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THE FLORIDA COASTAL MANAGEMENT PROGRAM WORKSHOP DRAFT

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State. Dept. of Environmental Regulation

James L. Hollis

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STATE OF FLORIDA

Office of the Governor

THE CAPITOL

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COASTAL ZONE
INFORMATION CENTER

October 28, 1977

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Dear Citizens:

It is with pride that I present the preliminary draft of Florida's Coastal Management Program for your review. This document provides an overview of a way to improve the management of Florida's coastal resources. The Bureau of Coastal Zone Planning within the Department of Environmental Regulation has been assigned responsibility for the preparation and coordination of Florida's Coastal Management Program. In December, the Department will hold a series of regional public workshops throughout the State to discuss this proposed program and receive reaction from citizens.

This draft identifies coastal resource problems and opportunities. It presents a framework through which citizens and governments at all levels can work together to solve these problems and to realize fully Florida's coastal resource potential. Florida's proposed program would be based on a blend of State agency and local government responsibilities. The program will rely largely on existing authorities, building on the strengths of present programs by better coordination and giving them a positive aspect they have sometimes lacked previously. This program does not in any way propose a new layer of government or new broad permitting authorities.

Florida's citizens would benefit from improvements in the way in which their beautiful and productive coastal resources are managed. I trust you will help perpetuate and improve Florida's coastal area by taking time to review the available material. Florida's unique resources need your assistance to ensure wise management for present and future generations.

Florida. State. Dept. of Environmental Regulation.
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A response form is provided on the last page of this report for your comments and questions. The expression of your concern is important in developing a management program that will reflect the needs of all of the citizens of the State.

When all of the information has been received, the document will be revised as necessary and presented for legislative action. At that time we will request approval from the U. S. Secretary of Commerce making it possible for us to receive annual grants for implementation.

You are being given an opportunity to have a profound influence on the future quality of a valuable and unique asset, and I know you will cooperate with us in making this project a success.

Sincerely,

Robert Ashen

Governor

ROA/qpg

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COASTAL MANAGEMENT PROGRAM

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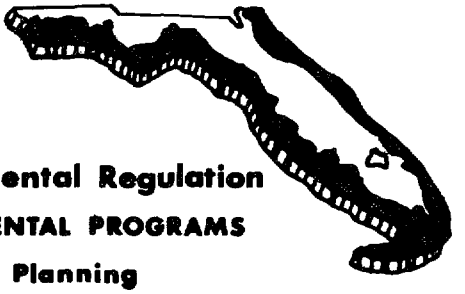


STATE OF FLORIDA

Department of Environmental Regulation

DIVISION OF ENVIRONMENTAL PROGRAMS

Bureau of Coastal Zone Planning

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

This public document was promulgated at an annual cost of $5400 or $1.08 per copy for the purpose of informing the citizens of Florida about the proposed coastal management program.

FLORIDA COASTAL MANAGEMENT PROGRAM: SUMMARY

BACKGROUND

The proposed Florida Coastal Management Program is a comprehensive land and water use management program which seeks to achieve a balance between the protection and development of the state's unique and valuable coastal resources. Florida's coastal zone supports tourism, housing, recreation, fisheries, industry, commerce, and transportation. These many uses and activities often conflict. Some have adverse effects on the coastal environment. A coastal management program will assist Florida's decision-makers at state and local levels to make informed choices and set priorities for future coastal resource allocation. Implementation of the program will rely upon both local and regional government planning responsibilities and state agency regulatory authorities. It will involve existing state permitting authorities, the DRI process, and the voluntary participation of local government.

The Florida program is designed to meet both state legislative requirements and the requirements of the federal Coastal Zone Management Act of 1972 (CZMA). Program development has been funded by state general revenue and by grants authorized by the CZMA.

PROGRAM DEVELOPMENT

A great deal of data collection, research, and analysis has gone into the development of the proposed coastal management program. As a result of this process, environmental, economic, and governmental problems were identified; goals and objectives which would lead to the resolution of the issues and problems were developed; and coastal management policies and guidelines which would bring about the desired goals and objectives were formulated.

The coastal management policies provide the foundation for implementation of the program. The policies attempt to resolve conflicts among competing uses where possible and to establish values and priorities for coastal areas and resources.

COASTAL MANAGEMENT POLICIES

Many of the policies that are proposed to manage the state's coastal resources have a basis in protecting the rich and valuable natural resources that can still be found in Florida's coastal areas. This is an economic as well as an environmental perspective. If these resources were to be lost, the coast would lose its ability to sustain fishery production, recreational activity, and tourist appeal; the state's economic future would be impaired.

The policies fall into three general categories: resource policies; development policies; and governmental process policies. The resource policies provide direction and guidance for the long-term management of coastal resource areas. The development policies and guidelines will assist governmental agencies at all levels, as well as the private sector, in determining how and where development in the coastal zone should occur. They address economic and urban development, shoreline use priorities, coastal hazards, shoreline erosion, resource utilization, energy facility siting, recreation and shoreline access, air and water quality, port operation, and other potential coastal-related uses and activities.

The third category of policies provides for the overall operation, evaluation, up-date, and revision of the Florida Coastal Management Program. These policies recognize that Florida has both strong local government and strong state government. When the coastal management program is implemented, state agencies will be guided by the coastal management policies and will be eligible to receive funds to assist them in carrying out their coastal management related responsibilities. Local governments that voluntarily develop and adopt plans consistent with state coastal management policies will be eligible to receive technical assistance and funds under program implementation. Regional agencies will also be included in the implementation phase of the program.

The government process policies also provide for an increased role for the public in coastal resource decision-making.

OTHER PROGRAM CONCERNS

In order to meet federal requirements, a number of other concerns must also be addressed by the coastal management program.

Uses and activities which have a direct and significant impact on coastal resources must be able to be controlled by either the state or local government, under the program. In addition, provision must be made for dealing with coastal land

and water uses of greater than local significance. The proposed Florida program lists the uses and activities that are to be managed, examines the authorities which control them, and identifies gaps or unmanaged impacts.

In order to obtain approval of its coastal management program and obtain implementation funds, the state must show that it has the ability to designate and provide special management for coastal areas that are of particular state concern. Florida has a number of existing programs that demonstrate this ability: the Aquatic Preserves program; the State Wilderness System; the Environmentally Endangered Lands program; the Coastal Construction Setback program; and the Areas of Critical State Concern program.

The state must also show that it has all of the authorities needed to carry out a coastal management program and that these authorities can be coordinated into the program. Florida intends to rely primarily upon existing authorities found in its environmental regulatory programs, the process for developments of regional impact, and local government planning authorities. Before the Florida program can be approved, legislation will be needed to ensure that all state agency decisions will be made consistently from a known body of policy.

The coastal management program must define the boundaries within which coastal uses and activities will be controlled. The seaward boundary of the Florida coastal zone is the limit of the three-mile territorial sea. For ease of administration, the Florida program proposes a two-tiered boundary: an administrative boundary which coincides with the boundary lines of the coastal counties; and a planning and management boundary which is the area to be actively managed and addressed in local government comprehensive plans. Some additional areas may be included as part of the management program at a later date. Within the planning and management area, local and state authorities will complement each other to ensure that coastal management concerns such as providing recreational access, managing development, planning public investments, and permitting coastal activities are addressed.

BENEFITS OF THE COASTAL MANAGEMENT PROGRAM

A Florida Coastal Management Program will not be a panacea for curing all of the environmental and economic ills in the state's coastal zone. It <u>will</u> provide a comprehensive approach to solving problems related to Florida's coastal land and water resources.

By providing baseline data and information, technical assistance, governmental coordination, and a body of clear-cut

policy, coastal management can provide a soundly based system for resolving conflict and making effective, consistent decisions in the coastal zone.

Coastal management will ensure a more effective method of resource allocation based on sound information analyzed in the light of both the present and future needs of Florida's citizens.

CHAPTER 1

INTRODUCTION

FEDERAL COASTAL ZONE MANAGEMENT LEGISLATION

In the last half of the 1960's, the fragile nature of the nation's coastal zone and the intense conflicts occurring there drew the attention of the federal government and many members of Congress. A special Commission on Marine Science, Engineering and Resources was established by President Johnson in 1966, and in its report, Our Nation and the Sea (1968), the Commission concluded, "The key to more effective use of our coastline is the introduction of a management system permitting conscious and informed choices among 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 the President on October 27, 1972, and represented the first piece of comprehensive land and water management legislation passed by Congress. The basic CZMA was amended and given new authority in 1976, demonstrating 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. Congress declared it to be the national policy "To preserve, protect, develop, and where possible, to restore or enhance the resources of the nation's coastal zone for this and succeeding generations". The Act provides financial assistance to states to help in developing and implementing "management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development". Funds are now granted on a 4/5 federal, 1/5 state basis. An important provision of the Act provides for increased state control over federal activities. Once the federal government approves a state's management program, federal actions within or affecting a state's coastal zone must be consistent with the state's coastal management program to the maximum extent practicable.

As amended in 1976, states are allowed 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 a 4:1 federal: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;

* 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 along with the 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; or (c) local regulations with state review of all coastal zone development projects. A combination of any or all of the three is allowed.

The federal Act is administered by the Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce.

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 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, even on private property, 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 Wildlife Refuges.

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

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

- The enactment of the Pollutant Prevention and 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 assure safe drinking water for Florida's citizens.

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 considered 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 true cost of their utilization is lacking in the existing, largely regulatory framework.

A Florida Coastal Management Program 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 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 CM program can be summed up as follows:

- Federal funds up to $3.5 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;

- Federal activities affecting coastal resources would have to be conducted in a manner consistent with the Florida Coastal Management Program. Both state and local government will gain increased participation in federal agency decision-making regarding activities in the state's coastal areas;

- The state will be eligible to be designated as an "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 formal role in reviewing Outer Continental Shelf oil and gas development plans;

- The state and local government will be eligible 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 were to:

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

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

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

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

The 1975 Legislature abolished the Coastal Coordinating Council and transferred its duties and functions to the Department of Natural Resources. New legislation in 1977 transferred these powers and duties to the Department of Environmental Regulation and added two additional mandates:

1. "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 and

2. shall provide that the appeal of any regulatory decision, other than those provided for by existing law, shall be to the Governor and Cabinet".

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

In the legislation establishing the Coastal Coordinating Council, the 1970 Florida Legislature recognized that, "the environmental aspects of the coastal areas of this state have attracted a high percentage of permanent population and visitors and that this concentration of people and their requirements has had a serious impact on the natural surroundings and has become a threat to the health, safety, and general welfare of the citizens of this state". It was determined by the lawmakers that a coordinated effort of interested federal, state, and local agencies of government was imperative in order to plan for and implement a solution to this threat. The plan they envisioned was for the protection and development of the state's coastal zone.

The intent of the Florida Legislature tracks well with the primary policy of the federal Coastal Zone Management Act of 1972 which calls for the preservation, protection, development, and where possible, the restoration and enhancement of the 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.

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.

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

2. To maintain and enhance, consistent with resource limitations, coastal economic development, public access, and recreational use; 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, CONSISTENT WITH RESOURCE LIMITATIONS, COASTAL ECONOMIC DEVELOPMENT, PUBLIC ACCESS, AND RECREATIONAL USE.

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.

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 state's management of its 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 unforseen 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 effect 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 costs now borne by society.

PURPOSE OF THE DRAFT CZM DOCUMENT

The material presented in this introduction has attempted to provide a broad picture of what has been done in the past and why the need continues for Florida to implement a coastal management program. While the Bureau of Coastal Zone Planning has been the lead agency in the development of the proposed program, the process has actually been a team effort. Federal agencies, a state inter-agency advisory committee, regional planning councils, regional citizens' advisory committees representing a diversity of interest groups, and, more recently,

a state-wide citizens' advisory committee have provided substantive comment and assistance in the development of the program. Well over a thousand people have been involved thus far in the planning process. Now, it's your turn.

The balance of this draft document will emphasize the major elements of the proposed program for managing Florida's coastal resources. Chapter 2 provides an overview of the Florida coastal zone. The remaining chapters are directed toward satisfying federal CZMA requirements. Chapter 3 discusses the uses to be managed, the boundaries, and areas of particular state concern. Chapter 4 contains proposed policy statements for achieving the program objectives listed in Chapter 1. Chapter 5 reviews the authorities and proposed organizational structure for implementing a coastal management program.

The purpose of this document is to present proposals and alternatives for discussion and comment, and to solicit your reactions, ideas, and suggestions. Of particular importance for your review are the following elements of the proposed program:

- The program's goals and objectives;
- The identification of uses subject to management;
- The choice of boundaries;
- The proposed policies;
- The alternatives available for management; and
- The relative responsibilities of each level of government.

The document represents a proposed program subject to change and revision as a result of your comments. Without your support and involvement, the coastal management program cannot expect to successfully address either existing or potential coastal problems.

CHAPTER 2

THE FLORIDA COASTAL ZONE: AN OVERVIEW

Florida's coastal zone is a rich resource providing a variety of benefits to man. The coastal zone is a unique blend of 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 38 coastal counties and 228 incorporated municipalities. The coastal planning area represents approximately 25% 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 state.

The coastal area can be categorized into six environmental systems: offshore marine waters, barrier islands, estuarine and near-shore 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 continental 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 of 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.

Florida's coastal zone contains part of six river basins: Perdido-Escambia, Apalachicola, Suwannee, Peace, Nassau-St. Marys, and the St. Johns system. The Everglades is also a drainage basin, drained by sheet flow and canals rather than rivers and streams.

The four main components of the drainage basins are uplands, interior wetlands, flood plains and drainageways. Upland areas

help govern sediments, nutrients, minerals, and dissolved substances that enter the rivers and coastal ecosystems. Interior wetlands, consisting of fresh-water swamps and marshes, provide natural reservoirs; purify and settle substances; and gradually release waters to the estuaries. Flood plains 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. In addition, one of the most important functions of drainage areas is to insure that ground water systems are recharged with filtered waters.

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 coastal zone counties ranged from $2,331 in Franklin County to $6,662 in Palm Beach County. Nine coastal counties have a per capita income above

the state average of $4,412; three counties in the coastal zone have per capita incomes below $3,000 per year.

Tourism is the top 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 the coastal zone was over $6 billion in 1975. Fourteen of the state's fifteen largest industries are located in the coastal zone. However, these are concentrated in the larger urban areas, and only five coastal 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.

There are 15 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 coastal zone. Military payrolls amounted to $1 billion and civilian payrolls at the bases totaled close to $7 million in 1975.

About 30% of the coastal land area is 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 coastal zone land is devoted to public parks and recreation areas. Approximately 6% of the coastal zone has been subdivided but has not been developed.

The vast majority of coastal land is privately owned. Private interests account for approximately 78% of coastal land ownership; the federal government owns about 17%; and state and local government own the remainder.

The cost of land in coastal areas has sky-rocketed, 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.

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.

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.

Increased economic activity has created pressure on the resources of Florida's coastal area. Shoreline 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 shoreline 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 the deterioration of water quality - and even reverse it in some areas - in recent years but 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. To make way for development, ecologically valuable mangroves, coastal marshes and beaches have been destroyed to accommodate residential, industrial, resort, or marina projects. The functions of vital estuarine areas have 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 shoreline 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. 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-third 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 would 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 particulate, sulfur oxide, and other pollutants to coastal air masses. Coastal air pollution has not been a critical problem up to this point in time, but as economic activity increases, air pollution will need increasing attention.

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 resources 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 recognition of the potential cumulative adverse effects of many, small projects.

The 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, the storm runoff from one small housing project may have little, if any, adverse impact on coastal waters. The 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.

From an economic standpoint, Florida's coastal resources and amenities might be considered a mixed blessing. The attractiveness and the climate serve to draw permanent residents and tourists in ever-increasing numbers. This influx of people has caused a number of economic problems including: low per capita income in areas where retirees on fixed incomes make up a large percentage of the population; low per capita income and seasonal unemployment in areas where tourism is the mainstay of the economy;

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 needed.

CHAPTER 3

SUBSTANTIVE ELEMENTS OF FLORIDA'S COASTAL MANAGEMENT PROGRAM

The scope of the 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. Both of these factors relate to the kinds of uses and their impacts on coastal resources.

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 resources. In addition, the CZMA intends that state management programs contain provisions for dealing with land and water use decisions of greater than local significance.

In order to meet these requirements as they apply to the Florida Coastal Management Program, the following definitions were developed:

1. "Decisions of greater than local significance" means those land and water use decisions which may affect interests beyond the jurisdiction of any city, municipality, or county.

2. "Management" means the broad mix of research, technical assistance, planning, coordination, conflict resolution, local assistance, regulatory and other governmental actions which are needed to ensure wise utilization and protection of coastal resources.

3. "Use having direct and significant impact" means any land or water use or activity that will or can reasonably be expected to: (1) result in alteration of the physical, chemical, or biological properties of coastal waters; (2) affect any use of coastal resources; (3) affect public health, safety or welfare; (4) be highly controversial; or (5) result in irretrievable commitments of coastal resources. Positive as well as negative impacts are included.

In order to systematically define those uses and activities which should be subject to management under the Florida Coastal Management Program, the Bureau relied upon a combination of knowledge, experience and comments from research and resource management agencies and individuals, technical information and resource analysis prepared by the Bureau, as well as experience and past legislation addressing coastal resources. Based on this technical input, uses and activities having potential natural resource or socio-economic impacts were identified. Existing local and state government programs or activities to manage these coastal uses, activities, and impacts were then identified. From this, gaps or unmanaged impacts that may exist were identified to provide an understanding of potential legislative deficiencies. Considerations relating to management capabilities and deficiencies are discussed in Chapter 5, Authorities and Organization.

Assessment of the various impacts associated with uses in the coastal zone revealed that certain uses such as ports, power plants, and navigation projects usually can be expected to have direct and significant natural resource and/or socio-economic impacts. However, the impacts of many other uses such as residential, commercial, or recreational development cannot simply be correlated with the use itself. Rather, the impacts will depend largely on project size, the degree and extent of landscape alteration, and the specific location and resources affected. While having potential impact in some instances, these uses need not always have a significant impact. For this reason, the assessment considered both uses and activities. For convenience these were grouped into three major categories reflecting size, location, and type of activitie, with each use or activity then being related to associated impacts (Table 1).

As can be seen from Table 1, there are at least five types of uses and activities which can have an especially wide range of potential direct and significant impacts and thus should receive special management consideration:

1. Development of regional impact (D.R.I.'s);

2. Development in designated areas of critical state concern (A.C.S.C.'s);

3. Power plants and energy facilities;

4. Development in the 100-year hurricane flood zone;

5. Oil exploration and production.

Because of the wide range of public interests which potentially can be impacted by the above uses or activities, it is

TABLE I

COASTAL USES/DIRECT IMPACT

IMPACTS TO BE MANAGED / USES/ ACTIVITIES SUBJECT TO MANAGEMENT	NATURAL RESOURCE IMPACTS																SOCIOECONOMIC IMPACTS														
	Water Resources																				Support Services										
	surface				ground																										
	quality	quantity	circulation	existing uses	quality	quantity	air quality	fin & shell fisheries	gamefish	upland habitat aesthetics	unique features	marine mammals	endangered species	beaches	tidal wetlands	navigation	recreation	public health & safety	economy	sewage treatment	water supply	solid waste management	transportation	fire protection	police protection	electricity	historical/ archaeological	consumer protection	governmental programs	noise
Developments of Regional Impact (DRI) as defined by Ch. 22F F.A.C.	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X			
Non-DRI construction/ operation																															
Development in Areas of Critical State Concern	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X		
Power Plants/ Energy Facilities	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X		X		X		X	X	X		X	
Utilities/Pipeline Installations across submerged lands	X	X	X	X				X	X		X	X		X	X	X	X	X	X									X			
Transportation & Navigation Projects/ Ports & Offshore Terminals	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X							X			X
Exhaust Emissions into Atmosphere							X																								
Commercial Docks/ Marinas	X		X	X				X	X	X	X	X		X		X	X	X	X												X
Private Docks	X		X	X						X					X	X	X														X
Dredging and/or Filling	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X			X									X
Mineral/Shell Extraction	X	X		X	X	X		X	X	X	X	X		X	X	X	X	X		X											X
Oil Exploration, Production & Transportation	X	X		X	X	X		X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X		X		
Sewage Treatment/ Disposal	X			X	X	X		X	X	X	X	X		X	X	X		X	X	X	X		X				X				
Discharges into State Waters	X	X		X				X	X				X	X		X		X	X			X									
Solid Waste Management	X			X	X			X	X	X	X	X									X		X				X				
Septic Tanks	X							X	X									X	X			X					X				
Drainage Projects	X	X	X	X	X	X		X	X	X	X	X	X	X		X	X	X	X			X			X						
Impoundments	X	X	X	X	X	X		X	X	X		X		X		X	X	X									X				
Water Wells					X	X												X													
Agriculture/Irrigation/Forestry Practices	X	X		X	X	X		X	X	X	X	X		X		X		X	X	X	X										
Development in/Evacuation of Hurricane Flood Zone	X			X				X	X	X	X	X		X	X	X			X	X	X	X	X	X	X	X	X				
Shoreline Erosion Control Structures	X	X	X	X							X				X			X													
Beach Restoration	X		X	X				X	X	X		X		X	X	X	X	X		X								X			
Beachfront Development	X	X		X	X	X		X	X	X		X		X	X	X		X	X												
Aquaculture/ Mariculture	X	X	X	X				X	X	X						X	X	X		X	X										
Artificial Reefs	X							X	X								X	X		X											
Mosquito/Arthropod Control Projects	X		X					X	X	X		X		X		X			X												
Other Uses/ Activities																															
Provision of Beach Access										X				X	X			X		X											
Land Sales																															
Harvesting of Marine Resources								X	X	X			X	X	X	X		X	X	X											
Boating Safety/ Navigational Aids																	X	X	X												
Historic Preservation																		X									X				

X denotes potential impact associated with activities or uses

crucial that each of the impacts be understood and special management actions taken to ensure that public interests are protected.

The other listed uses and activities have a relatively narrower or more limited range of potential direct and significant impacts. 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 game populations, and man's use of these resources, such as for recreation or as a source of potable water.

Those uses and activities identified as having direct and significant impacts on coastal resources must be subject to management. In order to qualify for an approved coastal management program, Florida must demonstrate the capability to encourage, promote, restrict, prohibit, or otherwise control these uses and carry out policies developed for the resources.

BOUNDARIES OF THE COASTAL ZONE

A basic requirement of the CZMA is that state management programs include an identification of the boundaries of the coastal zone subject to the management program. The boundary must be broad enough to include those uses and activities which have a direct and significant impact on coastal waters.

The federal regulations require four basic elements to be included within a state's coastal management boundary: the inland boundary, the seaward boundary, areas excluded from the boundary, and, where applicable, identified interstate boundaries.

The inland boundary of a state's coastal management area must include:

1. Areas the management of which is necessary in the near future to control uses identified;

2. Special management areas identified, including Geographic Areas of Particular Concern;

3. Transitional and intertidal areas--Areas subject to periodic inundation by tides, as well as adjacent areas where ecological systems are neither intertidal nor upland in nature but which are distinctly affected by coastal waters;

4. Salt marshes and wetlands--Areas subject to periodic inundation by tidal salt waters which contain marsh flora typical of the region;

5. Coastal islands; and

6. Beaches--The area affected by wave action directly from the sea. Examples are sandy beaches and rocky areas usually to a vegetation line.

In addition, the federal regulations require that states must exclude from their coastal management boundaries those areas owned, leased, held in trust or whose use is otherwise by law subject solely to the discretion of the Federal Government, its officers or agents. Finally, the regulations require that the state must indicate that there has been consultation with adjoining coastal states during the program development process so that common resources are managed compatibly and to minimize the possibility of incompatible uses occurring at the juncture of each state's boundary.

Early in the development of the Florida Coastal Management Program, the Bureau (then the Coastal Coordinating Council) developed a planning boundary for the development of the management program. This boundary 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. The planning boundary enabled the identification of (1) uses subject to management and (2) areas or resources of special concern. It also formed the basis for development of the proposed program policies. As a result of this process, several alternatives were identified as possible boundaries for implementation of the program. The program boundary represents the area within which the uses will be managed and the policies enforced by a combination of local government and state agency actions and authorities.

The basic alternatives considered for boundary selection included:

1. Identification based upon a specific but arbitrary distance inland (1000 feet, one mile, five miles, etc.);

2. Identification based upon physical features of conditions (old shorelines, hurricane flood zone, 10 foot contour, salt water/fresh water interface, watersheds, etc.);

3. Identification through application of political jurisdictions (county lines, city limits, special districts, etc.);

4. Identification based upon a combination of physical and socio-economic factors; and

5. Inclusion of the entire state as the coastal zone.

The alternative boundaries were reviewed in terms of the following considerations:

1. Definition of uses subject to management;

2. Relationship of boundary to defined biophysical resource base;

3. Relationship of biophysical data to the socio-economic data base; and

4. Degree of administrative ease related to management area and level of funding.

After examining the strengths and weaknesses of the various alternatives, it was obvious that no one boundary alternative would satisfy all problems or concerns.

Because of a desire to build upon past program efforts while maximizing administrative efficiency, Florida has proposed a two-tiered boundary. The coastal counties, which include all counties which contain a part of the planning area, will be the basic administrative unit for the program. Their inland boundary will form the basic administrative limit of the coastal zone. Within their limits, the previously (existing) defined planning boundary will be utilized as the daily operational planning/ management area in terms of the inland extent of the management program. This proposed boundary is illustrated in Figures 1, 2, and 3.

Within the coastal zone, the planning/management area would be the focus for active management of coastal resources. The primary tool for planning and management would be the authorities available to local government, including their responsibilities for planning, zoning, establishing standards and criteria for development (e.g. building codes and dedicated easements), and acquisition. Local governments lying in part or in whole within the planning/management area would be required by the LGCPA to develop a coastal zone protection element. If local governments elected, at their discretion, to develop this element and their comprehensive plans in a fashion consistent with the program policies, as determined by DER, they would be eligible for a variety of benefits (see Chapters 4 and 5).

In addition to local government planning and management activities, the Development of Regional Impact process, which involves the regional planning councils, would also be an important land-use tool in the planning/management area. The Program policies would provide standards and guidance for assessing DRI's.

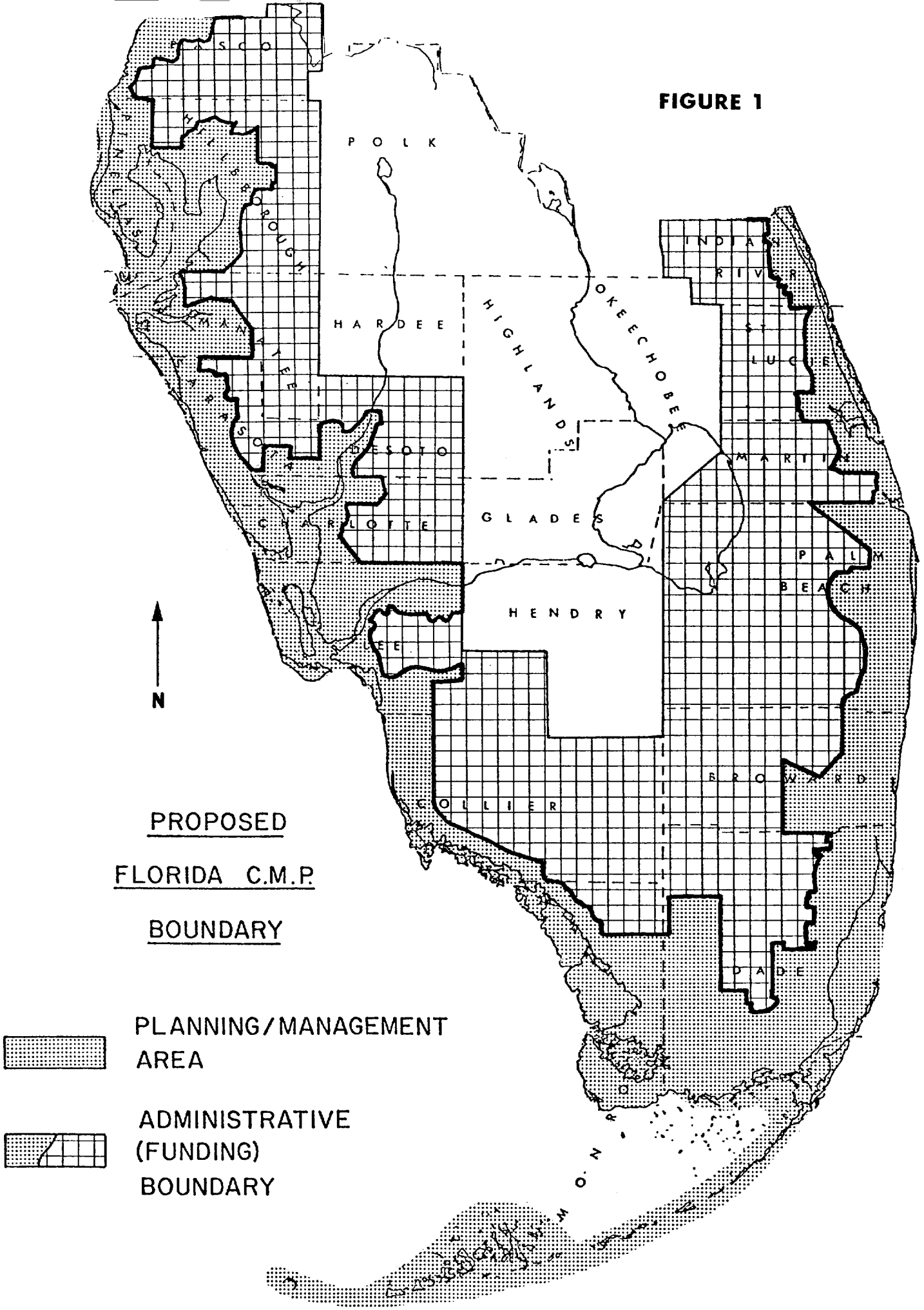
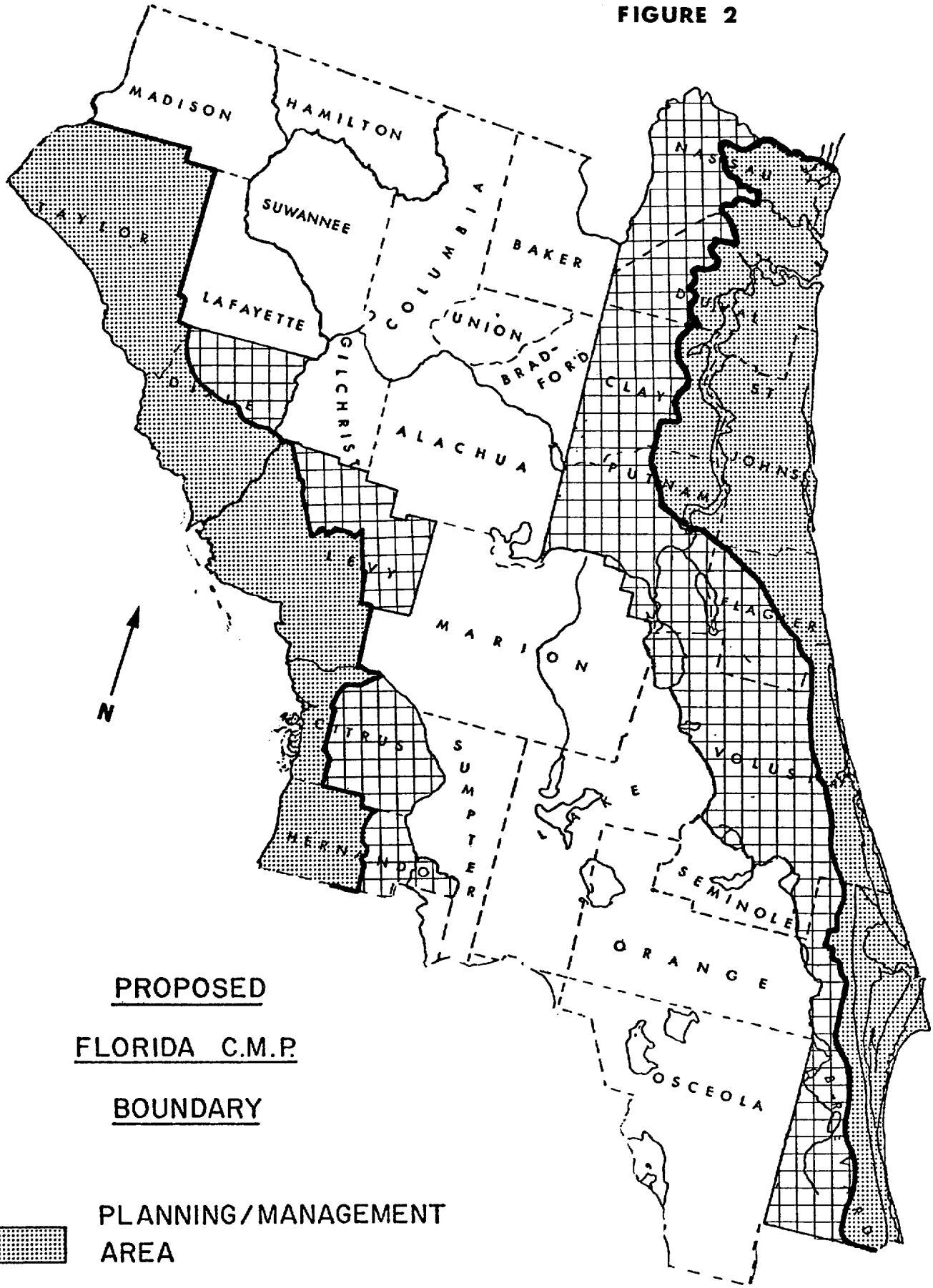


FIGURE 1
POLK
HARDEE
HIGHLANDS
OKEECHOBEE
INDIAN RIVER
ST. LUCIE
MARTIN
DESOTO
CHARLOTTE
GLADES
PALM BEACH
HENDRY
LEE
COLLIER
BROWARD
DADE
N
PROPOSED
FLORIDA C.M.P.
BOUNDARY
PLANNING/MANAGEMENT AREA
ADMINISTRATIVE (FUNDING) BOUNDARY

FIGURE 2



PROPOSED

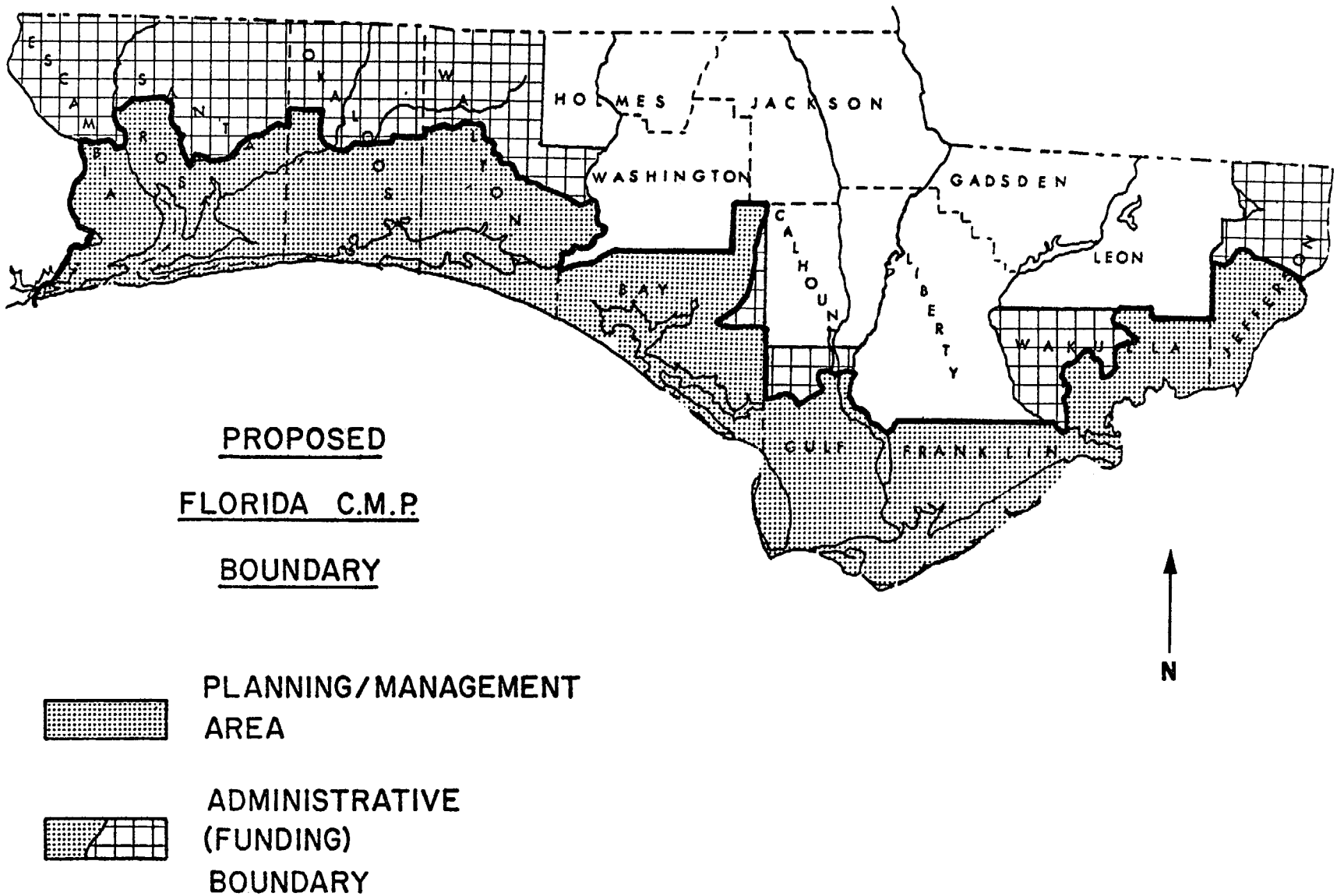
FLORIDA C.M.P.

BOUNDARY

PLANNING/MANAGEMENT AREA

ADMINISTRATIVE (FUNDING) BOUNDARY

FIGURE 3


ESCAMBIA
SANTA ROSA
OKALOOSA
WALTON
HOLMES
JACKSON
WASHINGTON
GADSDEN
LEON
BAY
CALHOUN
LIBERTY
WAKULLA
LAFAYETTE
GULF
FRANKLIN
PROPOSED
FLORIDA C.M.P.
BOUNDARY
PLANNING/MANAGEMENT AREA
ADMINISTRATIVE (FUNDING) BOUNDARY
N

Finally, the state's role in the planning/management area would primarily be related to its existing permitting and regulatory authorities. Of particular importance would be permitting practices in vital areas, management of fish and wildlife resources, and authorities for maintenance of water quality.

The remainder of the coastal zone - the area inland of the active planning/management area - would primarily serve for administrative purposes. It would provide a basis for funding and consistency and A-95 reviews, as well as an administrative focus for the program. Management practices within this area would be much less intense. They would use existing authorities in the water management districts and DRI process, and would be limited to addressing on a case-specific basis the impacts on coastal resources caused by a transmittal through the water or water flow.

The proposed planning/management area will be expanded where necessary to assure that all major salt-water marsh or swamps are included. Prior to program submission, these areas will be identified and the boundary adjusted utilizing the nearest census enumeration district (ED).

Additional refinements to the boundary will be considered during implementation of the Florida Coastal Management Program. In particular, attention will be given to:

(1) Extending the planning/management area to include the extent of the 100 year hurricane storm surge. Although this line has only been approximated at present, it appears that it extends beyond the planning/management area in some locations.

(2) The feasibility of including within the coastal management program the Apalachicola River Basin System northward to the Woodruff Dam. This effort has been proposed because of (a) the extreme value and productivity of the Apalachicola Bay estuary; (b) the concern that future development along the river will potentially have "direct and significant impact" on coastal resources within the Bay; and (c) the potential establishment of the Apalachicola River System as a National Estuarine Sanctuary.

GEOGRAPHIC AREAS OF PARTICULAR CONCERN

The federal Coastal Zone Management Act of 1972 (CZMA) requires that a state's coastal zone management program include "an inventory and designation of areas of particular concern within the coastal zone." The Act also specifies that prior

to receiving approval of its Coastal Management Program, the state's management program must make provision for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological, or aesthetic values. The basic purpose for inventorying and designating geographic areas of particular concern (GAPC's) is to demonstrate that certain areas of statewide concern will be subject to special consideration under the coastal management program.

As defined in the federal regulations, the state's Coastal Management Program must:

1. Designate geographic areas that are of particular concern, on a generic or site-specific basis or both;

2. Indicate the nature of the concern and the basis on which designations are made;

3. Describe how the management program supplies enforceable policies and authorities to the designated areas; and

4. Provide guidelines regarding priorities of uses in these areas, including guidelines on uses of lowest priority.

Also, as a subpart of GAPC designations, the state must:

1. Describe the criteria by which areas can be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological or esthetic values; and

2. Describe the procedures by which some designations can be made.

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 have identified areas of particular state interest where special management measures are applied. The five major state

programs which provide for the designation and management of GAPC's within Florida's coastal zone are:

1. Aquatic Preserves Program;

2. State Wilderness System Program;

3. Environmentally Endangered Lands Program;

4. Areas of Critical State Concern Program; and

5. Coastal Construction Setback Line Program.

Areas for preservation and restoration have been distinguished as one special category of areas of particular concern. 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. Similar activities and products developed by local government and regional councils during program implementation will also provide a basis for identifying areas. In general, identification of areas for preservation and restoration will depend heavily upon comment, advice, and analysis by the technical resource specialists associated with the coastal zone. Studies and evaluations by other state agencies and university scientists 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 is an example of this kind of effort.

In addition, there are a number of specific programs in Florida that could be used to preserve or restore coastal areas. The five types of areas identified as GAPC's are all examples of programs providing for the preservation of coastal resoruces.

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.

- Water areas identified for restoration by the Pollution Recovery Trust Fund administered by DER. 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. 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, Escambia County; Bayou Texar, Escambia County; and Big Hickory Pass, Lee County.

Existing GAPC's and some APR's in the coastal zone are shown in generalized map form in Figures 4, 5, and 6 and listed in Table 1. In addition, aquatic preserves, state wilderness areas, and beach areas are mapped in detail in the Florida Regional Coastal Zone Management Atlas (September, 1975).

Table 2 lists all of the major state GAPC programs, and their legislative basis. Under each of these state programs, additional GAPC's can be designated.

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 previously discussed. A major result of this effort is that a process has been established whereby potential GAPC's can be identified for future action by appropriate authorities during the development of local plans. Consequently, as a result of this joint state/regional effort, a number of natural and man-made coastal resources are presently being studied for the purpose of identifying them as potential GAPC's and to determine if they are being adequately managed to protect their conservation, recreational, ecological, development and aesthetic values. These include Class II Waters-Open for shellfish harvesting; electrical power plants; and major coastal ports.

Class II Waters-Open for shellfish harvesting are those coastal waters that have been designated as Class II Waters by the Department of Environmental Regulation and have been approved by the Department of Natural Resources for the harvesting of recreational or commercial shellfish for human consumption. It is important that these areas are adequately protected from any degradation of water quality in the interests of public health and to preserve this valuable resource.

Electrical power plant sites and major coastal ports are also being studied as potential GAPC's. They are greatly dependent on the utilization of coastal resources and have a significant impact on the public welfare.

Moreover, due to the magnitude of their impact on coastal resources, it is important that the broad interests of the public are protected. Like the other potential GAPC's mentioned above, it is important that these areas are properly managed. Just as significant, however, is that it is important that these areas be identified and protected from encroachment by incompatible uses.

As in the case with most of Florida's management authorities, the GAPC authorities existed prior to passage of the CZMA and promulgation of federal rules and regulations. Thus, none of the existing state authorities makes reference to the

broader objectives of coastal management or has formal mechanisms for coordination with the coastal management program. While establishment of such formal mechanisms might appear to be a simple task, in practice it will be quite involved. Such mechanisms must assure that state concerns regarding the designated areas are taken into account by decision-makers at both the state and local levels of government. This will require changes or modifications in existing state and local planning/permitting processes to ensure that permitting functions are carried out in accord with the goals and objectives expressed for the GAPC's. These formal mechanisms must be in place and ready to function before the state can receive implementation funds under Section 306 of the CZMA.

GEOGRAPHIC AREAS OF PARTICULAR CONCERN

FIGURE 4

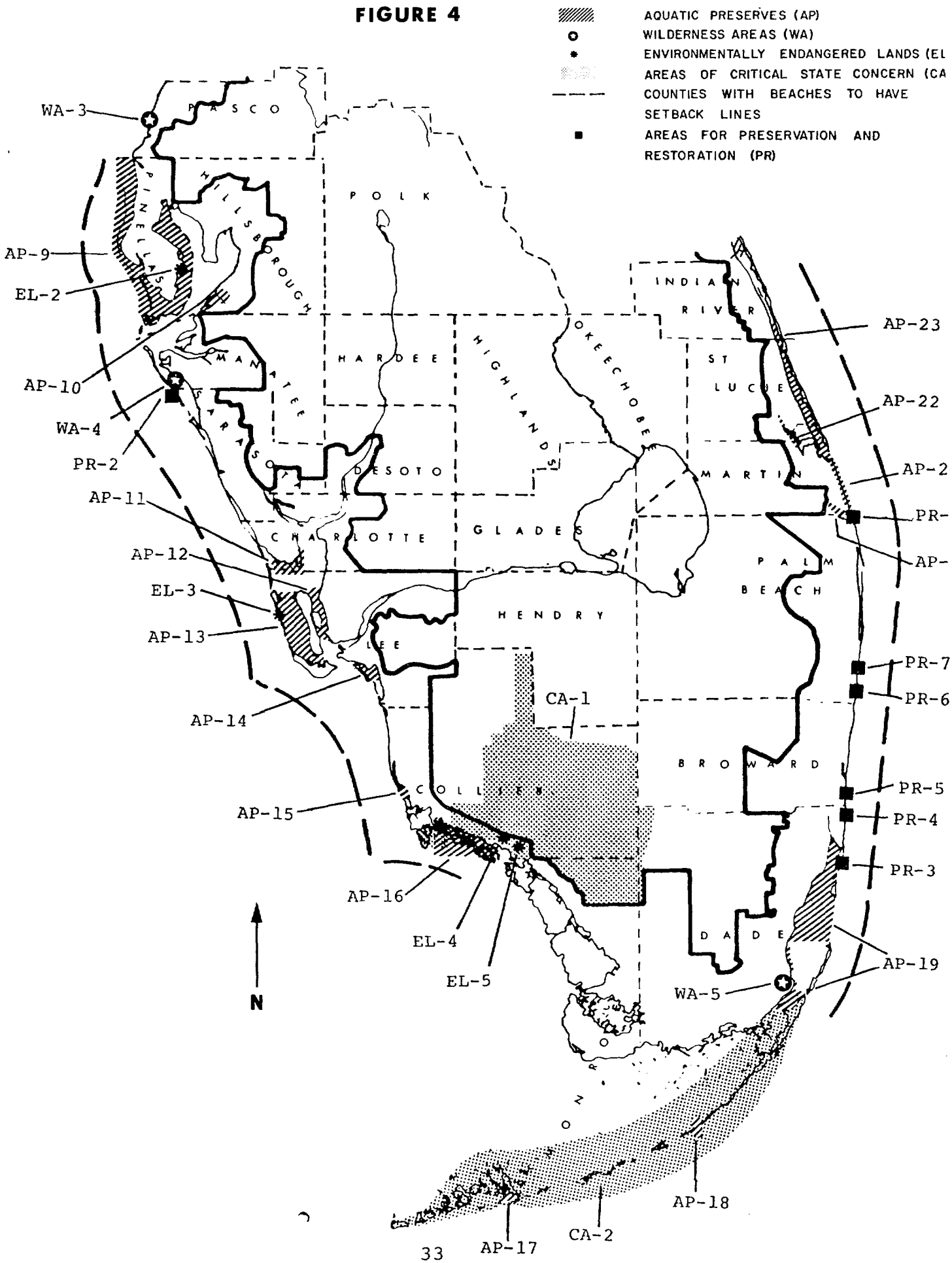
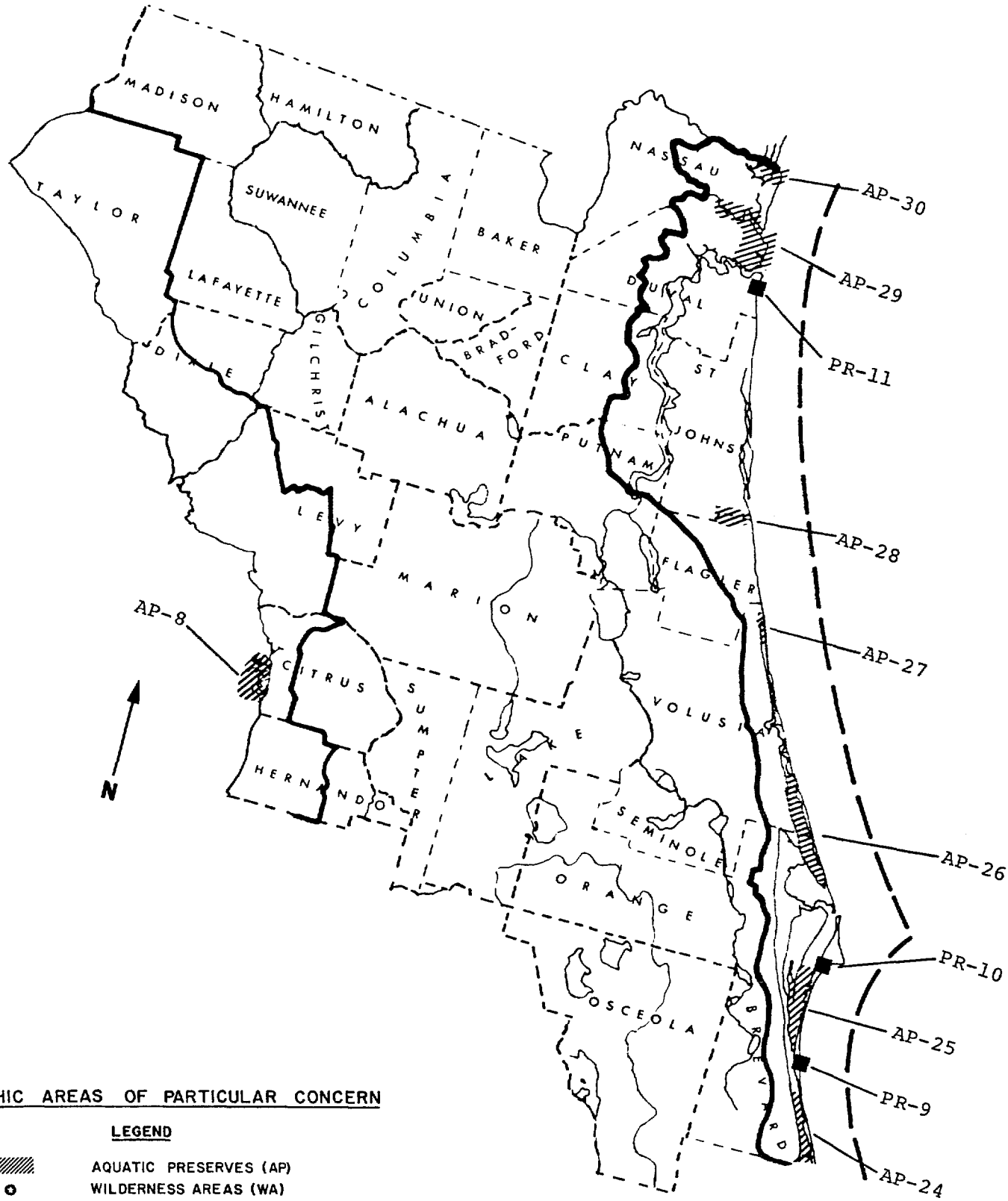


FIGURE 5

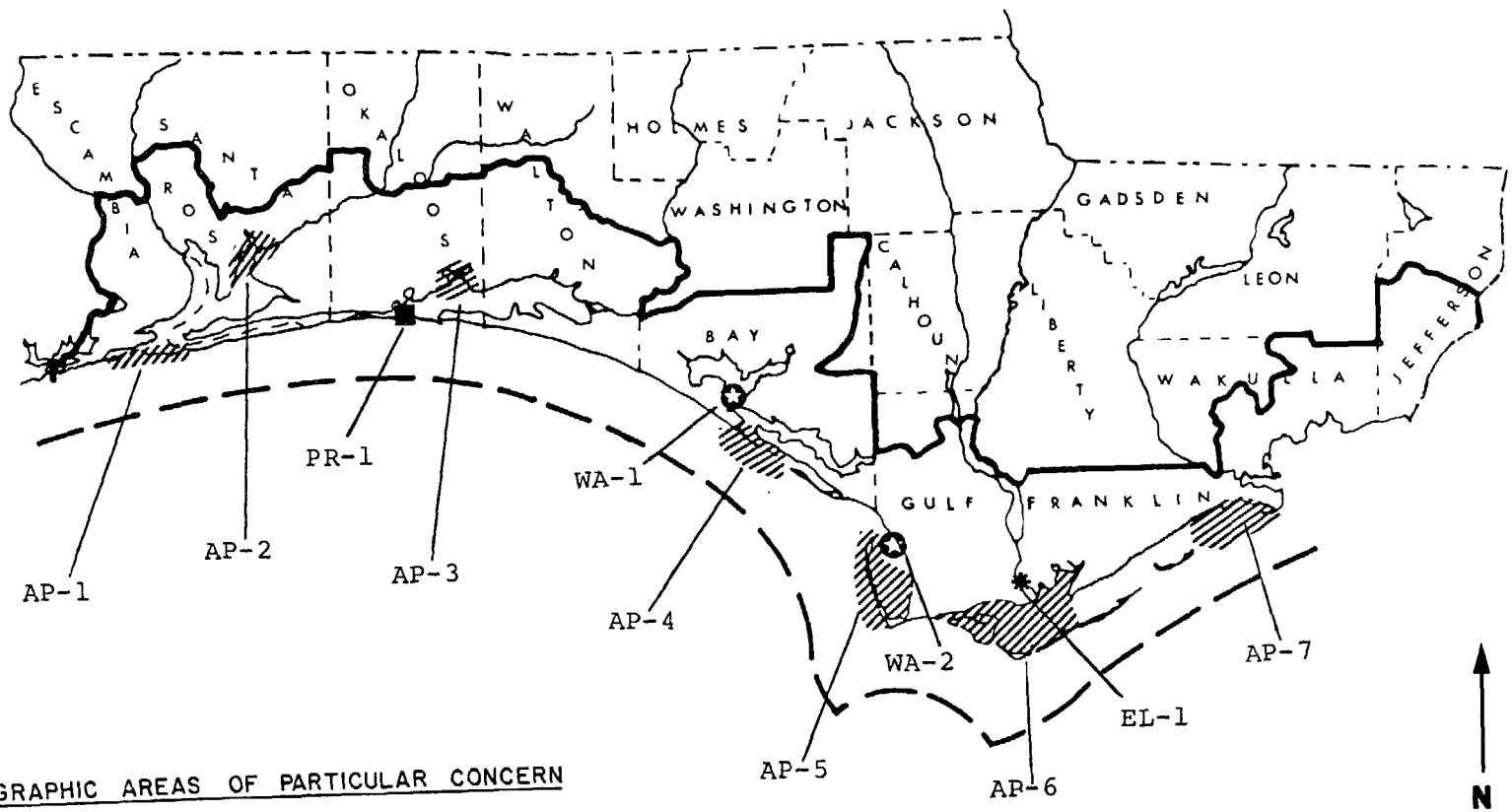


GEOGRAPHIC AREAS OF PARTICULAR CONCERN

LEGEND

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

FIGURE 6



GEOGRAPHIC AREAS OF PARTICULAR CONCERN

LEGEND

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

Table 2

REFERENCE MAP KEY

Geographic Areas of Particular Concern

Aquatic Preserves

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

Table 2 (Cont'd.)

Wilderness Areas

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

Environmentally Endangered Lands

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

Areas of Critical State Concern

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

Counties With Beaches Subject To Setback Lines

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

Table 2 (Cont'd.)

Areas for Preservation and Restoration

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

Table 3
MAJOR STATE GAPC PROGRAMS

Number of Areas Within the CZ	Program	Legislative Basis
30	Aquatic Preserve Program	Ch. 258.35-258.46, F.S.
5	Wilderness System Program	Ch. 258.17-258.33, F.S.
5	Environmentally Endangered Lands Program	Ch. 259, F.S.
2	Areas of Critical State Concern	Ch. 380, F.S.
Sandy ocean & Gulf-fronting beach areas in 25 counties throughout the state (including 11 APR's)	Coastal Construction Set-back Line Program	Ch. 161, F.S.

CHAPTER 4

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. Policies, guidelines, and subsequent administrative rules must be clearly related to management objectives. As indicated, the Florida Coastal Management Program intends to provide for the long-term protection and wise use of the coastal zone. 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 suggested policy statements are categorized into the three main elements of the program, namely, 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 ...

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 relative to CM policies, the program fulfills one of the requirements for federal approval.

PRINCIPLES APPLIED TO POLICY DEVELOPMENT

Because policies and guidelines provide the basis for implementing the Coastal Management Program, the policy development process must adhere to specific criteria that allow for effective utilization of the policies once they are approved and implemented. In view of this, the following general principles were recognized throughout the policy development process:

1. The 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. Direct regulation should be restricted to those activities that are currently subject to regulatory powers to the greatest extent possible.

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.

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

POLICY DEVELOPMENT PROCESS

Over the past two years, the Bureau of Coastal Zone Planning has been coordinating the development of coastal management

policies with the regional planning councils through a joint state and regional partnership. A citizens' advisory committee (CAC) in each of nine regional planning areas developed and reviewed regional CZM policies. Concurrently, sixteen state agencies under the guidance of the Bureau formed an interagency advisory committee (IAC) which reviewed established policy statements and suggested new policies where necessary. Subsequent to the regional and state policy development processes, all regional coastal management policies with minor exceptions were found to be consistent with the state CM policy document.

Up to this point, the policies were related to specific uses. And although over 160 policies were developed, many uses and activities still remained to be addressed through the policy statements. Additional areas needing attention through policy statements were identified at the regional level, and several examples, such as recreation, energy and mineral extraction served to direct state attention toward these new areas.

The earlier state coastal management policies, however, have been condensed and reworked into eighteen major policies and guidelines, which are arranged into resource, development and government process categories in order to provide greater overall program direction. In revising the earlier policies, a systematic approach was used that reviewed the uses and activities occurring in and affecting the coastal zone and that linked those uses and activities directly to their impacts on coastal resources. At the same time, additional areas suggested for policy coverage by the regional planning councils were addressed in the revision process.

The new coastal management policies and guidelines are broader in coverage than the previous policy recommendations. In contrast to the earlier policies, the revised policies and guidelines provide greater overall program direction and increased guidance to all levels of government participating in the coastal management program.

It is intended that, 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 in the policy development process 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 conditions should 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 PROTECTION, DEVELOPMENT AND RESTORATION

Florida's many coastal resources and features are of untold value to the citizens of Florida for many different reasons. The Bureau of Coastal Zone Planning has developed a biophysical analysis of the coastal zone which identifies and classifies many of the major coastal resources and geographic areas that serve to benefit the citizens of Florida. The biophysical analysis classifies portions of the coastal landscape according to their suitability for development and susceptibility to change or alteration. In categorizes the coastal zone into vital, conservation, and development and prime agricultural areas.

The vital areas include those portions of the coastal zone identified as having major ecological, hydrological, physiographic, historical, or socio-economic importance to the public at large. They might be defined as resources of statewide significance; these vital resources and features (with one exception) are 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 resource that the benefits are lost or significantly diminished.

Preserving the natural integrity of these areas enhances the aesthetics and quality of life for residents and tourists; provides a measure of natural hurricane and flood protection; helps maintain ecological balance; and promotes maintenance of our invaluable commercial and sport fisheries. Public policy should attempt to preserve these areas to the maximum degree legally possible consistent with private property rights as determined by the courts; acquisition by state or local governments may be desirable. Development in these vital areas should clearly be an exception.

The coastal resources determined to be vital for this and future generations in Florida, and therefore, considered appropriate for inclusion in this category are the following:

Class I Waters: These are surface waters that are designated as a source of potable water supplies.

Class II Waters: These are coastal waters in areas which either actually or potentially have the capability of supporting recreational or commercial shellfish propagation and harvesting.

Marine Grass Beds: These are shallow water areas containing significant amounts of submerged vegetation, including 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.

Coastal Marshes: These are tidal marsh systems having major significance. Such areas are valuable habitat for numerous species of birds and terrestrial animals. They also provide necessary nutrients to adjacent waters and, through their filtering action, help maintain good water quality. In addition, they serve to absorb, store, and retard flood waters and reduce erosion and sedimentation.

Coastal Mangroves: These are associations of red, black, and/or white mangroves of major significance. Included in this category are "high" mangrove areas generally considered as being above the mean high water line. Similar in function to tidal marshes, these areas are vital to regional marine productivity and offer protection from erosion and flooding.

Gulf and Atlantic Beaches and Dunes: This category refers to all beaches and dune systems fronting on the open Gulf of Mexico or the Atlantic Ocean including barrier beaches and barrier islands. These areas, in addition to being very important recreational resources, constitute natural shoreline protection features. Left in a dynamic state, they serve as important barriers to storm waves.

Estuarine Beaches: These are recreation quality beaches not exposed to the open Gulf or Atlantic. Estuarine beaches are not currently subject to state regulation.

State Wilderness Areas: These areas are undisturbed or natural state-owned lands set aside under Chapter 258, Florida Statutes, for preservation in essentially their natural condition as part of the State Wilderness System.

Historical and Archaeological Sites: These are areas of outstanding historical and archaeological significance which reflect Florida's rich and colorful history. These sites provide the informational base upon which our cultural heritage is built and reflect our varied ethnic origins.

Coastal Freshwater Marshes and Swamps: These are areas of major significance, having a high freshwater table and supporting water-tolerant vegetation and which are contiguous to tidal marshes, mangroves, or other tidal waters. These are a part of the freshwater swamps and marshes identified in the biophysical atlases, but have not been separated from interior wetlands. This will be a task under program implementation.

Other Unique Environmental Features: These are natural features of an unusual or unique character, usually of comparatively small geographic extent. Examples range from such diverse features as coral reefs to unusual sinkholes, caves and springs. Also included are waters given a "special stream classification" by the Department of Environmental Regulation.

Conservation areas, in contrast to the vital areas, are lands and waters of the coastal zone identified as having certain natural or institutional use limitations requiring 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. Conservation areas are usually significant environmental resources which also provide public benefit. They are often appropriate areas for active recreation use or for other predominantly low-intensity uses. 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 the local government planning, zoning, and building codes.

The following resources and institutionally-identified landscape features are classified as conservation areas:

Class III Waters: These are generally recreational waters, and include all coastal waters not otherwise specifically classified by the Florida Department of Environmental Regulation. 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.

Aquaculture Leases: These are state-owned water areas that are leased for experimental or commercial cultivation of animal or plant life. Traditional oyster leases are not included in this category.

Spoil Islands: These are artificial islands created with material dredged from state-owned lands to create or deepen channels. Such areas often become covered

with mangroves and other salt-tolerant vegetation and serve as water-oriented recreation areas. They are also prime areas for restoration efforts.

Hurricane Surge Zone: This category encompasses lands between the shoreline and the inland limit of the 100-year storm surge line; that is, the area subject to flooding by hurricane-driven tides at a statistical probability of at least once every 100 years. This frequency prediction represents an average that may occur several times within a short time span, or may delay for a considerable period.

Interior Freshwater Marshes and Swamps: These are areas of major significance, having a high freshwater table and supporting water tolerant vegetation, and which are inland and not contiguous or directly connected by surface waters to tidal marshes, mangroves, or water. Like saltwater and coastal marshes, these areas are important habitat. They may also serve as important aquifer recharge areas.

River Flood Plains: These are lands lying along drainage corridors (rivers and streams) that are subject to flooding on a seasonal basis. These areas have not been fully identified, but are approximated in the biophysical atlases. These areas usually contain mixed alluvial, poorly-drained soils and natural vegetation that is adapted to fluctuating water levels.

Forestry and Game Management Areas: These are areas specifically set aside as state or national forests or as part of the state game management area program.

Wildlife Refuges: These are areas specifically set aside for protection of wildlife. Such areas may be subject to multiple use, as in the case of state parks, all of which are game refuges.

Parks and Recreation Areas: These are areas devoted to outdoor recreational activities of various types. This may include historical and archaeological sites, game refuges or unique environmental features.

Marginal Lands: Marginal lands are those other areas that require major alterations before they are suitable for intensive development. Examples of limitations of these areas are poor drainage, susceptibility to flooding, and soils having low permeability, high water table, and/or low-bearing strength.

Development and prime agriculture areas form the third biophysical classification, and are an extremely broad category. 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 minor physical limitations--drainage problems, poor permeability, bearing strength problems--which can be corrected by minor drainage techniques, central sewage systems or application of special building techniques, and (4) prime agricultural lands. In general, these lands are not considered to be environmentally fragile. However, there are presently developed areas that would have been classified as "conservation" or "vital areas" had they not already been developed. These "conflict" areas are also potential areas to be examined for restoration. These lands should be clearly recognized, and appropriate uses planned, in local government plans and zoning actions.

Development and prime agriculture areas include the following sub-categories:

Class IV Waters: These are surface waters designated by the Florida Department of Environmental Regulation for use as agricultural and industrial water supply.

Class V Waters: These are surface waters designated by the Florida Department of Environmental Regulation for navigation, utility, and industrial use.

Presently Developed Lands - Conflict: These are presently developed areas that would have been classified "vital areas" or "conservation" under the biophysical analysis criteria.

Undeveloped Lands Suitable for Intensive Development: These 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.

Undeveloped Lands Suitable for Intensive Development with Corrections: These are areas having some physical limitations but suitable for intensive development with certain minor modifications such as improvement of drainage and installation of central sewage facilities.

Undeveloped Lands Suitable for Development if Protected from Flooding: These are lands which are located within the 100-year statistical flood zones that would have been identified as "undeveloped lands suitable for intensive development" if they were not located within the flood zones (potential flooding is the only apparent limitation).

Prime Agricultural Lands: The term "prime agricultural lands" is based upon natural soil conditions delineated in The Florida General Soils Atlas. Areas so delineated may or may not actually be utilized for agricultural purposes.

Prime Agricultural Lands with Other Potential Suitabilities: As shown on the biophysical analysis maps, these are areas having soil conditions which meet the criteria for "prime agricultural lands", and having few, if any, physical limitations for urban development.

The Bureau has mapped these resource categories (vital, conservation and development areas) in a series of nine regional atlases. The atlases serve as sources of information which allow for quick surveys of coastal factors that are of regional or state importance. For purposes of the atlases and state enforcement of these policies, "resource units of major significance" (such as mangroves, coastal marshes, etc.) were defined as those over 40 acres in size. Resource units of smaller size may be identified as significant (and therefore classed as vital or conservation areas) during the planning process by local governments. Exceptions to this are some unique environmental features as well as historical and archaeological, which are illustrated by point symbols. The biophysical maps incorporate detailed information which was gathered at a much greater scale. The scale, however, was reduced to one inch equals two miles, to provide for regional application. This scale was used to parallel the Florida Department of Transportation highway maps in order to facilitate location of cultural features and other reference points needed in more detailed planning.

Detailed information is not available for many areas of the coastal zone, and therefore, had to be approximated on the maps. For example, detailed flood zone data exists for only small, disjointed segments of our shoreline. An extrapolation of known information to adjacent areas, however, allows a reasonable approximation of where hurricane flooding can be anticipated. A second example is the lack of detailed soils information for much of the coastal zone. This is especially important regarding the "marginal lands" category of the conservation maps. It may appear from the maps that such areas are uniform in character, but on the contrary, there are varying degrees of marginality associated with such areas.

With these limitations, the atlases serve as a first approximation of resource location and distribution. They are the best available representation (always subject to ground-truthing) of the geographic distribution of the resource units. Additional investigation of these areas and further refinement of the overall biophysical maps by local planning agencies with technical assistance from the state would be suitable on-going projects under the coastal management program. In this manner, the severity of limitations to developments could be identified for very specific areas. Local planning capabilities could, therefore, be greatly enhanced by the Florida Coastal Management Program.

The first policy provides overall direction and guidance for the coastal management program relative to the long-term management of Florida's vital, conservation, and development and prime agricultural coastal areas.

1. Resource Protection, Preservation, and Restoration:

Recognizing the variety of benefits and the potential of Florida's valuable coastal resources, it is the policy of Florida to:

(a) protect, preserve and, where possible, restore the vital areas of the coastal zone. Residential development, commercial and industrial buildings, and transportation facilities, are prohibited in vital areas. Other development, such as pipelines, transmission lines, and boardwalks, are allowed in vital areas upon a specific finding that shall include, at least the following:

(i) a determination of adverse impacts;

(ii) implementation of temporary and permanent resource stabilization programs;

(iii) the establishment of new and the maintenance of existing vegetation;

(iv) methods for protecting the areas from secondary adverse effects; and

(v) minimization of hazards to life, to public and private property, and to the surrounding natural environment caused by the proposed development.

(b) provide for and encourage outdoor recreation, agriculture, forestry, open space, and other appropriate uses in conservation areas consistent with resource limitations and suitability;

(c) encourage development and economic growth in the development areas consistent with resource tolerance; and

(d) restore those areas and resources, including cultural resources, which have been diminished or lost by past alterations, activities or catastrophic events, and which are not inconsistent with established uses.

Policies for development of coastal resources are addressed in statements 2 through 13.

2. Economic Development:

It shall be the policy of Florida to accommodate and provide for economic growth and development in the conservation and development areas in the coastal zone as appropriate and where consistent with resource limitations; the susceptibility of certain areas to flooding and related natural disasters; and the adequacy of support services to accommodate new growth. Development shall not occur in vital areas, unless there is a need as satisfied through the application of the exceptions test. Furthermore,

(a) 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 the basis for judging land use and economic development considerations in the regulatory process and, in particular, state agency permitting. The review of technical issues will remain a state agency responsibility.

(b) Except as limited by statutory time requirements, the state shall not render a decision on permit applications prior to local determination of project compliance with consistent local coastal protection elements.

3. Shorefront Use Priorities:

It shall be the policy of Florida that development in shorefront areas shall recognize the unique features and benefits provided by the coast and the relationship to coastal waters.

(a) Coastal shorefront development shall be designed to maintain the integrity of coastal waters and estuaries. Shorefronts in vital areas shall not be developed. The vegetative fringe shall be maintained in all coastal shorefronts adjacent to vital areas.

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

(c) Because of the intense competition for access to the shorefront, the following priorities are established for development in conservation and development shorefront areas:

(i) Water dependent uses;

(ii) Water related or enhanced uses;

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

(iv) 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

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

(d) Of lowest priority are non-dependent and non-related uses which would cause irretrievable commitments of coastal resources.

The Florida Legislature has declared (Chapter 376.021) that ... "the highest and best use of the seacoast is as a source of public and private recreation". In addition, it has declared that "... the preservation of this use is a matter of highest urgency and priority, and that such use can only be served effectively by maintaining the coastal waters, estuaries, tidal flats, beaches, and public lands adjoining the seacoast in as close to a pristine condition as possible, taking into account multiple use accommodation necessary to provide the broadest possible promotion of public and private interests". (Emphasis added)

Taking this legislative declaration into account and considering increasing competitive demands, agencies having advisory or controlling powers over shorefront development should consider priorities of land use. Those activities that can function only through use of waterfront property or access to it (water dependent uses) should have first priority for inclusion along shorefront areas suitable for development. Of second priority are those activities that can function inland but for which a

shorefront location significantly enhances the public benefits derived from the land use, such as water-related uses including recreation and tourist facilities open to the public. Any waterfront uses, of course, must still make every effort to minimize environmental impact. Land use not requiring, or not providing enhanced public benefits because of a shorefront location should be discouraged from such locations. Multiple compatible uses of a locale are to be encouraged.

4. Coastal Hazards and Shoreline Erosion:

It shall be the policy of Florida to encourage appropriate uses such as agriculture, forestry, recreation, open space, and similar less intensive uses in the 100-year hurricane surge zone and in coastal river flood plains; to minimize and mitigate erosion from man-induced sources; and to encourage the preservation, and where possible, the restoration of coastal resources and landscape features that serve as natural flood and hurricane barriers.

Furthermore, in implementing this policy:

(a) Structural solutions to flood control and shoreline erosion control shall be discouraged in favor of new building construction techniques and positive siting and land management mechanisms.

(b) Flood and shoreline erosion control shall be undertaken through implementation of long-term management plans that recognize natural flood and coastal systems dynamics.

(c) Beach renourishment and dune construction shall be implemented to mitigate shoreline erosion and to enhance natural flood and hurricane barriers.

5. Recreation and Shoreline Access:

It shall be 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 limitation and suitability of the coastal resources. Furthermore,

(a) access to and recreational use of public recreational areas, beaches below the line of MHT, and other areas of traditional public use, should be maintained and enhanced, consistent with private property rights;

(b) recreation which requires alteration or development of the resource shall be prohibited in vital areas;

(c) publicly funded projects that improve, change, or in some way, support shorefront development shall provide for public access to the shoreline as well as for necessary support facilities and services such as boardwalks, parking lots, restrooms, and refuse collection.

(d) Marinas and other water use recreation facilities having a demonstrated public benefit shall be accommodated in the conservation areas consistent with the limitations and suitability of the coastal resources and encouraged in the development areas. Upland boat storage with associated facilities shall be encouraged over in-water boat storage that requires dredging and other resource alterations;

(e) Visual access to the aesthetics in the shorefront area shall be maintained and, where possible, improved.

6. Resource Utilization:

It shall be the policy of Florida to protect and utilize the long-term benefits derived from the coastal zone. In order to maintain these benefits, development affecting coastal resources shall maintain the integrity and functioning of the coastal ecosystem. In case of irresolvable conflicts, clear priority shall be given to the proper management and protection of renewable resources, benefits, and uses, such as fish, fiber and food production, maintenance of water quality, navigation, recreation and aesthetic enjoyment over the development and use of non-renewable resources. In selecting between different uses, priority shall be given to those uses which maintain or restore future options and which do not irretrievably commit or destroy coastal resources.

Major dredge, fill, or other reduction or degradation of natural estuarine values by man shall be allowed only:

(a) if required for navigation or other water-dependent uses that require estuarine locations;

(b) if a public benefit is demonstrated;

(c) if no alternative upland locations exist; and

(d) if adverse impacts are minimized as much as feasible.

When dredge or fill activities are permitted in inter-tidal or tidal marsh areas, their effects shall be mitigated by creation or restoration of another area of similar biological potential to ensure that the integrity of the estuarine ecosystem is maintained.

7. Energy Facilities, Transmission, Distribution Lines, and Pipelines:

It shall be the policy of Florida to prohibit the siting of primary energy facilities in vital areas. Primary energy facilities may be appropriate for the conservation areas and encouraged in the development areas, based on an examination of the dual concerns of available inland fresh water resources and coastal waters for cooling purposes.

(a) Primary energy facilities found to require locations in or affecting the coastal zone shall be described, along with required transmission and distribution lines, in a long-term energy siting plan, which presents energy needs as well as the environmental and socio-economic effects of the development and operation of the proposed facilities and opportunities for energy conservation.

(b) Onshore facilities used to support offshore oil and gas development and production, along with required transmission,pipelines and other distribution lines, shall be described in an onshore development plan which presents:

(i) the locations, routes and landfalls of proposed facilities and transmission,pipelines and other distribution lines;

(ii) the timing of facility construction and operation; and

(iii) the environmental and socio-economic effects of the development and operation of the proposed facilities.

(c) Transmission, pipelines and other distribution lines shall be located inland to the extent possible. When such facilities must traverse or be located in the coastal zone, they shall:

(i) minimize aesthetic and environmental damage;

(ii) minimize use of the shorefront;

(iii) utilize utility corridors to the extent possible; and

(iv) be designed to minimize adverse secondary impacts resulting from their location.

(d) Non-water dependent energy facilities shall be located inland.

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

8. Port Development and Operation:

It shall be the policy of Florida to provide for the necessary expansion and modification of existing primary coastal ports through implementation of each port's development plan determined to be consistent with the CMP and other policies; to discourage the creation of new coastal ports; and to allow for the environmentally conscious operation of ports and related facilities.

Priority for public works funding and state environmental permitting will be given to ports which develop consistent long-term port plans which:

(a) identify state and regional port needs as determined by the port;

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

(c) discuss land transportation and other support services necessary to accommodate port expansion;

(d) are consistent with the Florida Coastal Management Program and with other approved local plans, in particular the local coastal zone protection element; and

(e) identify planned channel depths, dredging needs (including maintenance dredging needs) and spoil disposal plans.

Appropriate state agencies, working with the ports and regional planning councils, should determine for the state as a whole, the navigation and water transportation needs for the coast of Florida. Such needs will reflect, in part, the capability of each port to handle differing types of ship traffic, consistent with other statewide coastal policies.

9. Water Resources:

It shall be the policy of the State of Florida to maintain and where possible upgrade water quality and the conditions of the coastal resources; to provide in all cases for the most beneficial uses of the waters; and to 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 recognizing and taking into consideration the primary and secondary effects that such facilities may produce.

State and area-wide waste water management and area-wide sewage treatment plans shall be consistent with and complementary to the Coastal Management Program. The state shall encourage the development of innovative waste collection and disposal systems that meet health needs and standards and financial cost requirements.

(a) Septic tanks may perform a legitimate role in meeting waste disposal needs in low density, rural areas when soil conditions and other factors are favorable, and where they will not contaminate surface or ground waters.

(b) Plans and projects shall minimize man-induced sedimentation and other non-point source pollution into coastal waters.

10. Air Quality:

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

11. Land Transportation:

It shall be the policy of Florida to encourage the siting of land transportation facilities in inland locations to the extent possible. Land transportation facilities shall be prohibited in vital areas.

(a) Where such facilities must traverse or be located in other coastal areas, they shall:

(i) minimize aesthetic and environmental damage through design and construction criteria;

(ii) minimize use of the shorefront; and

(iii) be designed to avoid or minimize adverse secondary impacts resulting from the linear nature of the facilities.

(b) Land transportation facilities shall be located in such a manner to allow for efficient population exodus in cases of natural disasters and public safety hazards.

(c) Existing shorefront highways and roads shall be maintained primarily for slower moving, recreation-oriented traffic.

12. Agriculture and Forestry Guidelines:

It shall be the policy of Florida to preserve and maintain prime (defined) agricultural lands for agricultural purposes and to encourage multiple-use forestry practices consistent with resource tolerance. In the furtherance of this policy:

(a) prime agricultural lands currently committed to agriculture shall be preserved for future agricultural needs;

(b) local plans and programs should recognize the dual benefits of prime agricultural lands with other potential suitabilities. Any proposed development should be analyzed in terms of its long-term social, economic, environmental, and agricultural consequences; and

(c) when making major commitments of these lands, local policy makers should attempt to preserve as many future agricultural options as possible by giving priority consideration to agricultural activities in these areas.

13. Urbanization and Related Growth Guidelines:

It shall be the policy of Florida to provide for urban development consistent with resource tolerance, carrying capacity and the ability of local governments to efficiently provide and maintain necessary services. New urbanization shall be prohibited in vital areas.

Urban development shall occur in a manner which

(a) recognizes high hazard areas due to flooding, hurricane surges and other natural disasters;

(b) recognizes the need for design and building modifications for construction in marginal lands; and

(c) complements the benefits derived from the coastal resources, especially those in vital areas.

Suburbanization and rural development should occur in a fashion which adapts to, utilizes and complements the natural landscape and functioning coastal resources.

GOVERNMENTAL PROCESS AND PROGRAM COORDINATION

As discussed throughout this document, an objective of Florida's Coastal Management Program is to provide the overall direction for the long-term use and preservation of the coastal zone. In doing this, coastal management will obviously touch on most aspects of private and governmental activities occurring in the coastal zone. The program, however, is not solely a state program which will affect all actions along the coasts. Rather Florida's CMP is envisioned as an intergovernmental program made up of participants from all levels of government - from local communities to the federal government - working in a coordinated fashion and with complementary roles toward effective management of the coastal areas. Moreover, it is considered a program of the people, in that it requires the establishment of formal public involvement mechanisms at all levels of government.

To achieve these ends and the related program objectives, the governmental process policies (policy statements 14 through 18) will direct the overall operation, evaluation, update, and revision of Florida's Coastal Management Program.

14. Program Process:

It shall be the policy of Florida to:

(a) actively pursue the participation of local communities in coastal management decision-making through:

(i) provision of technical assistance to local communities by the CMP and the coastal regional planning councils;

(ii) provision of and assistance for the development of local ordinances consistent with the CMP;

(b) provide for frequent review and evaluation of the program's effectiveness; and

(c) provide for a regular update and revision mechanism to effect changes considered necessary in light of the program's effectiveness and changing needs.

15. Interagency Coordination:

It shall be the policy of Florida to establish a state interagency commitment to coastal management that

(a) provides for the efficient collection and use of information and standardized data through an integrated data management network among all state agencies; and

(b) mandates all applicable state approved, conducted, or financed activities to be consistent with the CMP.

16. Information, Research, and Inventories:

It is the policy of Florida

(a) 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 activity on coastal resources and the benefits they provide.

(b) to promote and coordinate research and technical assistance to provide an improved basis for management of coastal resources.

17. Citizens' Involvement:

It shall be the policy of Florida that all levels of government shall provide for and maintain formal citizens and public participation mechanisms as sources of public ideas, comments and suggestions, and as means of program review.

18. Exceptions to Coastal Management Program and Policies:

When, during the application of these policies to plans or land-use actions, it is not possible 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 benefit;

(b) an analysis of alternative actions and locations;

(c) a determination that adverse impacts have been minimized;

(d) a finding that the proposed use or activity will be compatible with other adjacent uses; and

(e) that the proposed use is in compliance with local comprehensive plans while recognizing the regional and state decision-making rolesin DRI's.

These policies and guidelines are the heart of the proposed CMP and provide the general direction for and further amplify the objectives of the program. Refinements and more specific criteria certainly remain to be developed to properly implement these policies and guidelines. Legislative action and direction on coastal management will serve as the primary mechanism for refining, modifying, and lending greater specificity to these statements. Local comprehensive plans, in particular the coastal zone protection elements, and local ordinances shall also play significant roles under Florida's Coastal Management Program, especially in regard to positive management of growth and economic development and to enhanced enforcement of traditional local authorities. Finally, state administrative rules and other specific criteria developed pursuant to legislative direction will serve as yet another means of providing greater detail to these policies and guidelines.

CHAPTER 5

AUTHORITIES AND ORGANIZATION

INTRODUCTION

An approvable coastal management program must clearly demonstrate that the state has the legal and administrative capability to actually carry out the stated goals, objectives and policies. This does not mean that the state itself must possess all management authorities; these can be shared with local government, for example. However, it does imply that there should be a direct relationship between the identified problem areas, the approaches and policies for solving the problems, and the legal/administrative provisions of the program. As was explained in Chapter 1, the objectives of the program revolve around balancing economic and environmental considerations; increasing efficiency and predictability of governmental actions; coordination of planning and management efforts; and changing the mode of decision-making from reactionary, crisis-oriented and negative, to anticipatory and positive. A central theme running throughout the program development effort has been recognition of the need to simplify administrative processes, avoid unnecessary duplication, and build upon existing mechanisms rather than creating another layer of bureaucracy specifically for the coastal management effort.

This chapter discusses the basic federal requirements relating to necessary authorities and organizational arrangements, the state's approach to the tasks, and suggested means for meeting the requirements.

MANAGEMENT AUTHORITIES

In order to gain federal approval, Florida's Coastal Management Program must identify relevant statutes, regulations, and other legal mechanisms that will be used to carry out the management program. Such authorities must be in place at the time of program approval and must include the ability to:

1. Administer land and water use regulations in conformance with the policies of the management program.

2. Control such development as necessary to ensure compliance.

3. Resolve conflicts among competing interests.

4. Acquire appropriate interests in lands, waters, or other property as necessary to achieve management objectives.

5. Ensure that local regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit.

The CZMA provides that state programs may utilize any one or a combination of the following general implementation techniques to control land and water uses:

1. State establishment of criteria and standards for local implementation, subject to administrative review and state enforcement of program compliance;

2. Direct state land and water use planning and regulation; or

3. State administrative review for consistency with the management program of all projects, plans, and regulations proposed by any state or local authority or private developer, with power to approve or disapprove after public hearings.

In order to identify the authority needed for management purposes, the following definitions were developed:

1. "Public interest" means 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, state and local goals and objectives, demonstrated service needs, water quality, public liabilities, hazards, economics, aesthetics, irretrievable commitments of natural resources, and maintenance of ecological systems.

2. "Use of regional benefit" means any use which can be shown to provide substantial public benefits beyond the boundaries of the county in which it is located.

3. "Unreasonable restriction or exclusion" means that such restriction or exclusion can be shown through administrative or judicial process to be arbitraty and capricious.

POLICY CONSIDERATIONS

The policies in Chapter 4 are the basis upon which other aspects of the program are built. They provide the direction and focus for carrying out planning and regulatory actions within the coastal zone. They reflect recognition that the coastal management program should provide positive guidance, leadership and incentives, as well as address concerns relating to direct regulation of potentially harmful activities.

Some of the policies identified in Chapter 4 are supported by existing legislative guidance. Others will require some action to be implementable. These policies could be implemented through action by the Legislature, executive action or administrative rule-making. After such action and endorsement, it is intended that these policies should serve as a basis for land-use actions and plans by all levels of government in the state, including: 1) permit actions by state agencies, 2) development and review of state agency plans and development projects, 3) review of local government plans and regulations, 4) consistency determination for federal activities, 5) review of local actions on DRI's, and 6) standards for implementation of program by local government.

After endorsement and adoption of the policies, this implementation will primarily occur through a blending of existing state, regional, and local authorities. Major kinds of authorities that will be utilized include:

1. State and Federal Regulatory Programs

Many of the policies, especially those addressing vital areas, can be implemented under existing authorities. In some cases these can be implemented immediately, although in others new rules may need to be adopted. Taking these constraints into account, state and federal regulatory agencies shall exercise their full existing authorities to carry out the identified policies. Table II summarizes the primary authorities that will be utilized to implement the policies.

2. Non-regulatory State and Federal Agency Activities

The policies recognize that government projects, programs and activities sometimes unnecessarily cause (directly or indirectly) some of our most severe resource management conflicts. This awareness of the influences and impacts that governmental activities have on coastal resource management resulted in a recognition of the need to ensure that governmentally conducted or subsidized activities are in conformance with goals and objectives of the coastal management program.

In view of this obvious need and the fact that existing authorities are used as a base, the policies shall be binding on all non-regulatory activities such as management of state lands, planning activities, and public works projects of state and federal agencies throughout the coastal zone. The federal consistency provisions of the CZMA will provide a basis for the review of federal activities, and will be used to establish conflict resolution procedures to assure compatibility of state and federal efforts.

3. Local Governments and Private Interests

State regulatory authorities can largely prevent or reduce adverse resource impacts; they cannot, however, provide significant positive direction to siting, growth, or development. This can best be accomplished through local government and regional controls, such as planning, zoning, building codes, and DRI's. These authorities will be a necessary part of the coastal management program.

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

A significant step was taken toward meeting this need with enactment of the Local Government Comprehensive Planning Act of 1975 (LGCPA - Ch. 75-257, Laws of Florida). As provided by this act, counties, municipalities, and certain other units of local government are required by July 1, 1979, to prepare and adopt comprehensive plans for guiding future development. Moreover, local governments in the coastal zone (planning/management area) are required by the LGCPA to develop coastal zone protection elements in their comprehensive plans. Because of the extreme importance local plans can have to future resource management efforts, it is essential that close coordination be achieved between local and state programs. To help achieve this, a basic requirement for local receipt of coastal management assistance funding will be that local government plans and implementing ordinances be developed consistent with the state policies and criteria.

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

IDENTIFICATION OF EXISTING PROGRAMS AND AUTHORITIES

Florida has a broad array of laws, administrative rules, and programs of potential utility for achieving most coastal resource management objectives and policies. The range of management tools which can be used to achieve the policies and program objectives include both strong incentives, which can guide actions toward certain goals, and restrictive regulatory authorities. Perhaps the strongest positive incentives to achieve desired policies include state or local government acquisition of land. The creation of tax policies favoring certain uses of land can also form a great incentive; the strong role of taxation in facing the conversion of rural lands and open-space to urban uses is not often widely recognized. Planning and zoning by local government also affects land values, and can serve as an inducement for development as well as a restriction through the exercise of local government public powers.

Siting and project review laws (such as the DRI process) can be both a positive and a restrictive force on land-use. Broad resource regulatory powers, such as game and fish laws, also provide the ability to induce or limit resource use, development, and protection. Expenditure of public funds through public works projects also affects the location and extent of development and, conversely, resource protection. Finally, permit programs are largely a negative or reactionary management tool. Designed to protect certain uses, benefits, or resources, they act primarily by restricting activity, and can seldom induce desired positive actions.

In order to provide a perspective of the legal interfaces, overlaps, areas of potential conflict and gaps in management capabilities, the various existing authorities were organized (Table II) according to their relationships with uses and activities having impacts on coastal resources. In addition,

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TABLE II (Part I)

AUTHORITIES TO BE UTILIZED
CZMA Section 305(b)(4)

MANAGEMENT TECHNIQUES
CZMA Section 305 (e)(1)

1) State criteria for local implementation.
2) Direct state planning and regulation.
3) State administrative review of all development plans with power to approve or dissapprove local actions after public hearings.

IMPLEMENTING AGENCIES

DER : Dept. Environmental Regulation
DNR : Dept. Natural Resources
DSP : Div. State Planning, Dept. of Administration
HRS : Dept. Health & Rehab. Services
DBR : Dept. Business Regulation
DCA : Dept. Community Affairs
DOR : Dept. Of Revenue
DOS : Dept. Of State
G&F : Game & Fish Commission
WMD : Water Management Districts
DF : Div. Forestry, Dept. Agri. & Consumer Services
DOT : Dept. Of Transportation
ACS : Dept. Ag. & Cons. Services
RPC : Reg. Planning Council

STATE AUTHORITIES TO BE UTILIZED / USES/ ACTIVITIES SUBJECT TO MANAGEMENT	Technique 1							Technique 2														
								State Permitting or Regulation									State Planning/Management					
	Ch. 403 F.S. Air & Water Pollution Control	Ch. 380 F.S. (ACSC) Environmental Land & Water Management Act	Ch. 381 and 387 F.S. Sewage Treatment & Disposal	Ch. 163 F.S. Local Comprehensive Planning Act	Ch. 266 F.S. Historic Preservation	Ch. 161 F.S. Beach & Shore Preservation Act	Ch. 553 F.S. Building Construction Standards	Ch. 403 F.S. Air & Water Pollution Control	Ch. 253 F.S. State Lands	Ch. 478 F.S. Land Sales	Ch. 161 F.S. Beach & Shore Preservation Act	Ch. 373 F.S. Water Resources Act	Ch. 370 F.S. Saltwater Fisheries & Conservation	Ch. 377 F.S. Conservation of Oil & Gas Resources	Ch. 376 F.S. Oil Spill Prevention	Ch. 211 F.S. Mine Reclamation	Ch. 258 F.S. Aquatic Preserve Act	Ch. 372 F.S. Game & Freshwater Fish	Ch. 589 F.S. Div. of Forestry	Ch. 388 F.S. Arthropod/Mosquito Control	Ch. 267 F.S. Archives & History Act	Ch. 23 F.S. State Comp. Planning Act/Clearinghouse
Developments of Regional Impact (DRI) as defined by Ch. 22F F.A.C.		DSP	HRS					DER	DER DNR	DBR	DNR	WMD		DNR	DNR	DNR	DNR	G&F			DOS	DSP
Non-DRI construction/ operation																						
Development In Areas of Critical State Concern		DSP	HRS	DSP				DER	DER DNR	DBR	DNR	WMD		DNR	DNR	DNR	DNR	G&F				DSP
Power Plants/ Energy Facilities								DER DSP	DER DNR		DNR	WMD			DNR		DNR	G&F			DOS	DSP
Utilities/Pipeline Installations across submerged lands								DER	DER DNR		DNR				DNR		DNR	G&F				
Transportation & Navigation Projects/Ports & Offshore Terminals								DER	DER DNR		DNR						DNR	G&F			DOS	DSP
Exhaust Emissions into Atmosphere								DER														
Commercial Docks/ Marinas								DER	DER DNR						DNR		DNR	G&F				
Private Docks								DER	DER DNR								DNR					
Dredging and/or Filling								DER	DER DNR		DNR	WMD					DNR	G&F			DOS	
Mineral/Shell Extraction								DER	DER DNR			WMD				DNR	DNR	G&F				
Oil Exploration, Production & Transporation								DER	DER DNR		DNR			DNR	DNR		DNR	G&F				DSP
Sewage Treatment/ Disposal			HRS					DER				WMD					DNR	G&F				DSP
Discharges into State Waters	DER							DER	DER DNR			WMD					DNR					
Solid Waste Management	DER							DER														
Septic Tanks			HRS																			
Drainage Projects								DER	DER DNR			WMD						G&F				DSP
Impoundments								DER	DER DNR			WMD						G&F			DOS	DSP
Water Wells			HRS					DER				WMD										
Agriculture/Irrigation/Forestry Practices								DER	DER DNR DF									G&F	DF			
Development in/Evacuation of Hurricane Flood Zone							DCA															
Shoreline Erosion Control Structures								DER	DER DNR		DNR											
Beach Restoration								DER	DER DNR		DNR											
Beachfront Development						DNR		DER			DNR											
Aquaculture/ Mariculture								DER	DNR			WMD		DNR			DNR	G&F				
Artificial Reefs								DER	DNR				DNR									
Mosquito/Arthropod Control Projects								DER	DNR				DNR				DNR	G&F		HRS		
Other Uses/ Activities																						
Provision of Beach Access											DNR											
Land Sales										DBR												
Harvesting of Marine Resources													DNR									
Boating Safety/ Navigational Aids													DNR									
Historic Preservation					DOS																DOS	
State/Federally Funded Projects								DER	DNR DER		DNR	WMD	DNR		DNR		DNR DER	G&F	DF	HRS	DOS	DSP

continued next page

The above noted statutes may or may not be utilized for management of the cross-referenced use/activity, based on particular circumstances.

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TABLE II (Part 2)

AUTHORITIES TO BE UTILIZED
CZMA Section 305(b)(4)

MANAGEMENT TECHNIQUES
CZMA 305Section (e)(1)

1) State criteria for local implementation.
2) Direct State Planning and regulation.
3) State administrative review of all development plans with power to approve or dissapprove local actions after public hearings.

IMPLEMENTING AGENCIES

DER : Dept. Environmental Regulation
DNR : Dept. Natural Resources
DSP : Div. State Planning, Dept. of Administration
HRS : Dept. Health & Rehab. Services
DBR : Dept. Business Regulation
DCA : Dept. Community Affairs
DOR : Dept. Of Revenue
DOS : Dept. Of State
G&F : Game & Fish Commision
WMD : Water Management Districts
DF : Div. F restry, Dept. Agri. & Consumer Services
DOT : Dept. Of Transportation
ACS : Dept. Ag. & Cons. Services
RPC : Reg. Planning Council

STATE AUTHORITIES TO BE UTILIZED / USES/ ACTIVITIES SUBJECT TO MANAGEMENT	Technique 2 State Planning/ Management			Technique 3		Related Authorities															
	Ch. 23 F.S., Part III Florida Transportation Act	Ch. 20.18 and 252 F.S. Disaster Preparedness	Laws of Fla. 77-306 Coastal Zone Planning & Management	Ch. 216.212 F.S. Clearinghouse (Federal A-95)	Ch. 380 F.S. Environmental Land & Water Management Act	Laws of Florida 77-375 Endangered & Threatened Species Act	Ch. 259 F.S. Land Conservation Act	Ch. 375 F.S. Outdoor Recreation & Conservation	Ch. 193 F.S. Tax Assessments	Ch. 418 F.S. State/Local Recreation Coordination	Ch. 592 F.S. Recreation & Parks	Ch. 258 F.S. Wilderness System Act	Ch. 590 F.S. Forest Protection	Ch. 177 F.S. Coastal Mapping Act	Ch. 163 F.S. New Communities Act	Ch. 298 F.S. Drainage & Water Management Districts	Ch. 403.165 F.S. Pollution Recovery Trust Fund	Laws of Florida 77-406 Phosphate Land Reclamation Commission	Ch. 582 F.S. Soil & Water Conservation	Ch. 160 F.S. Regional Planning Councils	Ch. 371 F.S. Boating Safety/ Navigational Aids	Ch. 374 F.S. Inland Navigation Districts
Developments of Regional Impact (DRI) as defined by Ch. 22F F.A.C.			DER	DSP	DSP										DCA					DSB		
Non-DRI construction/ operation																						
Development In Areas of Critical State Concern			DER	DSP	DSP				DOR DSP											DSP		
Power Plants/ Energy Facilities			DER	DSP	DSP															DSP		
Utilities/Pipeline Installations across submerged lands																						
Transportation & Navigation Projects/Ports & Off-shore Terminals	DOT		DER	DSP		G&F		DNR		DNR	DNR											DNR
Exhaust Emissions into Atmosphere									DOR DER													
Commercial Docks/ Marinas			DER											DNR								
Private Docks																						
Dredging and/or Filling			DER	DSP		G&F								DNR			DER					
Mineral/Shell Extraction			DER			G&F												DNR				
Oil Exploration, Production & Transportation			DER	DSP																		
Sewage Treatment/ Disposal			DER	DSP					DOR DER													
Discharges into State Waters																	DER					
Solid Waste Management									DOR DER													
Septic Tanks																						
Drainage Projects			DER	DSP		G&F										DER WMD						
Impoundments			DER	DSP		G&F								DNR		DER WMD						
Water Wells																						
Agricultural/Irrigation/Forestry Practices													DF			DER WMD						
Development in/Evacuation of Hurricane Flood Zone		DCA																				
Shoreline Erosion Control Structures														DNR								
Beach Restoration														DNR								
Beachfront Development																						
Aquaculture/ Mariculture																						
Artificial Reefs																						
Mosquito/Arthropod Control Projects																						
Other Uses/ Activities																						
Provision of Beach Access																						
Land Sales																						
Harvesting of Marine Resources																						
Boating Safety/ Navigational Aids																						
Historic Preservation										DNR	DNR											
State/Federally Funded Projects	DOT	DCA	DER	DSP		G&F	DNR	DNR		DNR	DNR DOT	DNR			DCA	DER WMD			ACS	RPC DER	DNR	DNR

The above noted statutes may or may not be utilized for management of the cross-referenced use/activity, based on particular circumstances.

Table II indicates those authorities which appear to fall under the three control techniques allowed by CZMA, as well as those related authorities which must be recognized and accommodated by the CZM program.

Under implementation technique 1 (state criteria for local implementation), there are six major state authorities relating to (1) local pollution control programs, (2) areas of critical state concern, (3) individual sewage treatment facilities, (4) development of local comprehensive plans, (5) historic preservation, and (6) coastal construction setback lines.

Under implementation technique 2 (direct state planning and regulation), there are at least 16 major state authorities which presently serve important CZM functions. State permits, licenses, or certifications are issued under seven primary authorities:

Chapter 253 F.S. (State Lands)

Chapter 403 F.S. (Air and Water Pollution Control)

Chapter 161 F.S. (Beachfront Construction)

Chapter 373 F.S. (Water Resources)

Chapter 377 F.S. (Oil and Gas Resources)

Chapter 370 F.S. (Fisheries)

Chapter 478 F.S. (Land Sales)

Direct state regulation of uses and activities occurs under at least three other major authorities:

Chapter 211 F.S. (Mine Reclamation)

Chapter 376 F.S. (Oil Spills)

Chapter 258 F.S. (Aquatic Preserves)

State planning and management with varying degrees of influence over uses and activities occurs under at least six authorities:

Chapter 372 F.S. (Game and Freshwater Fish)

Chapter 23 F.S. (State Comprehensive Planning and Clearinghouse Functions)

Chapter 259 F.S. (Purchase of Environmentally Endangered Lands)

Chapter 325 F.S. (State Recreation Program)

Chapter 258 F.S. (State Wilderness System)

Chapter 77-305, Laws of Florida
(Coastal Zone Management Program)

Under implementation technique 3 (state administrative review of local regulations and projects), there are three state authorities that apply. Chapter 216.212 F.S. provides for state review of all federally financed or assisted projects (federal A-95 clearinghouse functions). Coupled with the federal consistency requirements of CZMA, this authority can be used to ensure that all federally subsidized projects such as sewage treatment plants, highways, beach protection, airports, etc. are conducted in a manner consistent with the coastal management program. A second example of technique 3 is Chapter 380 F.S. which provides for state review of developments of regional impact (DRI's) with possible state override of local decisions found to be contrary to state or regional interests. Finally, the Power Plant Siting Act, discussed later, provides another state review mechanism.

In addition to the authorities falling directly into the three allowable implementation techniques, there are numerous (over 30) authorities which provide various functions related to long-range management of coastal resources. While some of these are more important to the management effort than others, effective long-range planning and management requires that the relationship of each of these functions to the coastal management program be clearly understood prior to submission of the program for federal approval.

Also of extreme importance to successful implementation of coastal management in Florida are the several key federal authorities relating to managing marine and estuarine resources. While some of these authorities are exercised solely by federal agencies (Marine Mammals Act, regulation of marine shipping, activities on Federal Lands, etc.), many others are shared with the state (Water Pollution Control Act, Fish and Wildlife Coordination Act, etc.). Coordination with these related federal functions is mandatory for federal approval and funding of the state coastal management program.

USES OF REGIONAL BENEFIT

As was stated earlier, the CZMA requires that state programs provide for a method of ensuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit. Florida presently has at least two mechanisms for meeting this requirement: (1) the development of regional impact review process provided as part of Chapter 380, Florida Statutes, and (2) the

review process provided as part of the Power Plant Siting Act (Chapter 403, Part II Florida Statutes).

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 many 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 Florida CMP would serve as specific standards for making these decisions.

Under the Power Plant Siting Act (Chapter 403, Part II F.S.), a process is provided whereby electrical generating plants are subject to ten-year 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 administrative action as to that particular application.

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

IDENTIFICATION OF GAPS OR UNMANAGED IMPACTS

Preliminary comparison of existing authorities with identified uses and impacts revealed several potential gaps in management capabilities - areas where new legislation or changes to existing legislation may be necessary. In addition to the very obvious need for better coordination tools, there appear to be deficiencies relating to at least two use/activity areas:

1. Development in the 100-year hurricane surge zone -

   While certain authorities presently exist regarding disaster preparedness, the state role has primarily been of a response nature - lending assistance during and after hurricanes, flood conditions, and other emergencies. Indirectly, the state presently plays a role in preventing unnecessary damages from hurricanes through coordination of the Federal Flood Insurance program and advising on local plans. However, there apparently are no enforceable state standards or programs for managing development activities which create public hazards due to hurricanes or flooding. The rapidly increasing concentration of residents in coastal flood hazard areas and the general lack of coordination between land use planning and disaster preparedness demands that the state take more than a passive role in avoiding future damages from hurricane flooding.

2. Oil exploration and production - These activities are presently subject to state regulation to ensure receipt of state royalties and protection of the environment. However, the many secondary socio-economic impacts associated with these activities and support facilities are not capable of being addressed under existing programs. The state presently is receiving initial funds under CZMA to facilitate planning for such impacts.

There are potentially other gaps in existing authorities. For instance, there is an apparent inability to adequately control modification of coastal freshwater swamps and marshes not located adjacent to navigable waters. In addition, proposed development in the "high" tidal marsh and mangrove areas (above mean high water) is presently subject to state management only from a water quality perspective. Finally, cumulative impacts, land-use, socio-economic, and other factors cannot always be systematically considered under existing state authorities.

Probably the most significant deficiency identified to date is the lack of any common direction or management focus for the many often single-purpose authorities. In order for these authorities to achieve their full potential, formal linkages to the broader coastal management effort must be established. Again, the policies developed as part of the program would serve to provide that focus.

Another significant gap relates to the Development of Regional Impact (DRI) process. Under existing rules related to DRI's coastal management concerns are not specifically addressed. This deficiency could be overcome based upon language in Chapter 380.06 (2)(g) whereby the coastal zone could be judged as an area having unique quality. As viewed by the importance of the coast to the state's economy, and in light of the many existing statutes providing state responsibilities in the coastal zone, it can certainly be viewed as a resource of special state interest. Subsequently, special guidelines and standards could be applied to the coastal zone and in particular to projects located in the most ecologically sensitive areas of the coastal zone (i.e. vital areas). These changes could be based upon an activities approach (change in existing DRI thresholds for projects in the coastal zone) or a resource approach (activities impacting specific resources, such as vital areas, would be subject to DRI review). An alternative to this process would involve restructuring the existing DRI thresholds as they apply to the entire state. This process would involve the consideration of new categories for review as well as lowering or raising the existing thresholds for particular activities.

ORGANIZATIONAL STRUCTURE FOR MANAGEMENT

The task of integrating 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 is perhaps the greatest challenge facing the state program. The federal requirements related to organizational structure require that a single state agency be designated by the Governor to receive and administer management grants. In addition, those state and other agencies, including local governments, that will enforce, administer or monitor program policies, standards, and authorities must be identified. Further, the relationship of these administering agencies to the lead state agency must be described.

The main purpose of these requirements is to provide a clear understanding of the entities that have responsibility for administering various aspects of the management program and the interrelationship of these agencies.

Florida's Coastal Management Program will be based on the participation and cooperation of a variety of levels of government: cities and counties, regional government, water management districts, and state and federal agencies, as well as the public and quasi-governmental bodies such as ports.

LEAD STATE AGENCY

At the state level, the lead state agency will have the primary management responsibilities. In addition, other state agencies will also play significant roles in the implementation of the management program. The management roles of both state and other organizations are listed in Table III. The organizational structure for program implementation is shown on Figure I.

In order to fulfill the requirements of Section 306 (c)(5) of the CZMA, the Governor must designate a single state agency to receive and administer management grants. 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. As the lead state agency, DER will have many duties associated with implementation of the program. Among these are: 1) receiving and administering grants, 2) developing rules and regulations to implement the program, 3) monitoring local and state decision-making processes (state regulatory activities, state project development, local permitting actions, Developments of Regional Impact) for conformance to the adopted state

TABLE III

ORGANIZATIONAL ROLES

LEAD AGENCY (DER)

- Receive and administer grants
- Review and monitor program compliance by other state agencies
- Handle some appeals processes
- Coordinate Federal consistency provisions
- Develop rules to implement policies and standards for review of DRI's and LGCPA's
- Enforce adopted policies through existing regulatory authorities
- Provide technical and legal assistance to local government and other agencies to implement policies

OTHER STATE AGENCIES

- Enforce policies and program through existing regulatory authorities
- Apply Federal consistency provisions
- Implement actions and development projects consistent with policies

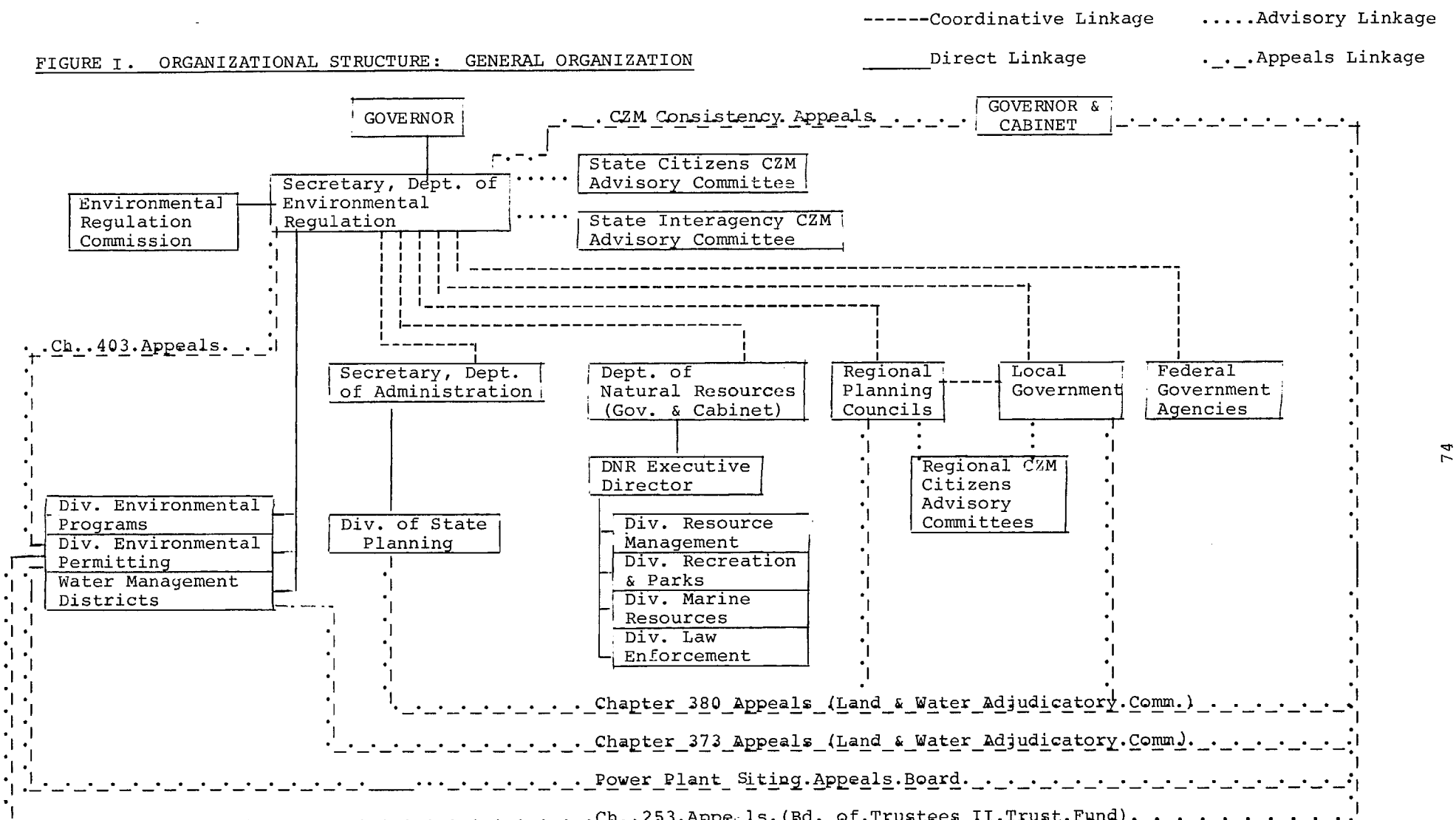
MULTIJURISDICTIONAL AGENCIES

- Review DRI's based upon state and regional standards
- Review federal funded projects (A-95) and apply Federal consistency provisions
- Review local government comprehensive plans
- Enforce adopted policies through existing regulatory authorities

LOCAL GOVERNMENT

- Develop plans consistent with state coastal management plan
  - a. voluntary basis
  - b. mandatory basis
- Exercise right of first refusal in regards to state permits
- Veto federal permits based on local comprehensive plan
- Exercise greater influence in decision-making process regarding state and federal conducted activities
- Receive grants for implementation of local plans
- Receive authority related to certain state permitting activities
- Utilize both existing and innovative local tools to implement coastal management program (zoning, subdivision rules, building permits, taxation powers, transfer of development rights, conservancy zoning)

FIGURE I. ORGANIZATIONAL STRUCTURE: GENERAL ORGANIZATION



*Coordination linkages to be established by legislation, interagency agreement, or Governor's executive order.

policies, 4) enforcing the regulatory authorities vested within the Department in conformance with adopted coastal management policies, 5) handling existing appeals processes, 6) coordinating federal consistency provisions, and 7) providing financial, technical, and legal assistance.

Existing authorities derived from state and federal statutes which would be utilized to implement the program include direct state regulatory and planning authorities related to air and water pollution controls, power plant siting (Chapter 403), the 208 Water Quality Program, the Water Resources Act (Chapter 373) and use of submerged lands (Chapter 253).

OTHER STATE MANAGEMENT AGENCIES

A number of other state agencies will have important roles in administration of the coastal management program. Involvement of other state agencies will necessarily be dependent upon the authorities utilized to implement the program. At a minimum it appears that the Division of State Planning and the Department of Natural Resources will play important roles in the coastal management program. The Division of State Planning has duties related to the implementation of the Development of Regional Impact and Area of Critical State Concern processes (Chapter 380). In addition, the Division is responsible for the administration of the A-95 process and the Local Government Comprehensive Planning Act at the state level.

The Department of Natural Resources will also be heavily involved in the implementation of the coastal management program. At a minimum the existing authorities related to the beach setback line (Chapter 161) and to aquatic preserves (Chapter 258) will be utilized to enforce state program policies. The involvement of these and other agencies can result from executive order by the Governor, legislative action or through interagency agreements.

Other state agencies will be involved on the basis of 1) authorities over lands they manage (e.g. state wildlife refuges, parks, or forests); 2) public works projects they fund or sponsor (e.g. roads and other construction); 3) provision of planning and technical assistance to local government and other agencies (e.g. the Department of Commerce, Department of Community Affairs); and 4) review of projects and proposals for consistency with state policies.

MULTIJURISDICTIONAL AGENCIES

There are two types of multijurisdictional agencies within the state that have permitting and/or management functions under existing state water management district and regional planning

council authorities. Since the Development of Regional Impact (DRI) process is going to be one of the major program implementation tools, involvement of the regional planning councils (RPC's) is necessary. They will also participate in the implementation of the management program in a variety of other ways. Specific responsibilities of the RPC's include:

1. Review of all DRI's within the coastal zone based upon regional interpretation and application of coastal policies. This review will be particularly important for development in the conservation and development areas, and for inland activity which might affect the coastal zone. Development projects which are found to be inconsistent with the policies would be appealed to Land and Water Adjudicatory Commission by the RPC (possibly joined by the state).

2. Provision of technical assistance to local government in the development of their comprehensive plans, or in review of projects. This will be funded by federal CZM funds.

3. Review of projects receiving federal funds (A-95 process) for consistency with coastal management policies; projects found to be inconsistent would be denied federal funding under the consistency provisions of the CZMA; appeals of RPC decisions would be handled at the state level by DER or the Cabinet.

4. Review of coastal protection elements, and other affected elements of local comprehensive plans. This would form the first review of local plans for determining their consistency or compatibility with the coastal management program, including its policies and objectives.

5. 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 approved as consistent with the state program, the RPC's would assist in monitoring the local decision-making process.

6. 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.

The involvement of the water management districts (WMD) will relate specifically to their planning and regulatory powers under Chapter 373. Participation of the WMD's is especially critical because most of the coastal resource impacts are a

result of, or transmitted via, changes in water quality, quantity, or delivery schedule. The most important role of the WMD's will be in their authorities over ground and surface waters both within the administrative boundary of 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 planning/ management area but which might affect the coastal zone.

LOCAL GOVERNMENTS

Local government involvement in the coastal management program is of the utmost importance. The participation and cooperation of cities and counties is necessary 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 provide direction for growth and development, as well as reduce permit delays and costs. Finally, local participation is 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.

Local government coordination, participation and cooperation could be implemented through enforced compliance with a state override procedure of the LGCPA or other land-use actions, or it could be on a voluntary basis whereby if local governments voluntarily developed comprehensive plans consistent with the coastal management program, they would be eligible for various incentives. Florida is proposing the voluntary approach.

Rather than require the local coastal zone protection element and comprehensive plan to conform to the state coastal management program and policies, the state has elected to offer a number of benefits which would serve as incentives for voluntary local participation and consistency. These benefits include:

1. Financial, technical, and legal assistance to local governments for development of their local coastal zone protection elements (CZPE's). The Local Comprehensive Planning Act requires that local governments within the planning/management area of the coastal zone develop CZPE's. Direct funding, as well as specialized technical and legal assistance, will provide enhancement for local government's capability to meet the requirement.

   It is during the development of the CZPE 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 and refined, and local government can expand vital areas or establish local areas of particular concern for their own needs. 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, flood plains), development of joint research projects, informal review and pre-application meetings on local projects, provision of source materials on coastal management, and legal assistance in the form of expert witnesses. Financial assistance would consist of direct grants for general program implementation, funding for special projects (specific management plans for local unique vital areas, development of innovative implementation tools) and cost-sharing for local development projects (shoreline access, erosion control).

If local governments elect, at their own discretion, to develop CZPE's and comprehensive plans which are consistent with the state's coastal management program and policies, then they will become eligible for additional benefits. Consistency of these plans is desirable for a variety of reasons. Local plans will form the primary basis for implementing the Policy Guidelines (Chapter 4), since the state lacks direct control over these guidelines. Moreover, while the state's role will primarily focus on managing impacts on natural resources, the socio-economic impacts can best be addressed through local comprehensive plans.

Finally, the local comprehensive plan and CZPE will provide a basis for assessing land-use consequences, economic need factors, and cumulative impacts (as contrasted to technical reviews on air and water quality, etc.) which the state feels are necessary to address in permitting reviews and decisions.

Following the completion of the local comprehensive plan, it will be reviewed by a variety of regional and state agencies. In particular, the LGCPA requires the state coastal management agency (DER) to review the coastal zone protection element. While this review and the comments provided are non-binding on local governments, should they decide to develop or modify their CZPE so that DER finds it consistent with the coastal management program and policies, they will become eligible for the other benefits.

2. Direct funding to implement, enforce, review and update their comprehensive plan. Included would be continual assistance to review the impact of particular projects or proposals affecting their jurisdiction.

3. Provide an increased role in state and federal permit reviews. Local government plans will identify long-term activities and impacts. They will also provide a means to address local economic and environmental needs in a balanced fashion in decisions allocating the use of lands and waters. 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 less reluctant to grant a permit when it can be placed in the context of a soundly developed comprehensive plan.

   In addition, if the CZPE and local comprehensive plan conform to the state coastal management program, and they are implemented in a consistent fashion, then state permitting agencies will provide a right of first review to local governments. For example, within the time frame allowed for each permit by statute, and except as might be restricted by the DRI and Power Plant Siting Act provisions, DER will not approve a permit until local government concurs that the permit is consistent with its plan. If local government objects to a permit on the basis of land-use issues, within the legal time frame for processing the permit, DER will not approve the permit (subject to existing possible DRI or Power Plant Siting Act overrides).

   In this manner, local government can determine whether the permit and proposed project is consistent with local needs and land-use desires (something DER is largely restrained from considering), while DER will continue to judge permits on a technical basis. Basically, then, 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 pollution or other standards.

4. In a similar fashion, if local government develops a plan consistent with the CMP, then it will also be granted an analogous role in the review of federal actions, development projects, licenses and permits, and financial assistance grants which are subject to a consistency review under the CZMA. They would be actively involved in state and federal projects located within or affecting their jurisdiction and could in fact veto such projects if they were inconsistent with local adopted plans.

Regardless of the approach taken in relation to local involvement in the program it will be of mutual benefit to both state and local government to have strong local participation in the program. The state will benefit since the management of its resources will be governed by plans which are legally binding on local government actions. The state coastal management program will be implemented under a progressive management approach consistent with adopted state policies 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 will 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 poor 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 administrative support for implementation of their local comprehensive plans. Administrative support would come in the form of positive comments to federal agencies in regard to local projects requiring state review. These comments would lend the influence and support of the state to local grant requests and might mean the difference between grant approval or denial.

If compliance with the state coastal management program is only voluntary, so that local government participation and cooperation is not required, the state would probably be unable to fully enforce all of its policies and attain its defined objectives. However, a review of the existing authorities and impacts indicates that those uses having a direct and significant impact on coastal waters could still be managed. While the state might technically meet the requirements of the CZMA in the absence of local government participation, only through the full utilization and coordination of both state and local authorities can the objectives be met.

CHAPTER 6

COMPLETION OF PROGRAM DEVELOPMENT

The completion of the development of the Florida Coastal Management Program will take the concerted and coordinated efforts of all levels of government and the citizens of the State.

This draft document will be reviewed by federal agencies, state agencies, regional planning councils, city and county government, citizens advisory committees, special interest groups, and the general public. Comments received from this review will be evaluated and incorporated where possible into the plan that will be prepared for the Governor and Legislature.

To assist discussion about the draft program, and to provide further opportunity for public review and comment, eleven regional public workshops will be held during the period of December 6 to December 16. A tentative schedule of workshop dates and locations is included at the end of this chapter. In addition to comments received at the workshops, written comments from vitally interested parties will be solicited by both the Department of Environmental Regulation and the members of the State Advisory Committee on Coastal Zone Management. A list of the members of that committee appears inside the back cover. All input received by December 19 will be considered in redrafting the document. Comments received after that time will be accommodated where possible.

During late December and all of January, the final program will be developed and legislation needed to implement the program will be drafted.

In early February, Governor Askew will review the program and his suggested changes will be incorporated.

By March 1, the Secretary of the Department of Environmental Regulation will present the proposed program and accompanying proposed legislation to the Legislature. At the same time the program will be sent to the federal Office of Coastal Zone Management for preliminary review.

If the Legislature approves the program and passes the needed legislation, a final submission will be prepared for approval by the Secretary of the U.S. Department of Commerce.

Following review by that department and other relevant federal agencies, and if the program is approved, Florida will be eligible to receive implementation funds.

Following program approval it is anticipated that Florida, if it can provide the 1/5 state matching funds, will receive between 2.5 and 3.5 million dollars annually in federal "implementation" funds. It is the intention of the Department of Environmental Regulation to pass the majority of these funds through to local governments that are participating in the Florida Coastal Management Program.

The process described above provides a simplified outline of the effort necessary in the next several months. The federal CZMA requires additional tasks before the program can be submitted for approval. The state must document its efforts to involve federal, state, and local agencies as well as citizens. An Environmental and Economic Impact Assessment for the management program must also be prepared as part of the submission. There will be a need to provide for an on-going program during the period of federal review.

The next few months will determine whether or not Florida will embark on a course of coordinated coastal resource management. The decision will require careful consideration on the part of all of Florida's citizens. Your assistance is needed in providing meaningful, constructive comments and suggestions to the proposals contained in this document. If you feel that a Florida Coastal Management Program is important to the state, it is hoped that you will actively support the effort to bring about its implementation.

TENTATIVE REGIONAL WORKSHOP SCHEDULE

Dec. 6: Pensacola Junior College Fine Arts Aud. 7:30 p.m.
Jacksonville.
Dec. 7: Apalachicola.
Cocoa or Titusville.
Dec. 8: Perry.
Miami. U. of Miami Union. 7:30 p.m.
Dec. 13: Tallahassee.

Dec. 14: Fort Myers. Edison Jr. College Auditorium. 7:30 p.m.
St. Petersburg. U. of S. Fla. Bayboro Campus. 7:30 p.m.
Dec. 15: Stuart. Martin County High School. 7:30 p.m.
Crystal River. County Building. 7:30 p.m.

GLOSSARY

ACSC: Areas of Critical State Concern (Chapter 380 F.S.)

ACTIVITY: an action performed as part of or associated with a use. (Use and activity can not be separated in some cases).

APR: Areas for Preservation or Restoration

AQUACULTURE LEASES: state-owned water areas that are leased for experimental or commercial cultivation of animal or plant life. Traditional oyster leases are not included in this category.

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.).

AREA OF MAJOR SIGNIFICANCE: as applied to coastal marshes, freshwater swamps and marshes and coastal mangroves, means all such areas of greater than 40 acres.

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 landform, or to the line of vegetation.

CAC: Citizens Advisory Committee

CARRYING CAPACITY: level of use which can be accommodated and continued without irreversible impairment of natural resources productivity, the ecosystem and the quality of air, land, and water resources.

CMP: Florida Coastal Management Program

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' inland from MHW unless otherwise established through consideration of natural beach processes.

COASTAL ZONE: coastal waters including the lands therein and thereunder and the adjacent shorelands including the waters therein and thereunder strongly influenced by each other including transitional and intertidal areas, salt marshes, wetlands, and beaches (CZMA - Public Law 92-583).

COASTAL ZONE PROTECTION ELEMENT: Section 7(g) of the Local Government Comprehensive Planning Act of 1975 (Chapter 75-257 Laws of Florida) requiring local governments lying in part or in whole in the coastal zone to include in their local comprehensive plans a process for fulfillment of particular requirements as defined in the Act.

CONSERVATION AREAS: are lands and waters of the coastal zone which have certain natural or institutional use limitations requiring special precautions prior to alteration or development. They frequently have significant resource value or benefit for recreational or aesthetic use.

CULTURAL RESOURCES: resources produced, altered, or refined by man and society.

CZMA: Coastal Zone Management Act of 1972 (Public Law 92-583).

DECISIONS OF GREATER THAN LOCAL SIGNIFICANCE: those land and water use decisions which may affect interests beyond the jurisdiction of any city, municipality, or county.

DEVELOPMENT: the carrying out of any building or mining operation, or the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.

DEVELOPMENTS 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 hill or ridge of sand built up by the action of wind or waves along sandy coasts. Dune conditions range from active, erosion and accretion prone with little or no vegetative cover or development of soil, to presently stable but vulnerable to becoming active due to fragile vegetative cover, to stable, having significant soil development and possible diverse forest cover.

FEDERAL CONSISTENCY: the requirement of the CZMA that federal agencies conduct their activities in the coastal zone in a fashion which is to the maximum extent practicable, consistent with the state's approved management program (Sec. 307 CZMA).

FORESTRY PRACTICES: the application of timber management techniques to provide (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.

GEOGRAPHIC AREAS OF PARTICULAR CONCERN: (GAPC) areas of particular state level concern within the coastal zone which will receive special management consideration in the program. Included are: Aquatic Preserves (Ch. 258 F.S.), State Wilderness System (Ch. 258 F.S.), Environmentally Endangered Lands (Ch. 259 F.S.), Areas of Critical State Concern (Ch. 380 F.S.), Coastal Construction Setback Line (Ch. 161 F.S.).

HURRICANE SURGE ZONE: this category encompasses lands between the shoreline and the inland limit of the 100 year storm surge, that is, the area subject to flooding by hurricane-driven tides on a statistical probability of at least once every 100 years. This frequency prediction represents an average that may occur several times within a short time-span or may delay for a considerable period.

IAC: State Interagency Advisory Committee on Coastal Zone Management.

ISSUE: an unsettled matter needing a decision; a point of debate or controversy.

LGCPA: Local Government Comprehensive Planning Act of 1975 (Ch. 75-257 Laws of Florida).

MAINTAIN: support, keep, and continue in an existing state or condition without decline.

MANAGEMENT: the broad mix of research, technical assistance, planning, coordination, conflict resolution, local assistance, regulatory or other governmental actions which are needed to ensure wise utilization and protection of coastal resources.

NATURAL RESOURCES: air, land and water resources and the elements thereof determined by or resulting from nature which are valued for their existing and potential usefulness to man.

NOAA: National Oceanic and Atmospheric Administration.

OBJECTIVE: a specific accomplishment or series of accomplishments necessary to the satisfactory attainment of a goal.

OCZM: Office of Coastal Zone Management (Federal).

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 but not limited to:

1. Oil and gas facilities, pipelines and pumping stations.
2. Platform fabrication and rig assembly plants
3. Storage depots
4. Tank farms
5. Crew and service bases
6. Terminal facilities
7. Refining complexes
8. Gas processing plants
9. Pipe coating yards

POLICY: a statement of courses or methods of action to guide and determine present and future decisions necessary to the attainment of an objective.

PRESENTLY DEVELOPED LANDS - CONFLICT: presently developed areas that would have been classified "vital areas" or "conservation" under the biophysical analysis criteria.

PRESERVE: to save from change or loss and reserve for a special purpose, and, in the case of natural resources, to include the recognition of dynamic, natural, geological and evolutionary processes.

PRIMARY COASTAL PORTS: ports which have an authorized channel depth in excess of 32 feet or play a significant role in navigation and transportation. The following are defined for purposes of Florida coastal management as primary coastal ports:

1. Port of Fernandina Beach
2. Port of Jacksonville
3. Port Canaveral
4. Port of Fort Pierce

5. Port of Palm Beach
6. Port Everglades
7. Port of Miami
8. Port of Key West
9. Port Boca Grande
10. Port Manatee
11. Port Tampa
12. Port St. Joe
13. Port Panama City
14. Port of Pensacola

This list is subject to adjustment during program implementation.

PRIMARY ENERGY FACILITIES: those energy facilities which "directly and significantly" affect the coastal zone, including:

1. Fossil fuel and nuclear generating power plants
2. Petroleum refineries and associated facilities
3. Gas processing plants
4. LNG facilities
5. Uranium enrichment or nuclear fuel processing facilities
6. New technology energy facilities including, but not limited to, ocean thermal energy conversion facilities, wind power plants, tidal energy facilities, ocean current energy facilities and solar power plants.
7. Offshore deepwater ports

PRIME AGRICULTURAL LANDS: lands with soils having an overall "high" rating in the Florida General Soils Atlas for citrus or for both truck crops and pasture. Such areas may or may not presently be in active agricultural use. These are identified on the biophysical analysis maps.

PRIME AGRICULTURAL LANDS WITH OTHER POTENTIAL SUITABILITIES: areas having soil conditions which meet the criteria for "prime agricultural lands", and having few, if any, physical limitations for urban development. These are identified on the biophysical analysis maps.

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.

RENEWABLE RESOURCES: resources which, if managed, used, and harvested properly, can replenish themselves at a rate equal to the rate of consumption. Biological or living resources. In a broader sense, it refers to uses and benefits which can be maintained indefinitely without loss or decline.

RESTORE: revitalizing, returning, or replacing original attributes and amenities, such as natural biological productivity, 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: the use of natural processes, sequences, and timing or which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.

RPC: Regional Planning Council

RURAL LAND: non-urban lands and include: (1) non-urban agricultural, forest or open space lands, or, (2) other lands suitable for sparse settlement, small farms or acreage homesites with no or limited public services, and which are not suitable, necessary or intended for urban use.

SHOREFRONT: that area immediately landward of and contiguous to: (1) along sandy beaches, the established coastal construction setback line; (2) in tidally influenced vegetated areas, any "transition zone" as defined by

Chapter 17-4 F.A.C.; or (3) in other areas, the mean high water line. Any proposed development activity involving such area will be considered a shorefront use.

SHORELINE: the immediate interface of land and water; the mean high tide line in non-vegetated areas and the seaward extent of non-aquatic vegetation in vegetated areas.

TERRITORIAL SEA: the ocean and seafloor area from mean low water seaward three nautical miles.

UNREASONABLE RESTRICTION OR EXCLUSION: such restriction or exclusion can be shown through administrative or judicial process to be arbitrary and capricious.

URBAN LAND: urban land areas include (1) incorporated cities, and adjacent areas of concentrated population, and (2) those areas which have: concentrations of persons who generally reside and work in the area and supporting public facilities and services.

USE: the expenditure or consumption of a resource.

USE HAVING DIRECT AND SIGNIFICANT IMPACT: any land or water use activity which will or can reasonably be expected to: (1) result in alteration of the physical, chemical or biological properties of coastal waters; (2) affect any use of coastal resources; (3) affect public health, safety or welfare; (4) be highly controversial; or (5) 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.

VITAL AREAS: those portions of the coastal zone identified as having major ecological, hydrological, physiographic, historical, or socio-economic importance to the public at large. They might be defined as resources of state-wide 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 resource that the benefits are lost or significantly diminished.

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 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.

WMD: Water Management District

RESPONSE FORM

We are interested in your comments on the material contained in this draft report. Please fill in this form and turn it in at the workshop in your region or mail to: Bureau of Coastal Zone Planning, Department of Environmental Regulation, 2562 Executive Center Circle East, Tallahassee, Florida 32301.

Name _____ Coastal Zone Interest:

Address _____ _____

_____ _____

COMMENTS:

Goals and Objectives of the Program: _____

_____

_____

_____

Program Policies: _____

_____

_____

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_____

Boundaries: _____

_____

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_____

Organizational Structure for Program Implementation: _____

_____

_____

_____

Please add any additional comments on these or other elements of the program: _____

_____

_____

COASTAL ZONE
INFORMATION CENTER

BUREAU OF COASTAL ZONE PLANNING
FLORIDA DEPARTMENT OF ENVIRONMENTAL
REGULATION
2562 EXECUTIVE CENTER CIRCLE, EAST
TALLAHASSEE, FLORIDA 32301

STATE ADVISORY COMMITTEE
ON
COASTAL ZONE MANAGEMENT

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Hunter Moss, Real Estate Consultant, Boca Raton.
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Bernie Yokel, Director, Rookery Bay Marine Station, Naples.