities described in OCS plans;

2) a federal agency grant or financial program; and

3) a federal agency conducted activity or development project.

Specific requirements for consistency and the review processes differ for each of these categories. However, the review process and determination of federal consistency will always be based on the following items:

1) the FCMP goals and policies;

2) selected state statutes;

3) specific management programs and policies for designated GAPC's;

4) local government comprehensive plans which have been acknowledged as being consistent with the policies and standards of the FCMP; and

5) opportunity for full public participation.

In response to the requirements of the federal CZMA and implementation regulations (15 CFR 930), Florida proposes the following procedures for making consistency determinations.

Federal Licenses and Permits

The federal consistency provisions of the Coastal Zone Management Act require that federal licenses and permits be certified by the state as consistent with its management program before they can be issued. Table XI lists those federal licenses and permits for activities affecting Florida's coastal zone which will be subject to certification by the Florida DER.

Florida has determined that issuance of these federal licenses and permits could significantly affect Florida's coastal zone. All federal licenses or permits issued for these activities in or affecting the coastal zone except, for relicensing of existing facilities without substantial change, will be subject to certification for consistency.

TABLE XI

FEDERAL LICENSE AND PERMIT SUBJECT
TO CONSISTENCY CERTIFICATION

AGENCY	LICENSES AND PERMITS	CITATION
Department of Defense (U.S. Army Corps of Engineers)	Permits required under Sections 10 and 11 of the River and Harbor Act of 1899	33 U.S.C. 403-413
	Permits required under Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972	33 U.S.C. 1401-1444
	Permits required under Section 404 of the Federal Water Pollution Control Act of 1972, as amended	33 U.S.C. 1344
Environmental Protection Agency	Permits and licenses required under Sections 402 and 405 of the Federal Water Pollution Control Act of 1972, as amended	33 U.S.C. 1342 33 U.S.C. 1345
	Permits and application for re-classification of land areas under regulations for the prevention of significant deterioration of air quality	42 U.S.C. 1857
	Permits required under the Ocean Dumping Act	33 U.S.C. 1412
Department of Transportation	Permits for construction and modification of bridges and causeways in navigable waters (Coast Guard)	33 U.S.C. 401

TABLE XI (CONTINUED)

AGENCY	LICENSES AND PERMITS	CITATION
Department of Transportation (Continued)	Hazardous substances and materials (Coast Guard)	33 U.S.C. 419
	Deep-water Port License (Coast Guard)	15 C.F.R. 158 et.seq.
Nuclear Regulatory Commission	Permits and licenses required for siting and construction of nuclear power plants	
Federal Power Commission	Permits and licenses required for construction and operation of interstate gas pipelines and storage facilities	43 U.S.C. 717
	Permits required for construction and operation of facilities needed to import or export natural gas	15 U.S.C. 717a et.seq.
	Permits and licenses required for power plant siting and transmission lines	
Department of Interior	Permits and licenses required for drilling and mining on public lands	
	Permits and approval of exploration, development and production plans in areas leased under OCS Lands Act	43 U.S.C. 1331
	Permits for pipeline rights of way for oil and gas transmissions	

If, in the course of program implementation and through the program evaluation process, it is determined that the issuance of other federal licenses and permits causes significant impacts on coastal resources, consideration will be given to expanding the consistency requirements. Before any additional license or permit is added, DER will coordinate and discuss the matter with the issuing federal agency, state agencies and other affected interests.

Florida desires to utilize a process for reviewing consistency which avoids constructing new or additional review processes. For this reason, the state will consider the issuance of a state license or permit (if one exists) for an activity as a de facto determination of consistency for any of the corresponding federal licenses or permits listed in Table XI. That is, because the state license or permit will be consistent with the FCMP, certification of federal consistency can be presumed upon receipt of the corresponding state permit or license. The state's responsibility for most counterpart permits rests with DER; in a few cases permit procedutes by other state agencies will be utilized. If no state agency issues a corresponding license or permit for the federal licenses and permits listed in Table XI, DER will be responsible for coordinating the application for federal consistency. After receiving comments from other state agencies and affected local governments, regional councils, water management districts and the public, DER will make the final consistency determination and forward it to the federal agency.

In all cases, state agencies will review their permit procedures and provide public notice and the opportunities for public comment and a public hearing if appropriate. For those federal licenses or permits without a counterpart state permit, DER will provide public notice. Joint public hearings by state and federal agencies that issue corresponding permits will be utilized whenever possible. Other public hearings, if considered necessary, will be the responsibility of the state agency granting the comparable permit, or if there is no corresponding permit, the responsibility will rest with DER.

According to Section 307(c)(3)(b) of the CZMA, all federally licensed or permitted activities described in detail in OCS plans and which affect "...any land use or water use in the coastal zone..." shall be conducted in a manner consistent with the state's coastal management program. This section of the CZMA further requires any person who submits an OCS exploration, development or production plan to the Secretary of the Interior to attach a consistency certification relative to affected state coastal zone management programs. No federal permit or approval will be issued until all affected states concur with the consistency certification.

In Florida, DER will make the state's final decision for concurrence or objection to the consistency certification. As with licenses and permits, DER will involve all affected parties; it is anticipated that DNR, the Florida Game and Fresh Water Fish Commission, the Division of State Planning, the Department of Community Affairs, and the affected regional and local government interest would play a substantial role in the review of such proposals. The procedures used and the negotiation and conflict resolution mechanisms will be those described in Subpart H of the Federal Consistency Regulations (15 CFR Part 930). As provided in those regulations, conflicts between a state and an applicant for OCS plans may be appealed to the U.S. Secretary of Commerce.

Throughout this process, applicants will be strongly encouraged to discuss developing OCS plans at an early stage in order to preclude the delays inherent in any objection or appeals process. As a result of developing the FCMP, DER has information and data regarding potential OCS onshore impacts which would be useful to potential applicants. Open discussions and sincere negotiation at early planning stages will serve as the bases for efficient implementation of this provision. DER proposes to utilize a group similar to the Cabinet's Big Cypress Advisory Committee for oil and gas permitting.

Except in the event of a finding to the contrary by the U.S. Secretary of Commerce, if Florida finds that a proposed activity is contrary to the FCMP, then the federal license or permit may not be issued. An affirmative finding that the proposed activity is consistent with the FCMP will constitute a strong presumption about the approvability of the activity, however, under current federal regulations, such state action does not bind the federal agency to issue the license or permit.

Federal Grants and Financial Assistance

The second federal consistency provision involves state and local government applications for federal assistance under other federal programs affecting Florida's coastal zone. This provision is significant from two standpoints. First, the wasteful expenditures of public funds that are inconsistent with the FCMP will be precluded. And second, the goals and objectives of the FCMP can be enhanced and, in many cases, more readily achieved through proper implementation of federal funding programs. A finding of consistency by the state, however, will not require that the project be funded.

The Department of Environmental Regulation will utilize the Projects Notification and Review System of OMB Circular A-95 authorized under Title IV of the Intergovernmental Act of 1968 to review these applications to assure consistency

with the FCMP. The Bureau of Intergovernmental Relations within the Division of State Planning, which administers the A-95 process in Florida, will ensure a consistency determination has been made before approving any project while adhering to the procedures outlined in OMB Circular A-95. The Bureau of Intergovernmental Relations, in conjunction with the Department of Environmental Regulation, will prepare information and procedures to provide for the consistency review within the existing A-95 process. The actual determination of federal consistency for federal funding projects will be made by the Secretary of DER, according to the criteria listed on page 125.

If any comments are received as a result of the A-95 review suggesting that a project is inconsistent, then the Bureau of Intergovernmental Relations will convene a conflict resolution meeting which will include the concerned parties, representatives of DER, and, if appropriate, the applicable federal agency. The meeting will attempt through negotiation to modify the proposal to remove any inconsistencies. If the differences cannot be resolved to the mutual satisfaction of all reviewers, then DER will analyze all comments and make the final determination of consistency. Any remaining conflicts can be addressed through the appeals process. In any event, no federal assistance may be granted until the Department's consistency objections, if any, are satisfied or overturned through the appeals mechanism.

Federal Activities and Development Projects

The third consistency provision of the CZMA requires federal agencies to determine whether their activities or development projects directly affecting the coastal zone are consistent to the maximum extent practicable with the FCMP. Activities on excluded federal lands that impact Florida's coastal zone beyond the boundaries of the federal properties will be subject to this provision. Federal activities that are landward or seaward of the coastal zone and that directly affect the coastal zone will also be subject to the consistency requirements. The Federal Consistency Regulations provide that "...all federal activities including development projects directly affecting the coastal zone are undertaken in a manner consistent to the maximum extent practicable with approved state coastal management programs" (15 CFR 930.30).

Three major issues exist regarding consistency of federal actions. They are:

1) What activities are, in fact, subject to consistency;

2) Who applies the consistency test; and

3) What are the criteria for judging consistency?

In general, the federal agency responsible for an activity or development project will be responsible for determining whether it directly affects the coastal zone. In determining what activities may directly affect the coastal zone, the agency should consider the potential impacts on:

- coastal waters, including water quality, quantities, flow rates, hydroperiod, seasonal fluctuations, circulation, and the mixing and interface of fresh and salt water;

- living resources of the coastal zone, including productivity, diversity, dynamics, and important features such as habitat, feeding grounds, nursery areas, spawning grounds, nesting sites, migratory routes, etc.;

- use of the coastal zone, especially recreational use, aesthetics, and water-dependent uses and patterns of use;

- socio-economic impacts including population growth and distribution; provision of community supplies, services and facilities; employment; tax base; economic diversity; and energy use and conservation; and

- the limitations the action would impose on future use alternatives and options in the coastal zone.

In general, activities and development projects as conducted by any federal agency are considered as directly affecting the coastal zone if they involve:

- land acquisition in the coastal zone;

- waste discharge into coastal waters;

- alterations to visual conditions (on federal lands) as seen from outside the federal property;

- activities affecting fresh and salt water mixing, water quality, quantity, hydroperiod, seasonal fluctuations, or circulation or other criteria consistent with Chapter 17-3, F.A.C.;

- road construction in shorefront areas;

- timber harvest in shorefront areas or wetlands;

- construction of new federal buildings which affect any of the policy concerns identified in the FCMP, especially secondary impacts;

- large scale construction including large increases in impermeable surfaces; and

- other activities that due to size, location or manner of construction directly affect coastal resources.

Certain federal activities and development projects can be identified as usually affecting the coastal zone. Representative examples of such federal activities and development projects include the following:

Department of Defense	dredge, fill, development or construction in all coastal waters
	water management and erosion control structures in coastal waters
	locations and design of new defense installations and facilities
Department of Commerce	fisheries management programs
Department of Interior	BLM Outer Continental Shelf lease sales and approval of field development plans
Department of Transportation	location and design of new Coast Guard facilities including lighthouses
General Services Administration	disposal of surplus federal lands

Other activities should be examined according to the concerns listed above.

Furthermore, any federal activity can be considered as directly affecting the coastal zone if the activity causes significant

1) changes in the manner in which waters, lands or other coastal resources are used;

2) limitations on the range of uses of coastal zone resources; and

3) change in the quality of coastal zone resources.

The consistency review should occur as early as possible in the planning or development process. It is important to review the project prior to a time when a particular course of action is committed. After making the determination, the federal agency will inform DER of its review and conclusions. In particular, the agency should highlight any problems it has identified, and areas where it might not be practicable to be consistent. This review should also form the basis for the determination of the project's impacts on plans as required by NEPA.

Florida will use the EIS, negative declaration, and A-95 review mechanisms as the primary means to monitor federal activities and development projects and their associated federal consistency determinations. The recent amendments to the A-95 process provide special opportunities for the review of federal consistency determination. DER with the participation of appropriate state agencies, applicable local governments and other interested parties and utilizing the A-95 process as administered by the Bureau of Intergovernmental Relations, can review the notice for concurrence of consistency.

In the case where a federal agency has developed a comprehensive plan for the management of certain of its activities and resources in Florida's coastal zone, it may seek a state consistency determination for the plan. If the plan is found to be consistent, then a proposed project fully described in the plan would be exempted from additional consistency reviews.

The criteria for assessing consistency of federal activities and development projects are the basic policies and standards fundamental to Florida's Coastal Management Program. These criteria will be applied by federal agencies in determining the consistency of their actions as well as by state or local agencies in their reviews of the federal determination.

Effective and efficient implementation of this provision will depend upon the good faith effort of all parties, early and full involvement and assessment, sharing of information, and sincere negotiations. Although the CZMA provides for mediation by the Secretary of Commerce in cases of disagreements between the state and a federal agency, every effort should be made to resolve the differences informally and as early as possible to preclude unnecessary escalation to the Secretary of Commerce.

If DER identifies any activity or development projects directly affecting the coastal zone that it considers inconsistent with FCMP, it will meet with the federal agency and attempt to resolve differences through negotiation. Other state agencies, local governments and the general public are encouraged to assist the DER by identifying inconsistent and potentially inconsistent federal activities and projects. Should the issue not be resolved through negotiation, the matter will be referred to the Secretary of Commerce for mediation pursuant to Section 307(h) of the CZMA and Subpart G of the Federal Consistency Regulations. In any disagreement, the applicable federal agency is responsibile for demonstrating the consistency of its activity or development project with the FCMP.

USES OF REGIONAL BENEFIT

The CZMA requires that state coastal management programs provide "for a method of assuring that local land and water use regulations within the coastal zone do not unreasonable restrict or exclude land and water uses of regional benefit" (Section 306(e)(2)). Florida considers that uses which have a benefit beyond the boundary of a single jurisdiction are uses of regional benefit. Such uses would include specific uses identified in the program policies, many uses associated with the national interest, and most developments of regional impact. Florida presently has several mechanisms for addressing these uses.

Under Chapter 380, F.S., certain defined activities having impact on more than one county are subject to regional and state review. Under this process, the state may overturn local decisions found to unreasonably interfere with achievement of the objectives of the adopted state comprehensive plan or the recommendations of the regional planning agency. The policies of the FCMP would serve as specific standards for making these decisions. Because onshore oil and gas support activities are not DRI's, and because they are also potential uses of regional benefit, the FCMP proposes that they be adopted as DRI's.

Under the Power Plant Siting Act (Chapter 403, Part II, F.S.), a process is provided whereby electrical generating plants are subject to site plan requirements and state certification. This process is intended to ensure that decisions affecting the location and operation of electrical power plants fully balance considerations for electric power with the broad interests of the public. Issuance or denial of state certification constitutes final adminstrative action as to that particular application.

Chapter 380, F.S., also includes a section enabling the state to designate areas of critical state concern. Although usually associated with environmental protection, this section also enables the state to designate areas critical for development reasons. Although the critical area provision is currently being contested in court, it could also provide an overview for addressing uses of regional benefit.

Finally, a judicial remedy also exists, whereby the court system can review government actions alleged as unreasonable.

The state coastal management program will utilize all of these processes to meet federal requirements regarding uses of regional benefit.

PROPERTY ACQUISITION

Although the Florida Coastal Management Program has been designed to avoid a taking, and although acquisition will not play a major role in implementation of Florida's program, suitable and effective authority exists at local and state levels of government for the acquisition of, or obtaining an interest in, property as may be necessary to achieve conformance with the objectives of the FCMP. The authority, depending on the level of government and the purpose for acquisition, includes the power to purchase and condemn property, obtain easements, receive gifts, exchange land and provide tax incentives through special assessment laws. These authorities include:

STATE:

1) The Board of Trustees of the Internal Improvement Trust Fund is authorized to acquire certain submerged lands by condemnation (Chapter 253.02, F.S.)

2) Water management districts are authorized to acquire land needed for right-of-way or other purposes by denotion, lease, purchase or condemnation (Chapter 373, F.S.)

3) The DNR, Division of Parks and Recreation, may acquire by purchase, lease/purchase or other terms, land needed for outdoor recreation, wildlife management, forestry management, nature preservation, and water conservation. although condemnation powers are not provided for these purposes, land and water areas may be acquired by eminent domain procedures if necessary for preservation of floodways and water storage areas, boating and navigation

channels and right-of-ways for use of any outdoor recreation and conservation areas. (Chapter 373, F.S.)

4) The DNR administers the Land Conservation Program which establishes a fund for the purchase of endangered land. (Chapter 259, F.S.)

5) The DER may acquire land and water areas for water preservation and restoration projects under Chapter 403, F.S.

LOCAL:

1) Counties have broad powers of condemnation in acquiring property for any county purpose. (Chapter 127, F.S.)

2) Counties are allowed to acquire property through purchase, lease, lease/purchase, and exchange. (Chapter 125, F.S.)

3) Municipalities of the state are authorized the powers of condemnation related to acquiring streets, parks, drainage areas, utility lines and for protecting the public health or abating a nuisance.

SPECIAL ASSESSMENT AUTHORITIES

To maintain agricultural and forestry land in their productive capacity, counties are required to assess property utilized for agricultural purposes as agricultural lands (Chapter 193.461, F.S.). In addition owners of land which is utilized for outdoor recreational or park purposes may convey the development rights of these lands to counties or stipulate that these lands will be utilized for recreational purposes for a minimum of ten years. Upon conveyance the property shall be assessed according to the value of its present use. Recreational and park purposes are broadly construed to include boating, camping, swimming, horseback riding, and historical, archaelogical, scenic or scientific sites (Chapter 193.501, F.S.). The same chapter also requires that areas designated as Areas of Critical State Concern be re-evaluated according to the level of regulation imposed. It also provides the general capability for local governments to include the limits on the potential for use resulting from regulatory programs as a basis for determining just valuation. The FCMP recognizes this particular tool as an economic adjustment technique.

Finally, wilderness areas may be leased by the state for a minimum period of fifty years. Lands leased by the state as wilderness areas are subject to lower tax assessments (Chapter 258.23, F.S.).

AIR AND WATER POLLUTION CONTROL

The CZMA requires that state coastal management plans must include air and water pollution control requirements established by the Federal Water Pollution Control Act, as amended, and the Clean Air Act, as amended. Florida's Coastal Management Program incorporates these requirements in a variety of ways.

First, the policies on Water Resources (#5) and Air Resources (#6) are related to and result from the specific responsibilities and objectives of the state programs administered by DER for air and water pollution under Ch. 403, F.S. In addition, the authorities and responsibilities proposed in Policy 1 (Resource Protection, Preservation, Development, and Restoration) also derive in large part from existing regulatory control over water quality exercised under Ch. 403, F.S.

The FCMP will also rely upon state and federal water quality requirements as the means of reducing or avoiding man-induced sedimentation into coastal waters (Policies 1 and 5). The program calls special attention to these particular problems so that they can be given appropriate attention in the development of 208 plans in coastal areas.

Finally, the air and water pollution programs and the Coastal Management Program will all be administered by the same agency, DER. This will enable consistent and effective coordination of the programs in a compatible and complementary fashion.

VI. PROGRAM COORDINATION AND PUBLIC INVOLVEMENT

Congress, in enacting the Coastal Zone Management Act, envisioned a state-level planning and management program that, via coordination and participation, would involve all interested and affected governmental agencies and the public in the planning and management process. The excerpts below clearly demonstrate the intent of Congress:

> The Congress finds and declares that it is the national policy ... (d) to encourage the participation of the public, of Federal, state, and local governments, and of regional agencies in the development of coastal zone management programs. (Section 303, CZMA)

> Coordination with governmental agencies having interests and responsibilities affecting the coastal zone, and involvement of interest groups as well as the general public are essential elements in the development and administration of a coastal management program. (15 CFR, Part 923.50)

The strong coordination and public involvement requirements of the federal CZMA are reinforced and complemented by Florida legislation. Chapter 370.0211, F.S., which preceded the federal Act by some two years, provided for "... a coordinated effort of interested federal, state, and local agencies of government..." and for public dissemination of coastal zone information. In 1977, the Florida Legislature again emphasized coordination by stating "... management of the state's coastal zone will require a highly coordinated effort among state, regional, and local officials and agencies" (Ch. 77-306, Laws of Florida). This legislation also declared that participation by Florida citizens should be an important factor in the coastal planning process.

The program coordination and public involvement effort to date has been a significant consideration in the develop-

ment of the Florida Coastal Management Program. A summary of the progress made is provided in the discussions that follow.

PROGRAM COORDINATION

The comprehensive nature of Florida's proposed Coastal Management Program, coupled with the intent to build upon existing authorities and programs, required a substantial commitment to intergovernmental coordination. This coordination effort was initiated in 1970 with the establishment of the position of Program Coordinator. In 1974, after receipt of federal coastal zone planning funds, a second program coordination position was established. Following reorganization in 1975, the program coordination section was expanded to include information services and special projects coordination. The primary thrust behind intergovernmental coordination was fivefold:

1. To identify interested and affected governmental entities, to inform them of the progress of the Coastal Management Program, and to solicit and respond to their comments on proposed program elements;

2. To identify specific programmatic responsibilities and authorities of governmental agencies within Florida's coastal zone;

3. To evaluate governmental authorities that could be used to best achieve the purposes of coastal management;

4. To propose the means by which governmental authorities could best interface for implementation of a coastal management program; and

5. To identify governmental sources of information and technical data useful to Florida's coastal planning and management program and to obtain, where possible, this information and data.

Coordination has been achieved at all levels of government. A summary of the effort at the various levels is provided in the material that follows:

STATE LEVEL COORDINATION

The CZMA places the major responsibility for achieving sound coastal management squarely upon the shoulders of state

government. The establishment and maintenance of state agency coordination links has been, therefore, of highest priority.

The coordination relationships with state agencies have been ongoing since 1971 when a letter from the Chairman of the Coastal Coordinating Council was sent to each state agency that was involved in coastal zone activities asking that they name a liaison person for coastal zone planning. Communication with the persons designated was established on a one-on-one basis.

The State Interagency Advisory Committee on Coastal Zone Management (IAC) was established in 1975 as a more formal means of securing state agency input into the coastal management planning process. The Committee, made up of representatives from all affected state agencies, initiated its work in October, 1975, and has provided a great deal of substantive assistance to the coastal planning effort, especially in the area of policy development. The Committee also reviewed and discussed at length other elements of the proposed program such as boundaries, geographic areas of particular concern, and program implementation alternatives. Recent meetings of the Committee have provided the coastal planning staff with assistance in revising the policies and other elements proposed in the Florida Coastal Management Program Workshop Draft. Appendix C contains a list of agencies involved in the activities of the Interagency Committee and the dates on which the Committee met.

Another means used to attempt to gain program coordination has been the execution of formal contracts with key state management agencies, i.e. Division of State Planning, Department of Legal Affairs, and the Department of Environmental Regulation (when the program was administered by the Department of Natural Resources). The purpose of these contracts was to allow the agencies to evaluate the programs they administer relative to implementation of the coastal management program. The contracts have assisted the coastal planning staff to identify authorities which need to interact within the network of coastal resource management.

Other state-level coordination activities which the Bureau of Coastal Zone Planning has participated in include the following:

- Prior to 1975, 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;

- Participation in the A-95 Clearinghouse review process and weekly A-95 Clearinghouse meetings;

- Participation on the Interagency Planning Committee for Environmentally Endangered Lands;

- Participation on the Interagency Committee for State Wilderness Areas;

- Review of coastal management projects of other state agencies;

- Provision of information and technical data assistance, upon request, to various state agencies and legislative committees;

- Participation on advisory committees and provision of review and comment on draft elements of the State Comprehensive Plan;

- Cooperation with the Division of State Planning and the Department of Community Affairs in providing planning assistance relevant to the Local Government Comprehensive Planning Act; and

- Provision of information and data to the Governor's Task Force on Coastal Zone Management (1977) and to the select Subcommittee on Coastal Zone Management of the House Government Operations Committee (1977).

In addition to the past effort of state agency coordination, new coordinative linkages will be needed in order to fulfill the requirements for program implementation. The formal linkages necessary to effectively manage the state's coastal resources are discussed in Chapter V. Informal coordination with interested and affected agencies will be continued through both one-on-one communication and the IAC. It is anticipated that the IAC will serve as both an informal conflict resolution body and as a means of providing program evaluation at the state agency level.

REGIONAL AGENCY COORDINATION

Coordination and interaction with regional entities, especially Regional Planning Councils, has been an important activity of the state coastal planning effort. As extensions of local government, the Regional Planning Councils (RPC's) 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 RPC's within the coastal zone. Since that time, the RPC's have been continually involved in coastal planning activities. These activities include the following:

1. Establishment of regional Coastal Zone Management Citizens Advisory Committees (CAC's). Each RPC was contractually obligated to set up and administer a citizens advisory committee representing the various coastal interests within their region (a discussion of the work of the CAC's and further information concerning their make-up is included in the section on citizen involvement and in Appendix C);

2. Collection and analysis of baseline coastal management data. During the first two contract years, the RPC's collected, analyzed and assimilated a great deal of coastal baseline data. Working in partnership with the Bureau of Coastal Zone Planning, the regions gathered information regarding population, economics, support services, land use, land ownership, legal structure, deepwater ports, and onshore impacts of offshore oil exploration and exploitation. This data has been mutually beneficial to the Bureau and the RPC's, as well as to units of local government;

3. Local government assistance. One of the benefits derived from RPC involvement in the coastal planning program has been the development of regional coastal management expertise. Contractual arrangements between the Department and the RPC's 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, i.e. DRI and A-95 review of projects in the coastal zone;

4. Response and comment to elements of the proposed coastal management program. RPC members, representing local government, and staff have been asked to comment on proposed elements of the coastal management program, providing assistance in the development of the program; and

5. Public information programs. One of the tasks undertaken by the RPC's has been to conduct public information programs on coastal zone management. These have included county-wide public meetings, workshops, presentations to county commissions, and presentations to private interest groups and citizens organizations. During the last half of 1977, the RPC's assisted in developing and publicizing the regional workshops held by DER.

All of the RPC's have specific program activities which have been recognized and incorporated into Florida's Coastal

Management Program. Some of the activities that bear directly on coastal management include: DRI review and comment; local government planning assistance and review; and regional A-95 Clearinghouse coordination and review. Discussion as to the role of RPC's in implementation of the Florida Coastal Management Program is included in Chapter V.

Other regional governmental entities with management responsibilities and authorities within the coastal zone, such as the Water Management Districts, must be incorporated into a coordinated coastal management program. Coordination with the Water Management Districts has been initiated, but the present degree of interaction will need to be increased if the important water resource management authorities are to be effective in assisting the implementation of the coastal management program.

LOCAL GOVERNMENT COORDINATION

The greatest opportunity for effective coastal management resides within local governmental agencies. Florida's "home rule" provisions allow local governments to exercise a wide array of resource management authorities (except in areas specifically exempted by state statute). Additionally, the Local Government Comprehensive Planning Act provides local governments with the opportunity to become actively involved in coastal resource management. County and municipal governments are often in the best position to judge local resource management goals and objectives, and it is anticipated that the coastal protection elements developed as part of local comprehensive plans will reflect the environmental and economic needs of the local citizenry.

Other than local government coordination through the RPC's and CAC's, there has been no formal local coordination program. Because there are over 225 local governmental entities included within the coastal planning boundary, and because the coastal planning staff has been small, it has not been possible to work with all local governments on a direct and regular basis. The Bureau of Coastal Zone Planning has made direct contact with a great many county commissions and city councils. These contacts have been made through coastal management presentations, provision of technical data and special planning assistance, and through the organizations representing city and county government (Florida League of Cities, Florida Association of County Commissioners). A partial list of special assistance provided to local government is included in Appendix C.

Regional Planning Council staff members have kept local governmental agencies informed as to the progress of the coastal management program as a part of their contractual

responsibilities with the Department. A number or regions have established Technical Advisory Committees for Coastal Zone Management made up of staff members from city and county planning departments. These committees have provided the Bureau of Coastal Zone Planning and the RPC's with ongoing assistance since 1975. Another part of the RPC contractual agreements has involved dissemination of coastal planning products to local government. As an example, RPC's were directed to provide all local governments within their region with copies of the Florida Coastal Management Program Workshop Draft. Comments on the material presented in the workshop draft were received from a great many local governmental officials, and these comments assisted DER in the revision of the program in preparation for submission to the Legislature.

The coordinative role of local government in implementation of the program is discussed in Chapter V.

Other local governmental and quasi-governmental bodies, such as port authorities, must also be integrated into the overall coastal management process. The Bureau of Coastal Zone Planning initiated contacts with the governing bodies and staff members of all of Florida's deepwater ports in 1976. Regular communication with the port authorities has been maintained since that time. The important role ports and other similar facilities play in maintaining Florida's economic well-being is well recognized. These water dependent facilities will be subject to direct impact from the adopted coastal management program, and it was felt essential that they be provided an opportunity for full participation in the planning process.

FEDERAL AGENCY COORDINATION

The federal CZMA and its attendant guidelines formally established the requirement for federal/state interaction during both the development (Section 305) and the implementation (Section 306) of a state's coastal management program. The Congressional call for substantive federal participation in the development of a state's program was preceded in Florida by the coordination provisions of Ch. 370.0211, F.S.

During the period between 1971 and the initial participation in the federal coastal zone program in 1974, coordination was conducted with some twenty-three federal agencies. Copies of all publications generated by the coastal planning program were sent to Congressional and federal agency contacts for review and comment.

In October 1974, Florida's coastal planning program began formal participation in the federal program. Involvement in

this federal program brought not only additional funds for coastal planning but some specific coordination requirements as well.

The federal rules and regulations promulgated pursuant to the CZMA specify six elements that necessarily involve extensive state/federal interaction. They address:

1. "excluded federal lands" and the consistency of federal actions within these areas relative to an approved coastal management program;

2. "federal consistency" relative to permitting and funding activities of federal agencies;

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

4. the strengthening of coordinative mechanisms for state/federal consultation in areas of key mutual concern, such as air and water quality, endangered species (critical habitat), wetlands, and the hurricane flood zone;

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

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

The subjects of excluded federal lands, federal consistency, national interest in the siting of energy facilities, and the conflict resolution process are discussed in other portions of this document. The Department of Environmental Regulation has been working with federal agencies for some time in the development of coordinative mechanisms for state/federal coordination in areas of key mutual concern. This effort will be continued, and expanded, and coastal management considerations will be added to the factors included in any coordinative agreements. Both the coordinative agreements between DER and EPA and the joint permitting procedures that are being developed with the U.S. Army Corps of Engineers are examples of present coordination efforts within DER.

Many federal agencies conduct their activities in concert with one or more state agencies (i.e. U.S. DOT/Fla. DOT). The establishment of coordinative linkages with federal agencies and programs, therefore, is not only essential to the

interfacing of the state coastal management program with ongoing federal activities, but is often a required ingredient for successful coordination with other state agencies.

The location and utilization of existing data and information has been a continuous process since the initiation of coastal planning in Florida. Data provided by the U.S. Geological Survey and the U.S. Department of Agriculture's Soil Conservation Service has been of considerable assistance in the development of the coastal management data base.

Since 1974, liaison has been established with approximately 100 federal agency contacts in close to 30 federal agencies. These federal agencies have been asked to provide the information necessary to map the federally controlled lands that are to be excluded from the coastal zone and to provide to the Bureau of Coastal Zone Planning their agency's concerns relative to "national interest" considerations. All materials prepared by the Bureau for distribution have been sent to federal agency contacts for review and comment. Forty-two letters of comment were received from federal agencies in response to the workshop draft of the proposed program. Federal comments have been accommodated where possible in the revision process.

Presentations on the emerging coastal management program have been made to the Federal Regional Council (southeast region), to the U.S. Department of Agriculture Soil Conservation Service (Florida staff), to the staff of the U.S. Army Corps of Engineers, Jacksonville District, and to other federal agency groups. The coastal planning staff has often worked with federal officials on a one-on-one basis in reviewing specific projects or plans.

In summation, state/federal coordination relative to Florida's Coastal Management Program has been continuing since 1971. Such coordination and interaction is not only a legal requirement, but a practical requirement that must be relied upon throughout both program development and implementation if Florida is to have an effective coastal resource management program.

Appendix C contains a list of federal agencies that the Bureau of Coastal Zone Planning has worked with in the development of this proposed management program.

INTERSTATE COORDINATION

Although neighboring states and multi-state organizations, such as the Coastal Plains Regional Commission, have been kept informed of the progress of the Florida Coastal Management

Program, no formal coastal management coordination mechanism has been initiated to date. The Georgia Assembly is presently considering coastal management legislation which establishes a boundary and enables a coastal commission to develop management policies. Alabama has enabling legislation for a coastal management program, but no specific boundaries or policies have been developed as yet.

Because the coastal management programs in all three states are still tentative, it is difficult to assess at this time the nature of needed interaction. The boundaries between Florida and its neighboring coastal states are bodies of water, indicating that the primary coordination considerations will need to be in the areas of water quality and water-use classification and the utilization of living marine resources.

It appears that present water quality classifications are compatible in Florida water areas that interface with the waters of Georgia and Alabama. Florida classifies both the St. Mary's River and Perdido Bay as Class III (Recreation) Waters; Georgia classifies the St. Mary's River as "Recreation"; and Alabama's classification for Perdido Bay is also "Recreation". Once the states' coastal management programs are approved, any changes in water classification in boundary waters will need to be coordinated with neighboring states in order to fulfill CZMA requirements.

The Florida Department of Natural Resources and the Game and Fresh Water Fish Commission indicate that there are no major problems concerning the utilization of marine resources, such as the taking of finfish and shellfish, in the state's boundary waters. Those problems that do exist will be addressed cooperatively in the regional fisheries management plans now being developed by the two regional fisheries councils which include Florida and its coastal neighbors.

Past history demonstrates that cooperative efforts with Georgia and Alabama have been successful. Georgia and Florida worked closely together in 1968-1969 to establish the boundary in the St. Mary's River estuary. In 1970, a Federal/Florida/Alabama task force was established to provide recommendations for the improvement of water quality in Perido Bay. The task force developed a number of recommendations and, as a result of interstate cooperation, many of the recommendations have been implemented and the quality of water in the Bay has been improved.

It is anticipated that coordination efforts with Georgia and Alabama will be formalized following submission of the proposed Florida Coastal Management Program to the Legislature. Contact will be made with program managers in these neighboring states to coordinate with them those elements of the

Florida program that may need to interface with the developing programs of Georgia and Alabama.

CITIZEN INVOLVEMENT

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 directive, public information and efforts to involve the public in Florida's coastal planning program were initiated shortly after the program was established. An expanded public participation program was initiated in 1974 in order to fulfill the extensive public involvement requirements of the federal CZMA. The public involvement effort was again expanded and accelerated in 1977 following passage of Ch. 77-306, Laws of Florida, which re-emphasized the need for substantial public participation.

PUBLIC INFORMATION AND INFORMAL PUBLIC PARTICIPATION

Beginning in November 1970, a monthly newsletter was published that provided information to the public regarding coastal planning and management activities in the state, in other states, and at the federal level. The first issue of the newsletter solicited reader response to the material presented and asked for ideas and comments regarding coastal planning activities. Requests for response from readers were continued throughout the life of the newsletter.

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 request for suggestions regarding estuarine areas suitable for nomination as estuarine sanctuaries; a request for suggested "unique environmental features" for inclusion on the biophysical maps; a questionnaire sent to over 500 citizens of Monroe County regarding coastal management problems in the Florida Keys; a request for comments and suggestions regarding a policy for residential canal development; and a request for a response to the nomination of Rookery Bay as an estuarine sanctuary. Excellent response was received on all of these requests.

Presentations on the planning methodology and other aspects of the coastal planning program were initiated by the coastal planning staff in 1971. Every presentation made emphasized the point that suggestions and recommendations would be welcomed and considered in the development of the

coastal management program. Since the inception of the coastal planning effort, well over 300 such presentations have been made to a variety of audiences including conservation groups, real estate appraisers and developers, petroleum and power plant interest groups, chambers of commerce, planning associations, and local government agencies.

Over 25 documents have been published and distributed by the coastal planning agency in the last seven years. These publications, with the exception of the 1972 Florida Coastal Zone Management Atlas, were distributed free of charge upon request. Private, for-profit organizations were charged on a cost basis for copies of the Atlas. All of the published materials have been placed in public and university libraries for referral and use by citizens of Florida. Some of the publications which have received a great deal of comment and response are listed below, accompanied by the number of copies that have been distributed:

- Coastal Zone Management in Florida - 1971 (and subsequent annual reports). 5000 copies of each report.

- Florida Coastal Zone Management Atlas. (1972) 750 copies.

- Recommendations for Development Activities in Florida's Coastal Zone. (1973) 5000 copies.

- Florida Keys Coastal Zone Management Study. (1974) 500 copies.

- Florida Regional Coastal Zone Management Atlas (9 volumes) and accompanying textual material. (1976) 2400 regional volumes have been distributed.

- Florida Coastal Zone Management Program (Section 305): Status Report to the Governor and Cabinet. (Jan. 1977) 1500 copies.

- Florida Coastal Zone Management Program: What, Why, How, Who. (July 1977 brochure) 100,000 copies.

- Florida Coastal Management Program: Workshop Draft. (Nov. 1977) 7000 copies.

A form letter asking for comments and/or questions regarding the material in the publication was often included as part of the mail-out. Public response to these documents has provided assistance to the planning effort. Appendix C contains a list of all documents published during the development of the FCMP.

As part of the public information effort, and to assist in developing the coastal management program, a coastal zone information center/library was established at an early date. The library 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.

The coastal planning staff has often worked on a one-on-one basis with a number of interest groups in developing educational materials and programs. Materials and staff time have been provided to such groups as the League of Women Voters, Audubon Society, Sierra Club, etc.

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

Information and materials have been provided by the Bureau staff and used as the basis for a number of excellent newspaper and magazine articles on Florida's coastal zone and its problems. Numerous requests for further information have been received as a result of these articles, and further citizen interest was generated.

THE FORMAL PUBLIC PARTICIPATION PROGRAM

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 CAC's began meeting on a regular basis early in 1975 and have been actively involved in the planning process since that time. In some regions, county CAC's were established in addition to the regional group. The CAC's provided assistance to the developing coastal management program by reviewing and commenting on proposed program elements and by developing coastal management policies which reflected the needs of the regions. Well over 800 people have been involved in this portion of the citizen participation effort. It is anticipated that the CAC's will continue to play an important role through refinement and support of regional policies in the implementation of the Florida Coastal Management Program. Appendix C contains material indicating the make-up of the regional CAC's and a record of their meetings.

Regional Planning Council members and staff have, in addition to establishing and providing support to the CAC's, assisted in the public information/participation effort by publicizing coastal zone materials in their newsletters and annual reports; encouraging media coverage of CAC meetings and coastal planning developments; responding to requests for coastal zone information; and assisting to arrange and publicize the regional public workshops that were held in December, 1977. Financial support for these tasks was provided by CZMA funds passing through to the RPC's by the Bureau of Coastal Zone Planning.

A state-wide citizens advisory committee was established in the fall of 1977. This committee, appointed by DER Secretary Landers to assist the Department in developing a program that would represent the concerns of all affected interest groups, has met four times. It has reviewed in detail major issues such as the program boundaries, policies, and implementation authorities and has proven to be an excellent source of comment and suggestions for revisions to elements of the program. A list of the members of the committee is included in Appendix C.

Following the publication of the Florida Coastal Management Program Workshop Draft, twelve regional workshops were held during December, 1977. These workshops were widely advertised, and over 1200 interested citizens participated in them. Many valuable comments and suggestions were received at the workshops and well over 250 letters providing written comment were received by mail following the workshops. All of the comments received were considered in the revisions made to the proposed program previous to submission of this Legislative Draft.

Appendix C contains a list of the dates and places of the regional workshops.

SUMMARY

As the material above indicates, the public's right to know about and participate in the planning process has been a major consideration since the beginning of coastal planning in Florida. Based on the assumption that an informed public will be a concerned public, a great deal of time and money has been expended to provide information on the developing program to the citizens of the state and to actively solicit their input. The program as presented in this Legislative Draft is the result of that information and participation effort.

GLOSSARY

NOTE: The following definitions are included for both your convenience and to reflect on how these words and terms are used in this document. It should also be noted that many other words and terms are defined where they are used in the text.

ACTIVE RESTORATION: See RESTORATION

AQUACULTURE: The culture of marine or aquatic species under either natural or artificial conditions.

AQUATIC PRESERVES: Submerged or tidal areas identified and designated by the Florida Legislature which have exceptional biological, aesthetic, educational, and/or scientific value, with the intent of setting them aside forever as preserves or sanctuaries for the benefit of future generations (Chapter 258, F.S.).

BARRIER ISLANDS: Thin, elongated islands, usually parallel to the shoreline, formed of unconsolidated sediments (mostly sand), separated from the mainland by estuaries and wetlands. Exceptional wave force, wind and tidal energies, and ocean flooding are the predominant factors which shape and regulate the barrier island ecosystem, creating a dynamic and ever changing system.

BEACH: Gently sloping areas of loose material (e.g., sand, gravel, and cobbles) that extend landward from the low-water line to a point where there is a definite change in the material type or land form, or to the line of vegetation.

CLASS I-V WATERS: Waters of the state classified according to the most reasonable beneficial use pursuant to Chapter 403, F.S. and implementing rules (Chapter 17-3, F.A.C.).

COASTAL CONSTRUCTION SETBACK LINE: A line established by the Florida Department of Natural Resources to prevent or reduce beach erosion and damage to coastal life and property (Chapter 161, F.S.). It is designated as 50 feet inland from MHW unless otherwise established through a survey and consideration of natural beach processes.

COASTAL MANAGEMENT: The broad mix of research, data collection and analysis, technical assistance, land use planning, coordination, conflict resolution, regulatory or other governmental actions which are needed to ensure the wise utilization and protection of coastal resources

COASTAL RESOURCE: See RESOURCE

COASTAL ZONE: That area of Florida whose boundaries extend seaward to the limits of the state's jurisdiction as defined by law, westward to the Alabama border, northward to the Georgia border, around those portions of the state border contiguous to marine waters and inland to the extent necessary to manage uses which have a direct and significant impact on coastal waters. The inland limit of the coastal zone boundary is based on existing resource types and conditions, hazards to use and the relationship of anticipated uses and their impacts on coastal waters. For the purposes of this program, the coastal zone excludes federal lands, and is defined in Plate 1 of the Florida Coastal Management Program document.

COASTAL ZONE PROTECTION ELEMENT: An element of a local government comprehensive plan, required of all local governments in the coastal zone pursuant to Chapter 163.3177 (6)(g), F.S.

CONSERVE: To manage in a manner which avoids wasteful or destructive uses and provides for future availability.

CONSERVATION AREAS: Include those areas of the coastal zone which have moderate resource benefits; or which have substantial benefits that are less susceptible to adverse effects from alterations or use than are vital areas; or the use of which poses significant hazard to life and property. See Conservation Areas in text for additional discussion and listing of conservation categories.

CULTURAL RESOURCE: See RESOURCE

DENSITY BONUS TRANSFER: A land use management technique which allows a developer or landowner a greater density than zoned on part of his land in exchange for an agreement to preserve open space in an environmentally sensitive area.

DEVELOPMENT: Bring about growth or availability; constructing or altering a structure; conducting a mining operation; making a material change in the use or appearance of land creating or terminating rights of access.

DEVELOPMENT AREAS: Those areas in the coastal zone not identified as vital or conservation, which have intrinsic suitability for development or agriculture or which can be developed, if modified, with minimum loss of resource values or hazard to life and property. For a discussion and listing of such areas see Implementation of Policy 1.

DEVELOPMENT OF REGIONAL IMPACT (DRI): Any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county (Chapter 380, F.S.).

DUNE: A ridge, mound, or hill of sand which extends parallel to the shoreline along sandy coasts formed by wind and waves.

DUNE, ACTIVE: A dune that migrates, grows and diminishes from the force of wind and supply of sand. Active dunes include all open sand dunes, active hammocks, and active foredunes.

ECOSYSTEM: The living and non-living components of the environment which interact or function together, including plant and animal organisms, the physical environment, and the energy systems in which they exist. All the components of an ecosystem are interrelated.

ENERGY FACILITY: See PRIMARY ENERGY FACILITY

ESTUARY: A body of water semi-enclosed by land, connected with the open ocean, and within which salt water is usually diluted by fresh water derived from the land. The estuary includes: a) estuarine water; b) tidelands; c) tidal marshes; and d) submerged lands. Estuaries extend upstream to the head of tidewater.

FORESTRY: The science of developing and maintaining forests and the benefits they produce, including 1) the production of trees and the processing of forest products; 2) open space, buffers from noise, and visual separation of conflicting uses; 3) watershed protection and wildlife and fisheries habitat; 4) soil protection from wind and water; 5) maintenance of clean air and water; 6) outdoor recreational activities and related support services and wilderness values compatible with these uses; and 7) grazing land for livestock.

GEOGRAPHICAL AREAS OF PARTICULAR CONCERN (GAPC): Geographic areas or resources within the coastal zone which will receive special management consideration in the Florida Coastal Management Program. For a discussion and listing of such areas see Implementation of Policy 10.

HIGH INTENSITY RECREATION: See RECREATION

IMPLEMENTATION STANDARDS: Enforceable criteria, standards, and procedures for requiring action by agencies of government to carry out, administer, or implement policies of the Florida Coastal Management Program.

INTERTIDAL AREAS: Those areas between the levels of mean low water springs (MLWS) and mean higher high water springs (MHHWS). The size of the intertidal area is determined by the tidal range, the slope of the shoreline, and the degree of exposure of the site to wind, wave and storm surge.

LAND TRANSPORTATION FACILITIES: Those land surface modes of conveyance commonly used to move people and goods through or over land, or to support land facilities for air and water transportation (e.g., highways, roads, bridges, railroads, bicycle, pedestrian paths, mass transit and pipelines). See Implementation of Policy 9 for additional discussion.

LOCAL GOVERNMENT: Any county or municipality or any special district or local government entity established pursuant to law which exercises regulatory authority over and grants development permits for land development (Chapter 163, F.S.).

LOW INTENSITY RECREATION: See RECREATION

MAINTAIN: To support, keep, and continue in an existing state or condition without decline.

MARINE GRASS BEDS: Both nearshore and offshore submergent vascular plant beds which may extend to depths greater than 10 meters (33 ft.) in clear waters. The predominant marine grass species found in Florida coastal waters are Turtle-grass (Thalassia testudinum), Cuban Shoalweed (Diplanthera wrightii), and Manatee-grass (Syringodium filiformus).

MEAN HIGH WATER (MHW): The average height of the daily high tides over a 19 year period. This measurement is used in the computation of the Coastal Construction Setback Line.

MEAN HIGHER HIGH WATER SPRINGS (MHHWS): The average height of the highest tide each month (i.e. during syzygy), as recorded over a 19 year period, or a computed equivalent period.

MEAN LOW WATER SPRINGS (MLWS): The average height of the monthly lowest low tide (i.e. during syzygy), as recorded over a 19 year period, or a computed equivalent period.

MOSQUITO CONTROL: The abatement or suppression of mosquitos and other arthropods, whether disease-bearing or merely pestiferous, by biological, chemical or physical means.

NATURAL RESOURCE: See RESOURCE

NON-RENEWABLE RESOURCE: See RESOURCE

ONSHORE FACILITIES TO SUPPORT OFFSHORE OIL AND GAS DEVELOPMENT AND PRODUCTION: Those facilities used in the construction, maintenance, operation and support of offshore oil and gas development and production, including related transportation, storage and conversion facilities.

OPTIMUM SUSTAINABLE YIELD: The amount of use of a resource that will provide the greatest benefit determined by balancing the capacity of the resource to renew itself against the intensity of the use as modified by any relevant economic, social, or ecological factors.

PASSIVE RESTORATION: See RESTORATION

PRESERVE: To save from change or loss other than those caused by natural geological and evolutionary processes, and reserve for a special purpose.

PRIMARY ENERGY FACILITIES: Energy facilities which have direct and significant impacts on coastal resources. These include but are not limited to the following:

1. Electric generating plants including fossil or biomass fuels, nuclear power, direct solar energy, ocean thermal energy conversion, tidal or wave power, wind power, or geothermal energy.

2. Petroleum refineries and associated facilities.
3. Gasification plants.
4. Liquified natural gas (LNG) and LNG related facilities.
5. Uranium enrichment or nuclear fuel processing facilities.
6. All facilities related to the exploration, development and production of offshore oil and gas resources including associated onshore support facilities.
7. Facilities including deepwater ports for the transfer of petroleum.

PRIMARY PORTS: Ports which have an authorized channel depth in excess of 32 feet or which play a significant role in navigation and transportation. The following are defined for purposes of the Florida Coastal Management Program as primary ports:

1. Port of Jacksonville
2. Port Canaveral
3. Port of Palm Beach
4. Port Everglades
5. Port of Miami
6. Port of Key West
7. Port Manatee
8. Port Tampa
9. Port Panama City
10. Port of Pensacola

This list is subject to adjustment during program implementation.

PROTECT: Save or shield from loss, destruction, or injury or for future intended use.

PUBLIC BENEFITS (OR LOSSES): Those combined social, economic and environmental gains (or losses) which accrue to (or are taken from) the public because of a use or activity and its resulting effects.

PUBLIC INTEREST: Those conditions which actually or potentially result in benefit to the public at large. Decisions regarding public interest should be made only after full consideration of all available pertinent information, including but not limited to adopted state and local goals and objectives, demonstrated service needs, water quality, public costs and liabilities, hazards, economics, aesthetics, irretrievable commitment of natural resources, and maintenance of ecological systems.

PUBLIC NEED: A measure of demand constrained by a resource's carrying capacity (limits and capability) and balanced by: 1) existing or potential competing uses and 2) a framework of influencing conditions and circumstances such as opportunity, awareness, and financial ability to fulfill the need.

RECREATION: Any experience voluntarily engaged in largely during leisure time from which the individual derives satisfaction.

LOW INTENSITY RECREATION: Does not require developed facilities and can be accommodated without change to the area or resource (e.g. canoeing, hunting, hiking, wildlife photography, and beach and shore activities can be low intensity recreation).

HIGH INTENSITY RECREATION: Use specially build facilities, or occurs in such density or form that it requires or results in a modification of the area or resource (e.g. campgrounds, golf courses, public beaches, and marinas).

RENEWABLE RESOURCE: See RESOURCE

RESOURCE: Naturally occurring or culturally produced entity which is valued for its existing or potential usefulness to man.

COASTAL RESOURCE: A natural or cultural resource in or of the coastal zone.

CULTURAL RESOURCE: A resource made, constructed or refined by man and society.

NATURAL RESOURCE: Air, land, water and living resources and the elements thereof produced by or resulting from nature. Natural resources may be renewable or non-renewable.

NON-RENEWABLE RESOURCE: Those natural resources that, once used or exhausted, cannot be replaced. Commonly used with commodity type resources such as coal, petroleum, natural gas, etc.; this term may also be used to describe biological, locational and amenity type resources susceptible to exhaustion through extinction, site occupancy or alteration of natural conditions.

RENEWABLE RESOURCE: Those resources which, if managed, used, and harvested properly, can replenish themselves at a rate equal to the rate of consumption. They are usually biological or living resources. In a broader sense, uses and benefits which can be used indefinitely without loss or decline.

RESOURCE LIMITATION: The constraints placed upon resource utilization by the policies of the Florida Coastal Management Plan.

RESOURCE TOLERANCE: The intrinsic ability of a resource to absorb stress or alteration.

RESTORE: Revitalizing, returning, or replacing original attributes and amenities, such as natural biological productivity, water quality, and aesthetic and cultural resources, which have been diminished or lost by past alterations, activities, or catastrophic events.

ACTIVE RESTORATION: Involves the use of specific positive remedial actions, such as removing fills, installing water treatment facilities, or rebuilding deteriorated urban waterfront areas.

PASSIVE RESTORATION: Restoration which occurs as a result of natural processes, sequences, and timing, or which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.

SALINITY REGIME: Refers to the overall dynamic behavior of the freshwater/saltwater mixing process in an estuary.

SECONDARY ADVERSE IMPACTS: Unfavorable physical, biological, social economic, chemical or other consequences resulting more from the primary consequence of an action than from the action itself.

SHOREFRONT: That area extending inland a distance of 100 feet from the shoreline, or as otherwise determined in an acknowledged local government comprehensive plan.

SHORELINE: The immediate interface of land and water; the mean high tide line in non-vegetated areas and the landward extent of "marine species" of vegetation as listed in Chapter 17-4, F.A.C.

SPOIL ISLANDS: Are artificial islands created with dredged material, resulting from disposal of material created, resulting from, or as waste products of creating, maintaining, or deepening channels, harbors, prots, or other such projects. They provide important recreational and habitat values. Their management is also important because of the adverse impacts mismanagement can have on water quality and sedimentation. They are state owned and are under the jurisdiction of Chapters 253 and 372, F.S.

SUBSTRATE: The medium upon which an organism lives and grows. The surface of the land or bottom of a water body.

TAX RECAPTURE PROVISION: A procedure that permits an owner of developmentally restricted land to apply for a special classification that allows land to be taxed at less than market value.

TERRITORIAL SEA: In Florida, the ocean and seafloor area from mean low water seaward three nautical miles on the Atlantic Coast, and extending seaward three marine leagues on the Gulf Coast.

TRANSFER OF DEVELOPMENT RIGHTS: The separation and transfer, through free market practices (with local government review), of the development rights or development potential associated with one parcel of land, to another parcel. Through the sale and purchase (transfer) of development rights, land owners may be equitably compensated for governmental restrictions placed upon their land without the expenditure of public funds, via the purchase of these "lost" development rights by other land owners for lands with lesser development restrictions which would acquire a greater development potential.

USE HAVING DIRECT AND SIGNIFICANT IMPACT: Any land or water use or activity which will or can reasonably be expected to: 1) result in alteration of the physical, chemical, radiological, or biological properties of coastal waters; 2) affect any use of coastal resources; 3) affect public health, safety or welfare; or 4) result in irretrievable commitments of coastal resources. Positive as well as negative impacts are included.

USE OF REGIONAL BENEFIT: Any use which can be shown to provide substantial public benefits beyond the county in which it is located, (i.e. state parks, aquifer recharge areas, primary ports, etc.).

VESTED RIGHT: Present fixed rights which cannot be interfered with by retrospective laws, which is proper for the state to recognize and protect, and which cannot be deprived arbitrarily without injustice.

VITAL AREAS: Those natural resources of the coastal zone identified as having major ecological, hydrological, physiographic, or socio-economic importance to the public at large, and which are therefore resources of statewide significance, and are generally (but not inclusively) already subject to state regulatory programs. All of these areas provide substantial benefits to the state and public. Moreover, these areas cannot be developed without so altering the resouce that the benefits are lost or significantly diminished. (See also Vital Area discussion and category listing in text.)

WATER DEPENDENT: A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water.

WATER-RELATED: Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water dependent or other water related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.