ESTUARINE AND COASTAL AREA PLANNING AND MANAGEMENT

Final Report

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I. INTRODUCTION

Funds obtained through the Florida Coastal Management Program were used to enhance the Department's capabilities in the areas of estuarine management, coastal construction and building codes, and coastal and barrier island management. The funds were also used to support the Department's participation in the functions of the Interagency Advisory Committee (IAC), the Interagency Management Committee (IMC) and the Outer Continental Shelf (OCS) Advisory Committee.

Grant funds were used primarily to fund positions and expenses within the Coastal Programs unit, which is located in the Field Technical Assistance section of the Bureau of Local Planning. These positions included a Planning Manager, a Planner IV, two Planner III's and a secretary specialist. One of the Planner III's (as a Federal Programs Administrator) was stationed in the Division of Housing and Community Development in the Codes and Standards section for the period between October 1, 1986 and September 30, 1987. That position was involved exclusively in carrying out duties under the Coastal Construction aspect of the scope of services relating to requirements of Chapter 161.52 - 161.58, Florida Statutes (F.S.). Various other staff throughout the Division of Resource Planning and Management were involved as necessary on issues identified in the scope of services.

The grant was originally received in the amount of $216,958 effective September 30, 1986, to be completed by September 30, 1987. The scope of services was revised in February 1987 to more

accurately reflect the work program to be undertaken under the contract. On September 22, 1987, the contract was extended, due to excess funds, until January 29, 1988. On January 25, 1988, the contract was extended again, which included a revised scope of work and an additional $65,000 compensation, until June 30, 1988. This date was chosen in anticipation of the positions funded under this grant being transferred to general revenue state funding at the beginning of the 1988-89 fiscal year. Although State funding was approved in the 1988 legislative session, appropriations for the coastal unit positions would not become available until October 1, 1988. On June 29, 1988, the contract was extended a third time with no additional funds until September 30, 1988. The total amount of the grant for the two year period was $281,958.

The scope of services under the grant was modified somewhat during the grant period, but the work program addressed five major topics: 1) Estuarine Planning, 2) Coastal Construction, 3) Coastal Infrastructure Policy and Coastal Barrier Resources System, 4) IMC/IAC and 5) Federal Consistency Review.

The following report provides a general description of the activities by coastal unit staff in addressing the tasks identified within each topic area. Selected activities, memoranda, letters and reports are included at the end of the report as attachments. These will be identified in the text in parentheses with the letter "A" followed by a number which corresponds with those on the list of attachments. For example, (A13) refers to attachment 13.

II. ESTUARINE PLANNING

The primary objective of coastal staff was to provide technical assistance to local governments surrounding certain estuarine areas with the development and implementation of policy plans and ordinances to improve estuarine management. This effort was directed statewide, primarily through written comments and follow-up in response to draft coastal management and related elements prepared pursuant to local government planning assistance grants, administered through DCA. In addition to this, several target areas were identified for special emphasis. These included those local governments within Resource Planning and Management Committee (RPMC) areas, especially those in the northwest Florida Coastal region; and local governments adjacent to aquatic preserves with approved management plans, with emphasis on the Indian River Lagoon and Charlotte Harbor areas.

Much of the technical assistance provided to local governments regarding estuarine management was in the form of day to day contact with various local government representatives and consultants through telephone conversations and individual meetings. In providing technical assistance, coastal unit staff has emphasized the basin-wide estuarine management approach, as identified in the DER estuarine initiative and the Surface Water Improvement and Management (SWIM) legislation. Special attention has been given to the areas of stormwater management, marina siting, shoreline modification and the maintenance of vegetative buffers adjacent to estuaries and tributaries.

A. Northwest Florida Estuarine Efforts

During the early portion of the grant period, Coastal staff was actively involved with the Escambia/Santa Rosa Resource Planning and Management Committee, and the implementation of the Bay Area Resource Inventory Program (BARIP). Coastal staff provided comments on the BARIP scope of work proposal in December 1986 (A1), and attended meetings of the BARIP Technical Advisory Committee and BARIP Oversight Committee in early 1987. Staff provided input for the preparation of a legislative budget request in 1987 that would have funded the program. The budget request was not approved. Further attempts to secure funding for a project manager and committee expenses were also unsuccessful. Due to lack of funds, BARIP has not been active since early 1987. For that reason, Coastal staff involvement with BARIP has been limited since that time. If future funding is obtained, DCA staff will be available to provide technical assistance to that program.

Coastal staff has provided comments on a variety of draft ordinances and resource protection plans for Escambia County, the City of Pensacola and the City of Gulf Breeze. For example, staff reviewed the City of Gulf Breeze's draft Shoreline Protection ordinance and the City of Pensacola's draft Marina Siting ordinance. Staff has also provided comments on the U.S. Navy's Gulf Coast Homeporting action which affects the City of Pensacola. Coastal staff has provided on-site technical assistance to the City of Pensacola and its consultant regarding

the development of the deepwater port master plan for the Port of Pensacola, which is to be incorporated into the coastal management element of the city's local comprehensive plan.

To aid in the implementation of some recommendations of the Escambia/Santa Rosa RPMC, DCA entered into agreements with the Cities of Pensacola and Gulf Breeze to provide funds for the development of stormwater management plans. In January 1987, funding in the amount of $26,000 from the Area of Critical State Concern Trust Fund, (Contract #87-SR-40-01-27-02-005) was provided to the City of Pensacola for stormwater management planning. The final report was submitted to DCA on December 21, 1987. DCA staff reviewed the report and found it in compliance with contract requirements. A similar contract in the amount of $10,000 (#87-SR-40-01-27-02-006) was entered into with the City of Gulf Breeze in April 1987. Although progress reports were received from Gulf Breeze, a final report was never submitted and a final payment was never made by the Department. The interim reports, however, indicated that some progress has been made towards implementation of a stormwater management plan in Gulf Breeze. DCA staff is continuing to work with the City to ensure that the issues of concern are addressed.

DCA staff has reviewed and commented on the application for development approval for the Navarre Beach areawide Development of Regional Impact. Coastal staff has conducted a site visit of the area to aid in the review of the application and verify existing infrastructure and natural features.

In order to address estuarine planning concerns in the Okaloosa/Walton County area, DCA entered into a contract (#87-SR-40-13-00-16-009) with the Northwest Florida Water Management District (NWFWMD) on February 17, 1987. The agreement provided funds in the amount of $30,000 from the Area of Critical State Concern Trust Fund in order to facilitate mutual cooperation and to further the implementation of the Northwest Florida Coast Resource Management Plan.

The NWFWMD subcontracted with the Center for Aquatic Research and Resource Management (CARRMA) of Florida State University to continue working toward establishing a comprehensive data base, resource inventory and management plan for the Choctawhatchee Bay system as recommended by the Resource Management Plan. The agreement's scope of work included the completion of a CARRMA proposal entitled "Program to enhance productivity of the Choctawhatchee Bay System." This program continued on previous work done in the bay and included the development of a marina siting ordinance. DCA staff reviewed interim and final work products associated with these agreements in order to determine contract compliance.

A final work product entitled "Choctawhatchee Bay Project" was received on March 15, 1988, and reviewed by DCA staff. This report includes a model marina siting ordinance, ecological criteria for siting marinas in Choctawhatchee Bay, ecological data on the bay, a report on seagrass productivity and transplantation potential and a report on commercial fisheries. A map overlay series was also included which depicts depth,

grassbeds, oyster beds, flushing characteristics and other features of the Choctawhatchee Bay system to aid in the decision making process regarding marina siting. DCA is presently having the map series reproduced so that the City of Destin, Okaloosa and Walton Counties can each have a copy of the map for use in land use planning.

DCA staff also entered into a contract with Walton County, which required a report analyzing drainage problems and stormwater management concerns, specifically in the area south of Choctawhatchee Bay. The first progress report, submitted in August 1987, defined watershed boundaries and identified flooding and erosion problems in the study area. The final report was received in December 1987, which presented management recommendations and established criteria which will be used to prepare a request for a proposal for the development of a stormwater management plan for the area.

Destin Harbor Management Plan - Coastal staff was involved in providing technical assistance for the development of a management plan for Destin Harbor through attendance at meetings in early 1987. The Harbor Management Plan was being developed as the result of recommendations made in the Resource Management Plan adopted by the Northwest Florida Coast Resource Planning and Management Committee (NFCRPMC).

Coastal funds in the amount of $500 were expended to aid in producing the publication titled "An Environmental Bibliography for Northwest Florida, 1900-1985" (A2). This effort was

coordinated by the Sierra Club, Bream Fisherman's Association and the Environmental Protection Agency. The compilation of a bibliography of information relevant to northwest Florida will be beneficial in implementing recommendations of the Resource Management Plans in this area by providing planners, regulatory officials and the public with an accurate data base. Coastal staff was also involved in the review of drafts of this publication and provided comments and suggestions.

Coastal staff has commented on the environmental assessment for the proposed Choctawhatchee Bay bridge by the Mid-Bay Bridge Authority, as it relates to the Northwest Florida Coast Resource Management Plan. A number of issues were identified which require further investigation, including consistency with the Resource Management Plan, impacts on growth patterns in coastal high hazard areas and the hurricane vulnerability zone, infrastructure needs associated with the new access and the applicability of the Coastal Barrier Executive Order and the Coastal Barriers Resources Act (CBRA). DCA staff will continue to work with the bridge authority to ensure that the issues raised by the NFCRPMC are addressed, and that a comprehensive growth management approach is taken in the area.

B. Aquatic Preserve Management

Florida's aquatic preserve system, established under the provisions of Chapter 258, F.S., includes forty areas encompassing approximately 2 million acres of submerged land. The aquatic preserve system was established to protect the natural or existing

condition of designated aquatic habitats so that their aesthetic, biological and scientific values may endure for the enjoyment of future generations. To date, management plans for 20 aquatic preserves have been adopted by Florida's Governor and Cabinet. The cooperation of local governments bordering a preserve is essential to implementation of the aquatic preserve plan.

Local governments in Florida are authorized by the State Constitution and law to regulate land use within their jurisdictional boundaries. However, land use decisions must be consistent with the locally adopted comprehensive plan. State law requires each local government in the state to adopt a comprehensive plan in accordance with Chapter 163, F.S., the Local Government Comprehensive Planning Act. Substantial amendments to this law in 1985 required all local governments to revise the content of their existing plans. The amendments placed special emphasis on coastal management. Many of the issues which must be addressed in the coastal management element directly relate to estuarine management in general and aquatic preserve maangement specifically. The content of the coastal management element must include an assessment of the impact of existing and future land use on estuaries and provisions for coordinating with other local governments and adopted resource protection plans such as those for aquatic preserves.

Under Subtask A, DCA staff reviewed draft revised comprehensive plans from the 15 counties and 25 cities that border the twenty aquatic preserves with approved management

plans. Table I contains a list of aquatic preserves with approved plans and bordering local governments. Written comments were provided to local governments on the content of their proposed plan which included an assessment of the plan's compatibility with adopted aquatic preserve management plans. An example of the type of comments given to local governments is provided as an attachment (A3), from the review of the draft coastal management element submitted by St. Lucie County. DCA staff will be following up initial reviews with reviews of the adopted comprehensive plans. To date, only the local governments in Brevard County have submitted final plans for review.

In addition to the above referenced written comments, the Department also provided technical assistence by telephone as well as in field meetings. Field technical assistance visits were held with all of the local governments listed in Table I except for Duval, Nassau and Citrus counties; and the cities of Fernandina Beach and Sanibel. Table II identifies the date and location of field visits. The importance of consistency of Local Comprehensive Plans with Aquatic Preserve Management Plans was also stressed at a series of workshops in the summer of 1987, sponsored by DCA to inform local governments on requirements of the Local Comprehensive Planning process. In addition, the model coastal management element, prepared by the Bureau of Local Resource Planning and published in May 1987, directs local governments to consider Aquatic Preserve Management plans in the formulation of their coastal management elements. The model element included the management policies of the appropriate aquatic preserve management

plan in its analysis and presented specific policies to ensure coordination with other local governments and the Department of Natural Resources (DNR) in the management of the preserve. The model element is intended to serve as a guide for local governments and should provide direction in addressing aquatic preserve issues. Another example of ongoing technical assistance to further aquatic preserve awareness is an article published in the Department's Technical Memo June 1988, reminding local governments to consider aquatic preserves in their planning process (A4).

Special emphasis was given to the implementation of recommendations in the IMC Indian River Lagoon Field Committee Report. In addition to the assistance referenced above, DCA staff met with representatives of Brevard County and its municipalities on two other occasions in February and August of 1988. During the February meeting, two staff members served as moderators for the initial meeting of Indian River Lagoon Watershed Action Committees, sponsored by the Marine Resources Council of East Central Florida (A5). The formation of these committees was recommended by the Indian River Field Committee Report. The August 1988 meeting was a continuation of DCA's role in the coordination of consistent local government comprehensive plans, with special emphasis placed on issues regarding the Port of Canaveral deepwater port master plan.

Table I

Local Governments Bordering Aquatic Preserves with Approved Management Plans.

Aquatic Preserves	Counties	Municipalities
Alligator Harbor	Franklin	None
Banana River	*Brevard	*Cape Canaveral, *Cocoa Beach, *Satellite Beach, *Indian Harbor Beach
Cape Haze	Charlotte	None
Cape Romano-10,000 Islands	Collier	None
Cockroach Bay	Hillsborough	None
Estero Bay	Lee	Ft. Myers Beach
Fort Clinch State Park	Nassau	None
Gasparilla Sound	Lee, Charlotte	None
Indian River - Malabar to Vero Beach	*Brevard, Indian River	*Palm Bay, *Malabar, *Sebastian, Vero Beach, Orchid, Indian River Shores
Indian River - Vero Beach to Ft. Pierce Inlet	Indian River, St. Lucie	Vero Beach, Ft. Pierce, St. Lucie
Jensen Beach to Jupiter Inlet	Martin, Palm Beach, St. Lucie	Ft. Pierce, Sewall's Point, Jupiter Island, Jupiter, Jupiter Inlet Colony, Tequesta
Loxahatchee River - Lake Worth Creek	Martin, Palm Beach	Jupiter, Juno, Tequesta
Matlacha Pass	Lee	Cape Coral
Nassau River - St. Johns River Marsh	Duval, Nassau	Fernandina Beach
North Fork-St. Lucie River	Martin, St. Lucie	Port St. Lucie

Aquatic Preserve	Counties	Municipalities
Pine Island Sound	Lee	Sanibel
Rookery Bay	Collier	None
St. Joseph Bay	Gulf	Port St. Joe
St. Martins Marsh	Citrus	None
Terra Ceia	Manatee	None

*Identifies communities that have submitted final revised comprehensive plans for review.

Table II

Field Technical Assistance Visits

Date	Location
November 1987 January 1988	Brevard County, Cape Canaveral, Cocoa Beach, Satellite Beach, Indian Harbor Beach, Palm Bay, Malabar, Sebastian
March 1988	Gulf County, Pensacola
April 1988	Lee County
June 1988	St. Lucie County, Ft. Pierce
June 1988	Martin County, Sewall's Point, Jupiter Island
June 1988	Indian River County, Indian River Shores, Orchid, Vero Beach
June 1988	Franklin County, Apalachicola
July 1988	Palm Beach County, Jupiter, Jupiter Inlet Colony, Juno, Tequesta

III. COASTAL CONSTRUCTION

Coastal funds were used to support a Federal Programs Administrator position in the Division of Housing and Community Development during the period between October 1, 1986, and September 30, 1987. This position was involved exclusively in the implementation of the Coastal Building Zone requirements of the Coastal Zone Protection Act (CZPA) of 1985 and its 1986 revisions. The primary responsibility of this position was to provide technical assistance to local governments and the construction industry relating to the adoption of a coastal building code for areas within the coastal building zone that meet the mimimum requirements of s. 161.55 of the CZPA.

Local governments which contain a coastal building zone or some portion of a coastal building zone were required to provide evidence to DCA (the state land planning agency) that they had adopted a coastal building code which met the minimum requirements pursuant to the Costal Zone Protection Act. Coastal unit staff provided technical assistance to local governments to aid them in the adoption of a coastal construction ordinance by January 1, 1987, as required by the 1986 revisions to the CZPA. This technical assistance included the distribution of information, telephone assistance, ordinance review and public workshops. The CZPA required DCA to report to the Governor and cabinet by March, 1987, indicating those local governments which had not submitted evidence of adoption of the coastal building code.

The following outlines the areas of activity by coastal unit staff concerning coastal construction standards:

1. Technical Assistance

The major difficulty encountered by DCA staff in assisting local governments was the widespread misunderstanding of wind load design. When the Legislature adopted the Coastal Zone Protection Act of 1985, the statute specified that all structures to be built in the coastal building zone were to be designed to withstand 140 mph wind speeds. Shortly after the effective date, it became apparent that this requirement was both technically and procedurally flawed. Since the flaw appeared as an engineering technicality, it was exceedingly difficult to convey the distinction between 140 mph (with no specified means of measuring wind speeds) and utilizing velocity pressures based on 110 mph maximum winds, a requirement mandated by a 1986 Legislative amendment. Many local governments felt that the state had reduced the requirements; that previously adopted ordinances based upon 1985 legislation were more restrictive; and, therefore, no action on their part was necessary. Numerous daily phone calls and correspondence (representative copy attached - A6) attempted to clarify this point. As a result, many local governments attempted to enact ordinances at the last minute. Some were successful, but as of the end of March 1987, 40% of local governments required to adopt the code had not done so. Of the 40%, however, 23% were in the adoption process. Because of this high noncompliance rate, DCA staff recommended that the Administration Commission take

no action regarding potential sanctions until after September 15, 1987.

2. Workshops, Manual & Deemed to Comply Standard

Section 161.56(4), F.S. mandates that the Department provide an ongoing training program for building inspection personnel responsible for enforcing the coastal construction code. To achieve this, a contract was executed August 6, 1986 between the Southern Building Code Congress International and DCA to develop a workshop training manual, a deemed to comply standard for coastal construction and to conduct 10 educational workshops around the state. These materials were developed, and on December 3 and 4, 1986, 22 selected building officials, DCA staff and industry representatives attended a pilot workshop on Longboat Key to review and critique the presentation. Portions of the workbook, as well as the workshop format have subsequently been streamlined and clarified, resulting in a document which is an excellent resource on the effects of hurricanes; construction deficiencies; inspection techniques; commentary on the law; and floodplain management. It was used during the 10 initial workshops (March 9 - April 10, 1987). A subsequent workshop was held May 14 and 15, 1987, in the Florida Keys emphasizing the stricter standards imposed in that area; i.e., 115 mph maximum wind speeds. Courses for building inspectors have been offered free of charge, and the Department was allocated funding to distribute incentive grants of $100 per building department employee (up to 3) for those who participate in the program. Through September 1987, more than 200 inspectors had attended the workshops.

The deemed to comply standard has undergone intensive review by DCA staff, independent structural engineers and industry representatives. When it was introduced at the pilot workshop, a number of concerns were expressed that the document was overly restrictive and too conservative in its approach to construction methods. Legislative intent in requiring the development of the standard was to provide a mechanism whereby a typically small, residential structure could be built in conformance with the provisions of the law without having to be individually engineered. Because of this, SBCCI calculations were based on "worst case" scenarios, producing design methodologies which could conceivably result in overbuilt structures. We anticipate that alternative methods and materials may be included as acceptable procedures at the conclusion of the review process.

3. Coordination with FEMA

DCA coastal construction staff initiated an intensive dialogue with both state and regional FEMA representatives to clarify and better understand requirements imposed by separate regulatory agencies. A preliminary facet of this initiative involved the distribution of over 200 coastal construction manuals developed by FEMA, to all building departments whose area of jurisdiction contains a coastal building zone. FEMA regional staff met with the state's administrator of the coastal construction program to achieve greater understanding of Florida law, and the implementation of Florida's coastal construction program.

4. Conformity with the Act

Coastal construction staff prepared a report on local government compliance with the Coastal Zone Protection Act, which was delivered to the Administration Commission on March 23, 1987, as required by Chapter 161.56, F.S. (A7). Although a substantial number of local governments had not adopted the coastal building zone requirements as of the date of the report, it was DCA's recommendation that no sanctions be imposed on local governments which adopt the Coastal Construction Code prior to September 1, 1987. This was due to the finding that many local governments were acting in good faith and were in the process of adopting appropriate local ordinances at the time of the report.

5. Information Services

The Florida Hurricane Resistant Construction Manual is available from the Codes & Standards section of DCA free of charge to local building departments or other governmental entities. Other interested parties could obtain a copy of the manual for a $10 fee, to cover materials and reproduction costs.

IV. COASTAL INFRASTRUCTURE POLICY AND CBRS

The primary approach by both state and federal government in managing growth in coastal high hazard areas is the elimination of public expenditures which could be used for the expansion of coastal infrastructure. This is the basis for the state's coastal infrastructure policy and Coastal Barrier Executive Order, and the federal Coastal Barriers Resources Act. Central to the implementation of these programs at the state level is the identification of state funds as applicable to coastal infrastructure. A list of state agency programs identified by coastal staff, which could make funds available for the purpose of infrastructure expansion in hazardous coastal areas is found as Appendix 1. Ongoing coordination with these agencies and programs is necessary to ensure consistent implementation of the state's coastal infrastructure policy and related programs.

A. Coastal Infrastructure Policy

Chapter 380.27(3), F.S., the coastal infrastructure policy, requires the state land planning agency (DCA) to prepare and transmit to the Governor, the President of the Senate, and Speaker of the House of Representatives a report which assesses the effectiveness of the state's coastal barrier infrastructure policy on growth and development. There have been three coastal infrastructure policy reports prepared by DCA since the enactment of 380.27, F.S. The first report was prepared prior to the effective date of the present grant program. The grant period

included the preparation of the subsequent two policy reports. The second coastal infrastructure policy report was delivered on March 1, 1987 (A8), and the third coastal infrastructure policy report was delivered on February 25, 1988 (A9). In addition to those parties identified in the statute, copies of the report were also sent to the chairmen of all the Senate and House committees, all agency heads and to each of the regional planning councils. Additional copies were provided to interested parties and are available upon request from DCA.

The infrastructure policy reports summarized changes to federal, state and regional policies and regulations which affect coastal infrastructure and development in coastal barrier areas. Since much of the infrastructure policy is dependent upon the adoption of coastal management elements of local comprehensive plans, it is still too early to evaluate the direct impact of this legislation on growth and development. The first local comprehensive plans were not submitted until April 1, 1988. The 1987 report discussed Governor Graham's August 1986 coastal barrier executive order update letter, and included a copy of the letter as an appendix. The report also detailed relevant portions of Rule 9J-5, F.A.C., which became effective in September, 1986. Both reports evaluated policies and directives relating to coastal infrastructure within the comprehensive regional policy plans (CRPP), which were developed in 1986 and 1987. Local comprehensive plans must be consistent with and further the intent of the CRPPs as well as the State Comprehensive Plan.

Staff within the coastal unit has also begun to address the implementation of s. 380.27(2), F.S., after local comprehensive plans are approved. The statute states that state expenditures cannot be made to increase capacity of any infrastructure unless such expenditure is consistent with the coastal management element of the local comprehensive plan. The statute does not explicitly state the area to which the provisions apply, but it is assumed that it includes the area covered in the Coastal Management Element (i.e., "coastal area" as defined in 9J-5.003(11), F.A.C.). Chapter 163.3178(2)(h), F.S., requires the designation of high-hazard coastal areas "which shall be subject to the provisions of s. 380.27(2)." This could be interpreted to limit the area affected by the infrastructure policy to only the high-hazard area instead of the entire coastal area. However, using guidance from the State Comprehensive Plan (s. 187.201(9)(b)3. and (20)(b)12.) and s. 163.3177(6)(g)7., F.S., which address the <u>subsidization</u> of development within high hazard areas, it is our determination that any infrastructure development within the coastal area which acts to subsidize development within the high hazard area is subject to the provisions of s. 380.27(2), F.S.

The use of the term "consistent" in s. 380.27(2), F.S., must also be defined. Chapter 163.3177(10)(a), F.S., defines "consistency" as meaning "compatible with" and acting to "further" the local comprehensive plans. The term "compatible with" is further defined to mean "not in conflict with." This definition explicitly applies to the evaluation of local

comprehensive plan consistency with comprehensive regional policy plans and the State Comprehensive Plan. It must be evaluated in terms of determining the consistency of infrastructure capacity improvements with local government coastal management elements. This evaluation will be contained in the next coastal infrastructure policy report.

DCA also intends to publish in the next and succeeding infrastructure policy reports, an evaluation of each coastal local government which has gained approval of its local comprehensive plan. The report will evaluate each coastal local government's approach in designating coastal high hazard areas and will identify policies associated with restrictions of public expenditures which subsidize development in high hazard areas. A process must be established by which this information can be utilized by all agencies involved in the provision of funds which could be used to increase the capacity of infrastructure within coastal areas. At a minimum, a compilation of descriptions of the coastal high hazard areas designated by local governments will be prepared for each coastal infrastructure policy report required by s. 380.27(3), F.S., with a final report after all coastal management elements have been approved. Coastal local governments will be submitting their comprehensive plans through June 1990. The future infrastructure policy reports and any interim or final reports will be supplied to each agency involved in funding of public facilities to be used in their planning and budgeting process.

B. Coastal Barrier Resources System (CBRS)

On March 25, 1987, the Department of Interior (DOI) released an executive summary and a series of maps which constituted DOI's recommended revisions to the Coastal Barriers Resources System (CBRS). DCA, in close association with the Governor's Office, acted as the lead agency in coordinating the State of Florida's response to the proposed revisions. Coastal unit staff, with assistance of three DOI staff, hosted a series of workshops around the state in order to disseminate information and allow for public questions and comment (A10). The workshops were held in Panama City, Jacksonville, Vero Beach, Ft. Myers and Plantation Key, during the period from May 11 to 15, 1987. State agency comments were solicited and compiled, along with comments from various public and private interests throughout the State. A response was prepared from Secretary Pelham to Governor Martinez with DCA's recommendations on DOI's proposals, which incorporated some of the comments received by the department throughout the comment period. DCA's letter, along with all state agency and other comments, was forwarded to the Governor's Office on July 6, 1987 to aid in his response to DOI (A11). Coastal unit staff worked closely with staff in the Governor's Office in the preparation of the State response. The Governor sent his response to DOI Secretary Hodel on August 6, 1987 (A12).

In January, 1988, a supplemental environmental impact statement (EIS) was issued by DOI associated with the proposed CBRS revisions. Coastal unit staff prepared comments on the EIS

which were sent from Secretary Pelham to the Governor's Office, State Planning and Development Clearinghouse, which forwarded the State's response to DOI (A13).

A large part of the DCA's responsibilities with the Coastal Barriers Resources Act (CBRA) and CBRS is to provide information to local governments, interest groups and interested citizens about the program. As the State's liaison for DOI's revision to CBRS, DCA was provided with several copies of maps depicting the proposed revisions in Florida and an executive summary report which outlined other revisions and interpretations. Coastal grant funds were expended to copy the ledger-sized maps since the Department's copy facilities could not reproduce the oversized originals. Every coastal local government was provided a set of appropriate maps (east or west coast), and copies were made available to other interested parties as requested (A14). Department staff answered questions and provided information on CBRA through telephone, individual meetings and through presentations to groups.

Coastal staff places emphasis on the CBRS when reviewing state planning and development clearinghouse projects, and has addressed CBRS issues in several instances. The following are examples of projects where DCA coastal staff has identified CBRA related issues to the State Planning and Development Clearinghouse:

- Hecksher Drive, Duval County, SAI# FL 8703101084 (A15);
- Sewer and water improvements, St. Johns County (A16) SAI# FL 8708200251C and FL 8708200283C;

- Bridge replacement, Longboat Pass, Manatee County (A17) SAI# 8803070994C; and

- Mid-Bay bridge, Choctawhatchee Bay, Okaloosa County (A18).

It is the State's responsibility to identify CBRS areas when state funds are being proposed for infrastructure development or expansion due to Governor Graham's August 1986 update letter to Executive Order (EO)-105, which states: "The State should not pay to expand infrastructure or ecomonic development in any designated unit of the Federal Coastal Barrier Resources System."

It is not the State's responsibility to identify CBRS issues when State funds are not involved. DCA has raised such issues, however, for infrastructure improvements on Anastasia Island in St. Johns County. In that project, an FMHA loan was being requested for sewer and water improvements to an existing system. The water project involved expansion of water lines up to the edge of an existing CBRS unit. Since there was an existing line which continued into the CBRS area, it is DCA's position that expansion of the water system up to the edge of a CBRS unit would directly impact and encourage growth within the CBRS unit (A16). DCA recommended that FMHA carefully review the CBRS-related issues and not make funding available unless some enforceable assurances are made by St. Johns County to limit the availability of water within the CBRS unit to that existing before the improvement. At this time, that issue is still unresolved.

In Governor Martinez's letter to Secretary Hodel (DOI), he recommended follow-up field work be carried out before the proposed revisions are finalized on proposals within the Florida

Keys and areas affected by development approvals associated with DRIs, which may not yet be under construction. DCA coastal staff has been identified as being available to DOI to update development status and make boundary revisions to CBRS units proposed in the Florida Keys. A memo was prepared by coastal staff which identified a number of disputed areas in the Keys and was forwarded, through the Governor's Office to DOI (A19). Coastal staff is available as necessary to work with DOI on such adjustments.

C. Coastal Barrier Executive Order 81-105

Coastal unit staff has emphasized consideration of the Coastal Barrier Executive Order (EO 81-105) when decisions are being made concerning the use of state funding to increase the capacity of infrastructure in coastal areas. This is accomplished primarily through the review associated with projects that are received through the State Planning and Development Clearinghouse. Coastal staff has also prepared the Department's response and provided input to the Governor's Office for his response to requests from several local governments for the Governor to reconsider the executive order.

Examples where EO 81-105 figured in the commments sent by DCA in response to the clearinghouse review are as follows:

- Taylor Beaches, Inc., Taylor County, SAI# FL 8712290739C;
- SR44 bridge expansion, Volusia County, SAI# FL 8803070997C;
- SR80 bridge expansion, Palm Beach County, SAI# FL 8803071000C (A20); and

- Blackburn Point bridge, Casey Key, SAI# 8707290138C (A21).

Since the change in administration, there have been at least two attempts at the local government level to have the new governor reconsider EO 81-105, which was enacted by Governor Graham. Both requests, from Brevard and St. Lucie Counties, concerned the construction of a new bridge from the mainland to a barrier island. In the Brevard County case, the letter to Governor Martinez was forwarded to Secretary Pelham at DCA for response. Coastal unit staff prepared the response for Secretary Pelham's signature which was sent on October 12, 1987 (A22). In the St. Lucie County case, the Governor's Office prepared the response, based primarily on a DCA staff memorandum (A23). The result of these two actions affirmatively confirmed Governor Martinez's support of the coastal barrier executive order. The basis of this determination was that EO 81-105, as revised in Governor Graham's August 1986 letter to agency heads, was designed as an interim mechanism to protect natural and economic resources in hazardous coastal areas until the adoption and implementation of local government comprehensive plans as required by the 1985 Growth Management legislation. Therefore, the response letters to the local governments emphasized the importance of comprehensive planning in addressing infrastructure issues which may encourage growth in high hazard coastal areas. It was found not to be prudent to alter the executive order at this time, for Brevard County was due to submit their comprehensive plan in April 1988, and St. Lucie County is scheduled to submit their plan in August 1989.

Keeping the executive order in place is important in not allowing certain infrastructure to begin construction before the local government has had a chance to analyze the many issues associated with infrastructure improvements in coastal areas. This does, however, place much emphasis on the compliance review of the local comprehensive plan, to ensure that infrastructure issues are addressed adequately. It is the intent of both Brevard and St. Lucie County to include new bridges in their comprehensive plans.

V. INTERAGENCY MANAGEMENT COMMITTEE (IMC) AND INTERAGENCY ADVISORY COMMITTEE (IAC)

Staff within the Coastal Programs Unit has participated in the functions of the IAC and IMC. Coastal unit staff includes one of DCA's IAC representatives (the other is located in the Division of Emergency Management). Other unit staff have been designated to participate on IAC subcommittees. Coastal unit staff is responsible for briefing the IMC representative before IMC meetings and following up on directives from the IMC. For example, after the receipt of the Section 312 review of the Florida Coastal Management Program (FCMP) by NOAA, coastal staff prepared a memorandum to Secretary Pelham concerning the report with recommendations for DCA's response. A letter was then prepared from Secretary Pelham to Secretary Twachtmann (DER) reaffirming DCA support of the FCMP (A24).

VI. FEDERAL CONSISTENCY REVIEW

Staff within the coastal unit, utilizing CZM grant funding, has participated in the Outer Continental Shelf (OCS) State Participation Program coordinated through the Governor's Office. Activities as part of this program have included the review of exploration plans/environmental reports, review of environmental impact statements for lease sales and participation on the OCS Advisory Committee.

Coastal staff has participated in the review of OCS exploration plans and environmental reports and have provided comments relating to consistency of those proposals with the

FCMP. It was found that oil exploratory plans did not routinely include Chapter 380, F.S., in their consistency determinations (A25). This situation has been remedied through the cooperation of the Governor's Office who notified the major oil companies to include that statute in their consistency determinations in the future.

DCA provided comments, based on staff review, on the draft EIS for lease sale 113/115/116 in the Gulf of Mexico (A26). DCA has also provided comments on a number of exploration plans, environmental reports and oil spill contingency plans. As part of our participation on the OCS Advisory Committee, we have also participated in ongoing workshops concerning the use of dispersants during oil spill events. Staff has monitored developments concerning drilling south of 26 degrees north latitude, and the establishment of drilling moratoria within buffer zones of resource areas of concern.

Coastal unit staff is also actively involved in the review of other types of projects requiring a consistency determination with the Florida Coastal Management Program, as part of the state clearinghouse review process. Within DCA, clearinghouse projects are received in the Office of the Secretary, Strategic Planning and Policy Coordination Unit. The items are then distributed to the appropriate divisions. The Division of Resource Planning and Management receives approximately 90% of all projects to be reviewed. If the projects are associated with a Development of Regional Impact (DRI), they are routed to the appropriate

regional planner within that section. Similarly, if the project is within an Area of Critical State Concern (ACSC), the file is routed to a planner within that section. Most of the rest come to the Coastal Programs Unit. Staff within this unit reviews the proposals, primarily for issues related to infrastructure (roads, water and sewer systems, etc.) improvements in coastal areas. The range of issues which can be addressed for Federal Consistency is limited. Chapter 380, F.S., is the only statute which is directly implemented through DCA that is included in the approved FCMP. Consistency findings are therefore limited to issues involving DRIs, ACSC, Resource Planning and Management Committee areas and, as of March 1988, the Coastal Infrastructure Policy. In addition to findings of consistency, comments are provided on clearinghouse projects pursuant to other statutes, rules and policies affecting coastal management, such as the Coastal Barrier Executive Order (81-105) and the State Comprehensive Plan (Chapter 187, F.S.).

Very few projects have been found by DCA to be inconsistent with the FCMP. Examples of projects for which a Department finding of inconsistency has been made include:

- Oil exploration within the Big Cypress ACSC;
- Beach nourishment project within the City of Key West ACSC (A27); and
- Development of fuel storage tanks at Boca Chica Naval Air Station within the Monroe County ACSC.

There is interest in proposing an amendment to formally adopt Chapter 163, F.S., into the FCMP. This statute, titled the Local Government Comprehensive Planning and Land Development Regulation

Act, directs all local governments within the state to prepare and implement a local comprehensive plan which addresses the criteria in the statute and Rule 9J-5, Florida Administrative Code.

Staff within the coastal unit has prepared a draft letter to the Office of Ocean and Coastal Resource Management (OCRM) stating the intention of Florida to pursue this amendment. Inclusion of Growth Management legislation in the FCMP may be problematic from OCRM's perspective, due to their concern that approval of this statute may imply that local government comprehensive plans are also adopted under the program. OCRM does not view favorably the possibility of Federal Consistency Reviews, for example, being subject to local planning directives. DCA has made it clear in the draft letter that the local comprehensive plans themselves will not be adopted into the program. It is unclear, if Chapter 163, F.S., is adopted, whether the minimum criteria outlined in the statute could be used for consistency determinations. At a minimum, the designation of coastal high hazard areas, as required by s. 163.3178(2)(h), F.S., should be recognized in the FCMP in order to implement s. 380.27(2), F.S., which has already been adopted into the program.

DCA will request that the proposed amendment be an item on the agenda of the IAC for discussion, and will distribute the draft to appropriate agencies for comment before the final is sent to OCRM.

APPENDIX 1

State agencies were contacted to determine and discuss grant programs within their agencies which contribute state funds to public or private entities for infrastructure which could be located in hazardous coastal areas. Below is a list of the grants programs identified by coastal unit staff within each applicable state agency with which coordination is necessary to ensure proper implementation of the coastal infrastructure policy. The following information is provided for each program: grant program description, eligible infrastructure projects (including examples), funding sources and statutory/regulatory authorities, and interagency review mechanisms.

Department of Environmental Regulation

Bureau of Local Government Wastewater Financial Assistance, Programs Management Section. Twin Towers Office Building, 2600 Blairstone Road, Tallahassee, Florida 32399-2400. (904)488-8163.

Funding Program - This grant assistance program provides funds to municipalities for wastewater facilities construction.

Eligible Projects - Planning, designing and construction of treatment facilities, sewer mains and collector sewers and correction of combined stormwater/sanitary sewer problems.

Funding Sources and Statutory/Regulatory Authority - Federal monies as authorized through the 1972 Clean Water Act (PL 92-500 and amendment PL-117) and State grant monies as authorized under

the Florida Water Pollution Control Act and Sewage Treatment grant Act and the Small Community Sewer Construction Assistance Act.

Interagency Review Process - Grant applications are simultaneously reviewed by the Governor's Clearinghouse office (GCH) and the DER permitting office. Permitting office takes consideration of GCH comments and if necessary requests revisions or requires reassessments of issues raised by them.

Department of Natural Resources

Office of Recreation Services, Division of Recreation and Parks. Marjorie Stoneman Douglas Building, Tallahassee, Florida 32308. (904) 488-7896.

This office is responsible for administering and managing several recreationally oriented grants programs in Florida available to local governmental agencies. They are Florida Recreation Development Assistance Program, Land and Water Conservation Fund Program, Boating Improvements Trust Fund.

1) Florida Recreation Development Assistance Program

Eligible Projects - Outdoor recreation facilities including: saltwater or freshwater swimming beach areas and access sites, picnic areas, recreational bike trails (within dedicated outdoor recreational sites and areas only), fishing facilities (piers, catwalks, jetties, docks, shoreline access sites), boating access facilities, tennis courts, swimming pools, shuffle board courts, golf courses, baseball and softball fields, basketball, etc., and approved secondary or support purposes such

as bathhouses, restrooms, utilities, lighting, parking and access roads. Also, funds can be utilized for resource based land acquisition purposes.

Funding Sources and Statutory/Regulatory Authority - U.S. Department of the Interior, National Park Service and annual appropriations by the Florida Legislature (370.023, F.S. and Chapter 16D-F, F.A.C.)

Interagency Review Process - DNR Intradepartmental Review only. Grants applications submitted to Governor and Cabinet annually for approval.

2) Land and Water Conservation Fund Program

Eligible projects - development activities similar to those listed in Florida Recreation Development Assistance Program (FRDAP) and also, acquisition of properties for recreational purposes.

Funding Sources and Statutory and Regulatory Authorities - same as those listed within the Florida Recreation Development Assistance Program.

Interagency Review Process - These grants applications are reviewed by Governor's Clearinghouse office prior to submittal to Governor and Cabinet for approval.

3) Boating Improvements Trust Fund

Eligible Projects - channel marking, public launching facilities, waterway signage, docking facilities, dredging of navigational channels, support facilities and utilities,

artificial fishing reefs in state waters, and land acquisition limited to land for the purpose of access to public waters or for development of facilities by county government.

Funding Sources and Statutory/Regulatory Authority - Portions of state funds received from boat license fees (370.021,F.S., 371.161, F.S. and Chapter 16D-F, Part III, F.A.C.)

Coastal Infrastructure Review - Intradepartmental - Grant applications submitted to Governor and Cabinet annually.

Additional Grant programs within DNR:

1) Florida Inland Navigation District (FIND)

1314 Marcinski Rd., Jupiter, FL 33477. (407) 627-3386.

Funding Program - This grant assistance program provides funds to address impacts of waterway development projects and to undertake programs to alleviate problems associated with waterways.

Eligible Projects - Fishing piers, public docking facilities, public boat ramps and projects to limit environmental impacts.

Funding Source and Statutory/Regulatory Authority - local Ad Valorem Tax District as prescribed in Florida Statute 374, Canal Authority; Navigation District; Waterway Development. These funds available to state, local and federal governments.

Interagency Review Process - none presently. Project must receive environmental permits prior to approval of grants.

Grants selected and approved by FIND Board.

2) Division of Beaches and Shores

Erosion Control Assistance Program

3900 Commonwealth Building, Marjorie Stoneman Douglas Building, Tallahassee, Florida. (904) 487-1262.

Funding Program - Funds available to coastal county or community for preserving and protecting coastal sandy beach resources.

Eligible Projects - Beach restoration/nourishment, sand transfers, stockpiling, jetties, groins, breakwaters, revetments, sand trap construction and maintenance, dune construction and revegetation, beach dune overwalks, sand fencing, biological and hydrological monitoring studies.

Funding Sources and Statutory/Regulatory Authorities - 75% State appropriated monies, 25% sponsor responsible (161.101, F.S. and Chapter 16B-36, F.A.C.).

Interagency Review - no review by Governor's Clearinghouse. Must have appropriate environmental permits in order to obtain funds.

Department of Community Affairs

1) Community Development Block Grants (CDBG)

Bureau of Housing & Community Assistance, 2740 Centerview Dr., Tallahassee, FL 32399-2100. (904) 488-1436 & 487-3644.

Funding Program - Grants are to provide financial assistance to local governments in the areas of housing rehabilitation

neighborhood revitalization, commercial revitalization and economic development. Specific activities include demolition of dilapidated housing and relocation of residents, providing the elderly and handicapped with facilities to meet their special needs and acquisition of real property.

Eligible Projects - Sewage lines, streets, curbing, water lines, water tanks, street lighting.

Statutory/Regulatory Authority - Title I of the Housing and Community Development Act of 1974, as amended, (42 USC Sections 5301-5320), 24 CRIE, part 570, and the State Operating Instructions by HUD. Chapter 420, Section 420.307, F.S. Chapter 9B-46, F.A.C.

Funding Sources - Federal funds allocated by Congress to the Department on annual basis. The DCA administers the funds. Ten percent of the funds can be allocated by DCA to municipalities for freestanding infrastructure.

Interagency Review Process - short list of DCA recommended projects is sent to the Governor's Clearinghouse and distributed to State agencies. Comments made by agencies are given to DCA to be taken in consideration in the Environmental Assessment Report required by the National Environmental Protection Act prior to HUD approval of grant.

2) Farmworker Housing Assistance Trust Fund

Bureau of Housing and Community Assistance. 2740 Centerview Drive, Tallahassee, Florida 32399-2100. (904) 488-1536.

Funding Program - to provide seed money for buying site or developing low-income housing for farm workers.

Eligible projects - low income housing.

Funding Source - Florida Housing Predevelopment Trust Funds - annual appropriations by the legislature.

Statutory/Regulatory Authority - Chapter 420, Section 420.307, F.S., Chapter 9B-46, F.A.C.

Interagency Review process - none presently.

Department of Transportation

Bureau of Work Program Development. 605 Suwannee Street, Mail Station 21, Tallahassee, Florida 32399. (904) 488-6115.

"Five Year" Work Program

Funding Program and Eligible Projects - State Highway projects throughout the the State, including Federal Bridge Program which involves the prioritization of bridges for replacement or new construction. The five year plan is the project workplan for all activities occurring throughout the State. This workplan is developed via the seven District offices which prioritize projects and coordinate with local government and MPOs.

Funding Sources/Statutory & Regulatory Authorities - Federal Funds via the Federal Aid Law approved on July 11, 1916. These funds are administered by the State DOT. Matching funds by State Revenues generated through the gas tax, license tax, etc., deposited in the State Transportation Trust fund (339.035, F.S.) and/or local government investment.

Interagency Review Process - Five year workplan is reviewed by MPO's, local government and public hearing. Each project is submitted to the Governor's Clearinghouse for review during the permitting phase.

Department of Commerce

Bureau of Economic Analysis. 426 Fletcher building, Tallahassee, Florida 32399-2000. (904) 487-2568.

Economic Development Transportation Fund Program

Funding Program - funds to private entities and commercial industry that provide economic development in a county or municipality.

Eligible Projects - widening of roads, construction of access roads to development.

Funding Source - Transportation Trust Fund - Interagency Agreement with DOT (288.03, F.S.).

Interagency Review Process - Governor's Clearinghouse office review.

List of Attachments

1. BARIP Scope Review
2. Environmental Bibliography of Northwest Florida (title sheet)
3. Example of Coastal Management Element comments - St. Lucie County
4. Technical Memo, June 1987 re: Aquatic Preserves
5. Watershed Action Committee participation
6. Technical Assistance letter - Coastal Construction
7. Coastal Zone Protection Act Compliance Report
8. Coastal Infrastrucutre Policy Report #2
9. Coastal Infrastructure Policy Report #3
10. News Release - CBRS workshops
11. CBRA comments - Pelham to Martinez
12. CBRA comments - Martinez to Hodel
13. CBRA Supplemental EIS comments
14. CBRS revision maps letter of transmittal
15. Hecksher Drive comments
16. St. Johns County comments
17. Longboat Pass comments
18. Choctawhatchee bridge comments
19. CBRS - Florida Keys comments
20. SR80 bridge comments
21. Blackburn bridge comments
22. Brevard County letter
23. St. Lucie County letter

24. 312 Evaluation memo and letter

25. OCS consistency letters (2) re: Chapter 380, F.S.

26. OCS lease sale 113/115/116 comments

27. FCMP consistency comments - Key West beach nourishment

ATTACHMENTS

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2571 EXECUTIVE CENTER CIRCLE, EAST • TALLAHASSEE, FLORIDA 32301

BOB GRAHAM
Governor

TOM LEWIS, JR.
Secretary

December 8, 1986

MEMORANDUM

TO: David Hawley

FROM: Jeff Reidenauer JR

SUBJECT: BARIP Scope Review

I have completed my review of the BARIP scope of work produced by UWF and have a number of criticisms, questions, and concerns. Overall, the document appears to have involved a substantial amount of preparation but as noted several important details need to be resolved.

Some general comments:

-There appears to be some overlap in efforts and/or a lack of acknowledgement of related activities in other agencies. For example, documents will be collected for this study and placed in a permanent special collection at the UWF library. The USEPA and DCA have generated extensive bibliographies and the EPA has an archive collection of its own. Could these be coordinated?

-Some overlap appears in the NWFWMD and WFRPC proposal: the NWFWMD will compile data on polluters and the WFRPC will compile and analyze information on pollution sources adjacent to the system. Can these be coordinated?

-Will there be any coordination with DER and industry compliance monitoring stations and data?

-A general question about the "data base": will this be a wholesale collection of all water quality, benthic, etc. data from the system or will it be collected, formatted, and tailored by the agencies utilizing it in the study?

-Has the scope been peer reviewed by members of the scientific community and if not are there plans to have this done? Note that the July 1, 1987 starting date is closing in.

My background is in benthic marine ecology and I have a number of specific comments on this section of the proposal:

-The benthic macroinvertebrates will be separated from the sediment using a 0.595 mm mesh sieve. Convention in benthic research is to use a 0.500 mm sieve. Why the discrepancy?

-The qualitative sampling and mapping section does not spell out the exact nature of this undertaking: will there be SCUBA surveys, phototransects, etc.?

-Different sampling devices will be used in different habitats - ponar grabs in unvegetated areas and hand-operated box cores in grass beds. This will add variability to the results and muddle any comparisons or conclusions that can be drawn about differences in the two areas.

-I do not believe quarterly benthic samples are sufficient in order to gain an understanding of temporal variations in the fauna. A finer time scale should be used and this may correspond better to the monthly hydrologic sampling.

-I have major concerns for the number of sampling stations, replicates, and time available for sample processing. First, it is unclear in the proposal exactly how many sampling stations there will be. On pg. 71, in the first paragraph, there is mention of the area being divided into "eleven large hydrographic areas and six smaller hydrographic areas." In the next paragraph, 71 sampling stations are mentioned. It is unclear how the sampling stations will be divided up. Also, the number of stations shown on the figures do not correspond to the number indicated in the text. I am assuming they are proposing 71 sampling stations.

A little arithmetic reveals that the number of stations, number of replicates and projected time for processing is very ambitious in terms of the personnel and money requested (note: I calculate the following based on the 40 hrs required to complete 3 replicates cited in the text or 13.3 hrs to do one).

71 (stations) x 8 (reps per sta first yr)= 568 (samples per sampling time)

568 x 4 (sampling times per yr) = 2,272 (samples per yr)

2,272 x 13.3 (hrs per sample) = 30,218 (hrs per yr)

3,777 8-hr days OR 15 full-time (260 days per yr) people needed.

All the technicians given in the budget (14 full-time OPS, 2 research assistants, and 4 research technicians) would be spending nearly all their time processing benthic samples. What about time needed for the sedimentology, phytoplankton, periphyton, zooplankton, and nekton samples? How will time for these tasks be partitioned? As a additional comment, I think the 13.3 hrs estimated for processing a sample is conservative. Given all the sampling stations, core size, sorting, and identification, more time may be necessary.

In addition to all the above samples, there is mention of increased sampling sites and times after significant events. It may be better to reduce the number of sampling stations and replicates and to increase the number of sampling times per year..

As a final comment, in the WFRPC proposal one of the tasks (it would seem to me the major task) is the development of a Bay Area Management Plan. I assume this will be developed after all the environmental assessments and recommendations have been made from the various agencies involved. However, the RPC budget shows the lowest amount of dollars for the 5th year. Why?

AN ENVIRONMENTAL BIBLIOGRAPHY FOR NORTHWEST FLORIDA

1900-1985

SIERRA CLUB
MDCCCXCII

FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

BFA
BREAM FISHERMAN
ASSOCIATION

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Mike C

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2740 CENTERVIEW DRIVE • TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ
Governor

February 26, 1988

THOMAS G. PELHAM
Secretary

Mr. J. Gary Ament
St. Lucie County Commission
2300 Virginia Avenue
Fort Pierce, Florida 33482

Re: Contract Number 87-LP-03-10-66-01-232

Dear Mr. Ament:

The enclosed comments regarding your Coastal Management element were inadvertently separated from our comments regarding your other work products, which were submitted with our letter of February 10, 1988.

Our comments on your plan work products are of two types: specific deficiencies relative to requirements of Chapter 9J-5, F.A.C. and advisory comments intended to help improve your plan. While deficiencies must be corrected to ensure your plan meets compliance requirements, advisory comments are only suggestions to make your plan more understandable. Please be advised, however, that our review of your contracted work products does not constitute a waiver of the Department's right to find any portion of your comprehensive plan not in compliance at a later date. Since our review is directed primarily toward determining contract compliance, it does not consider all requirements of Chapter 163, F.S. and Rule 9J-5, F.A.C. and does not include the comments of other state agencies or regional review agencies. In addition, it is not possible to judge the financial feasibility or internal consistency of the plan at this time.

Review of the work products in comparison with the contract indicates that you have met the overall intent of the contract and, therefore, do not need to resubmit revised work products. There are, however, specific deficiencies in your work products

relative to Chapter 9J-5, F.A.C., which will require additional work to ensure your plan meets the requirements for compliance review. Because of these deficiencies, the final payment is not being made at this time. To help expedite closeout of your contract while continuing to focus on the goal of ensuring that your plan ultimately meets Chapter 9J-5, F.A.C. requirements, our final payment will be made upon our receipt of a letter from the chief elected official which summarizes the actions that will be taken to correct the deficiencies. The letter should describe in general terms the strategy that will be followed to ensure your comprehensive plan addresses these deficiencies by the time it is due to be submitted to the Department. A sample letter is enclosed for your guidance. Please note that these deficiencies must be addressed or your comprehensive plan may be found to be not in compliance when it is submitted for compliance review.

If the necessary revisions will be made under a current subcontract, you may wish to consult with your attorney regarding whether to withhold a portion of your consultant's final payment until after the corrections have been completed.

Please contact Randy Zipser at 904-487-4545 if you have questions regarding the letter that must be submitted or require information regarding your contract or the planning grant program. If you have questions regarding your plan deficiencies or require technical assistance, please contact Wendy Lovett, who can also be reached at 904-487-4545.

Sincerely,

Woody Price, AICP, Director
Division of Resource Planning
and Management

WP/des

Enclosures

Department of Community Affairs
Comments on Work Products for St. Lucie County
Products Under Contract No. 87-LP-03-10-66-01-232

The following comments are based upon a review of the work products submitted to the Department under your Local Government Comprehensive Planning Assistance Program contract. These comments relate to specific requirements of relevant portions of Chapter 9J-5, F.A.C. Since the Department is not familiar with all local circumstances, it will be the responsibility of the local government to provide an explanation regarding any requirement that is inapplicable. The Department offers these comments to assist you in meeting the comprehensive planning requirements of Chapter 163, F.S., and Rule 9J-5, F.A.C. In addition, the Department staff is available to visit with your staff to discuss any of these comments or answer questions related to the funding program or comprehensive planning requirements.

COASTAL MANAGEMENT ELEMENT

A. <u>9J-5 Deficiencies</u>

1. <u>9J-5.012(2)(a)</u>

A map detailing existing water-dependent and water-related uses was not included.

2. <u>9J-5.012(2)(b)</u>

Table 1 (vegetative communities) was incomplete. There were no maps of vegetative cover (which includes seagrasses), wildlife habitat, areas subject to coastal flooding or other areas of special concern (Aquatic preserves, shellfish harvesting areas, Outstanding Florida Waters, offshore reefs). If these maps are located in another element, this should be specifically cross-referenced. Analyses of the impact of development on the various resources were very general and did not reference specific land uses as proposed on the Future Land Use Map.

3. <u>9J-5.012(2)(c)</u>

There was no map of areas designated for historic preservation.

4. 9J-5.012(2)(d)

Existing point source pollution inputs were not completely identified. "Numerous" stormwater discharge points were mentioned but not identified. The number and location of the upland dead-end canals should be discussed. It is stated that "almost all" of the numerous wastewater treatment facilities do not discharge into the Indian River. This suggests that there are some that do discharge into the lagoon. If so, these should be identified. Existing marinas with a history of pollution problems should be identified. The extent and impact of septic tank use in the coastal area should be analyzed.

There are no data presented to assess the general estuarine conditions. Summaries of existing water quality information must be included to support statements concerning estuarine quality. Refer to the "Indian River Lagoon Joint Reconnaissance Report" (St. Johns River and South Florida Water Management Districts - November 1987) as source of pertinent information. Although a possible new bridge is mentioned on page 20, the discussion on page 25 states that no new facilities are proposed which will alter circulation in the lagoon. Impacts of future land uses and facilities on the accumulation of contaminants in the sediments were not addressed. This is of special concern due to periodic maintenance dredging of the intracoastal waterway and inlet.

Management recommendations set forth in the Indian River Lagoon Field Committee's report to the Governor (May 1986) and the Management Plan and implementation strategy for the Indian River Lagoon Systems (March 1987) should be discussed and incorporated as appropriate.

5. 9J-5.0012(2)(e)1.

Transportation and hazard constraints on the evacuation routes were not specifically analyzed. Special needs of the elderly, handicapped and hospitalized were not inventoried and analyzed. Measures that the local government could adopt to maintain or reduce evacuation times were not considered.

6. 9J-5.012(2)(e)2.

Existing and proposed land uses and coastal or shore protection structures in the coastal high hazard are not inventoried or analyzed.

7. 9J-5.012(2)(e)3.

The potential for relocating threatened infrastructure was not analyzed. The inventory of infrastructure in the high hazard area did not provide adequate detail. For example, the length of State Road A1A and the number and location of dune crossovers in the high hazard area should be identified.

8. 9J-5.012(2)(f)

Summaries of data on beach erosion/accretion should be included. At a minimum, the University of West Florida study mentioned in the text should be specifically referenced. The analysis of the County's beach and dune protection measures does not include any restoration strategies. Although strengthening of beach and dune protection regulations is acknowledged, no specific recommendations are given to guide the development of such regulations.

9. 9J-5.012(2)(g)

There are no data or analysis to support the statement that "beach access appears to be adequate". Parking facilities were not inventoried. The amount of publicly owned beach should be presented and its capacity should be analyzed using an appropriate methodology (such as that used in the DNR publication "Outdoor Recreation in Florida - 1987"). The demand for beach access facilities should be analyzed in terms of both residential and tourist populations. Access and use of privately owned beaches by the public should be determined.

Coastal roads and scenic overlooks, such as along the Indian River Lagoon, were not addressed. Boat ramps, public docks and fishing areas were not inventoried. Only one marina is listed in the public access inventory and the number of slips is not indicated.

10. 9J-5.012(2)(h)

The demand upon, capacity of and area served by the existing infrastructure was not analyzed. If this information is presented in another element, it should be specifically cross-referenced. There were no analyses which addressed fiscal impacts in terms of estimated costs, funding sources and phasing of any needed improvements. The future needs assessment was lacking in quantitative analysis.

11. 9J-5.012(3)(b)

The following required objective issues were not addressed:

3. Criteria for prioritizing shoreline uses.

6. Directing population concentrations away form coastal high hazard areas.

7. Maintaining or reducing hurricane evacuation times.

12. 9J-5.012(3)(b)1.

The objectives addressing this requirement were not measurable.

13. 9J-5.012(3)(b)4.

The objective addressing protection of beaches and dunes is not measurable. Construction standards and restoration of altered beaches and dunes are not addressed.

14. 9J-5.012(3)(b)5. and 6.

Objective 7.1.6. does not provide measurable criteria for restriction of development within high hazard areas. Public funding for facilities within high hazard areas is addressed, but expenditures which subsidize development in high hazard areas are not.

15. 9J-5.012(3)(b)9.

Due to the lack of analysis concerning capacity and need for beach access, there is no basis to determine the adequacy of this objective. As written, objective

7.1.8. is not measurable and addresses only the residents of the county. All user groups should be included.

16. 9J-5.012(3)(b)11.

Objective 7.1.9. is not measurable and does not address level of service standards, areas of service and phasing of infrastructure.

17. 9J-5.012(3)(c)

The following required policy issues were not addressed:

6. Identifying areas needing redevelopment and eliminating inappropriate uses.

11. The orderly development of deepwater ports.

13. Protecting estuaries which are within the jurisdiction of more than one local government and methods of coordination.

14. Demonstrating how the county will coordinate with existing resource protection plans.

18. 9J-5.012(3)(c)1.

Coastal wetlands, outside of mosquito impoundments, were not addressed. The effectiveness of the policies addressing wildlife habitat cannot be determined due to the lack of appropriate data, analysis and maps concerning wildlife use areas. Promotion of sea turtle egg incubation may not be advisable due to research showing that incubation affects hatchling sex ratios. The primary threat to gopher tortoises and indigo snakes is habitat destruction and should be addressed in addition to rattlesnake control.

19. 9J-5.012(3)(c)2.

With the exception of policies addressing the use of native vegetation in landscaping and management of spoil islands, there were no policies addressing restoration or enhancement of natural resources.

20. 9J-5.012(3)(c)3.

The following hazard mitigation issues were not addressed: floodplains, land use to reduce exposure of

life and property to hazards, and the incorporation of recommendations of interagency hazard mitigation reports.

21. 9J-5.012(c)4.

Procedures for the integration of the county's hurricane evacuation plan into the regional plan were not addressed. Methods to relieve deficiencies noted in hurricane shelter spaces were not presented. Other deficiencies may be discovered when appropriate data and analysis are completed.

22. 9J-5.012(c)5.

There were no policies addressing incorporation of the recommendations of interagency hazard mitigation reports into the comprehensive plan.

23. 9J-5.012(3)(c)7.

Coastal high hazard areas were not specifically designated. Limitation of development was addressed only in terms of infrastructure improvements. Relocation of existing infrastructure was not addressed.

24. 9J-5.012(3)(c)8.

Policies addressing shoreline prioritization issues and providing for siting water dependent and water related uses (except for marinas) were not included. Performance standards for shoreline development were lacking in specificity. For example, the size of the natural vegetated buffer referenced in policy 7.1.1.7. should be indicated. Specific construction standards should be established, rather than depending on criteria which are extremely difficult to measure or define, such as "degrades estuarine productivity" (policy 7.1.1.6.).

The following marina siting issues were not addressed: land use compatibility, hurricane contigency planning, environmental disruptions and mitigation actions, availability for public use, and economic need and feasibility.

25. 9J-5.012(3)(c)9.

Additional policies addressing beach access may be required when the capacity and need analysis is

completed. There were no policies addressing enforcing public access at beaches renourished at public expense.

26. 9J-5.012(3)(c)10.

Policies were not included which addressed identification of historic sites.

27. 9J-5.012(3)(c)12.

There were no policies which addressed the consistency of infrastructure improvements with coastal resource protection and safe evacuation.

28. 9J-5.012(4)

This item was not addressed.

St. Lucie County is required to include, as a part of their Coastal Management Element, a deepwater port master plan for the port of Ft. Pierce. The goals, policies and objectives of the port master plan must be consistent with those of the coastal element.

B. Advisory Comments

1. 9J-5.012(2)(a)

The statement on page 17 that the commercial fishing fleet is declining merits further discussion. If the decline in commercial fishing is due to competition for marina access, then this should be addressed under shoreline conflicts. If the decline is due to a reduction of the resource, then a discussion of water quality impacts on fish stocks may be appropriate.

2. 9J-5.012(2)(e)

Pages 37 and 43 of the Coastal Management Element state that county residents south of the Florida Power and Light power plant will use Jensen Beach Bridge in Martin County for evacuation and that the bridge will reach capacity with projects already approved. Additionally, the Housing Element states that the county's population will increase from 116,235 in 1985 to 305,000 by 2015. Our concern is that a portion of this growth may occur on South Hutchinson Island, thereby exacerbating the existing traffic and evacuation problems in the area. St. Lucie County should not depend on Martin County to expand its bridges to accommodate South Hutchinson

Island residents. Growth in the South Hutchinson Island area must be coordinated with safe hurricane evacuation.

3. <u>9J-5.012(2)(e)1.</u>

The discussion of the hurricane vulnerability zone would be enhanced by a map indicating the extent of the zone under various hurricane conditions.

4. <u>9J-5.012(2)(e)2.</u>

The discussion of the coastal high hazard area would benefit by a map showing the Coastal Construction Control Line (CCCL) and V-zones.

Technical Memo

DEPARTMENT OF COMMUNITY AFFAIRS VOL. 2, NO. 1 JUNE 1987

Dear Local Official:

During the next few years the adoption of high quality local comprehensive plans will be one of the most important activities occurring in Florida. This makes it imperative that the Department strengthen its commitment to a cooperative state-local partnership to ensure production of such plans. Our current series of technical assistance workshops provides some evidence of this commitment.

Other evidence can be found by reviewing the credentials of some recent appointments among our senior staff. Randall Kelley, my Assistant Secretary, has recently come to the Department from his previous position as a division director at the Department of State. Lawrence Keesey was promoted from within our existing legal staff to the position of General Counsel. Richard Morgan, most recently with the St. Petersburg Times, is coordinating our program of information as the Director of Communications.

A strong background in the legal, administrative, and planning concerns of local governments is the unifying thread of three other senior staff appointments. John McKirchy, senior attorney with the local government comprehensive planning section, has recently come from his former position as assistant city attorney for the City of Vero Beach. Our new Director of the Division of Housing and Community Development is Bud Parmer, Jr., who brings with him 13 years of experience as a city manager in Kissimmee and as an assistant city manager in Clearwater.

My most recent appointment, and the one of most interest to local planners charged with preparing comprehensive plans, is Benjamin E. "Woody" Price, Jr., who will assume his new duties as Director of the Division of Resource Planning and Management on June 30. Price, a member of the American Institute of Certified Planners, has 10 years of experience with Seminole County as a planner, planning department director and assistant county administrator.

I am confident that you will find this team of talented and experienced professionals to be both approachable and helpful as you confront your own responsibilities at the local level. As always, I welcome your suggestions and advice.

Sincerely yours,

Tom Pelham

Thomas G. Pelham
Secretary

A4

Data Guide Updates

Local Government planners and other users of the *Guide to Local Government Comprehensive Planning Data Sources* are advised to make note of the following points which have been brought to our attention since the guide was released in November of 1986. Any future reprints of the guide will reflect these changes.

Page 125. Endangered Species Recovery Plans: Copies of plans cost approximately $.10 per page.

Page 129, Endangered Species Information System: System is still under development and is not yet accessible to the public. When available, listings will be retrievable only by county, ecoregion, or hydrounit, not by section-township-range.

Pages 61 and 158, University of West Florida Beach Management Study: The updated version of this study is now available from the Department of Natural Resources' Division of Beaches and Shores. For information contact Mr. Lonnie Ryder at 904/487-1262.

Two recent publications of the U.S. Fish and Wildlife Service provide ecological and natural resources information in a mapped form with accompanying narrative for Florida's Gulf coast counties. The **Southwest Florida Ecological Characterization Atlas** covers Monroe through Pasco Counties and the **Northwestern Florida Ecological Characterization: An Ecological Atlas** covers Hernando through Escambia Counties. For each, a series of maps covers: biological resources; socioeconomic features; oil, gas, mineral and water resources; hydrology and climatology. Because these reports are available only in very limited quantities the Department has requested that copies be distributed to the libraries of the appropriate regional planning councils.

Local governments may also be interested in acquiring a copy of **Industrial and Occupational Employment Projections to 1995**, which is available for each of the state's 11 planning regions. These documents make regionwide projections of future employment by occupational categories. They are available for free from Sue Patterson of the Department of Labor and Employment Security's Bureau of Labor Market Information at 904/488-1048.

Aquatic Preserves And Comprehensive Plans

Local governments located adjacent to any of the state's 40 aquatic preserves (submerged lands protected by special state regulations) should be aware that their special situations must be recognized in the planning process. For those aquatic preserves which are coastal (the majority) and for which management plans have been adopted (14 of them), the local comprehensive plan must be consistent with the aquatic preserve management plan.

Commercial dock and marina facilities within aquatic preserves will not be approved under the Department of Natural Resources' Rule 16Q-20, FAC unless the local government has adopted marina siting policies as part of its comprehensive plan. Such policies are also required by DCA Rule 9J-5, FAC, to be included in Coastal Management Elements. The rule also requires the Coastal Element to be consistent with aquatic preserve management plans and other coastal resource plans.

For more information on aquatic preserves contact Charles Knight of DNR's Bureau of Land and Aquatic Resources at 904/488-6242.

Marine Resources Council
4th Annual Meeting

STORMWATER & WATERSHED MANAGEMENT

INDIAN RIVER LAGOON

Friday February 5, 1988
Hilton at Rialto Place
Melbourne, Florida

WATERSHED ACTION COMMITTEE AGENDA

8:45 AM - Plenary Session
Welcome to the SWIM Team
Ted Moorhead, Chairman Marine Resources Council
Introduction to SWIM - MRC Staff
"Come on in the Water's Fine"

9:15 - 12:00 - Watershed Action Committee Meetings

Mosquito Lagoon - Torcello Room
Moderator: Keith McCarron

Gateway - Gondolier Room
Moderator: George Schmahl

Banana River - Banquet Room C-I
Moderator: Jim Modica

Harbor Cities - Banquet Room C-II
Moderator: Jim Murley

Sebastian - Canaletto Room
Moderator: Michael Gilbrook

Narrows - Lido Room
Moderator: Peter Merritt

Ft. Pierce - Murano Room
Moderator: Christopher Bove

St. Lucie - Mestre Room
Moderator: Paul Miller

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2571 EXECUTIVE CENTER CIRCLE, EAST • TALLAHASSEE, FLORIDA 32301

Bob Martinez
Governor

Thomas G. Pelham
Secretary

February 9, 1987

Mr. William Robert Alcott, Director
Commmunity Development Department
50 Kindred Street
Stuart, Florida 33497

Dear Mr. Alcott:

This is in response to your request for an explanation of wind loads required in the Coastal Building Code.

The Legislature's intent in passing the Coastal Zone Protection Act of 1985 was to establish specific requirements for coastal construction to decrease damage resulting from severe storm conditions. One provision of the 1985 legislation mandated that buildings be designed to resist 140 mph winds in accordance with velocity pressure tables in building codes in effect at that time. The statute did not specify whether the 140 mph speed should be calculated as fastest mile wind or peak gust.

The fastest mile wind speed is defined as the highest speed at which a mile of wind passes a measuring point 33 feet (10 meters) above the ground. This speed differs from that reported by the National Hurricane Center and the news media. The wind speeds reported by the Center and the media are peak gusts associated with a one or two second averaging time. This means that a peak gust of 100 mph would pass a given point in one or two seconds, while a fastest mile wind of 100 mph would take 36 seconds to pass the same point. Obviously, considerably more force must be resisted by the building impacted by 100 mph fastest mile wind than a building impacted by 100 mph peak gust. This results in reported wind velocities being considerably higher than equivalent design wind velocities. An example of this occurred at Dauphin Island Bridge during Hurricane Frederic. The reported measured peak gust was 145 mph, while the calculated fastest mile wind was 106 mph. It is apparent that a building designed to resist 110 fastest mph wind would have successfully resisted Frederic's 145 mph peak gust. Understanding of the differences in measuring wind speeds led to the Legislature amending the statute in 1986 to require buildings to resist forces of 110 fastest mph winds.

Once this occurred, it became necessary to evaluate loads and pressures which would be imposed on structures required to resist 110 fastest mph winds. Section 1205 of the Standard Building Code relates to wind loads. Between the time the 1985 Legislature adjourned and the 1986 Session convened, Section 1205 was amended to reflect a more advanced methodology for wind load design. The 1985 Section 1205 provides for higher load resistance for the building envelope; however, when the standards of the 1986 revision are applied to the envelope, components and cladding, the revised 1205 is at least, if not more, restrictive than the 1985 version.

By taking the methodology into account and using the designated fastest mile wind speed, it is shown that no reduction in required building resistance has occurred. The required design loads remain essentially the same, only the method of performing calculations has changed.

I hope this will answer your concerns about the apparent reductions in building requirements in the coastal building zone. Should you have further questions or if we may assist you in any way to implement the coastal code, please feel free to contact us at any time.

Sincerely,

Mary Kathryn Smith
Coastal Code Consultant

MKS/bs

REPORT ON LOCAL GOVERNMENT COMPLIANCE

with the

COASTAL ZONE PROTECTION ACT

Submitted To: The Administration Commission

The Honorable Bob Martinez, Governor

The Honorable George Firestone, Secretary of State

The Honorable Bob Butterworth, Attorney General

The Honorable Doyle Conner, Commissioner of Agriculture

The Honorable Bill Gunter, Insurance Commissioner and Treasurer

The Honorable Betty Castor, Commissioner of Education

The Honorable Gerald Lewis, Comptroller

Prepared By: Florida Department of Community Affairs
Thomas G. Pelham, Secretary

March 23, 1987

HISTORY

In an attempt to deal with burgeoning growth, the 1985 Florida Legislature enacted the Growth Management Omnibus Act. The law mandated that local governments develop comprehensive plans and implemented the provisions of the Coastal Zone Protection Act. Legislative intent was clearly stated,

> "It is, therefore, the intent of the Legislature that the most sensitive portion of the coastal area shall be managed through the imposition of strict construction standards in order to minimize damage to the natural environment, private property, and life."

Basic construction standards within the zone included:

* Many restrictions already required by the National Flood Insurance Program (NFIP), such as elevating or floodproofing structures.
* Adoption of more stringent construction standards.
* Structural design to resist wave, hydrostatic and hydrodynamic loads associated with a 100 year storm event.
* 140 mph wind design requirements.
* Foundation design to resist scour and erosion associated with a 100 year storm event.
* Preservation of public access.

These requirements were essentially the same as those administered by the Florida Department of Natural Resources for construction seaward of the Coastal Construction Control Line Coastal Construction Control Lines are established for high energy sandy beaches and represent periodic engineering analyses of the rates of erosion as well as the impact structures have on beach ecology.

All affected local governments were also required to adopt and enforce a building code containing these construction standards by no later than March 1, 1986. To assist local governments in implementing the law, a Coastal Building Code Working Group comprised of representatives of engineering, architectural, building and other professional construction-related groups was established. The resulting Model Coastal Construction Code was subsequently distributed to affected local governments, regional planning councils and other interested parties.

In January, 1986, after the Model Code was distributed, DCA staff held a series of twenty-four workshops to inform local governments of the provisions of the law and to solicit input for corrective measures to certain problems which had been identified.

Subsequently, a compliance report was prepared, but never submitted to the Administration Commission. This was due to the Legislature amending the law, and extending the deadline for local government compliance to January 1, 1987. In addition to the time extension, other major changes were:

* For those areas without Coastal Construction Control Lines, the coastal building zone was defined as the land area seaward of the most landward velocity zone as shown on Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps.

* A provision for substantial improvement was added, as well as an exemption for historic structures.

* Major structures were required to be designed, constructed and located in accordance with the National Flood Insurance Program requirements, removing inconsistencies between the Act and local flood damage prevention ordinances.

* The windspeed requirement was changed from 140 mph to 110 fastest mph wind in all areas except the Florida Keys, where a 115 fastest mph wind was designated. Accompanying this change was a change in methodology; specifically, a requirement to

use Section 1205 of the 1986 revisions to the 1985 edition of the Standard Building Code, or its equivalent. This methodology uses coastal zone exposure coefficients which increase the wind pressure requirements for those portions of a structure that are subjected to the greatest potential wind damage.

* The Legislature established a coastal construction training program for local building enforcement agencies. This was due to a realization that no matter how stringent construction standards may be, they are useless if improperly enforced. An allocation of $125,000 was provided to fund development of a coastal construction training manual, ten seminars for inspection personnel and development of a "deemed to comply" manual to assist building inspectors with interpretation of the requirements.

DCA staff then revised the Model Code to reflect the changes, submitted the revised Code to all applicable local governments and held an additional series of ten workshops to inform the public of the effects of the revised law.

There has been and continues to be considerable misunderstanding and confusion among local governments concerning the statutory changes. This is primarily as a result of language in Section 161.55(1)(d), F.S., which states, "This does not preclude use of a locally adopted building code which is more restrictive."

This reference has caused many local governments to assume that no action needed to be taken. It was incorrectly believed that the state had reduced the minimum standards, and that the original 1985 wind speed requirements were more stringent. The 1985 Section 1205 provided for higher wind load resistance for the building envelope; however, when the standards of the 1986 revision are applied to the envelope, components and cladding, the revised 1205 is at least equal to, if not more restrictive than the 1985 version.

DCA has taken the following formal steps to inform local governments of the changes to the law and the need to comply:

* June 20, 1986 letter from Secretary Tom Lewis outlining the 1986 amendments.
* July 29, 1986 announcement of technical workshops to inform affected parties of the changes in the law.
* Ten workshops held August 11 through August 25, 1986 throughout the state.
* September 29, 1986 transmittal of the Model Coastal Construction Code to all applicable jurisdictions.
* December 1, 1986 notice to all local governments not in compliance.
* January 26, 1987 letter to all local governments which had not complied advising of the possibility of sanctions.

DCA has also responded to numerous verbal and written inquiries seeking interpretation of the law and site specific questions.

As of March 23, 1987, there are thirty-eight municipalities and counties which have not complied with the statutory mandate. A complete status report follows this narrative.

RECOMMENDATION

Because of the widespread confusion as to the technical methodology which should be applied, it is recommended that no sanctions be imposed on local governments which adopt the Coastal Construction Code prior to September 1, 1987.

Many local governments that were contacted by DCA staff indicated they were in the process of adopting appropriate local ordinances. A delay in imposing sanctions would provide local governments with additional time necessary to comply with the law.

DCA staff will continue to work with these local governments to assist them them during the interim, and will submit a final report to the Administration Commission on September 15, 1987.

CITY/COUNTY	COMPLIANCE STATUS		
	YES	NO	DATE OF ADOPTION
BAY COUNTY *	X		1-20-87
Mexico Beach		X	
Panama City Beach *	X		1-22-87
BREVARD COUNTY **		X	
Cape Canaveral	X		12-16-86
Cocoa Beach	X		11-20-86
Satellite Beach	X		11-5-86
Indian Harbour Beach *	X		1-27-87
Indialantic **		X	
Melbourne Beach	X		3-10-87
Melbourne	X		12-19-86
BROWARD COUNTY ** Building code enforcement for municipalities through Broward County Board of Rules and Appeals. DCA has been advised that changes will appear in next edition of the South Florida Building Code, Broward Edition.		X	
Lauderdale-by-the-Sea *	X		2-10-87
CHARLOTTE COUNTY	X		12-16-86
CITRUS COUNTY	X		7-22-86
COLLIER COUNTY **		X	
Naples	X		9-17-86

* Indicates adoption after January 1, 1987

** Correspondence to the Department of Community Affairs indicates that adoption is pending.

CITY/COUNTY	COMPLIANCE STATUS		
	YES	NO	DATE OF ADOPTION
DADE COUNTY Building code enforcement for municipalities through Dade County Board of Rules and Appeals.		X	
Golden Beach *	X		2-10-87
DIXIE COUNTY *	X		1-15-87
Horseshoe Beach		X	
DUVAL COUNTY (Jacksonville)		X	
Atlantic Beach **		X	
Jacksonville **		X	
Jacksonville Beach *	X		1-30-87
Neptune Beach **		X	
ESCAMBIA COUNTY	X		5-1-86
Santa Rosa Island Authority	X		10-15-86
FLAGLER COUNTY	X		12-18-86
Beverly Beach **		X	
Flagler Beach	X		9-25-86
Marineland (part) **		X	
FRANKLIN COUNTY **		X	
GULF COUNTY **		X	
HERNANDO COUNTY **		X	
INDIAN RIVER COUNTY	X		11-21-86
Indian River Shores **		X	
Orchid		X	

* Indicates adoption after January 1, 1987.

** Correspondence to the Department of Community Affairs indicates that adoption is pending.

CITY/COUNTY	COMPLIANCE STATUS		
	YES	NO	DATE OF ADOPTION
Vero Beach *	X		1-30-87
JEFFERSON COUNTY All coastal area under Federal jurisdiction.	N/A		
LEE COUNTY *	X		2-25-87
Sanibel	X		8-20-86
LEVY COUNTY		X	
Cedar Key *	X		2-24-87
Yankeetown	X		12-1-86
MANATEE COUNTY Coastal area all municipalities.	N/A		
Anna Maria	X		8-19-86
Bradenton Beach **		X	
Longboat Key (part)	X		9-22-86
Holmes Beach *	X		3-17-87
MARTIN COUNTY **		X	
Jupiter Island		X	
MONROE COUNTY **		X	
Key Colony Beach **		X	
Key West **		X	
Layton **		X	
NASSAU COUNTY	X		11-25-86
Fernandina Beach *	X		2-10-87

* Indicates adoption after January 1, 1987.

** Correspondence to the Department of Community Affairs indicates that adoption is pending.

CITY/COUNTY	COMPLIANCE STATUS		
	YES	NO	DATE OF ADOPTION
OKALOOSA COUNTY	X		12-30-86
Destin		X	
PALM BEACH COUNTY **		X	
Boca Raton *	X		1-3-87
Briny Breezes	X		12-18-86
Delray Beach *	X		2-16-87
Gulf Stream		X	
Highland Beach **		X	
Juno Beach Intergovernmental agreement with Palm Beach County; will be in compliance when County complies.			
Jupiter *	X		1-6-87
Jupiter Inlet Colony	X		12-1-86
Riviera Beach		X	
Lake Worth *	X		1-8-87
Lantana *	X		1-12-87
Manalapan	X		9-29-86
North Palm Beach	X		12-11-86
Ocean Ridge	X		12-1-86
Palm Beach	X		12-9-86
Palm Beach Shores *	X		1-12-87
South Palm Beach *	X		1-6-87
Tequesta		X	

* Indicates adoption after January 1, 1987.

** Correspondence to the Department of Community Affairs indicates adoption is pending.

CITY/COUNTY	COMPLIANCE STATUS		
	YES	NO	DATE OF ADOPTION
PASCO COUNTY	X		12-23-86
New Port Richey **		X	
PINELLAS COUNTY Building code enforcement for municipalities in Pinellas County through Pinellas County Construction Licensing Board.	X		9-16-86
ST. JOHNS COUNTY		X	
St. Augustine *	X		2-10-87
St. Augustine Beach *	X		1-30-87
Marineland (part) **		X	
ST. LUCIE COUNTY	X		12-23-86
Fort Pierce	X		12-22-86
SANTA ROSA COUNTY		X	
SARASOTA COUNTY		X	
Longboat Key (part)	X		9-22-86
Sarasota	X		12-15-86
Venice *	X		1-13-87
TAYLOR COUNTY		X	
VOLUSIA COUNTY	X		12-18-86
Daytona Beach	X		12-17-86
Daytona Beach Shores		X	
New Smyrna Beach	X		8-26-86
Oak Hill *	X		3-16-87

* Indicates adoption after January 1, 1987.

** Correspondence to the Department of Community Affairs indicates adoption is pending.

CITY/COUNTY	COMPLIANCE STATUS		
	YES	NO	DATE OF ADOPTION
Ormond Beach *	X		1-30-87
Ponce Inlet		X	
WAKULLA COUNTY	X		9-3-86
WALTON COUNTY *	X		1-27-87

COASTAL INFRASTRUCTURE POLICY

Report Number Two

MARCH 1, 1987
FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS
THOMAS G. PELHAM, SECRETARY

A8

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2571 EXECUTIVE CENTER CIRCLE, EAST • TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ
Governor

THOMAS G. PELHAM
Secretary

March 7, 1987

M E M O R A N D U M

TO: All Interested Parties

FROM: Thomas G. Pelham, Secretary TGP

SUBJECT: Coastal Infrastructure Policy Report Number Two

You will find attached the second report on coastal infrastructure policy. As provided in s.380.27, Florida Statutes, the purpose of this report is to assess the effectiveness of the coastal infrastructure policy on growth and development in the various coastal areas of the state.

Given the recent nature of coastal management legislation enacted in the 1985 and 1986 sessions, it is still premature to base this report solely on an assessment of effectiveness. The coastal high hazard areas, a major component of the policy, will not be established until after coastal management elements are submitted. These submittals are scheduled at various times between 1988 and 1990.

With this in mind, a more appropriate use for this second report would be to chart the revisions and additions to the coastal infrastructure policy as it is articulated in other plans and programs. All the major state entities which address coastal infrastructure policy are considered in the report.

Therefore, I transmit to you Coastal Infrastructure Policy Report Number Two. I look forward to working with you on this vitally important issue.

TGP/csw

Enclosure

INTRODUCTION

In 1985 the Florida Legislature adopted the Coastal Infrastructure Policy under Section 380.27, Florida Statutes. This law was one of several ways in which the state has articulated that as development pressure increases, public investment in coastal high hazard areas is unwise. The Coastal Zone Protection Act of 1985 recognized that,

> there is a tremendous cost to the state for post-disaster redevelopment in the coastal areas and that preventative measures should be taken on a continuing basis in order to reduce the harmful consequences of natural and manmade disasters or emergencies.

This report carries forward with the progress made since Coastal Infrastructure Policy Report Number One was submitted on March 1, 1986. As was the case in the previous Coastal Infrastructure Policy report, any meaningful assessment of the coastal infrastructure policy's impact on growth and development would be premature. A major portion of the law cannot be implemented until coastal local governments have adopted and approved their coastal management elements in their comprehensive plans.

In view of that fact this report shall address the coastal infrastructure policy's effectiveness on growth and development in terms of how it is expressed in other plans and programs. It shall also address implementation to the extent that the policy can be and is being carried out by state and local governments as they revise their comprehensive plans.

SUMMARY OF THE REVISIONS TO EXISTING PROGRAMS

Since the first Coastal Infrastructure Policy report was submitted in March 1986, several related programs have changed or have become more clearly defined. In order to develop a meaningful understanding of the planning system each program's policies dealing with coastal infrastructure are discussed and comparable factors are considered (areas affected, level of funding, and degree of restrictiveness). Each of these programs is discussed in the following section.

Coastal Barrier Resources System

At this writing, the U. S. Department of the Interior's (DOI) recommended revisions to the Coastal Barrier Resource System (CBRS) and accompanying maps are being printed. These documents will be submitted by late March 1987 to all coastal states affected by the program. Submittal of these materials will initiate a 90 day public comment period. Once the public has reviewed the proposed revisions the DOI will send its final report to Congress for approval.

- Areas affected: Federal coastal barrier units, designated and contemplated, (includes coastal barrier islands, spits, and peninsulas)
- Level of funding: federal
- Degree of restrictiveness: prohibits funding
- Date revisions take effect: The time at which Congress authorizes revisions, sometime after June 1987.

Coastal Barrier Executive Order 81-105

The Coastal Barrier Executive Order 81-105 remains in effect and has been further explained in part by a letter that Governor

Graham sent to all Governor's agencies, including: the Departments of Environmental Regulation, Community Affairs, Transportation, Commerce, Health and Rehabilitative Services, and the Office of Planning and Budgeting.

- Areas affected: coastal barriers, including barrier islands, beaches and related lands.
- Level of funding: Those state funds and federal grants appropriated to the Governor's agencies mentioned above.
- Degree of restrictiveness: shall not be used to subsidize growth or post-disaster redevelopment in hazardous coastal barrier areas.

Executive Order Update

This extension of Executive Order 81-105 directs the same Governor's agencies to implement the spirit of the growth management legislation of 1985 and 1986 while local governments prepare revisions to their comprehensive plans pursuant to Chapter 163, Florida Statutes. The Governor's letter accompanies this report under Attachment "A".

- Areas affected: barrier islands without a bridge or causeway, designated units of Federal Coastal Barrier Resources System, areas seaward of the Coastal Construction Control Line, V zones, areas damaged or undermined by coastal storms, and inlets without structural controls.
- Level of funding: state funds and federal grants
- Degree of restrictiveness: variable prohibitions and denials
- Date became effective: August 8, 1986

State Comprehensive Plan

The State Comprehensive Plan, enacted under Chapter 187, Florida Statutes, has been serving as a guide for state, regional, and local planning goals, policies, and objectives. Its far-

ranging agenda for the next decade is the basis for the regional planning councils' preparation of comprehensive regional policy plans and local government's revisions of their comprehensive plans. The Coastal and Marine Resources Policy Section 187.201(9)(b)(3), Florida Statutes, states that Florida shall, "Avoid the expenditure of state funds that subsidize development in high hazard coastal areas." The Plan Implementation policy, Section 187.201(25)(b)(7), Florida Statutes, seeks to,

> Ensure the development of comprehensive plans and local plans that implement and accurately reflect state goals and policies and that address problems, issues, and conditions that are of particular concern in a region.

- Areas affected: High-hazard coastal areas.
- Level of funding: state
- Degree of restrictiveness: avoid subsidies

State Land Development Plan

The Department of Community Affairs prepared the State Land Development Plan (SLDP), an executive formulation of state land development policies. It is an integrated element of the statewide planning process defined in Section 186.021(3), Florida Statutes. In an advisory capacity it sets strategic goals and policies which serve as the basis for additional statutory and budget requests.

Under the SLDP's Coastal and Marine Resources goal, the Public Safety and Access in Coastal Areas Cluster addresses coastal infrastructure in the following operating policy,

> Define and identify high hazard coastal areas where the expenditure of state funds to subsidize increased development shall be restricted. Subsequently ensure that local governments properly designate coastal high hazard areas in their local comprehensive plans consistent with Chapter 163.3178(2)(h), Florida Statutes.

- Areas affected: high hazard coastal areas
- Level of funding: state
- Degree of restrictiveness: restrict subsidy
- Date submitted: March 7, 1986

The State Water Use Plan

The Department of Environmental Regulation prepared the State Water Use Plan, pursuant to Chapter 186, Florida Statutes. Although the background statement in the Public Safety and Access in Coastal Areas Cluster echoes the necessity of avoiding expenditure of state funds that subsidize development in high-hazard coastal areas, the operating policy addresses only undeveloped barrier islands,

> . . . the use of state funds to support development or replacement of public works facilities (i.e. treatment plants, sewers, etc.) and other infrastructure will be prohibited on undeveloped barrier islands.

- Areas affected: undeveloped barrier islands
- Level of funding: state
- Degree of restriction: funds prohibited
- Date submitted: March 14, 1986

Comprehensive Regional Policy Plans

Pursuant to Chapter 186, Florida Statutes, all Florida Regional Planning Councils submitted their Comprehensive Regional Policy Plans for review in December 1986. Once reviewed by the Executive Office of the Governor the rules adopting each plan

become effective on July 1, 1987 (Section 186.508, Florida Statutes).

At this writing, only three of the eleven councils articulated a coastal infrastructure policy. Each of these plans would measure implementation either in terms of consistency and coordination (Southwest Florida), or in terms of any public funds used for infrastructure improvements which result in increased capacity of infrastructure located in or servicing designated coastal high-hazard areas (Treasure Coast and East Central).

The Treasure Coast Regional Planning Council states that

> Public funds shall not be used for infrastructure expansion or improvements in high hazard coastal areas unless it is necessary to: 1) provide services to existing development (structures approved for development prior to the implementation of this policy), 2) provide adequate evacuation in the event of emergency; or 3) provide for recreational needs.

- Areas affected: high hazard coastal areas
- Level of funding: public
- Degree of restrictiveness: shall not be used, unless funds deal with existing units, adequate evacuation, or recreational needs.

The Southwest Regional Planning Council's approach toward coastal infrastructure is,

> The expenditure of local, state, and regional funds that subsidize development in high-hazard coastal areas should be eliminated.

- Areas affected: high-hazard coastal areas
- Level of funding: local, state, and regional
- Degree of restrictiveness: subsidy should be eliminated

And finally, the East Central Regional Planning Council spells out its approach in the following:

> Public expenditures for infrastructure improvements which subsidize development in designated coastal high-hazard

areas shall be avoided. Infrastructure improvements are defined as those activities (construction of bridges, roads, sewers, and water plants) which lead to an increase in the existing capacity of a facility and allow for an additional number of facility users. Improvements to a facility which address an existing deficiency are not governed by this policy.

- Areas affected: designated coastal high-hazard areas
- Level of funding: public
- Degree of restrictiveness: improvements for subsidized development shall be avoided

The Local Government Comprehensive Planning and Land Development Regulations Act

Chapter 9J-5, Florida Administrative Code, was adopted on February 14, 1986 and amended on September 30, 1986, pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Chapter 163, Florida Statutes. It is to this statute which the Coastal Infrastructure Policy (Section 380.27(2), Florida Statutes) refers.

Chapter 9J-5, Florida Administrative Code, rule spells out the minimum criteria for preparation and review of local government comprehensive plans and determination of compliance. This Chapter establishes criteria implementing the legislative mandate that local comprehensive plans be consistent with their comprehensive regional policy plans and the State Comprehensive Plan. The rule also recognizes the local government's major role in accomplishing the goals and policies of it comprehensive regional policy plan and the State Comprehensive Plan.

The basic format of the criteria for the coastal management element (Section 9J-5.012, Florida Administrative Code), requires

the identification of available data, analyses of such data and preparation of goals and policies to accomplish the desired ends.

Of the coastal management data and analysis requirements (Chapter 9J-5.012(2), Florida Administrative Code) the following are those most germane to coastal infrastructure policy:

(d) an assessment of the impact of the development and redevelopment proposed in the future land use element and the impacts of facilities proposed in the traffic circulation and general sanitary sewer, solid waste, drainage elements upon water quality, circulation patterns, and accumulation of contaminates in sediments;

(e). . . an inventory and analysis of:
2. Post disaster redevelopment including: existing and proposed land use in coastal high-hazard areas; structures with a history of repeated damage in coastal storms; coastal or shore protection structures; infrastructure in coastal high-hazard areas; and beach and dune conditions. Measures which could be used to reduce exposure to hazards shall be analyzed, including relocation, structural modification, and public acquisition.
3. Coastal high-hazard areas shall be identified and the infrastructure within the coastal high-hazard areas shall be inventoried. The potential for relocating threatened infrastructure shall be analyzed.

(h) existing infrastructure in the coastal area shall be inventoried including: roadways bridges or causeways, sanitary sewer facilities, potable water facilities, man-made drainage facilities, public coastal or shore protection structures, and beach renourishment projects. The demand upon, capacity of, and area served by the existing infrastructure shall be analyzed. Analyses shall be prepared which estimate future needs for those facilities listed above, and which shall address the fiscal impact in terms of estimated costs, funding sources and phasing of any needed improvements.

Included in the requirements for coastal management goals, objectives, and policies Section 9J-5.012(3), Florida Administrative Code, are the following:

a. The coastal management element shall contain one or more statements which establish the long term end toward which regulatory and management efforts are directed. These shall reflect the stated intent of the Legislature in enacting Section

163.3178, Florida Statutes, which is that local governments in their comprehensive plans restrict development activities that would damage or destroy coastal resources, and protect human life and limit public expenditures in areas subject to destruction by natural disasters.

b. The element shall contain one or more specific objectives for each goal statement which address the requirements of Paragraph 163.3177(6)(g) and Section 163.3178, Florida Statutes, and which:

5. Limit public expenditures that subsidize development permitted in coastal high-hazard areas subsequent to the element's adoption except for restoration or enhancement of natural resources;

8. Prepare post-disaster redevelopment plans which will reduce or eliminate the exposure of human life and public and private property to natural hazards;

11. Establish level of service standards, areas of service and phasing of infrastructure in the coastal area.

c. The element shall contain one or more policies for each objective and shall identify regulatory or management techniques for:

7. Designating coastal high-hazard areas, limiting development in these areas, and relocating or replacing infrastructure away from these areas;

12. Ensuring that required infrastructure is available to serve the development of redevelopment in the coastal area at the densities proposed by the future land use plan, consistent with coastal resource protection and safe evacuation, by assuring that funding for infrastructure will be phased to coincide with the demands generated by development or redevelopment;

- Areas affected: designated coastal high hazard areas
- Level of funding: public
- Degree of restrictiveness: limit expenditures
- Date takes effect: after the plans are submitted, which is between 1988 and 1990, depending on the jurisdiction

Emergency Management

The Post Disaster Redevelopment Rule, Chapter 9G-13, Florida Administrative Code, was adopted under the authority of Section 252.35, Florida Statutes. Its purpose is to minimize losses from natural disasters due to inadequate planning or regulation of public facilities, and to expedite federal public disaster

assistance. This rule establishes criteria for federal post-disaster assistance to political subdivisions in coastal areas of the state damaged by natural disasters in a manner designed to preserve life and property through preparation for, response to, recovery from, and prevention or minimization of the effects of natural disasters.

This rule defines public infrastructure as, "those manmade structures which serve the common needs of a population for which damage thereto may qualify for public disaster assistance." The rule requires that political subdivisions either adopt a hazard mitigation plan or implement several preventative measures. One of those measures deals with how political subdivisions are to address public infrastructure under Section 9G-13.005(3), Florida Administrative Code:

> Public Infrastructure - To determine the feasibility of eliminating, relocating, or structurally modifying public infrastructure which has suffered natural disaster damage; to implement such determinations as deemed cost effective or otherwise appropriate by the political subdivision; and, in public infrastructure relocated, modified, or replaced, to maintain no more than the same capacity, unless the capacity is expanded as part of an approved post disaster hazard mitigation plan in accordance with Public Law 93-288 (Federal Disaster Relief Act of 1974).

- Areas affected: areas where applications for federal post disaster assistance is sought.
- Level of funding: federal
- Degree of restrictiveness: no expansion of infrastructure unless same expansion is part of an approved post disaster hazard mitigation plan.
- Date became effective: January 6, 1987.

POLICY IMPLEMENTATION

After having discussed the planning framework of the coastal infrastructure policy, it is useful to examine how Sections 380.27 (1) and (2), Florida Statutes, are being implemented to date. The first subsection has been in effect since October 1, 1985, while the second subsection takes affect at an undetermined time following the submittal of each local government's comprehensive plan's coastal management element.

Section 380.27 (1), Florida Statutes

No state shall funds be used for the purpose of constructing bridges or causeways to coastal barrier islands as defined in s. 161.54(2) which are not accessible by bridges or causeways on the effective date of this act.

The agency most responsible for implementing this provision is the Department of Transportation (DOT). A Memorandum of Agreement (MOA) between DER, DOT, and the Executive Office of Governor, Office of Planning and Budget (OPB) and the Florida Transportation Plan (FTP) are the channels through which compliance can be determined.

The MOA establishes a review process for transportation projects. It requires DOT to circulate to OPB and other state agencies descriptions of any road project which has a reasonable potential to encounter policy objections from any state agency. This review allows other agencies to raise concerns based upon the rules, regulations, and policies which they implement. This review takes place prior to the inclusion of the project in the DOT's Five Year Transportation Plan. This procedure was initiated

on April 10, 1985.

The FTP was prepared by the DOT in September 1986. In this document DOT has organized its program planning and budgeting activities into eleven major program areas designed to reflect comprehensively the types of transportation programs, capital projects, and services in which the DOT is in involved. During each budget cycle, interdisciplinary program planning teams develop operating policies and performance measures in support of program and funding level requests for their respective program areas. Program requests are judged and approved by the management of the DOT on the basis of their consistency with the policies and strategic direction documented in the FTP and their relative effectiveness in achieving FTP goals and objectives.

The FTP indirectly addresses Section 380.27(1), Florida Statutes, in the Expressway Program, the Right-of-Way Program, and the Bridge Program. The Expressway Program includes those construction activities associated with adding or improving through lanes, interchanges, feeder roads, toll collection structures and service facilities. The Right of Way Program activities include right-of-way acquisition for highways and corridors, motorist information systems, property management, and survey and monumentation of property. The Bridge Program associated activities include preventative maintenance and support of local government in the replacement of off-system bridges using a portion of the state's Federal-aid Bridge Replacement fund.

The Policy Matrices in the FTP document five different policy levels under which the DOT is directed to function. Level 1 and Level 2 policies direct program planning and budgeting. Level 1 policy statements are provided by the Legislature and the Governor, and Level 2 statements are the Agency Functional Plan objectives and major program policies. Levels 3 and 4 will be developed by the DOT's program planning teams and Level 5 will be developed through the 5-Year Transportation (Project) Plan. The Expressway Program matrix is the only one which directly refers to the provision in Section 380.27(1), Florida Statutes.

Section 380.27(2), Florida Statutes

After a local government has an approved coastal management element pursuant to s. 163.3178, no state funds which are unobligated at the time the element is approved shall be expended for the purpose of planning, designing, excavating for, preparing foundations for, or constructing projects which increase the capacity of infrastructure unless such expenditure is consistent with the approved coastal management element.

The Florida Transportation Plan, in the Expressway, Right-of-Way, and Bridge Program Matrices directly addresses this provision of the Coastal Infrastructure Policy. Under the Resource Allocation section of the matrix for each program is the following treatment:

> Avoid expenditures of state transportation funds to increase the capacity of state highways in coastal high hazard areas unless such expenditures are consistent with an approved coastal management element of a Local Government Comprehensive Plan or a resource management plan of an Area of Critical State Concern and when such plans have been coordinated with the Metropolitan Planning Organization's adopted transportation plan, where appropriate.

Section 380.27 (2), Florida Statues, must also be implemented on the local government level. Although coastal high hazard areas have not been officially designated, they are mentioned in portions of Levy and Santa Rosa Countys' comprehensive plans prepared under the local government funding program in accordance with Chapter 9J-16, Florida Administrative Code. Levy County intends to designate and adopt as a high hazard areas the "V-Zone" as identified on the Federal Emergency Management Agency (FEMA) maps and within the County's Flood Plain Ordinance. Santa Rosa County proposes to identify coastal high hazard areas by using,

> . . . the Department of Natural Resource's Coastal Construction Control Line Maps, the FEMA Flood Insurance Rate Maps and the Sea, Lake Overland Surge from Hurricane (SLOSH) model utilized in the West Florida Region Hurricane Loss and Contingency Planning Study. Lands seaward of the CCCL are incorporated by reference. Areas identified as velocity (V) zones on the FEMA FLood Insurance Rate Maps; loss zones identified by the SLOSH model as receiving an average of 25%+ structural damage to single family, multi-family and commercial structures and utility facilities during a Level 3 hurricane; and areas experiencing damage during Hurricane Frederick in 1979 are depicted as the Coastal High Hazard Area on Map 28. The inundated area map from the regional hurricane evacuation studies shall be included for planning purposes.

The remaining coastal local governments eventually must inventory in their coastal management element those areas within their jurisdiction which they have identified as coastal high hazard areas in accordance with the State Land Development Plan, some Comprehensive Regional Policy Plans, and Chapter 9J-5, Florida Administrative Code.

ACTUAL EFFECT ON GROWTH AND DEVELOPMENT

It is difficult to assess meaningfully the effectiveness of the state's coastal barrier area infrastructure policy on growth and development. When considered in the context of the entire planning system the Coastal Infrastructure Policy could have some impact. However, since most of the programs are still quite new, it is too early to observe any discernible trends.

In both the public and private sector, people are still becoming aware of the existence of this particular law. It has not commanded attention in terms of what is written about the regulation of coastal development.

Next year, the Coastal Infrastructure Policy Report could re-examine some of the programs discussed in this report. The DER's State Water Use Plan may explain more precisely its notion of undeveloped barrier islands; in terms of what density constitutes undeveloped and in terms of using a federal or state statute or rule to define a coastal barrier, coastal barrier island, or a coastal high hazard area. DOT may revise its FTP to incorporate Section 380.27 (1), Florida Statutes, into the Right-of-Way and Bridge Programs' Policy Matrices.

On the regional level, the final Comprehensive Regional Policy Plans submitted to the Legislature for approval may reflect greater attention toward the coastal infrastructure policy. Those coastal regional planning councils which did not address this policy in their preliminary plans should be examined for any revisions.

More local governments will be addressing the basis for designating coastal high hazard areas as they prepare revisions to their comprehensive plans. The range of approaches should be explored.

As each of these levels of government implement these related programs and plans a more meaningful assessment can be made of the state's coastal infrastructure policy's effectiveness. The Coastal Infrastructure Policy under Chapter 380.27, Florida Statutes, implicitly deals with both fiscal austerity as well as resource protection. Its role, however, is only a part of a larger planning system. The policy's effectiveness depends on the implementation of all the programs and plans which have been discussed in this report. For now, it is still too early to determine whether the policy has had any significant impacts on growth and development.

"ATTACHMENT A"

STATE OF FLORIDA

OFFICE OF GOVERNOR BOB GRAHAM

August 8, 1986

Mr. Tom Lewis, Jr. 8/28/86
Secretary
Department of Community Affairs
Howard Building
2571 Executive Center Circle, East
Tallahassee, Florida 32301

Dear Tom:

On September 4, 1981, I issued Executive Order 81-105 to protect our fragile coastal resources and discourage inappropriate development in hazardous coastal areas. You were requested to withhold state funds for projects in coastal areas if such expenditures would encourage or subsidize growth that might endanger human life and expose public and private property to damage. Since 1981, you and the agency heads of the Departments of Commerce, Environmental Regulation, Health and Rehabilitative Services, Transportation and Office of Planning and Budgeting have diligently implemented the policies of the Executive Order.

In 1985 the Legislature with great foresight enacted the Coastal Zone Protection Act and revised the Local Government Comprehensive Planning and Land Development Regulation Act. This legislation strengthens the state's growth management programs. In 1986 the Legislature amended the growth management legislation to require that local governments begin submitting their comprehensive plans for review on July 1, 1988. During the phase-in period of new growth management measures the following actions are necessary:

(1) State funds for infrastructure and economic development should be denied for any barrier island without a bridge or causeway. State law prohibits building bridges and causeways to these islands and the state should not encourage development on islands with severe evacuation difficulties.

(2) The State should not pay to expand infrastructure or economic development in any designated unit of the Federal Coastal Barrier Resources System.

(3) To ensure the maximum coordination with local plans, prevent unwise expenditure of funds or poor siting of facilities, and forestall increased building in coastal high hazard areas, agency heads shall not permit payment by the state for new or expanded infrastructure projects seaward of Coastal Construction Control Lines, in Federal Emergency Management Agency designated V zones, in areas damaged or undermined by coastal storms, or at inlets without structural controls. After alternatives including relocation have been evaluated, exceptions can be made where a crucial need is found to alleviate dangerously overcrowded roads or replace defective waste water facilities violating water quality standards. Agency heads may authorize payment for projects within the Coastal Building Zone as defined in Sections 161.54(1) and 161.55(5), F.S., that are not included in the areas described above only if the potential danger to human life and property from natural hazards is minimal and consideration has been given to hazard mitigation standards, including flood-proofing and evacuation.

(4) State funds can be made available to repair or replace storm-damaged facilities in hazardous coastal areas if such action is in the overall long-term public interest and hazard mitigation, including relocation alternatives, is fully evaluated. If justified, the replacement must be at the same or less capacity than the original facility.

(5) State funds may be expended in coastal areas if consistent with approved resource planning and management plans pursuant to Section 380.045, F.S. and comprehensive plans approved pursuant to Section 380.05, F.S.

These policies are intended to update the implementation of Executive Order 81-105 and shall remain in effect until local governments implement plans, programs and regulations that conform with or exceed the measures outlined above. Any actions which were taken that conformed with Executive Order 81-105 are not to be deemed repealed by this policy update.

Your continuing cooperation will be most appreciated in carrying out sound coastal management policies.

Sincerely,

Governor

BG/mkc

COASTAL INFRASTRUCTURE POLICY

Report Number Three

MARCH 1, 1988

FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS
THOMAS G. PELHAM, SECRETARY

A9

COASTAL INFRASTRUCTURE POLICY

REPORT NUMBER THREE

Presented to:

The Honorable Bob Martinez, Governor of Florida
The Honorable John W. Vogt, President of the Senate of Florida
The Honorable Jon Mills, Speaker of the House of Representatives

Submitted By

Thomas G. Pelham
Department of Community Affairs

March 1, 1988

380.27 Coastal Infrastructure Policy.--

(1) No state funds shall be used for the purpose of constructing bridges or causeways to coastal barrier islands as defined in s. 161.54(2) which are not accessible by bridges or causeways on the effective date of this act.

(2) After a local government has an approved coastal management element pursuant to s. 163.3178, no state funds which are unobligated at the time the element is approved shall be expended for the purpose of planning, designing, excavating for, preparing foundations for, or constructing projects which increase the capacity of infrastructure unless such expenditure is consistent with the approved Coastal Management Element.

(3) The state land planning agency shall, by March 1 of each year, prepare and transmit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report on the state's coastal barrier areas. The report shall assess the effectiveness of the state's coastal barrier area infrastructure policy on growth and development.

History - s.38 ch. 85-55

INTRODUCTION

In 1985, the Florida Legislature adopted the Coastal Infrastructure Policy under Section 380.27, Florida Statutes. This law is one of several means by which the state seeks to deal with the increased development pressure in coastal areas which are prone to hazards. It is now widely recognized that public investment in coastal high hazard areas is unwise.

The purpose of this report, therefore, is to detail how specific federal, state, regional, and local plans and programs continue to implement the coastal infrastructure policy. This report relays the progress that has been made since Coastal Infrastructure Policy Report Number Two was submitted on March 1, 1987. A major portion of the policy, however, can be implemented only after revised local government comprehensive plans have been approved by the state.

SUMMARY OF THE REVISIONS TO EXISTING PROGRAMS

Since Coastal Infrastructure Policy Report Number Two was submitted in March 1987, progress has been made in formulating and implementing a coastal infrastructure policy. Many of the refinements in the programs and plans mentioned below, are a reflection of much interaction with the public in workshops, hearings, and technical assistance meetings and memoranda. This section examines this last year's changes on the federal, state, regional, and local levels.

Coastal Barrier Resources System

In March of 1987, the U.S. Department of Interior (DOI) submitted to all coastal states a draft executive summary and maps. The executive summary outlines the DOI's proposed general recommendations for changes to the Coastal Barrier Resources Act (CBRA) as well as proposed conservation alternatives. Volumes 14 and 15 of the map series contain background information about Florida's coastal barriers, maps of those barriers, and proposed recommendations for specific additions and deletions from the Coastal Barrier Resources System (CBRS). Written comments upon these proposals and recommendations were solicited in a three month public comment period which ended on June 24, 1987. During that period a series of public workshops were conducted in Florida by the DOI and the Florida Department of Community Affairs (DCA). Along with letters from citizens and state, regional, and local public officials a letter from Governor Martinez was sent to DOI

Secretary Donald Hodel.

The DOI recently submitted a draft environmental impact statement (EIS) on the proposed changes to the CBRS. This draft supplements the final EIS on Undeveloped Coastal Barriers published by the DOI in 1983 to satisfy the requirements of the National Environmental Protection Act. This assessment of the environmental implications of the Draft Report and Proposed Recommendations to Congress on the CBRS will assist Secretary Hodel in preparing final recommendations to Congress pursuant to Section 10 of CBRA.

With the submittal of this EIS, the DOI has initiated an additional 45 day public comment period on the proposed changes to CBRA. After this period closes on March 17, 1988 the DOI staff will compile all comments on the proposed expansion and amendments to the Coastal Barrier Resources Act. The staff will submit recommendations to Secretary Hodel for his consideration. At some undetermined time thereafter, he will present a formal recommendation to Congress. Although CBRA specifically requires the DOI to review the program, there is no provision which compels Congress to amend the Act.

Coastal Barrier Executive Order

Under Governor Martinez, no new directives have been issued pertaining to a coastal infrastructure policy. Therefore, the Coastal Barrier Executive Order 81-105, as it was reformulated in Governor Graham's September 1986 letter, remains in effect. The

role of the Coastal Barrier Executive Order, however, will begin to diminish with the eventual adoption of the revised local government comprehensive plans. As the letter states, the Executive Order's policies will "remain in effect until local governments implement plans, programs, and regulations that conform with or exceed the measures outlined..." A copy of this directive, which was included in the previous report is also shown in this report's Appendix "A."

State Comprehensive Plan

During the 1987 Session, the Florida Legislature amended the State Comprehensive Plan (SCP), Chapter 187, Florida Statutes. The changes, however, did not involve any of the elements which pertain to the coastal infrastructure policy. The Final Report of the SCP Committee was submitted in June of 1987. Primarily a forecasting document, the report assesses the ability of current sources of state and local government revenues to implement the provisions of the SCP. The analysis focuses on the gross level of local government demand. The report does not discuss the specifics of public funding within coastal areas.

State Land Development Plan

The State Land Development Plan (SLDP), Section 186.021, F.S., is an executive formulation of state land development policies which was described in the previous coastal infrastructure policy report. The SLDP is currently being

revised by DCA. The revised document should be completed in the Spring of 1988.

State Water Use Plan

Also mentioned in the previous report is the State Water Use Plan. The Department of Environmental Regulation (DER) is now revising the plan pursuant to Section 186.021, F.S. The target for completion is in the Spring of 1988.

State Transportation Plan

As is the case with both the SLDP and the SWUP, the Florida Transportation Plan (FTP), Section 339.155, F.S., is also being amended. The previous coastal infrastructure policy report examined the existing FTP, detailing the Department of Transportation's (DOT) programming planning and budgeting activities. The revised FTP will not be completed until the Fall of 1988.

Comprehensive Regional Policy Plans

Pursuant to Chapter 186, F.S., all regional planning councils were required to submit final comprehensive regional policy plans (CRPP's) by July 1, 1987. Each CRPP must contain regional goals and policies which are consistent with the State Comprehensive Plan. Eight of the ten councils with coastal areas address coastal infrastructure policy in the Public Safety and Access in Coastal Areas cluster of the Coastal and Marine Resources Element. A few of the councils also address the

coastal infrastructure policy in the Planning for Public Facilities cluster under the Public Faciliities Element.

The following policies and implementation measures or strategies are those which each council has adopted in its CRPP.

Region 1 West Florida

Regional Policy - Restrict development in coastal high hazard areas to that which will support only the population which can be safely evacuated in times of emergency.

Strategy: Local Government expenditures shall not subsidize future development or redevelopment in coastal high hazard areas.

Region 2 Apalachee

Regional Policy - All governments should reduce the amount of public expenditures for new subsidization of private development on barrier islands, beach and dune systems, or in surge or flood prone coastal areas.

Measure for implementation: The number of local ordinances adopted and implemented by local governments that extricate government subsidy of private coastal development.

Region 3 North Central Florida

Policy - The state should avoid expenditures that subsidize development in coastal high-hazard areas.

Measure: The amount of state funds spent on capital facilities within high hazard coastal areas through the year 2010.

Region 5 Withlacoochee

Regional Policy - Infrastructure should not be provided, improved, or rebuilt on offshore islands or in other coastal high-hazard areas.

Performance Standard: Percent decrease in the number of new developments and redevelopments permitted in coastal high-hazard areas.

Region 6 East Central Florida

Policy - Public expenditures for infrastructure improvements in coastal high-hazard areas, as defined in the local governments comprehensive plan, should be avoided. Infrastructure

improvements which address existing deficiencies, as defined by local governments, are excluded from this policy.

Measure: Amount of public funds used for infrastructure improvements which result in increased capacity of infrastructure located or servicing designated coastal high-hazard areas.

Policy - Public facilities and services intended to serve future development needs that are inconsistent with a local government comprehensive plan shall not be permitted or provided, unless the comprehensive plan is modified by the local government. (Minimal criteria are provided in plan.)

Measure: Number of existing public facilities with ongoing or current capacity analyses.

Region 8 Tampa Bay

Policy - The use of government funds to subsidize development should be prohibited in high-hazard coastal areas.

Standard/Measure: Amount of public funds expended in high-hazard areas.

Region 9 Southwest Florida

Policy - The expenditure of local, state and regional funds that subsidize development in undeveloped coastal areas should be eliminated.

Standard/Measure: The number of stabilization structures and pass maintenance programs.

Region 10 Treasure Coast

Policy - Public funds shall not be used for infrastructure expansion or improvements in high-hazard areas unless such funds are necessary to: 1) provide services to existing development (structures approved for development prior to the implementation of this policy); 2) provide for adequate evacuation in the event of emergency; or 3) provide for recreational needs and other appropriate water dependent uses.

Measure: Percentage of new development paying the full cost of service support.

Region 11 South Florida

Policy - Prevent the development of public facilities in the most hurricane-vulnerable areas except when necessary for the public health, safety and welfare and to provide services for existing residents.

Measures: 1. Loss of life and property damage. 2. Average evacuation time for the Region. 3. Availability of shelters for the Region.

Policy - Give priority to public acquisition of property in areas that have been destroyed as the result of a hurricane.

Measure: Increase of lands in public ownership in high hazard areas.

Policy - Public and private land trust funds will be allocated for the purpose of coastal lands for public benefit.

Measure: The number of building permits issued for new construction and improvement in coastal or high hazard areas.

At this writing, both the Withlcoochee and Apalachee Regional Planning Councils are amending their CRPP's. Other councils may consider changing portions of their plans as well.

Local Government Comprehensive Planning and Land Development Regulations Act - Chapter 163, F.S.

Still most central to the coastal infrastructure policy is the Local Government Comprehensive Planning and Land Development Regulations Act, Chapter 163, F.S. Neither Chapter 163, Part II, F. S., nor its minimum criteria rule, Chapter 9J-5, Florida Adminstrative Code, has been amended over this last year. Instead, the administering agency, DCA, has been involved in interpreting the statute and rule which was discussed in detail in the previous coastal infrastructure policy report. The interpretations have been relayed to state and local public officials and interested citizens through public workshops, technical assistance meetings, and technical memoranda.

Emergency Management

The Post Disaster Redevelopment Rule, Chapter 9G-13, Florida Administrative Code, which was also discussed in the previous coastal infrastructure policy report, was repealed on October 19, 1987. The purpose of the rule was to minimize losses from natural disasters due to inadequate planning or regulation of public facilities, and to expedite federal public disaster assistance. The Administration Commission, however, voted to repeal the rule based on the fact that under Chapter 252, F.S., DCA's Division of Emergency Management was not explicitly authorized to promulgate a rule that regulates land use.

POLICY IMPLEMENTATION

Section 380.27(1), F.S.
No state funds shall be used for the purpose of constructing bridges or causeways to coastal barrier islands as defined in s. 161.54(2) which are not accessible by bridges or causeways on the effective date of this act.

This subsection contains an absolute prohibition which leaves little room for interpretation. Implementation of this provision which has been in effect for two and a half years is straight-forward.

As mentioned in the previous coastal infrastructure policy report, the DOT is most responsible for implementing this provision of Section 380.27, F. S. DOT's planning staff determines whether a proposed project is in accordance with this provision by consulting the agency's Project Development Guidelines.

Section 380.27(2), F.S.

After a local government has an approved coastal management element pursuant to s. 163.3178, no state funds which are unobligated at the time the element is approved shall be expended for the purpose of planning, designing, excavating for, preparing foundations for, or constructing projects which increase the capacity of infrastructure unless such expenditure is consistent with the approved coastal management element.

Unlike Section 380.27(1), F.S., Section 380.27(2), F.S. is more open to interpretation. Moreover, implementation of their provision will be deferred until local government comprehensive plans are adopted in compliance with the requirements of Chapter 9J-5 F.A.C. Thereafter, the coastal infrastructure policy will be further addressed through land development regulations which each local government must prepare within one year after its revised comprehensive plan's submittal date.

Once the comprehensive plans are approved and adopted, several means have been established by which Section 380.27(2), F.S., can be implemented. Many of these are procedures designed to coordinate interagency functions related to coastal issues. In recent months these procedures have been changed. A discussion of these procedures explains the means available to state, regional, and local agencies for implementing Section 380.27(2), F.S.

One means of implementation is handled by the Governor's Executive Office of Planning and Budgeting (OPB) which coordinates reviews of federal and state funded projects in Florida through the planning and environmental clearinghouse. The clearinghouse is a means for state, regional, and local

agencies to review whether proposals for new or expanded infrastructure are in accordance with state laws and policies. Examples of the type of projects include sewage treatment and collections systems, roads, bridges, and reverse osmosis plants. Many of the proposals reviewed in the clearinghouse have involved capital improvements which would service coastal barriers or coastal high-hazard areas.

One measure used by the clearinghouse, which was described in the previous coastal infrastructure policy report, was a Memorandum of Agreement (MOA) between the DER, DOT, and OPB. This MOA provided a channel through which compliance with Section 380.27, F.S. could be determined. On October 28, 1987, however, the MOA was terminated. DOT Secretary Henderson and DER Secretary Twatchman then jointly issued a new directive under a memorandum dated October 28, 1987. This memorandum calls for both agencies to foster a spirit of cooperation and coordination in view of " . . . a large increase in the number of roadway projects that must be planned." A copy of this memorandum is shown in Appendix "B."

Another level of implementation of the coastal infrastructure policy has occurred between state and local government. On several occasions, local government officials have asked Governor Martinez to reconsider the coastal infrastructure policy. The basis of the requests has been to determine whether the state has a financial responsibility toward providing new infrastructure. For example, several counties have proposed building additional bridges to coastal barriers. Both Governor Martinez and DCA

Secretary Pelham have cited the Coastal Barrier Executive Order, Chapter 163, F.S., and Chapter 380, F.S., as the bases for their responses to the local government inquiries.

ACTUAL EFFECT ON GROWTH AND DEVELOPMENT

It remains difficult to assess meaningfully the effectiveness of the state's coastal infrastructure policy on growth and development. Compliance with the requirements in the minimum criteria rule, 9J-5, F.A.C. is a critical part of implementing the coastal infrastructure policy. This April, the first revised local government comprehensive plans will be submitted to DCA for compliance review. It will be the first opportunity to examine how several local governments address the requirements within the Coastal Management and Capital Improvements Element. Each month thereafter, additional local governments must submit their revised comprehensive plans. The submittal schedule for all local governments is available in Appendix "C."

Next year the Coastal Infrastructure Policy Report could analyze the contents of the first revised comprehensive plans. An analysis of the Coastal Management and Capital Improvement Plan elements submitted will provide the most meaningful information upon which an assessment of the coastal infrastructure policy could be based. This then would be one the of the earliest opportunities to determine whether Chapter 163, F.S., in concert with other laws and policies, has any effect on growth and development in the State of Florida.

APPENDIX "A"

STATE OF FLORIDA

OFFICE OF GOVERNOR BOB GRAHAM

August 8, 1986

Mr. Tom Lewis, Jr. 8/28/86
Secretary
Department of Community Affairs
Howard Building
2571 Executive Center Circle, East
Tallahassee, Florida 32301

Dear Tom:

On September 4, 1981, I issued Executive Order 81-105 to protect our fragile coastal resources and discourage inappropriate development in hazardous coastal areas. You were requested to withhold state funds for projects in coastal areas if such expenditures would encourage or subsidize growth that might endanger human life and expose public and private property to damage. Since 1981, you and the agency heads of the Departments of Commerce, Environmental Regulation, Health and Rehabilitative Services, Transportation and Office of Planning and Budgeting have diligently implemented the policies of the Executive Order.

In 1985 the Legislature with great foresight enacted the Coastal Zone Protection Act and revised the Local Government Comprehensive Planning and Land Development Regulation Act. This legislation strengthens the state's growth management programs. In 1986 the Legislature amended the growth management legislation to require that local governments begin submitting their comprehensive plans for review on July 1, 1988. During the phase-in period of new growth management measures the following actions are necessary:

(1) State funds for infrastructure and economic development should be denied for any barrier island without a bridge or causeway. State law prohibits building bridges and causeways to these islands and the state should not encourage development on islands with severe evacuation difficulties.

(2) The State should not pay to expand infrastructure or economic development in any designated unit of the Federal Coastal Barrier Resources System.

(3) To ensure the maximum coordination with local plans, prevent unwise expenditure of funds or poor siting of facilities, and forestall increased building in coastal high hazard areas, agency heads shall not permit payment by the state for new or expanded infrastructure projects seaward of Coastal Construction Control Lines, in Federal Emergency Management Agency designated V zones, in areas damaged or undermined by coastal storms, or at inlets without structural controls. After alternatives including relocation have been evaluated, exceptions can be made where a crucial need is found to alleviate dangerously overcrowded roads or replace defective waste water facilities violating water quality standards. Agency heads may authorize payment for projects within the Coastal Building Zone as defined in Sections 161.54(1) and 161.55(5), F.S., that are not included in the areas described above only if the potential danger to human life and property from natural hazards is minimal and consideration has been given to hazard mitigation standards, including flood-proofing and evacuation.

(4) State funds can be made available to repair or replace storm-damaged facilities in hazardous coastal areas if such action is in the overall long-term public interest and hazard mitigation, including relocation alternatives, is fully evaluated. If justified, the replacement must be at the same or less capacity than the original facility.

(5) State funds may be expended in coastal areas if consistent with approved resource planning and management plans pursuant to Section 380.045, F.S. and comprehensive plans approved pursuant to Section 380.05, F.S.

These policies are intended to update the implementation of Executive Order 81-105 and shall remain in effect until local governments implement plans, programs and regulations that conform with or exceed the measures outlined above. Any actions which were taken that conformed with Executive Order 81-105 are not to be deemed repealed by this policy update.

Your continuing cooperation will be most appreciated in carrying out sound coastal management policies.

Sincerely,

Governor

BG/mkc

APPENDIX "B"

P. D. & E.

DEC 14 1987

DEPT. OF TRANSPORTATION
MIAMI, FLORIDA

State of Florida
Department of Transportation

Department of Environmental Regulation

Kaye Henderson
Secretary

Dale Twachtmann
Secretary

TO: All Employees of the Departments of Transportation and Environmental Regulation

FROM: Kaye N. Henderson, Secretary, Department of Transportation
Dale Twachtmann, Secretary, Department of Environmental Regulation

DATE: October 28, 1987

SUBJECT: DOT - DER Coordination

The Department of Transportation anticipates a large increase in the number of roadway improvements that must be planned and constructed over the next five years if Florida's critical transportation needs are to be met. This, together with efforts by the DOT to reduce by half the time it takes to plan, design, and construct these improvements will require a strong partnership between the Department of Environmental Regulation and the Department of Transportation. The goal of this partnership, of course, is to ensure that in meeting these transportation needs, Florida's environmental goals are not abandoned.

To facilitate the development of this partnership, key members of our staffs will be designated to insure that all necessary directions are provided to the appropriate employees of both agencies, and that information is properly coordinated between agencies--including such information as organization charts, office locations, key contact persons, DOT project schedules, and a complete file of joint policy letters such as this one.

We intend for this to be a successful partnership. Employees of both Departments are expected to work closely together to solve, rather than create, problems. The keys to success will be:

- Communication. Issues will not become problems as readily if there is a strong, established, and well used path of communication between agencies.

- Coordination and cooperation. Employees of both agencies must work together to ensure that Florida's environmental goals and its transportation needs will be met.

Please work with us to make this partnership real.

APPENDIX "C"

RULES

OF THE

DEPARTMENT OF COMMUNITY AFFAIRS

DIVISION OF RESOURCE PLANNING AND MANAGEMENT

CHAPTER 9J-12

SCHEDULE FOR SUBMISSION OF REVISED LOCAL

GOVERNMENT COMPREHENSIVE PLANS AND

PROCEDURES FOR EARLY SUBMISSIONS

9J-12.001 Purpose and Effect.

(1) The purpose of this chapter is to establish the schedule for submission of local government comprehensive plans pursuant to Subsection 163.3167(2), Florida Statutes, and to establish procedures to request earlier submission dates than those provided in Sections 9J-12.006 or 9J-12.007. The major divisions of the schedule in this chapter are based on the statute, which divides local governments into two groups for plan submission: Coastal counties and noncoastal counties. Some or all of the municipalities within a county are scheduled to submit their plans in the same month as the county, and any remaining municipalities in that county are scheduled to submit their plans in the immediately following month or months. When the municipalities of a county are scheduled to submit their plans over a series of months the order for municipal submissions shall be smallest to largest. This allows the Department to review the plans of the county and several of the smallest municipalities in the first month and the largest municipalities in the subsequent month or months. The schedule is arranged so that the workload for the Department builds up gradually to its maximum level and then declines slightly toward the end of the schedule. Most of the major metropolitan counties are scheduled in the first year when the workload will be about one half its maximum. The schedule is also arranged so that an individual regional planning council will receive no more than ten plans to review in one

month.

(2) For the purposes of this rule Fanning Springs is in Gilchrist County, Longboat Key is in Sarasota County, Marineland is in Flagler County and the Reedy Creek Improvement District is in Orange County.

Specific Authority 163.3167(2), F.S. Law Implemented 163.3167(2), FS. History-New 10-20-86.

9J-12.002 Definitions. As used in this Chapter:

(1) "Coastal County" means those counties listed in the document entitled "Local Governments Required to Include Coastal Management Elements in their Comprehensive Plans," dated July 1, 1986, and available from the Department upon request.

(2) "Department" means the Florida Department of Community Affairs.

(3) "Local government" means any county or municipality, and for the purpose of this chapter the Reedy Creek Improvement District shall be considered a municipality.

(4) "Plan" means a local government comprehensive plan prepared pursuant to Chapter 163, Part II, Florida Statutes and Chapter 9J-5, Florida Administrative Code.

Specific Authority 163.3167(2), FS. Law Implemented 163.3167(2), FS. History-New 10-20-86.

9J-12.004 Early Submission.

(1) A county and all of the municipalities within that county may submit their plans to the Department for a compliance review earlier than July 1, 1988 or for a compliance review earlier than their scheduled submission date in Section 9J-12.006 or Section 9J-12.007, if they comply with the following requirements:

(a) A local government may not submit its revised comprehensive plan to the Department for a compliance review until the regional planning council, in whose area the local government falls, has adopted a comprehensive regional policy plan, which shall be no sooner than July 1, 1987.

(b) The request for early submission must be made in writing. This request shall include a resolution or individual identical resolutions from each local government as required in paragraph (c) below. The request must be sent to the Chief, Bureau of Local Resource Planning, 2571 Executive Center Circle, East, Tallahassee, Florida 32399, before January 1, 1987 if they wish to submit their plans prior to January 1, 1988. The request must be sent prior to October 15, 1987 if they wish to submit their plans on or after January 1, 1988 but prior to July 1, 1988. The request must be sent prior to June 1, 1988 if they wish to submit their plan after July 1, 1988 but prior to their scheduled submission date in Section 9J-12.006 or Section 9J-12.007; however this request will only be approved if the Department is able to maintain an evenly spread workload in the submission schedule.

(c) A county must submit to the Department a resolution or several identical resolutions adopted by the governing boards of all the local governments in the county. The resolution or resolutions must clearly state that each local government in the county agrees to submit its plan early.

(d) The resolution as required by paragraph (c) above shall also contain a priority rank list of three alternative early submission dates. For counties whose local governments are scheduled in Section 9J-12.006 or Section 9J-12.007 to submit their plans in a single month these dates shall be the first day of three different months. For counties whose local governments are scheduled in Section 9J-12.006 or Section 9J-12.007 to submit their plans over two or more months, the request shall contain a priority ranked list of three groups of consecutive months equal in length to the number of months over which the local governments of the county are scheduled in Section 9J-12.006 or Section 9J-12.007. For example, the local governments in Dade County are scheduled in Section 9J-12.006 to submit their plans over three months, July, August and September, 1988; therefore,

if the local governments in Dade County request an early submission, the request must include a priority rank list of three groups of three consecutive months each.

(2) The Department shall try to allow early submission on one of the priority dates requested by the local governments. However, no more than 14 plans will be scheduled in a single month. Requests will be handled on a first come first served basis. The Department shall respond in writing to requests for early submissions within 15 working days of receipt of the request by the Chief, Bureau of Local Resource Planning. This written response shall approve the early submission date or propose alternate dates in the event the originally requested dates are unavailable. Upon the issuance of written notification of approval of an early submission date by the Department, the early submission date shall replace the scheduled date of submission listed in Section 9J-12.006 or Section 9J-12.007. Local government comprehensive plans submitted under this section shall be transmitted, reviewed, and adopted in accordance with Section 163.3184, Florida Statutes.

(3) A local government which wishes to revert to its originally scheduled submission date must rescind the resolution specified in Paragraphs (1)(c) and (d) above. In order to revert to its original submission date the local government must rescind the resolution at least three months prior to its approved early submission date or the approved early submission date of the county in which it is located, whichever is earliest. The local government must notify the Department and all other local governments in the county of its action to rescind the resolution. Upon notice to the Department, the submission date of all local governments in the county shall revert to the dates listed in Section 9J-12.006 or Section 9J-12.007.
Specific Authority 163.3167(2), FS. Law Implemented 163.3167(2), FS. History-New 10-20-86.

9J-12.006 Submission Schedule for Coastal Counties and the

Municipalities within Coastal Counties. Unless modified by early submissions approved under Section 9J-12.004, coastal counties and the municipalities within coastal counties shall submit their proposed comprehensive plans to the Department for their initial compliance review based on the schedule below:

(1) July 1, 1988: Dade County, Islandia, Indian Creek Village, Medley, Golden Beach, El Portal, Virginia Gardens, Bal Harbour Village, Biscayne Park, Surfside, Charlotte County, and Punta Gorda;

(2) August 1, 1988: North Bay, Bay Harbor Islands, Hialeah Gardens, West Miami, Florida City, Miami Shores, Sweetwater, South Miami, Miami Springs, Collier County, Everglades City, and Naples;

(3) September 1, 1988: Opa-Locka, Homestead, North Miami Beach, Coral Gables, North Miami, Miami Beach, Hialeah, Miami, Lee County, Cape Coral, Fort Myers, and Sanibel;

(4) October 1, 1988: Broward County, Lazy Lake, Sea Ranch Lakes, Parkland, Hillsboro Beach, Lauderdale-by-the-Sea, Pembroke Park, Lighthouse Point, Sarasota County, Longboat Key, North Port, Charlotte, Sarasota, and Venice;

(5) November 1, 1988: Wilton Manors, Dania, Cooper City, Coconut Creek, North Lauderdale, Oakland Park, Lauderdale Lakes, Citrus County, Crystal River, Inverness, Hernando County, Brooksville, and Weeki Wachee;

(6) December 1, 1988: Tamarac, Davie, Miramar, Hallandale, Margate, Lauderhill, Deerfield Beach, Manatee County, Anna Maria, Bradenton, Bradenton Beach, Holmes Beach, and Palmetto;

(7) January 1, 1989: Pembroke Pines, Sunrise, Plantation, Coral Springs, Pompano Beach, Hollywood, Fort Lauderdale, Pasco County, Dade City, New Port Richey, Port Richey, Saint Leo, San Antonio, and Zephyrhills;

(8) February 1, 1989: Palm Beach County, Golf Village, Cloud Lake, Golfview, Glen Ridge, Briny Breezes, Manalapan, Jupiter Inlet Colony, Gulf Stream, Hypoluxo, Hillsborough County,

Plant City, Tampa, and Temple Terrace;

(9) March 1, 1989: Palm Beach Shores, Haverhill, Mangonia Park, South Palm Beach, Ocean Ridge, Atlantis, Juno Beach, Pinellas County, Belleair Shore, North Redington Beach, Indian Shores, Redington Beach, Belleair Beach, and Belleair Bluffs;

(10) April 1, 1989: Highland Beach, Lake Clarkes Shores, South Bay, Tequesta, Royal Palm Beach, Pahokee, Lake Park, Redington Shores, Belleair, Kenneth City, Indian Rocks Beach, South Pasadena, Madeira Beach, and Oldsmar;

(11) May 1, 1989: Lantana, Palm Springs, Palm Beach, North Palm Beach, Belle Glade, Jupiter, Palm Beach Gardens, Seminole, Treasure Island, St. Petersburg Beach, Gulfport, Safety Harbor, Tarpon Springs, and Dunedin;

(12) June 1, 1989: Greenacres City, Lake Worth, Riviera Beach, Boynton Beach, Delray Beach, Boca Raton, West Palm Beach, Pinellas Park, Largo, Clearwater, St. Petersburg, Levy County, Otter Creek, and Yankeetown;

(13) July 1, 1989: Cedar Key, Bronson, Inglis, Chiefland, Williston, Martin County, Jupiter Island, Ocean Breeze Park, Sewalls Point, and Stuart;

(14) August 1, 1989: St. Lucie County, Fort Pierce, Port St. Lucie, St. Lucie Village, Brevard County, Palm Shores, Melbourne Village, Malabar, Melbourne Beach, Indialantic, Indian Harbour Beach, Cape Canaveral, West Melbourne, and Satellite Beach;

(15) September 1, 1989: Cocoa Beach, Rockledge, Cocoa, Palm Bay, Titusville, Melbourne, Indian River County, Fellsmere, Indian River Shores, Orchid, Sebastian, and Vero Beach;

(16) October 1, 1989: Volusia County, Oak Hill, Pierson, Ponce Inlet, Daytona Beach Shores, Dixie County, Cross City, Horseshoe Beach, Taylor County, Perry, Jefferson County, and Monticello:

(17) November 1, 1989: Lake Helen, Orange City, Edgewater, Holly Hill, South Daytona, New Smyrna Beach, DeLand, Ormond

Beach, Port Orange, Daytona Beach, Wakulla County, St. Marks, and Sopchoppy;

(18) December 1, 1989: Bay County, Callaway, Cedar Grove, Lynn Haven, Mexico Beach, Panama City, Panama City Beach, Parker, Springfield, Franklin County, Apalachicola, and Carrabelle;

(19) January 1, 1990: Gulf County, Port St. Joe, Ward Ridge, Wewahitchka, Flagler County, Beverly Beach, Bunnell, Flagler Beach, and Marineland;

(20) February 1, 1990: Okaloosa County, Cinco Bayou, Crestivew, Destin, Fort Walton Beach, Laurel Hill, Mary Esther, Niceville, Shalimar, and Valparaiso;

(21) March 1, 1990: Walton County, DeFuniak Springs, Freeport, Paxton, St. Johns County, Hastings, St. Augustine, and St. Augustine Beach;

(22) April 1, 1990: Duval County (Jacksonville), Atlantic Beach, Baldwin, Jacksonville Beach, Neptune Beach, Santa Rosa County, Gulf Breeze, Jay, and Milton;

(23) May 1, 1990: Escambia County, Century, Pensacola, Nassau County, Callahan, Fernandina Beach, and Hilliard; and

(24) June 1, 1990: Monroe County, Key Colony Beach, Key West, and Layton.

Specific Authority 163.3167(2) FS. Law Implemented 163.3167(2) FS. History-New 10-20-86.

9J-12.007 Submission Schedule for Non-Coastal Counties and the Municipalities within Non-Coastal Counties. Unless modified by early submissions approved under Rule 9J-12.004, of this chapter noncoastal counties and the municipalities within noncoastal counties shall submit their proposed comprehensive plans to the Department for their initial compliance review based on the schedule below:

(1) July 1, 1990: Glades County, Moore Haven, Osceola County, Kissimmee, St. Cloud, Highlands County, Avon Park, Lake Placid, and Sebring;

(2) August 1, 1990: Holmes County, Bonifay, Esto,

Noma, Ponce de Leon, Westville, DeSoto County, and Arcadia;

(3) September 1, 1990: Okeechobee County, Okeechobee, Hardee County, Bowling Green, Wauchula, Zolfo Springs, Hendry County, Clewiston, LaBelle, Polk County, Eagle Lake, and Hillcrest Heights

(4) October 1, 1990: Lake Alfred, Lake Hamilton, Lake Wales Auburndale, Davenport, Dundee, Fort Meade, Washington County, Caryville, Chipley, Ebro, Vernon and Wausau;

(5) November 1, 1990: Frostproof, Haines City, Highland Park, Mulberry, Polk City, Bartow, Lakeland, Winter Haven, Jackson County, Bascom, Jacob City, Alford, and Malone;

(6) December 1, 1990: Campbellton, Cottondale, Graceville, Grand Ridge, Greenwood, Marianna, Sneads, Orange County, Bay Lake, Lake Buena Vista, Oakland, Edgewood, Windermere, and Eatonville;

(7) January 1, 1991: Apopka, Belle Isle, Maitland, Ocoee, Orlando, Reedy Creek Improvement District, Winter Garden, Winter Park, Hamilton County, Jasper, Jennings, White Springs, Liberty County, Bristol, Columbia County, Fort White, and Lake City;

(8) February 1, 1991: Gadsden County, Chattahoochee, Greensboro, Gretna, Havana, Midway, Quincy, Lake County, Montverde, Howey-in-the-Hills, Astatula, Minneola, Mascotte, Lady Lake, Leon County, and Tallahassee;

(9) March 1, 1991: Clermont, Eustis, Fruitland Park, Groveland, Leesburg, Mount Dora, Tavares, Umatilla, Calhoun County, Altha, Blountstown, Lafayette County, Mayo, Sumter County, Bushnell, Center Hill, Coleman, Webster and Wildwood;

(10) April 1, 1991: Seminole County, Altamonte Springs, Casselberry, Lake Mary, Longwood, Oviedo, Sanford, Winter Springs, Madison County, Greenville, Lee, Madison, Suwannee County, Branford, and Live Oak;

(11) May 1, 1991: Alachua County, LaCrosse, Micanopy, Waldo, Archer, Union County, Lake Butler, Raiford, Worthington

Springs, Marion County, Belleview, Dunnellon, McIntosh, Ocala, and Reddick;

(12) June 1, 1991: Alachua, Gainesville, Hawthorne, High Springs, Newberry, Gilchrist County, Bell, Fanning Springs, Trenton, Putnam County, Crescent City, Interlachen, Palatka, Pomona Park, and Welaka; and

(13) July 1, 1991: Clay County, Green Cove Springs, Keystone Heights, Orange Park, Penney Farms, Bradford County, Brooker, Hampton, Lawtey, Starke, Baker County, Glen Saint Mary, and Macclenny.

Specific Authority 163.3167(2) FS. Law Implemented 163.3167(2) FS. as amended by Chapter 87-338, Laws of Florida.

History-New 10-20-86; Amended _____.

News Release

FOR IMMEDIATE RELEASE
April 27, 1987

CONTACT: Richard Morgan, Director
of Communications
904/488-8466

TALLAHASSEE -- Proposed changes to the coastal barrier resources system in Florida will be explained at five public workshops to be conducted in May by the Florida Department of Community Affairs.

The changes, being considered by the U. S. Department of the Interior, would expand the Florida system from a current 118.8 miles of Gulf and Atlantic shoreline to a proposed 208.11 miles. Total acreage involved in the expansion would increase from the present 61,575 to 237,697.

Shoreline under the coastal barrier resources system is ineligible for federal subsidies for facilities such as bridges, roads, utilities and erosion control devices.

Such areas also are ineligible for federal flood insurance.

The coastal barriers resource system was established by Congress in 1982. The program is designed to minimize the loss of human life, reduce wasteful expenditures of federal revenues and reduce damage to fish and wildlife habitat and other natural resources.

The schedule of workshops is:

May 11, 7.p.m. (central time), Lecture Hall, first floor,

(MORE)

AID

ADD ONE

George G. Tapper Health Science Building, Gulf Coast Community College, Panama City.

May 12, 7.p.m., sixth floor conference room, City Hall 220 E. Bay Street, Jacksonville.

May 13, 7 p.m., County Commission chambers, County Administration Building, 1840 25th Street, Vero Beach.

May 14, 7 p.m., County Commission chambers, County Court House, 2115 Second Street, Fort Myers.

May 15, 3 p.m. to 5 p.m., Court Room, Plantation Key Government Center, 88820 Overseas Highway (Mile Marker 88.5), Tavernier.

Purpose of the workshops is to solicit comment from the public. In addition, written comments can be sent to:

Coastal Barriers Study Group
National Park Service
U. S. Department of the Interior
P. O. Box 37127
Washington, D.C. 200013-7127

Additional information is available by calling Frank B. McGilvrey, coastal barriers coordinator, U. S. Fish and Wildlife Service, 202/343-2618, or Jack Brown, National Park Service, 202/343-8116.

Questions relating directly to the comment period in Florida can be directed to Claudia Shambaugh, federal programs administrator, Department of Community Affairs, 2571 Executive Center Circle East, Tallahassee, FL 32399, or by calling her at 904/488-9210.

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2571 EXECUTIVE CENTER CIRCLE, EAST • TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ
Governor

THOMAS G. PELHAM
Secretary

July 6, 1987

The Honorable Bob Martinez
Governor of Florida
The Capitol
Tallahassee, Florida 32399

Dear Governor Martinez:

The Department of Community Affairs (DCA) supports the Congressional policies embodied in the Coastal Barrier Resources Act of 1982, (CBRA). I have reviewed the United States Department of Interior's (DOI) March 4, 1985 revised guidelines, the March 1987 draft report to Congress and its accompanying maps.

I have evaluated the draft report and Coastal Barrier Resources System (CBRS) maps in light of Chapters 163, 187, and 380, Florida Statutes; Executive Order 81-105 as updated in 1986, and the State Land Development Plan. Like CBRA, the State seeks to guide barrier island development to protect citizens, natural resources and public infrastructure and to minimize wasteful expenditures of public funds.

While I agree with the intent of the original act, I am concerned by the continued revisiting of CBRA. After the original CBRA was approved by Congress in 1982, the DOI proposed numerous amendments to CBRA in 1985. After an extensive review and comment process, amendments were again proposed in 1987. I can find no explanation for the need to continually revisit CBRA or for this two year hiatus in the DOI material. I believe that DOI should explain this hiatus and that the implementation of CBRA must quickly and finally be completed in order that individuals and local governments can prepare and implement plans based upon some degree of certainty. The public and private sector cannot prepare plans if the Federal government continues to adjust the availability of federal funds to parcels of land

within the state. In addition to this general concern the DCA has prepared specific comments on the proposed CBRS maps as well as general comments on policy issues.

DEVELOPMENTS OF REGIONAL IMPACT

The Development of Regional Impact (DRI) process is a comprehensive state and regional review of developments which, due to character, magnitude, or location, would have a substantial effect on the citizens of more than one county. The State of Florida strongly encourages developers to utilize the DRI process since the process is designed to both ensure that adequate public facilities are available at the time development occurs and to provide protection of sensitive environmental resources. The DRI process is very expensive and time-consuming. It is not unusual for the process, from initial planning to issuance of a development order, to require two years or more.

DCA requests that areas subject to an approved DRI development order be excluded from CBRA. The DOI should favorably consider recommendations for exclusion of areas which, although presently undeveloped, are as of January 1, 1987 part of a phased, comprehensive master DRI order, are included in a pre-development agreement as a condition precedent to DRI review, or are included in a pending Application for Development Approval for a DRI. DCA would be glad to assist in the documentation of such projects. In preparing master plans for these areas developers have relied upon the availability of federal flood insurance. This insurance and the availability of infrastructure financed by federal funds should not be withdrawn from these projects. This request for exclusion of these areas has been a consistent policy of the State as expressed in previous responses to proposed CBRA revisions.

DCA does recommend for inclusion in the CBRS those long term, phased developments that have been deemed "vested" and therefore not subject to DRI review but which are still un-developed.

SPECIFIC MAP REVISIONS

The DOI should continue to refine the proposed CBRS maps to reflect new and updated information. For instance, the DOI should correct maps to reflect areas as developed where land-

owners have demonstrated that infrastructure has been installed and structures have been built. The DOI also should include in the CBRS maps those areas which local and regional officials and constituents have demonstrated as appropriate for inclusion in the CBRS.

The Florida Keys

The purpose of CBRA complements the Area of Critical State Concern Program, in Chapter 380, Florida Statutes. DCA supports the inclusion of portions of the Florida Keys in the CBRS. We support the inclusion of all non-bridged Keys and associated aquatic habitat into the CBRS. While we support the inclusion of the non-bridged Keys in the CBRS, we suggest that the bridged Keys be treated as follows:

North Key Largo

The U.S. Fish and Wildlife Service has supported the development of a Congressionally funded Habitat Conservation Plan (HCP) for North Key Largo. DCA administered the federal funding for the HCP, which was furthered to support the purposes of the Endangered Species Act, through cooperation of developers, government officials and conservationists. I suggest close coordination between DOI, the United States Fish and Wildlife Service and DCA relative to the HCP and proposed CBRS Unit FL-35.

The HCP's first recommendation is for public acquisition of the area. This recommendation is complemented by the State in that North Key Largo is number one on the State's Conservation and Recreational Land's acquisition list. If acquisition does not occur, the HCP suggests that development be confined to several nodes. The DCA is assisting Monroe County in the preparation of an application for an Areawide DRI, which would be consistent with the HCP. Although an application was not submitted prior to January 1, 1987, DCA supports exclusion of the proposed development nodes from the CBRS but only if the County continues to pursue the goals of the HCP. The remaining areas should be included in the CBRS. DOI should ascertain the status of the HCP prior to submitting a final report to Congress.

Other Bridged Keys

The Florida Keys, due to their unique geography and low elevation, are extremely vulnerable to hurricane and other storm

damage. In addition, the Keys support a variety of unique and important natural resources which would benefit from additional protection and management. However, the remaining proposed additions for the Florida Keys must be carefully re-evaluated prior to their submittal to Congress to insure that those areas are consistent with DOI guidelines. It has been determined that a number of significant errors exist on the proposed CBRS maps. These errors have caused concern and confusion among reviewing agencies and other interested parties. Current aerial photographs should be utilized to determine those areas which contain existing development and infrastructure. Our staff will be available for consultation in this regard, if needed.

DCA and Monroe County have been involved in a protracted comprehensive planning process in the Florida Keys during the past three years. During this period, the issue of accurate land use maps was a cause of continuing controversy. Therefore, I cannot support inclusion of the other bridged Keys until the maps are corrected.

Ft. George Island

DCA will not address the appropriateness of including portions of Ft. George Island in the CBRS. The Office of the Governor should prepare the official state position on Ft. George Island.

Santa Rosa Island Authority

Both DCA and DOI have received specific information related to the Oriole Beach quadrangle map segment of the proposed CBRS Unit FL-98. Given this information, I recognize that the Santa Rosa Island Authority has sufficiently demonstrated that the proposed boundary was incorrectly drawn. I believe that the specific area shown with existing water and sewer lines and residences does not meet the DOI's criteria for inclusion in the CBRS and therefore it should be excluded from the CBRS.

North Hutchinson Island (P10)

The proposed expansion of the CBRS Unit P10 is not warranted. P10 was excluded when Congress approved CRBS in 1982. It has not become undeveloped in the ensuing years. Consequently, I see no reason or justification for including P10 now.

County Road 510 approximately bisects the proposed expansion of P10. Based upon existing infrastructure and development density, the proposed P10 areas south of County Road 510 do not merit inclusion into the CBRS.

The area north of County Road 510 is extensively developed for agricultural purposes and contains significant agricultural-related improvements. Therefore, the Department supports continued federal assistance for this tract.

City of Cedar Key

Unit P25 is the only unit in Florida whose proposed expansions include some incorporated areas currently in residential, commercial, office, or institutional land uses and contain a full complement of public infrastructure. Many of these improvements have been in existence many years before CBRA was enacted. I propose that these developed areas both within and outside the municipal boundary of Cedar Key should be removed from the proposed CBRA expansion.

POLICY RECOMMENDATIONS FOR THE FINAL REPORT

- DCA staff has many times had to contend with the ambiguity of the availability of federal funds for projects that are not located within but would serve a CBRS unit. DCA recommends that guidelines be developed clarifying the position that federal funds shall be restricted for facilities located outside a CBRS unit whose direct purpose is to service a CBRS unit. At a minimum these guidelines should note that infrastructure intended to solve existing problems, consistent with the purpose of CBRA, should continue to receive federal financial assistance.

- DCA recommends that Section 6(a)(3) of CBRA be retained. This provision assures that existing essential links to a larger system or network be eligible for federal funds for their repair, replacement, or maintenance. Section 6(a)(6)(F) which allows for continued funding of the above requires that the work be consistent with the purposes of CBRA. This language would have the potential of denying federal funds for the maintenance, repair, or reconstruction of some existing roads. It is important that the state be allowed to maintain the necessary links to existing barrier

island developments without the condition contained within Section 6(a)(6)(F) of CBRA.

- DOI's March 1987 Report to Congress: Coastal Barrier Resources System Executive Summary concludes with a recommendation that the federal government study "alternative guidelines on which to base decisions concerning redevelopment of coastal barriers following major storms or hurricanes." DCA endorses this proposal because such areas involve special circumstances which warrant careful consideration.

The Department of Community Affairs appreciates the opportunity to comment on these proposals and recommends your support of the U.S. Department of Interior's efforts to expand the Coastal Barrier Resources System subject to the comments, conditions, and exceptions noted in this letter. This program is a strong affirmation of sound fiscal and resource management.

Sincerely yours,

Tom Pelham

Thomas G. Pelham
Secretary

TGP/jqp

STATE OF FLORIDA

OFFICE OF THE GOVERNOR
BOB MARTINEZ

August 6, 1987

RECEIVED
AUG 7 1987
BUREAU OF STATE
RESOURCE PLANNING

The Honorable Donald Hodel
Secretary of the Interior
U. S. Department of the Interior
Washington, D.C. 20240

Dear Mr. Hodel:

I am happy to respond to your request for a review of the U.S. Department of the Interior's (DOI) proposed recommendations to Congress on revisions to the coastal barrier resource system (CBRS) established by the Coastal Barrier Resources Act (CBRA). The CBRS inventory and executive summary have been reviewed by local, regional, and state officials and by many of Florida's citizens. To facilitate our review I requested the Department of Community Affairs (DCA), in cooperation with your department, to hold five public workshops throughout Florida. We appreciate Ms. Barbara Wyman, Mr. Frank McGilvrey, and Dr. Juergen Rheinhardt of DOI attending our workshops.

The State of Florida supports the concept of CBRA. We have reviewed the DOI recommended revisions to the CBRS and, with some exceptions, find them to be consistent with the intent of CBRA and Florida laws and policies which we must implement. Florida's State Comprehensive Plan (Chapter 187, Florida Statutes) contains policies that seek to minimize the loss of human life, protect natural resources, and reduce wasteful public expenditures. The State has also adopted a policy of avoiding the expenditure of state funds in high hazard coastal areas, including CBRS areas, and the building of bridges to currently unbridged islands (Section 380.27, Florida Statutes, and Executive Order 81-105). My comments on the proposed additions to the CBRS are based upon information obtained during the review period and a review of state agency comments, which are being sent to you under separate cover.

DOI proposes to include in the CBRS aquatic habitat associated with currently designated CBRS areas. Generally I support this recommendation since Florida has traditionally recognized the value of these natural resources and has established by statute a number of programs designed to protect them, including the aquatic preserve program, administered by the Department of Natural Resources. The DOI proposal also includes aquatic habitats near or in developed areas. I recommend that existing roads, bridges, and causeways

through CBRS units and connecting developed areas that are currently not in the CBRS be excluded from the system so that we do not inadvertently limit our ability to provide transportation services to people living in non-CBRS areas now or in the future. Florida made a similar recommendation to your department in its 1985 comments on your proposal.

The development of regional impact (DRI) process involves comprehensive planning and thorough state and regional review of developments which, due to their character, magnitude, or location, would have a substantial effect on the citizens of more than one county. The State encourages developers of large projects to utilize the DRI process since it is designed to ensure both that adequate public facilities are available at the time development occurs and that protection of sensitive environmental resources is provided. Projects which go through the DRI process typically result in developments which exhibit superior planning and accommodation of environmental values. In preparing master plans for these areas, developers are required to consider as part of their design the impact of coastal storms and floods and to mitigate their effects. I recommend that areas subject to an approved DRI development order be excluded from CBRA. DOI should exclude areas which, although presently undeveloped, are as of January 1, 1987 part of a phased, comprehensive master DRI order, are included in a pre-development agreement as a condition precedent to DRI review, or are included in a pending Application for Development Approval for a DRI. DCA would be glad to assist in the documentation of such projects. This recommendation is consistent with the State's intent as expressed to DOI by letter in 1985.

The western boundary of the proposed CBRS Unit FL-98 in Santa Rosa Island includes a developed area and a 60 acre parcel in the Range Point area that, according to the Santa Rosa Island Authority, has sewer and water infrastructure available as a result of the recent sale of revenue bonds. The authority asserts that a portion of the debt was to be paid from fees charged to developers of a planned destination resort in the area. I recommend that this area, not including approximately 4,000 feet of beach frontage, be excluded from the proposed CBRS unit.

DOI's proposed additions to CBRS Unit P10, North Hutchinson Island, were excluded by Congress in 1982 and remain developed areas. The only area in the proposed additions that should be added to CBRS Unit P10 includes the wetlands south of County Road 510. All other areas in the proposed additions meet DOI criteria for exclusion, including the availability of infrastructure, urban development densities, agricultural improvements, or the existence of other development such as roads, stormwater systems, and water supply.

The Florida Keys have been designated by the state legislature an area of critical state concern (ACSC) since 1979. A principal objective of the designation is to protect the Keys' unique and fragile natural resources. Current land use maps have recently been prepared and adopted in connection with Monroe County's comprehensive plan. I recommend that before CBRS designations are made on the bridged keys, DOI work with DCA and the Florida DOT and examine these current land use maps in order to determine which areas may be proposed for inclusion. U.S. Highway 1 in the Keys is an important transportation corridor to both national and state interests, it should be excluded from the proposed additions to the system. I concur with the DOI proposal to designate unbridged keys and associated aquatic habitats as part of the CBRS.

DOI's proposed additions to CBRS Unit P25, Cedar Key, include areas currently in residential, commercial, or institutional land uses which contain a full complement of public infrastructure. I suggest that these developed areas, both within and outside of the municipal boundary of the City of Cedar Key, be excluded from the proposed additions to the existing CBRS unit.

DOI's proposed addition to the CBRS, FL-63, Big Marco Pass, includes areas containing substantial development. The area includes four high rise structures, numerous residential and commercial buildings, and a full complement of public infrastructure. It appears from recent aerial photographs that these areas were mistakenly included in the proposed CBRS unit. I recommend that the developed areas be excluded from the proposed FL-63.

The DOI draft report to Congress recommends the repeal of Section 6(a)(3) of CBRA. This section addresses the use of federal funds for the repair, reconstruction, replacement, or maintenance of essential links in the highway network inside CBRS units. I recommend that this section of the Act not be repealed. Your recommendation that the above type of projects be subject to Section 6(a)(6)(F) would require additional project review and consultation. The language of this proposed change could potentially eliminate federal funding of routine maintenance, repair, or reconstruction of some existing roads. This would create problems for residents in existing developments.

The draft report also recommends that Section 6(a)(2) of CBRA be amended by adding the following language: "Maintenance of existing channel improvements and related structures, such as jetties, and including the disposal of dredged material related to such improvements, will be performed in a manner consistent with the purposes of CBRA." This proposed new language needs to be clarified to allow for the deposition of sand dredged from inlets and channels on state beaches when agreed to by the State and the Corps of Engineers. The amended section should not preclude nonstructural beach nourishment projects.

DOI proposes o eliminate the requirement in CBRA that federal agencies cer fy to the Office of Management and Budget (OMB) that they have co lied with CBRA in their funding decisions. We believe that some means of oversight of federal agency actions relative to the program is necessary to insure compliance. OMB seems to be an appropriate oversight agency if the reduction of governmental costs and waste is an objective.

I stress that the State of Florida is committed to the preservation of coastal barriers, estuaries, and wetlands. We have demonstrated this commitment through extensive programs for land acquisition and regulation of development in these areas and by aggressive land acquisitions in the coastal zone. The Coastal Barrier Resources Act provides us with another opportunity to work with federal agencies to minimize the loss of human life, protect vital natural resources, and reduce the wasteful expenditures for public infrastructure development. I encourage you to strengthen and expand the coastal barrier resources system consistent with these comments so that these resources are not lost.

I sincerely hope that the revisions to the CBRS, which began in 1985, can be quickly and finally resolved so that the citizens of Florida can prepare and implement plans based upon some degree of certainty.

Thank you for the opportunity to review the draft executive summary and coastal barrier resources system inventory. My staff will be happy to work with you in clarifying my comments on DOI's proposed CBRA revisions.

Sincerely,

Governor

BM/wkm
Enclosures

cc: Florida Congressional Delegation
Florida Cabinet Members
Tom Pelham
Tom Gardner
Dale Twachtmann
Colonel Robert Brantly
Kaye Henderson
Jeb Bush
Gregory Coler
George Percy

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2571 EXECUTIVE CENTER CIRCLE, EAST • TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ
Governor

THOMAS G. PELHAM
Secretary

March 22, 1988

M E M O R A N D U M

TO: Walt Kolb
Office of the Governor

FROM: Thomas G. Pelham TGP
Secretary

SUBJECT: Supplemental Legislative Environmental Impact Statement on proposed changes to the Coastal Barrier Resources System

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The Department of Community Affairs (DCA) has reviewed the supplemental legislative environmental impact statement (LEIS) concerning the proposed changes to the Coastal Barrier Resources System (CBRS). In response to the draft Report to Congress executive summary (March 1987) and maps delineating the proposed additions and deletions to CBRS, DCA has previously provided comments on the proposal in a letter to Governor Martinez on July 6, 1987. Those comments are still applicable. We will therefore not address specific changes to the CBRS maps or readdress those issues which were covered in the previous letter, but will limit our comments to those issues raised in the LEIS.

I. Definitions of Undeveloped Coastal Barriers

DCA is in agreement that the coastal barrier definition should be expanded as outlined in the LEIS to include those features which otherwise meet the criteria as functional barrier islands. This includes consolidated depositional features (cemented carbonate islands), deposits of silt and clay stabilized by mangrove vegetation, and shorelines typified by fringing mangroves and offshore coral reefs. It is evident that such geological features conform with the findings and purpose of Section 2 of the Coastal Barriers Resources Act (CBRA). Inclusion of these areas will act to minimize damage to fish, wildlife and other natural resources, the loss of human life and wasteful expenditure of public funds.

DCA also agrees that associated aquatic habitat and secondary barriers should be included within the CBRS definition. We feel

that coastal barriers should be addressed as an interrelated system, which includes secondary barriers and the wetlands and estuarine areas landward of the primary barrier.

II. Impacts to the Natural and Socioeconomic Environment

A more thorough evaluation of the impacts of the removal of the availability of federal flood insurance is warranted. The response of the insurance industry should be investigated. Alternative private insurance programs mentioned in the text should be evaluated.

Additional guidance to the states is needed on how the federal government interprets funding prohibitions for improvements outside of a CBRS unit but which will impact a CBRS unit. Cooperation and coordination of state and local governments would be furthered by a clearer understanding of how various public infrastructure projects will be affected by the CBRS designation.

The report did not adequately cover management actions of state and local governments and how CBRA is coordinated within the Coastal Management Programs of the affected states. In addition, the ability and willingness of state and local governments to control development on barrier islands should be analyzed further.

A minor technical error was noted in the document. The report referred to reef limestone found in the Upper Florida Keys as consisting of both Key Largo limestone and Miami oolitic limestone. Actually, Key Largo limestone (reef limestone) is found in the upper Keys, while Miami oolite (cemented granular limestone) is the surficial geological formation in the lower Keys.

References should be provided which support statements concerning development impacts on the integrity of limestone formations in the Florida Keys. While such impacts may occur on a limited basis, it does not appear that development has directly contributed to the undermining of this geological feature. The situation referenced in Central Florida may not be analogous to that in the Florida Keys.

The Department of Community Affairs appreciates the opportunity to comment on the LEIS and recommends support of the U.S. Department of Interior's efforts to expand the Coastal Barrier Resources System subject to the comments noted in this and our previous correspondence. This program is a strong affirmation of sound fiscal and resource management.

TGP/gsp

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2571 EXECUTIVE CENTER CIRCLE, EAST • TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ
Governor

THOMAS G. PELHAM
Secretary

Dear Local Planning Official:

In 1982 Congress passed and President Reagan signed into law the Coastal Barrier Resources Act. This act precludes certain federal subsides to coastal development, including flood insurance, in areas designated by Congress as undeveloped. The act also requires the U.S. Department of the Interior to study possible additions to or deletions from the list of designated undeveloped areas and reports their findings to Congress.

In 1985 the Department of the Interior released draft maps of the additions the Department of the Interior would propose to Congress. This proposal has been refined as a result of the Department of Interior's review of the public comments in 1985.

I am sending you a copy of the most recent maps and executive summary that the Department of the Interior has distributed to the Governor's Office, the Department of Community Affairs, and to each coastal county commission. The release of these documents on March 25, 1987 initiated the latest 90 day public comment period. This period will close on June 24, 1987.

During the week of May 11 to May 15, the Department of Community Affairs will be hosting a series of public workshops around the state. One under secretary and two staff members of the Department of the Interior will be assisting the Department of Community Affairs in these workshops to give the public an opportunity to address its concerns about the Coastal Barrier Resources System revisions. The workshops will be held in Panama City, Jacksonville, Vero Beach, Fort Myers, and Plantation Key. The date, time, and location of each workshop are listed on a separate sheet enclosed with this letter.

The Department of Community Affairs is also interested in soliciting comments to assist in formulating the Governor's response to these proposals. If you have any comments, send them to the Department of the Interior and send a copy to the Department of Community Affairs.

Sincerely yours,

Tom Pelham

Thomas G. Pelham
Secretary

TGP/csw

Attachment

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2571 EXECUTIVE CENTER CIRCLE, EAST • TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ
Governor

THOMAS G. PELHAM
Secretary

M E M O R A N D U M

TO: George Meier, Office of Planning and Budgeting

FROM: Thomas G. Pelham, Secretary

SUBJECT: Intergovernment Project Review:
Heckscher Drive (S.R. 105)
Work Program Item Number: 2114802, 2114803, & 2118092
State Project Number: 72250-1542, 72260-1534 & 74130-1518
Federal-Aid Project Number: F-488-1 (6) Duval & Nassau County, Florida

The staff of the Department of Community Affairs has reviewed the Advance Notification on the Heckscher Drive project, and finds the proposed project to be inconsistent with existing federal regulations. In addition, we believe that the project is inconsistent with Executive Order 81-105 on coastal barriers. Also, in the future, it will have to be consistent with the City of Jacksonville and Nassau County Comprehensive Plans. The Heckscher Drive project, an expansion of an existing roadway, is inconsistent with federal regulations because its violates the Coastal Barrier Resource Act (CBRA). This law prohibits federal financial assistance in areas designated as units within the Coastal Barrier Resource System (CBRS). The attached map identified as Appendix "A" outlines the portion of the project that lies within CBRS unit PO2 (identified as Appendix "B").

The restrictions on federal expenditures within CBRS units are imposed by Section 5 of CBRS. Section 5 prohibits new expenditures for highway projects within the boundary of a designated unit or for bridges and causeways leading directly to and extending into such units. A new federal expenditure is one which has no legally binding commitment for payment before October 18, 1982.

Section 6 of CBRA allows exceptions for certain actions but not for expansion of existing publicly owned roads. Since the Heckscher Drive project is an expansion it does not comply with CBRA's exception procedures.

The Heckscher Drive Project, moreover, is inconsistent with both the Coastal Barrier Executive Order 81-105 and its August 1986 update. The Executive Order first states that,

> State funds and federal grants for coastal barrier projects shall not be used to subsidize growth in hazardous coastal barrier areas.

In 1986 the update established the following, among several other measures:

> The state should not pay to expand infrastructure....in any designated unit of the Federal Coastal Barrier System.
>
> ... agency heads shall not permit payment by the state for new or expanded infrastructure projects ... in Federal Emergency Management agency designated V Zones, in areas damaged by coastal storms, or at inlets without structural controls....exceptions can be made where a crucial need is found to alleviate dangerously overcrowded roads.

Heckscher Drive extends through each of these types of areas. The Executive Order policies remain in effect until local governments implement plans, programs, and regulations that conform to or exceed the above stated measures.

One such plan is the local government comprehensive plan. The City of Jacksonville and Nassau County will be required to submit by April 1, 1990 and May 1, 1990, respectively, a comprehensive plan to include a coastal management element. The coastal management elements shall designate coastal high hazard areas. These areas, once designated will not be eligible for state funds to expand infrastructure unless the expansion is consistent with the comprehensive plan, pursuant to Section 380.27(2), Florida Statutes. The proposed coastal high hazard areas for the City of Jacksonville are outlined in blue on the

draft map identified as Appendix "C". The Heckscher Drive Project extends throughout the coastal high hazard area. Once the designation is adopted under the revised comprehensive plan, it is conceivable that the Heckscher Drive Project would be in violation of section 380.27 (2), Florida Statutes.

This agency therefore finds that the proposed Heckscher Drive expansion is inconsistent with federal laws and state policy. Please advise my staff if any assistance or clarification is needed.

TGP/csw

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2571 EXECUTIVE CENTER CIRCLE, EAST • TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ
Governor

THOMAS G. PELHAM
Secretary

November 8, 1987

M E M O R A N D U M

TO: George Meier, Director of Intergovernmental Coordination
Office of the Governor

FROM: Thomas G. Pelham, Secretary TGP

SUBJECT: Intergovernmental Coordination and Review Process
and the Coastal Zone Management Process
FL 8708200251C, FL 8708200283C,
FL 8708200284C, and FL 8708200285C
Federally funded capital improvement proposals
in St. Johns County

The Department of Community Affairs (DCA) has reviewed the four federally-funded, capital improvement proposals to serve Anastasia Island and vicinity. We are consolidating our review of the proposals since all of the projects are located in the same general area. Although the proposals show the location of each of the facilities, the service area boundary for each was not explicitly delineated. Because the service areas were not defined, it is not possible to determine whether the proposals are in accordance with the programs and polices which the DCA must implement. Further information should therefore be required before the Intergovernmental Coordination process is completed.

In the review of the information that was provided, we have identified the following concerns which must be addressed during the review of these proposals.

The St. Johns County public facilities officials have indicated that the service area for at least two of the projects would include Anastasia Island and the area south to the Flagler County line. That boundary contains coastal high hazard areas and

Coastal Barrier Resource System (CBRS) Unit, P05A, south of the Matanzas Inlet. The inclusion of a CBRS unit in the proposed service area would be a violation of the intent of CBRA. At a minimum, Federal funds would not be available for water or sewage line extensions through or hookups within a CBRS unit. In addition, if improvements proposed for the plant itself are expressly designed to service a CBRS unit, funding may be restricted for that as well. Therefore, information on the capacity and service area is extremely important when considering these proposals. A map of the nearby and overlapping CBRS units accompanies this memorandum.

In regard to the water transmission main improvement (SAI #FL8708200283C), additional concerns have been raised. First, more information is needed concerning the subaqueaous crossing of Matanzas River. Such a project could have serious environmental consequences. More detailed plans and an environmental assessment are needed before this part of the proposal is conceptually approved. Also, the location and depth of the three new water wells as well as information concerning impacts of the proposed withdrawal on the existing water supply need to be provided before an adequate review can be completed.

It is noted that no State funds have been identified in the application under proposed funding. Under Executive Order 81-105, state funds cannot, except for certain circumstances, be expended for the purpose of increasing the capacity of infrastructure in coastal high hazard areas. This policy is in effect until local governments adopt and implement a Comprehensive Plan which meets the requirements of Chapter 163 Florida Statutes (F.S.), and Chapter 9J-5 Florida Administrative Code (F.A.C.). According to 163.3178(1) F.S.: "it is the intent of the Legislature that local government comprehensive plans ... limit public expenditures in areas that are subject to destruction by natural disaster." Pursuant to Chapter 9J-5, Florida Administrative Code, the comprehensive plans must be revised according to special criteria for each constituent element. In several elements is an explicit requirement to address how a local government will limit public expenditures that subsidize development in coastal high hazard areas, including 9J-5.012(3)(b)5, 9J-5.012(3)(b)6, and 9J-5.016(3)(b)2, F.A.C. The Federal government should be aware that they are being asked to fund a project which may clearly in the future conflict with existing state policies.

I recommend that all the reviewing agencies be provided with a service area map of all four proposals which clearly indicates

coastal high hazard areas before the Intergovernmental Coordination Unit compiles the intergovernmental review. This way we will be able to determine definitively whether the proposals are in accordance with existing policies and consistent with the Florida Coastal Management Program. My staff is available, meanwhile, for any other clarification.

TGP/gss

copy

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2571 EXECUTIVE CENTER CIRCLE, EAST • TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ
Governor

THOMAS G. PELHAM
Secretary

March 11, 1988

MEMORANDUM

TO: Rick Smith
Office of the Governor

FROM: Thomas G. Pelham, Secretary TGP

SUBJECT: Anastasia Island Water and Sewer Improvements (SAI#'s FL8708200251C and FL8708200283C)

The Department has further reviewed the water and sewer system improvements proposed for Anastasia Island (SAI#'s FL8708200251C and FL8708200283C) in St. Johns County. After the meeting of December 22, 1987, DCA had two remaining concerns. The first is the relation of the service area boundaries for the proposed facilities to the existing Coastal Barriers Resources System (CBRS) unit P05A. The other is the coordination of the facilities improvements with the development of a local comprehensive plan for the county, as required by Chapter 163, Florida Statutes (F.S.).

Specific service area boundary maps were provided by representatives of St. Johns County for both projects. It is apparent that the service area for the sewage treatment system does not include CBRS unit P05A. The service area for the potable water system, however, does include a portion of this CBRS unit, south of the Summer Haven area. The increase in the capacity of the water system may encourage development in the CBRS unit by making potable water readily available. The Coastal Barriers Resources Act (CBRA) prohibits federal financial assistance for expansion of infrastructure within the CBRS.

We are therefore concerned that the proposed water system improvements may be in conflict with CBRA. We suggest that a finding by the Department of the Interior be requested as to the applicability of the CBRA funding prohibitions to this project. The proposal could possibly be made consistent with the provisions of CBRA through a stipulation that no additional water capacity be supplied to the CBRS unit. A prohibition of new water hookups in CBRS unit P05A is one method which would accomplish this.

In regard to our second concern, we have reviewed the draft Coastal Management Element for St. Johns County submitted on November 20, 1987 in fulfillment of the Local Government Comprehensive Planning Act Program contract #87-LP-03-04-65-01-172. The element contains data and analysis and goals, objectives and policies which, if adopted, will guide growth and development in the unincorporated portions of Anastasia Island and the coastal area of St. Johns County. There are statements within the text of the element and in the objectives and policies that appear to be inconsistent with the intent of Chapter 163, F.S. and its implementing Rule 9J-5, Florida Administrative Code (F.A.C.).

According to Chapter 163.3177(6)(g), and 163.3178(1) and (2)(h), F.S., the Coastal Management Element must set forth policies which designate high hazard coastal areas and which limit public expenditures that subsidize development in those areas. In addition, specific policies in Chapter 9J-5, F.A.C., require the local government to address limitations of public expenditures within and direct population concentration away from coastal high hazard areas, including 9J-5.012(3)(b)5. and 6., 9J-5.012(3)(c)7., and 9J-5.016(3)(b)2., F.A.C.

Statements within the draft Conservation/Coastal Management Element indicate that increased densities are anticipated in high hazard areas, and will be serviced by expanded water and sewer systems. For example, in the discussion of environmental suitability and constraints on development, it is stated that "areas with municipal wastewater utility systems can support much higher densities of development than areas without such systems" (p. 120). In addition, for the coastal barrier island along Vilano, St. Augustine and Crescent Beach, it is stated that primary land uses will be "medium to high density residential" (page 152). Sewage system improvements will be required to facilitate this new development (page 224).

The policies proposed support high density development through infrastructure improvements:

> "13.07.01 Sewer and water system extensions shall be used to guide and control the location and density of development through provision of these services."

> "13.02.03 All future high-density developments in FEMA identified 100-year flood hazard areas should be serviced by a sewer system and treatment plants designed to resist inundation by a 100-year storm."

There are no policies which direct population concentrations away from high hazard areas or limit public expenditures which subsidize development in high hazard areas. Without such policies, the proposed facility improvements will encourage and

subsidize growth in sensitive coastal environments subject to natural disaster.

We recommend the county's facilities planners work closely with those involved in the preparation of the comprehensive plan. As written, the draft Coastal Management Element has not addressed some important issues concerning infrastructure and development in coastal high hazard areas as required in Rule 9J-5, F.A.C. The proposed facilities improvements will render the resolution of those issues much more difficult in the future. Although the comprehensive plan is not due to be submitted until March 1990, it is important that close coordination be maintained among all levels of the planning process to avoid future conflicts.

In summary, we have found that the proposed water system improvements will impact an existing CBRS unit, and therefore may not be eligible for federal financial assistance. Any questions regarding the applicability of the CBRA prohibitions should be resolved through the Office of the Solicitor General of the United States, Department of the Interior. The proposal should not be submitted to the Farmers Home Administration until this issue is resolved. We also conclude that there are potential conflicts between the proposed improvements and issues regarding development within high hazard areas outlined in Chapter 163, F.S., and Rule 9J-5, F.A.C. Although these provisions cannot be implemented until the adoption of a comprehensive plan by the county, we are taking this opportunity to point out potential problems which must be addressed while a comprehensive plan is being formulated. As always, we encourage communication between the county and DCA on this and any other issue involved with comprehensive planning.

TGP/gsp

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2740 CENTERVIEW DRIVE • TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ
Governor

THOMAS G. PELHAM
Secretary

April 4, 1988

M E M O R A N D U M

TO: Mary Tanner
State Planning & Development Clearing House
Executive Office of the Governor

FROM: Thomas G. Pelham, Secretary TGP

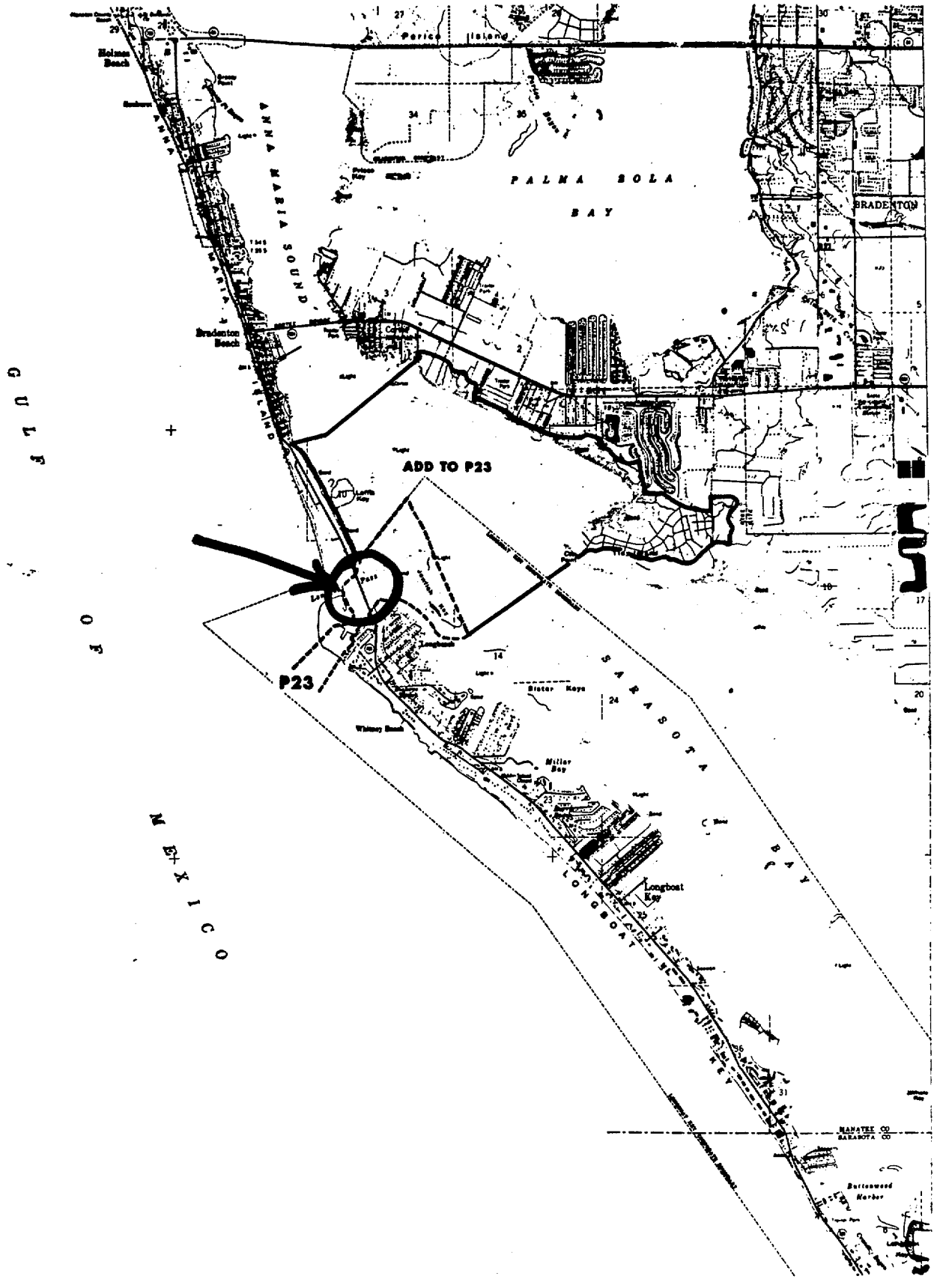
SUBJECT: Advance Notification: Replacement and Expansion of SR 789 Bridge Over Longboat Pass; State Project Number 13080-3516, Work Program Number 1115354, Federal Aid Project Number BRM-0951-(7), Manatee County, Florida, SAI # FL8803070994C

The Department of Community Affairs (DCA) has reviewed the proposed replacement and expansion of State Road 789/Longboat Pass Bridge, Manatee County, FL. We find the project not in accordance with the State's Coastal Infrastructure Policy pursuant to the Coastal Barrier Executive Order 81-105 as updated by the August 8, 1986 directive. This directive states that the State of Florida should not pay to expand infrastructure or economic development in any designated unit of the Federal Coastal Barriers Resource System. The proposed bridge replacement is located entirely within Coastal Barriers Resource System unit P23 (map attached). Improvement of this bridge facility would clearly be contradictory with the Coastal Barrier Executive Order.

Proposed Federal funding for this project also appears to be subject to the prohibitions of Section 5 of the Coastal Barriers Resource Act. The Florida Department of Transportation should immediately consult with the U.S. Department of Transportation and the U.S. Department of Interior to determine the eligibility of this project for federal funding.

Thank you for the opportunity to comment on this proposal. My staff is available for further clarification.

TGP/gkp



Report to Congress on the Coastal Barrier Resources System

UNITED STATES
DEPARTMENT OF THE INTERIOR
DONALD P. HODEL, SECRETARY

QUADRANGLE
BRADENTON BEACH
FLORIDA

SCALE
1 1/2 0 1 MILE
1000 0 1000 2000 3000 4000 5000 6000 7000 FEET
1 .5 0 1 KILOMETER

North

—— Solid lines depict proposed recommendations for additions or deletions to the Coastal Barrier Resources System (Section 10 of P.L. 97-348)

----- Dash lines depict approximate boundaries of existing units in the Coastal Barrier Resources System, for reference purposes only

Mapped, edited and published
by the Coastal Barriers Study Group
U.S. Department of the Interior
Washington, D.C. 20240

Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2740 CENTERVIEW DRIVE • TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ
Governor

THOMAS G. PELHAM
Secretary

July 27, 1988

MEMORANDUM

TO: Paul Johnson, Office of the Governor

FROM: Thomas G. Pelham, Secretary RK for TGP

SUBJECT: Draft Environmental Assessment: Choctawhatchee Bay Bridge

---

Staff within the Department has reviewed the Draft Environmental Assessment (DEA) for the proposed Choctawhatchee Bay Bridge, and offer the following comments for your consideration.

The area which will be impacted by the construction of the bridge is within the study area of the Northwest Florida Coast Resource Planning and Management Committee (NFCRPMC), which was created pursuant to Section 380.045, Florida Statutes (F.S.). A resource management plan (RMP) was prepared for this area and approved by the Governor and Cabinet on May 21, 1985. A new bridge across Choctawhatchee Bay was considered by the NFCRPMC and is addressed in the RMP. The DEA appears to indicate that the proposed bridge is consistent with the RMP (p. 4-8, 5-4). It must be noted, however, that the RMP only called for a transportation study to determine the potential need for such a bridge. The plan also lists some possible benefits of a new bridge. The bridge can not be considered consistent with the RMP, at this time, for the plan did not specifically include the bridge in its recommendations. Therefore, the implication on p. 4-8 that the bridge is exempt from the provisions of the Coastal Barrier Executive Order and subsequent directives is incorrect.

It is important to note that the Resource Plan was designed to implement a <u>comprehensive</u> planning approach for the area. While the potential alternative of a new bridge has been actively pursued, other important issues identified in the RMP have not yet been addressed. The first step in formulating a comprehensive strategy for the area is for Okaloosa and Walton Counties to establish future land use densities for the area by amending their

local comprehensive plans. In doing this, requirements of Chapter 163, Florida Statutes (F.S.) and 9J-5, Florida Administrative Code (F.A.C.) must be considered, for the comprehensive plans which are required to be submitted by February and March of 1990 must meet the minimum requirements contained therein.

In this regard, it is noted that there is a large part of the study area south of Choctawhatchee Bay which is within the coastal high hazard area and the hurricane vulnerability zone. Specific requirements in Chapter 163, F.S., and 9J-5, F.A.C., call for the direction of population concentrations away from high hazard areas and the limitation of public expenditures which subsidize growth in high hazard areas. There is no doubt that a new bridge will encourage growth in the area, some of which will occur in the high hazard zone. It appears that the "increased high density development" (p.2-1), which is given as the primary justification for a new bridge, is inappropriate for much of this area. Without land use controls to direct growth, the new bridge may exacerbate problems that the Growth Management legislation was designed to address. The DEA is deficient in that it bases its population projections only on past trends, and does not take into consideration the possible restrictions on growth in this area mandated by the minimum criteria for local comprehensive planning in Chapter 163, F.S., and 9J-5, F.A.C. We therefore question some of the "rapid growth" projections which appear to have accounted for the elevation of the White Pt. Bridge alternative from not being recommended in the original Fort Walton Beach Urban Area Transportation Study (FWBUATS) to the preferred alternative of the present study. Additional analysis of the impacts on future land uses in the Moreno Point area due to the construction of a new transportation corridor is necessary. The statement "additional growth generated by the preferred alternative remains an enigma" (p. 5-4) ignores one of the most critical questions concerning this project.

Further information is also requested as to the reasons why the Mary Esther and Hollywood bridge alternatives were rejected in favor of the White Pt. bridge alternative. In addition, no detailed hurricane evacuation data was presented to justify the need for a new evacuation corridor. Although existing bridges are identified as critical links in the evacuation network, it may be that improvements to those existing bridges could alleviate the problem without the need for a new bridge.

It must also be noted that much of the area south of Choctawhatchee Bay is within the Federally designated Coastal Barriers Resources System (CBRS) unit P32. Federal funding is prohibited within this area. This places the burden of providing funding for the bridge on the State, local government and private

developers. The CBRS designation also raises serious questions concerning future funding of other infrastructure needs such as potable water and sewer systems improvements. The use of the bridge as a corridor for water and sewer lines is listed as a major justification for the project. Obviously, federal funding would not be available to support infrastructure improvements within the CBRS unit. There is a larger question, however, of whether sewer and water lines, paid for at local expense, would be eligible to tie into an existing system which had been previously funded by federal subsidies. Further expansion of such utilities, using federal funds, would also be called into question. Such issues need to be investigated before this project goes forward.

The purpose of the Coastal Barrier Executive Order (81-105) and the subsequent August 1986 directive was to protect life and property by not encouraging development in high hazard barrier island areas. In addition, it seeks to protect the investment of public funds in infrastructure subject to destruction from coastal storms. The proposed project appears to require a large public commitment of funds which could encourage development within a high hazard area and where there presently is no comprehensive plan in place to manage the new growth. The bridge should be considered only as a part of a comprehensive planning strategy and should not be used to guide growth into a sensitive coastal area.

Thank you for the opportunity to comment on this proposal. If you have further questions, please contact my office or George Schmahl in the Bureau of Local Planning at 488-9210.

GS/ms

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2571 EXECUTIVE CENTER CIRCLE, EAST • TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ
Governor

THOMAS G. PELHAM
Secretary

M E M O R A N D U M

TO: Walt Kolb, Office of the Governor

FROM: George Schmahl (gps)

RE: Coastal Barrier Resources System in the Florida Keys

DATE: August 7, 1987

The following is a list of site specific comments regarding the proposed revisions to the Coastal Barrier Resources System (CBRS) in the Florida Keys (Volume 14, maps 34-42). The purpose is to provide information about the level of development within and adjacent to proposed CBRS units so that the maps may be corrected to accurately reflect existing conditions. This information was compiled through analysis of recent (1985) aerial photographs and ground truthing by our Keys Field Office staff. These comments are based solely on the presence or absence of existing development as per our interpretation of DOI criteria (Federal Register Vol. 50, No. 42, 3/4/85, p. 8700).

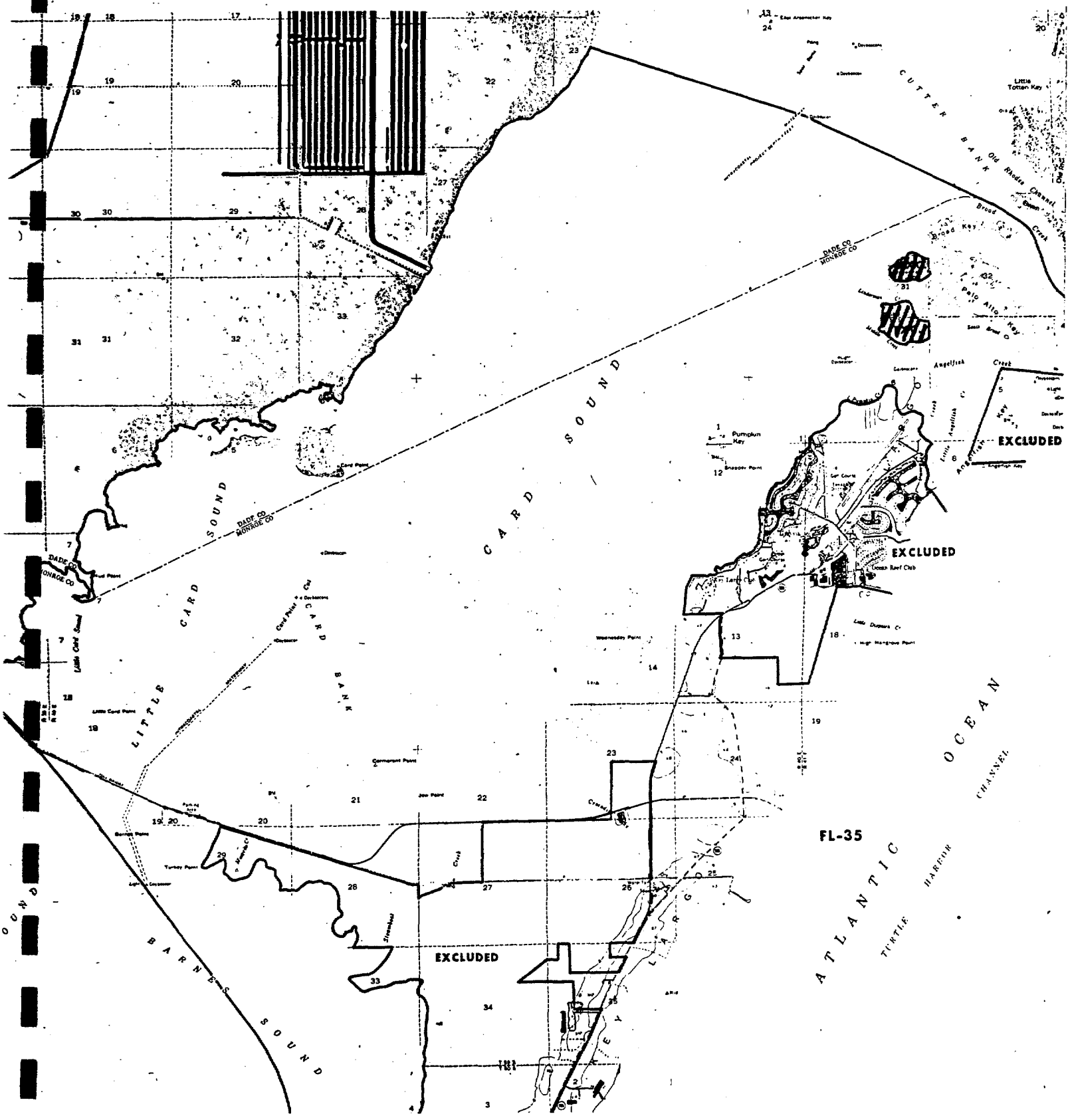
Attached to this memorandum are copies of the applicable CBRS maps. Areas which have been addressed in the comments have been identified by cross-hatching on the attached maps for reference.

Map #	Unit #	Comments
34	FL-35	The exclusion of the two small islands in the Northern section of the unit (Lindeman Key and island north of Middle Creek) does not appear justified unless they are State or Federally owned. These are undeveloped, mangrove islands which serve as valuable bird and marine habitat.

35	FL-35	The excluded area oceanside of SR 905 at Point Elizabeth is undeveloped. The areas bay-side of SR905 near Point Mary (Sections 29 and 30) are also undeveloped. There is a limestome mining operation in this vicinity, but no buildings or infrastructure.
36	FL-35	The area oceanside of US1 in section 11 and 12 (R39E), north of "Anglers Park" (area beneath the "EY" of "KEY LARGO" on map) is an undeveloped, privately owned tropical hardwood hammock.
37	FL-35	The small triangular area oceanside of US 1 and South of "Newport" (section 28) is a developed region comprised of several subdivisions (Holiday Homesites, Silver Lake, Ocean Acres) and does not meet the DOI criteria for inclusion.
37	FL-37	The area bayside of US 1 (section 7, R39E) on which the Sheraton Resort is located does not meet the DOI criteria for inclusion. Other undeveloped areas in this vicinity are appropriately included.
38	FL-38	The Hammer Point area is well developed and does not meet the DOI criteria for inclusion.
38	FL-39	The area bayside of U.S. 1, North of "San Pedro Ch." on Plantation Key is a developed area (school) which does not meet the DOI criteria for inclusion.
38	FL-40	There is a moderate amount of development in the Plantation Point area (oceanside of U.S. 1). This line should be redrawn to include only the undeveloped areas.
38	FL-40	Windley Key Quarries (bayside of U.S. 1, west of Coast Guard Station) is a disturbed area which is being purchased by the State of Florida for a park site.

		If state ownership is verified, this area should not be included in CBRS to allow development of park facilities.
39	FL-45	FL-45 should be considerably expanded to the Southwest to include the undeveloped area of Long Point Key and Fat Deer Key. There are significiant undisturbed palm hammocks located there. The nothern portion of Long Point Key (Burnt Point) is previously disturbed but not highly developed and could be excluded from FL-45.
40	FL-50	No Name Key - Although not shown to be within the boundaries of the Key Deer NWR on the CBRS map, this area is significant habitat for Key Deer and a high priority acquisition by the USFWS. The entire island, except for two subdivisions in the north-central portion (Bahia Shores and Dolphin Harbor) meets the DOI criteria for inclusion. The areas designated as "excluded" within FL-50 are undeveloped, although a limestone mining operation is located within a portion of this area.
40,41	Fl-50,FL-51	Big Pine Key - The Newfound Harbor Keys (with the exception Little Munson Island), the excluded part of the Long Beach area (oceanside) and the area South of North Pine Channel (section 34-Piney Pt. subdivision - Coupon Bight Side) are all undeveloped areas which meet the DOI criteria for inclusion. The USFWS owns land between Coupon Bight and Spanish Harbor Channel (cactus hammock).
40,41	FL-51	There are a number of predominately undeveloped, privately owned areas within the Key Deer NWR on Big Pine Key which meet DOI criteria for inclusion. Major areas of this type include the following subdivisions: Seaview, Pine Heights, Pine Ridge, Pine Grove, Pine Key Acres, Koehn, Audubon Acres, Kyle-Dyer. Subdivisions within the NWR which have

		already been significantly developed include: Doctors Arm, Tropical Bay, Port Pine Heights (Partial) and Eden Pines Colony.
41	FL-52	Undeveloped Subdivisions under private ownership within the Key Deer NWR include: Middle Torch Key- Middle Torch Key Estates and Buccaneer Beach Estates. Big Torch Key- Rainbow Beach Estates, Torchwood West, Dorns. Summerland Key - Niles Channel Cudjoe-Cudjoe Acres, Cudjoe Ocean Shores. In addition, there is significant undeveloped acreage under private ownership on Big Torch, Middle Torch and Little Knockemdown Keys.
41	FL-52,FL-53	The area North of U.S. 1 and South of the Key Deer NWR boundary, between the included areas of FL-52 and FL-53 on Cudjoe Key is predominantly undeveloped (Cutthroat Harbor Estates) and meets the criteria for inclusion. A small area directly east of the above referenced area and included within FL-52 (portion of Cudjoe Ocean Shores) is well developed and does not meet the criteria for inclusion.
42	FL-54	The excluded area on Sugarloaf Beach is considerably larger than needed to allow for the existing developed properties. At least the northeastern half of the excluded area is totally undeveloped. This area is a beach berm/dune hammock of the highest quality, an extremely rare feature in the Florida Keys. Although underlain by Coral rock, this is a sand landform subject to erosion and blow outs by storms. Development of structures on the dune contributes to the destabilization of the dune through elimination of vegetation and trampling. The area landward of the dune is a tidally influenced mangrove wetland which provides significant habitat for waterfowl. This line should be redrawn to include only those areas which are previously developed.



Report to Congress on the Coastal Barrier Resources System

UNITED STATES
DEPARTMENT OF THE INTERIOR
DONALD P. HODEL, SECRETARY

QUADRANGLE
CARD SOUND
FLORIDA

SCALE
1 1/2 0 1 MILE
1000 0 1000 2000 3000 4000 5000 6000 7000 FEET
1 .5 0 1 KILOMETER

North

Solid lines depict proposed recommendations for additions or deletions to the Coastal Barrier Resources System (Section 10 of P.L. 97-348)

Dash lines depict approximate boundaries of existing units in the Coastal Barrier Resources System, for reference purposes only

Mapped, edited and published
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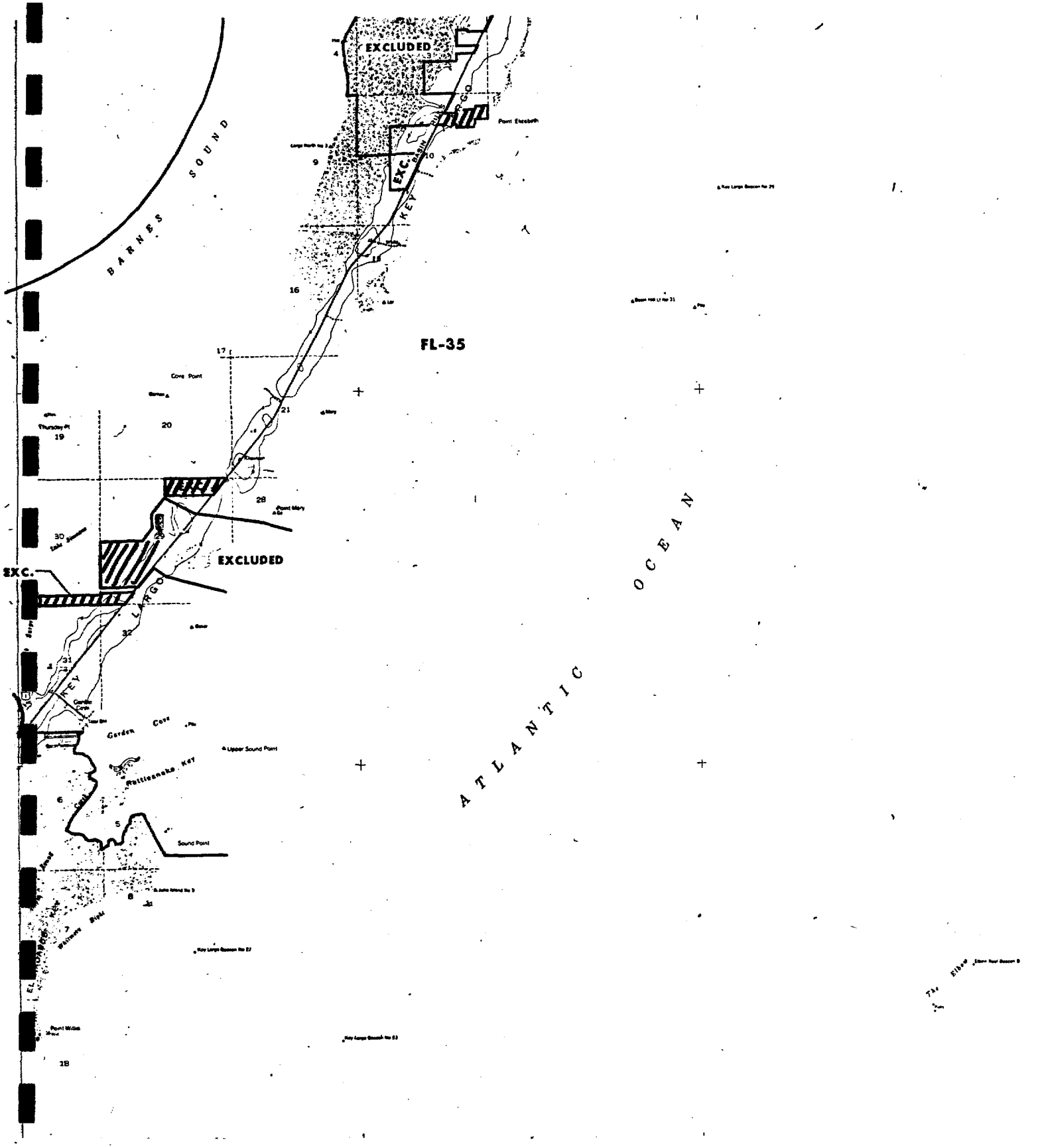
U.S. Department of the Interior
Washington, D.C. 20240

Base Map is the U.S. Geological Survey 1:24 000 scale quadrangle

34

FEBRUARY 1986



Report to Congress on the Coastal Barrier Resources System

UNITED STATES
DEPARTMENT OF THE INTERIOR
DONALD P. HODEL, SECRETARY

35

FEBRUARY 1988

QUADRANGLE
GARDEN COVE
FLORIDA

SCALE
1 1/2 0 1 MILE
1000 0 1000 2000 3000 4000 5000 6000 7000 FEET
1 .5 0 1 KILOMETER

North

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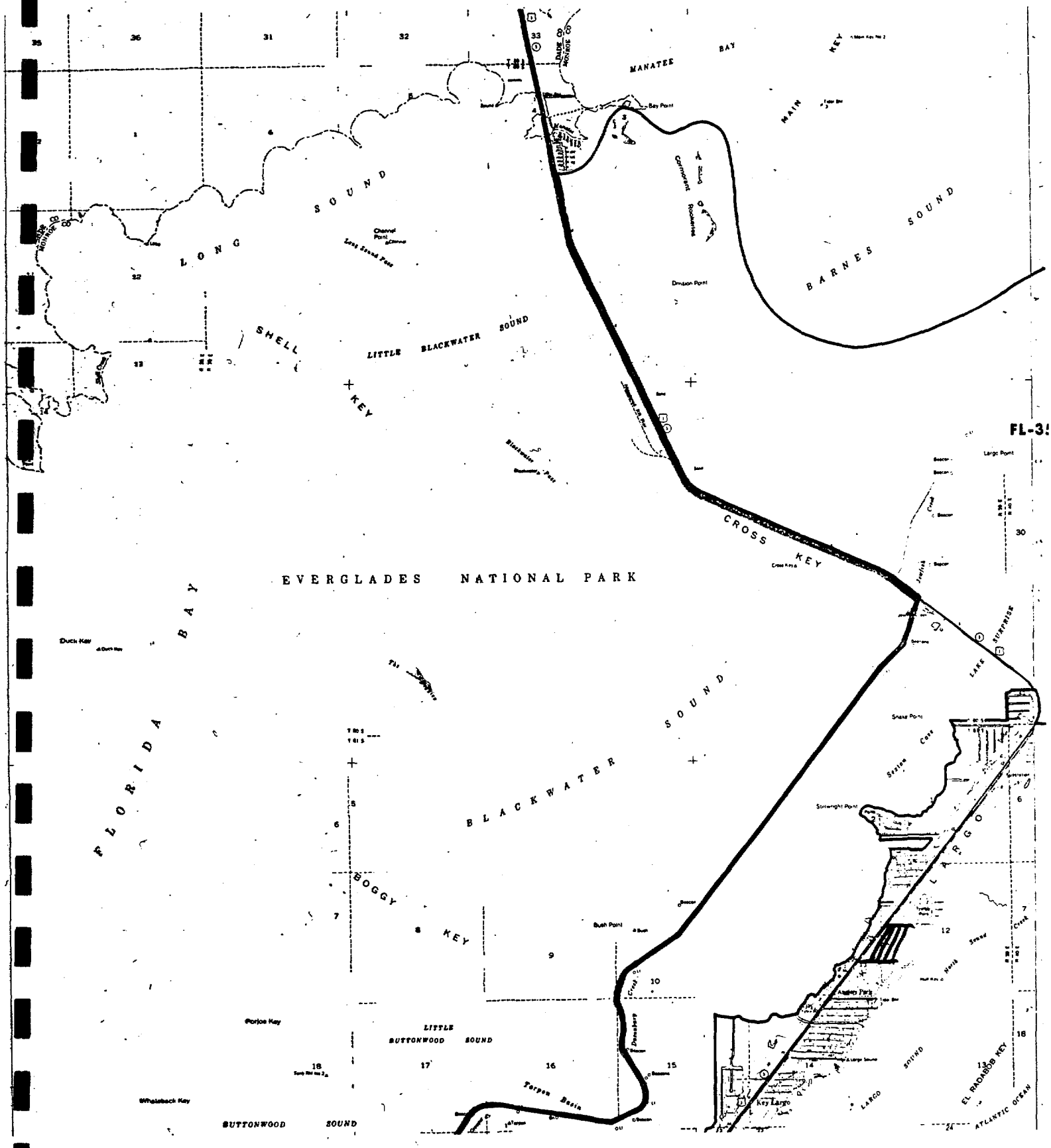

Report to Congress on the Coastal Barrier Resources System

UNITED STATES
DEPARTMENT OF THE INTERIOR
DONALD P. HODEL, SECRETARY

QUADRANGLE
BLACKWATER SOUND
FLORIDA

SCALE
1 1/2 0 1 MILE
1000 0 1000 2000 3000 4000 5000 6000 7000 FEET
1 .5 0 1 KILOMETER

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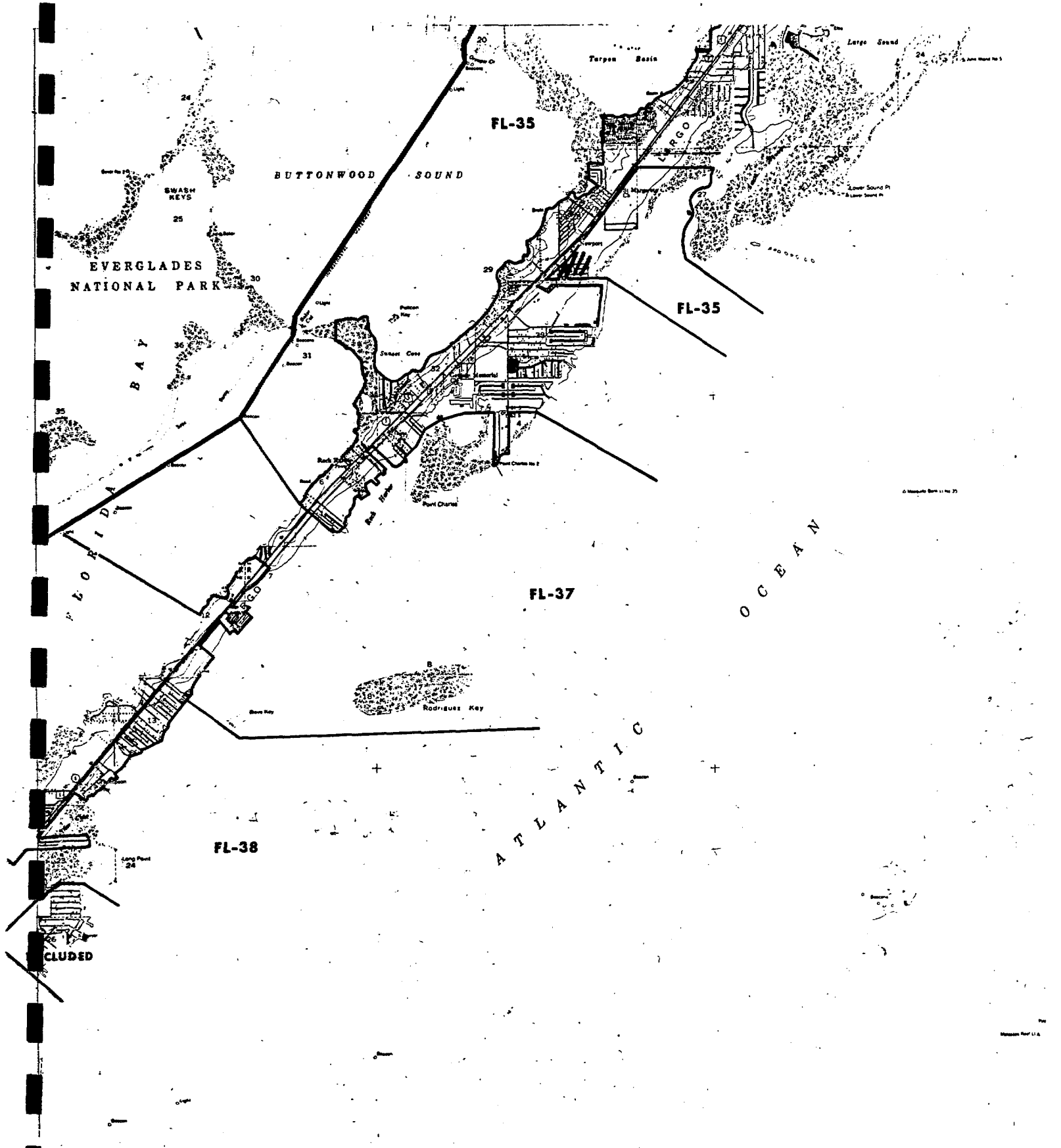

Report to Congress on the Coastal Barrier Resources System

UNITED STATES
DEPARTMENT OF THE INTERIOR
DONALD P. HODEL, SECRETARY

QUADRANGLE
ROCK HARBOR
FLORIDA

SCALE
1 1/2 0 1 MILE
1000 0 1000 2000 3000 4000 5000 6000 7000 FEET
1 .5 0 1 KILOMETER

North

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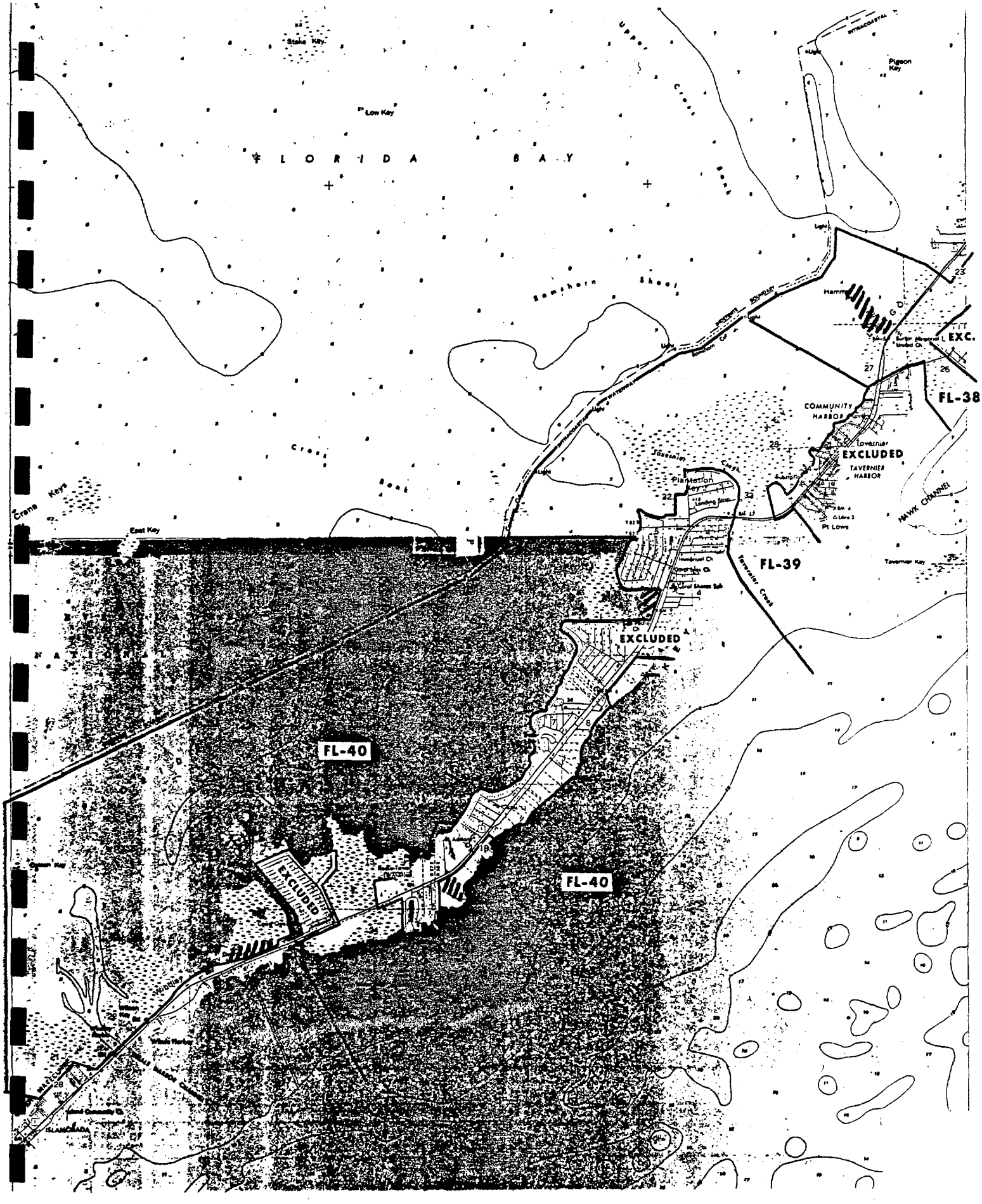

Report to Congress on the Coastal Barrier Resources System

UNITED STATES
DEPARTMENT OF THE INTERIOR
DONALD P. HODEL, SECRETARY

QUADRANGLE
PLANATION KEY
FLORIDA

SCALE
1 1/2 0 1 MILE
1000 0 1000 2000 3000 4000 5000 6000 7000 FEET
1 .5 0 1 KILOMETER

North

38

FEBRUARY 1986

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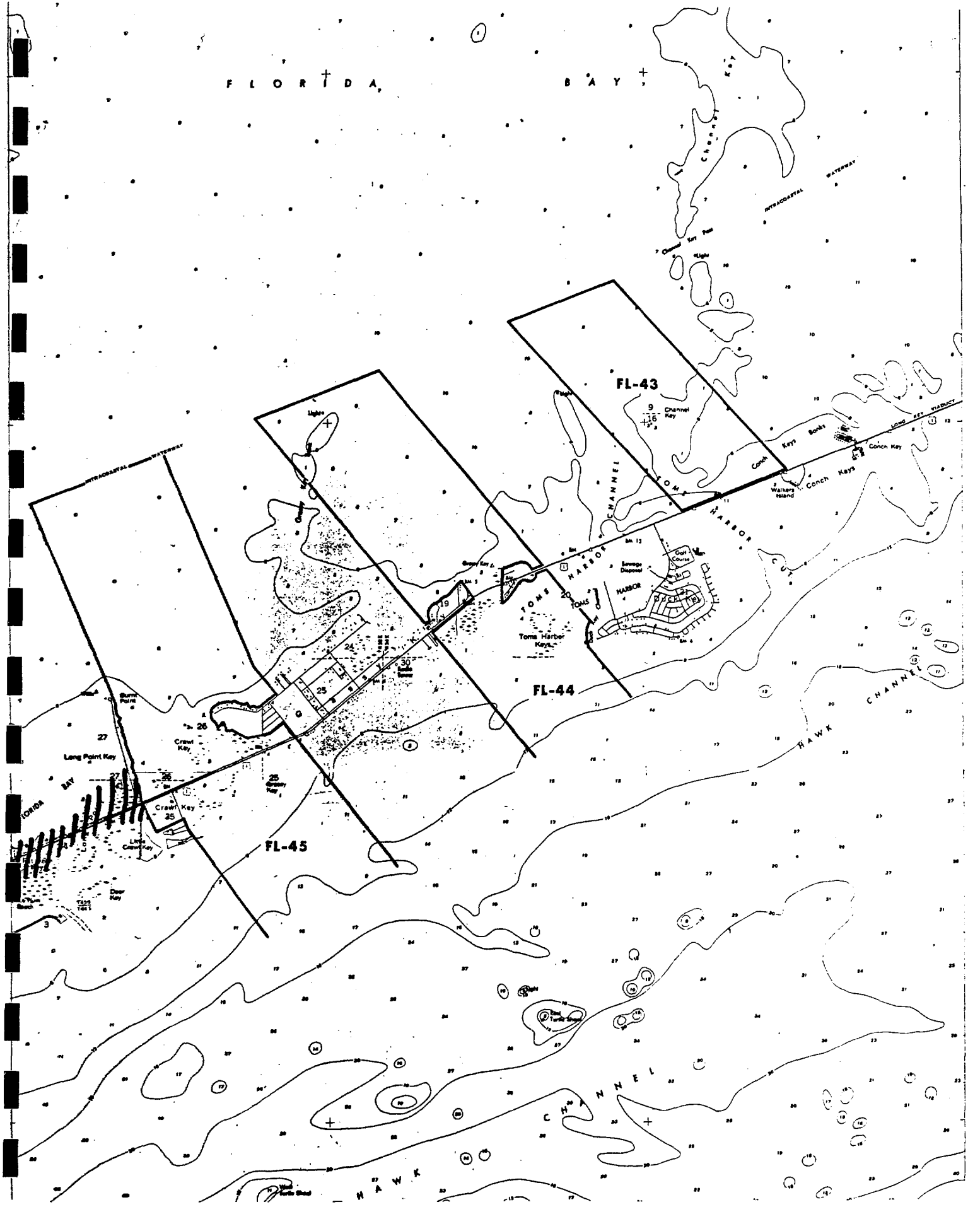

Report to Congress on the Coastal Barrier Resources System

UNITED STATES
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DONALD P. HODEL, SECRETARY

QUADRANGLE
GRASSY KEY
FLORIDA

SCALE
1 1/2 0 1 MILE
1000 0 1000 2000 3000 4000 5000 6000 7000 FEET
1 .5 0 1 KILOMETER

North

39

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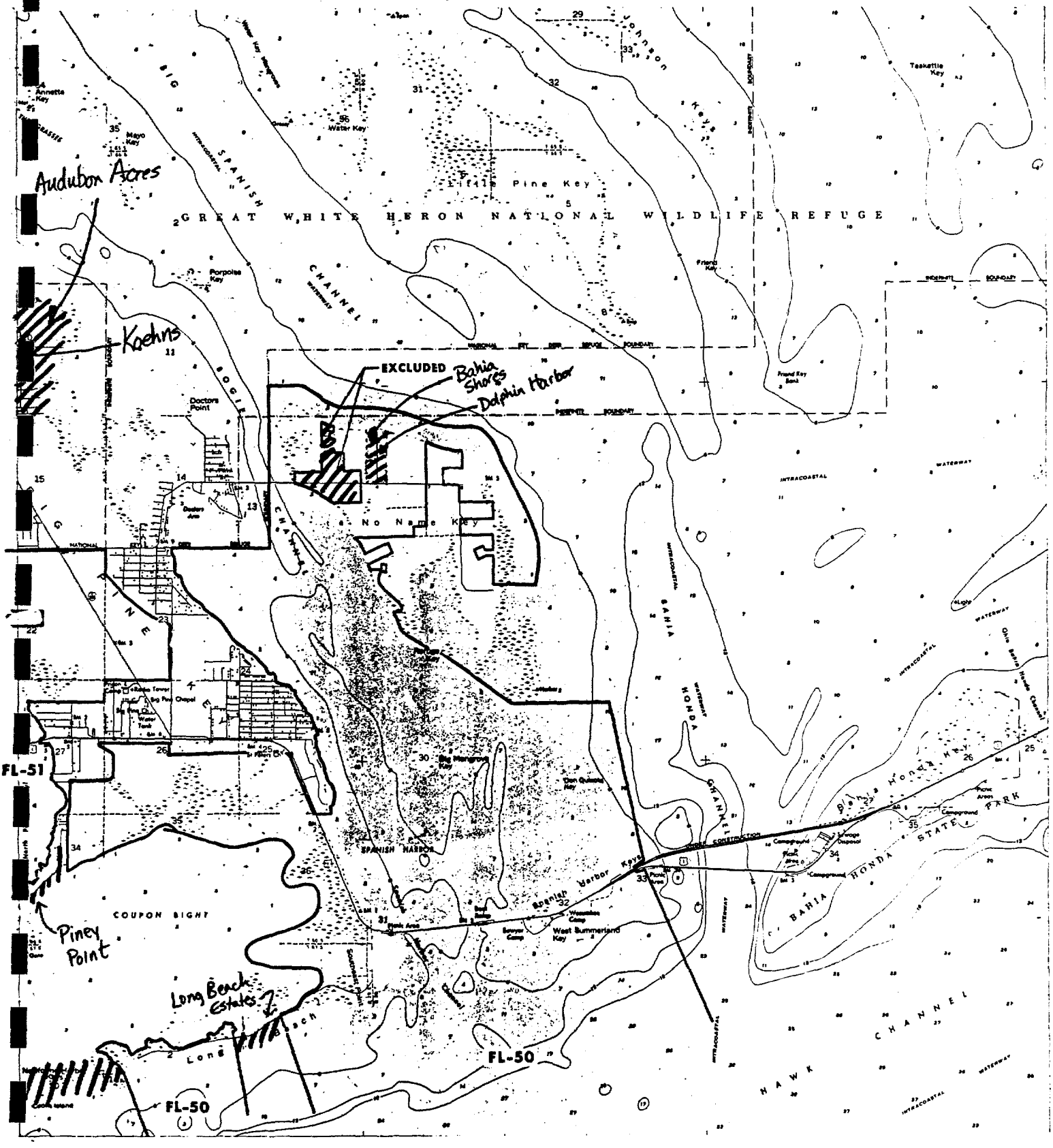

Report to Congress on the Coastal Barrier Resources System

UNITED STATES
DEPARTMENT OF THE INTERIOR
DONALD P. HODEL, SECRETARY

QUADRANGLE
BIG PINE KEY
FLORIDA

SCALE
1 1/2 0 1 MILE
1000 0 1000 2000 3000 4000 5000 6000 7000 FEET
1 0.5 0 1 KILOMETER

North

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FEBRUARY 1988

Cutthroat Harbor Estates (Part)

Report to Congress on the Coastal Barrier Resources System

UNITED STATES
DEPARTMENT OF THE INTERIOR
DONALD P. HODEL, SECRETARY

QUADRANGLE
SUMMERLAND KEY
FLORIDA

SCALE
1 1/2 0 1 MILE
1000 0 1000 2000 3000 4000 5000 6000 FEET
1 .5 0 1 KILOMETER

North

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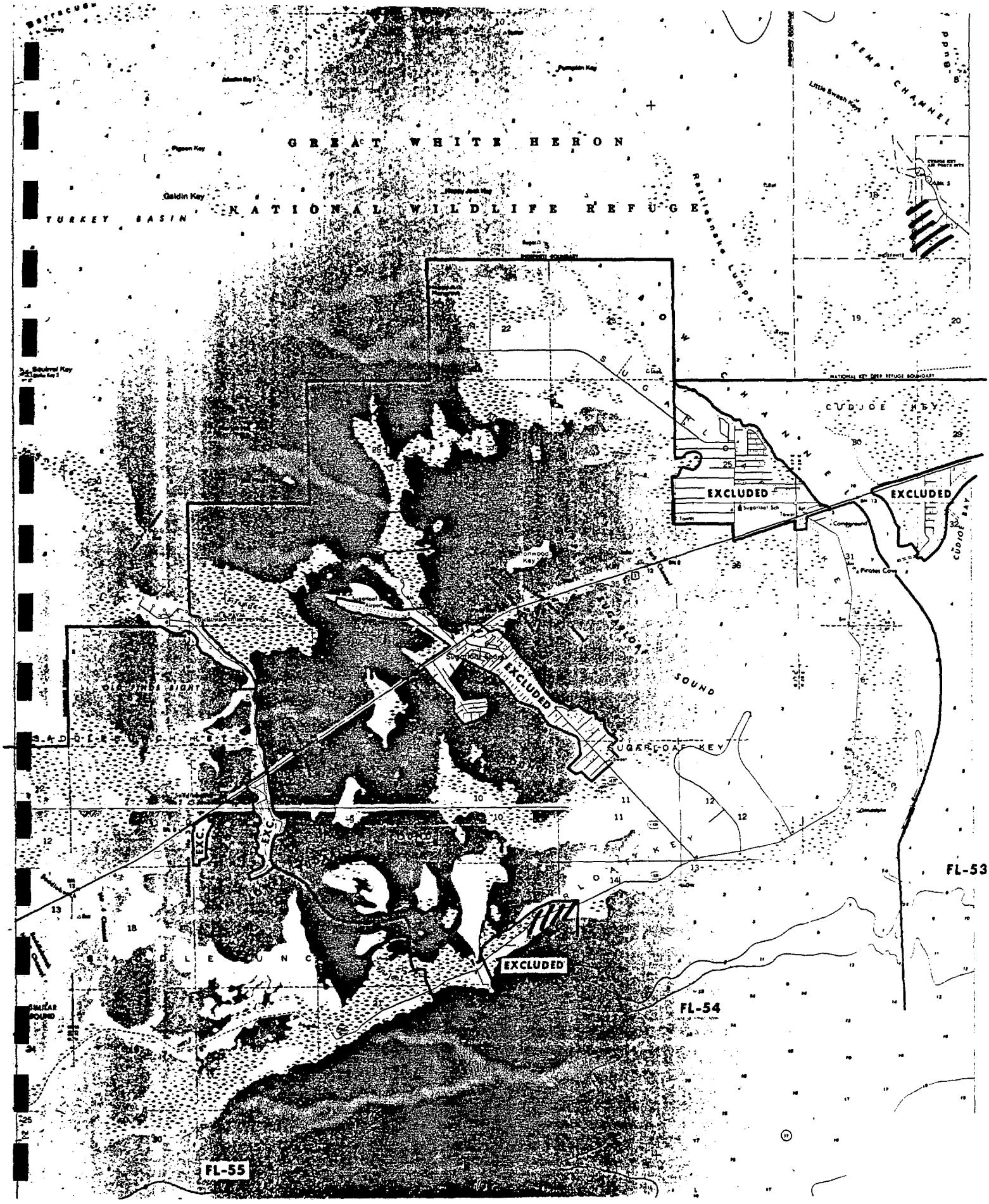

Report to Congress on the Coastal Barrier Resources System

UNITED STATES
DEPARTMENT OF THE INTERIOR
DONALD P. HODEL, SECRETARY

QUADRANGLE
SUGARLOAF KEY
FLORIDA

SCALE
1 1/2 0 1 MILE
1000 0 1000 2000 3000 4000 5000 6000 7000 FEET
1 .5 0 1 KILOMETER

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Washington, D.C. 20240

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FEBRUARY 1986

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2740 CENTERVIEW DRIVE • TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ
Governor

April 4, 1988

THOMAS G. PELHAM
Secretary

M E M O R A N D U M

TO: Mary Tanner
State Planning & Development Clearinghouse
Office of the Governor

FROM: Thomas G. Pelham, Secretary TGP

SUBJECT: Southern Boulevard (State Road 80) Bridge Replacement, Bridge Number: 930097, Work Program Item Number: 4118572, State Project Number: 93120-3550, Federal-Aid Project Number: BRM-6566-(1), SAI# FL8803071000C

The Department of Community Affairs has reviewed the federal and state-funded proposal to replace the existing two-lane bridge and causeway crossing of Lake Worth by Southern Boulevard (State Road 80) with a high or mid-level four-lane structure.

We find that the project is consistent with the statutes, programs and policies for which the Department is responsible under the Florida Coastal Management Program; however, insufficient information was provided to determine whether the project is in accordance with Executive Order 81-105 and related policies.

The project proposes to increase the capacity of a bridge that provides access to a hazardous coastal area and is located in an area where State Road A1A has been undermined by coastal storms. Executive Order 81-105 and the subsequent August 8, 1986 directive established a coastal infrastructure policy that requires executive agencies to withhold funds which would be used to subsidize growth on hazardous coastal barrier islands except where a crucial need is identified. From the information provided we were unable to assess the need for a bridge expansion. The following information would be needed in order to make this determination:

- Design capacity of the existing bridge.
- Most recent available estimates for average daily trips.

- Accident frequency data.
- Hazard constraints during evacuation.
- Analysis of volume to capacity ratios regarding hurricane evacuation to determine if the bridge is a critical link in the evacuation network.
- Hurricane evacuation times for the area.
- Existing traffic circulation levels of service for the subject bridge and other nearby crossings.
- A more detailed location map.
- An analysis of land use patterns in the area served by the bridge.

Thank you for the opportunity to comment on this proposal. My staff is available for questions or further clarification.

TGP/kmp

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2571 EXECUTIVE CENTER CIRCLE, EAST • TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ
Governor

THOMAS G. PELHAM
Secretary

December 16, 1987

MEMORANDUM

TO: George Meier, Director of Intergovernmental Coordination Office of the Governor

FROM: Thomas G. Pelham, Secretary

SUBJECT: Intergovernment Project Review: SAI # FL8707290138C Blackburn Point Bridge Number 170064, State Project Number 17100-1601, Work Program Item Number 1129029, Federal Aid Project Number BRM-0405-(1)

The staff of the Department of Community Affairs (DCA) has reviewed the Blackburn Point Bridge proposal with respect to 1) Chapter 380, Florida Statutes (F.S.), and other regulations which DCA implements as a part of the Florida Coastal Management Program (FCMP) 2) the Coastal Barriers Resources Act (CBRA) 3) the Coastal Barrier Executive Order Letter (8/86) and Chapter 163. The proposal appears to be consistent with our responsibilities within the Florida Coastal Management Program. Since the bridge is not located within a Coastal Barrier Resources System Unit, it is not necessary to discuss consistency with the Coastal Barrier Resources Act. Due to the nature of the proposal, the Executive Order Letter and statutory requirements must be addressed separately in order to evaluate whether the project is in accordance with those policies.

The Coastal Barrier Executive Order Letter, issued on August 8, 1986 by Governor Graham, states the following:

> ... agency heads shall not permit payment by the state for new or expanded infrastructure. . . in areas damaged or undermined by coastal storms. After alternatives including relocation have been evaluated, exceptions can be made where

> a need is found to alleviate dangerously overcrowded roads... Agency heads may authorize payment for projects within the Coastal Building Zone as defined in Sections 161.54(1) and 161.55(5) F.S., that are not included in the areas described above only if the potential danger to human life and property from natural hazards is minimal and consideration has been given to hazard mitigation standards, including flood-proofing and evacuation.

This policy remains in effect until Sarasota County's comprehensive plan is deemed compliant with Chapter 163, F.S., and is adopted. The proposed project is not in accordance with this policy. The bridge which would be expanded from one lane to two lanes would extend to an area subject to frequent flooding as well as within the Coastal Building Zone. Casey Key has had a history of damage from coastal storms and hurricanes. For example, although Hurricane Elena passed well to the north and west of Casey Key, 2,500 feet of Casey Key Road was damaged by the storm. Subsequently, the new road fill placed after Elena was eroded by Tropical Storm Juan (Clark, 1986). Given the existing evacuation facilities, the residents of the less than 600 dwelling units on Casey Key do not appear to be exposed to danger that warrants expansion of this bridge. Although the bridge is operating at a low sufficiency level, there is an alternate evacuation route at the south end of Casey Key. This bridge has adequately served Casey Key's needs during storms. (see attachments)

The policy under Section 380.27, F.S., may also affect the proposed project. Once Sarasota County has an approved coastal management element, pursuant to Section 163.3178, F.S., it would be subject to the following conditioned prohibition under 380.27 (2), F.S.

> . . . no state funds which are unobligated at the time the element is approved shall be expended for the purpose of planning, designing, excavating for, preparing foundations for, or constructing projects which increase the capacity of infrastructure unless such expenditure is consistent with the approved coastal management element.

The lane expansion in the proposed project would increase the capacity of the bridge. Since Sarasota County is not due to submit its revised coastal management element until October 1, 1988 the policy does not apply to current state expenditures. Once the plan is adopted after this submittal and subsequent

approval, it will be necessary to review new expenditures for compliance with the coastal infrastructure policy.

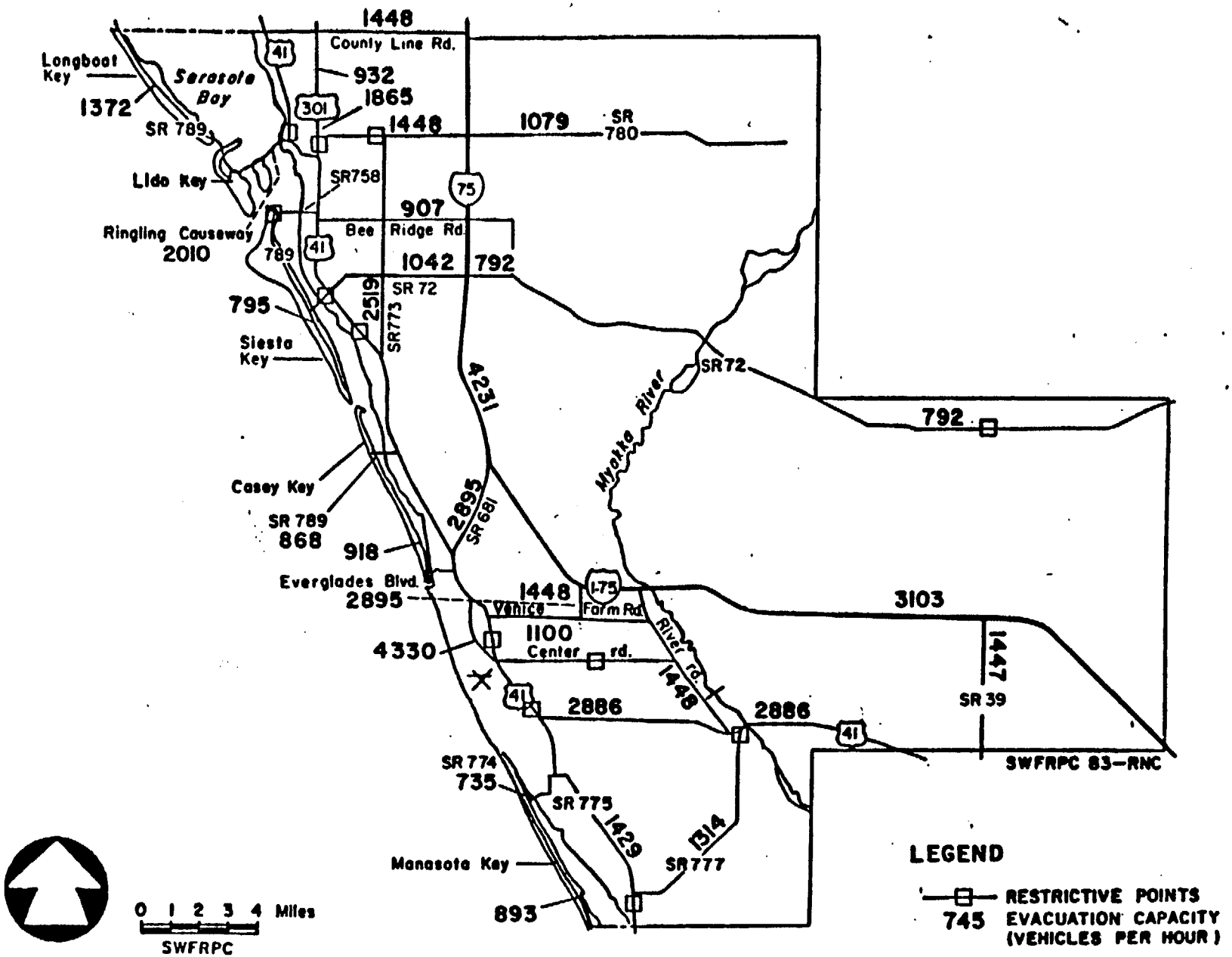
As currently proposed by the Department of Transportion, the Blackburn Point Bridge appears to be consistent with the DCA's responsibilities under the Florida Coastal Management Program. The proposal, however, is not in accordance with the Coastal Barrier Executive Order. Once the Sarasota County revised comprehensive plan is adopted, it will be necessary to review whether the proposed bridge expansion is in accordance with Section 380.27(2), F.S. Mindful of the low sufficiency rating of the existing bridge, 4.1 on a scale of 1 to 100, DCA recommends that the Department of Transportion propose improving the bridge without expanding it.

TGP/css

Enclosures

Reference

Clark, R. 1986: The impact of Hurricane Elena and tropical storm Juan on coastal construction in Florida. Department of Natural Resources, Beaches and Shores Post-Storm Report No. 85-3



MAP E-6
EVACUATION ROUTES, CAPACITIES, AND RESTRICTIVE POINTS
SARASOTA COUNTY

In: Southwest Florida Regional Planning Council Hurricane Evacuation Study

Table G-6

SARASOTA COUNTY PEAK EVACUATION TIME

Zone	Restricting Ultimate Route	Category	TIME TO Evacuation	Shelter Travel	Flood	Wind	Max. Total (hrs)
Manasota Key	774	1	0.5 (1.0)	0.5	6.0	5.5	7.0 (7.5)
		2	0.5 (1.0)	0.5	6.5	6.5	7.5 (8.0)
		3	0.5 (1.0)	0.5	7.0	8.0	9.0 (9.5)
Casey Key	789(2)	1	0.4 (0.8)	0.5	6.0	5.5	6.9 (7.3)
		2	0.4 (0.8)	0.5	6.5	6.5	7.4 (7.8)
		3	0.4 (0.8)	0.5	7.0	8.0	8.9 (9.3)
Siesta Key[1]	SR 72/ 758	1	5.7 (11.4)	0.5	6.0	5.5	12.2(17.9)
		2	5.7 (11.4)	0.5	6.5	6.5	12.7(18.4)
		3	5.7 (11.4)	0.5	7.0	8.5	14.7(20.4)
Longboat Key	SR 789 to Ringling Only	1	2.3 (4.6)	1.0	6.0	5.5	9.3(11.6)
		2	2.3 (4.6)	1.0	6.5	6.5	9.8(12.1)
		3	2.3 (4.6)	1.0	7.0	8.5	11.8(14.1)
Lido Key	Ringling	1	1.2 (2.4)	0.5	6.0	5.5	7.7 (8.9)
		2	1.2 (2.4)	0.5	6.5	6.5	8.2 (9.4)
		3	1.2 (2.4)	0.5	7.0	8.5	10.2(11.4)
Indian Beach	Local(2)	1	0.4	0.5	-	5.5	6.4
	Local(2)	2	0.8	0.5	-	6.5	7.8
	US 41	3	0.8	0.5	-	8.5	9.8
Whittaker Bayou	Local(2)	1	0.1	0.5	-	5.5	6.1
	Local(2)	2	0.5	0.5	-	6.5	7.5
	US 41	3	0.5	0.5	-	8.5	9.5
Downtown	Local(2)	1	0.7	0.5	-	5.5	6.7
	Local(2)	2	1.7	0.5	-	6.5	8.7
	US 41	3	1.7	0.5	-	8.5	10.7
Hudson Bayou	Local(2)	1	0.2	0.5	-	5.5	6.2
	Local(2)	2	0.6	0.5	-	6.5	7.6
	US 41	3	0.6	0.5	-	8.5	9.6
Roberts Bay	Local(2)	1	0.2	0.5	-	5.5	6.2
	Local(2)	2	0.6	0.5	-	6.5	7.6
	US 41	3	0.6	0.5	-	8.5	9.6
Phillippi Creek	Local(2)	1	1.0	0.5	-	5.5	7.0
	Local(2)	2	2.0	0.5	-	6.5	9.0
	US 41	3	2.0	0.5	-	8.5	11.0
Upper Little Sarasota Bay	Local(2)	1	0.7	0.5	-	5.5	6.7
	Local(2)	2	1.4	0.5	-	6.5	8.4
	US 41	3	1.4	0.5	-	8.5	10.4

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2571 EXECUTIVE CENTER CIRCLE, EAST • TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ
Governor

THOMAS G. PELHAM
Secretary

October 12, 1987

The Honorable Andrea Deratany
Chairman, Brevard County Commission
131 East New Haven Avenue
Melbourne, Florida 32901

Dear Ms. Deratany:

Governor Martinez has forwarded to me a copy of your letter dated August 4, 1987, regarding a proposed bridge to the coastal barrier island in the South Beach area of Brevard County. The Department of Community Affairs (DCA) is the state land planning agency with statutory responsibilities relating to barrier island management and hurricane evacuation.

As of this date, we understand that Governor Martinez intends to continue implementing the Coastal Barrier directive to which you referred. That directive, issued on August 8, 1986, expands upon Executive Order 81-105 which instructed the Governor's agencies to limit funds which would be "used to subsidize growth...in hazardous coastal barrier islands". The directive was considered necessary as an interim measure until local governments had implemented comprehensive plans consistent with the Local Government Comprehensive Planning and Land Development Regulation Act. Furthermore, upon the adoption of local government comprehensive plans, Section 380.27(2), F.S., will prohibit state funds for projects which would increase the capacity of infrastructure on coastal barriers unless such expenditures are consistent with the coastal management element required in Section 163.3178, F.S.

The direction is clear that any infrastructure improvement affecting a coastal barrier such as the proposed Malabar bridge, should be fully coordinated with the County's comprehensive planning process. Any commitment of state funds independent of that process would not be prudent. The expansion of infrastructure must be addressed in the required revisions throughout each

coastal local government's comprehensive plan. The bridge proposal is integrally tied to the future land use element, the traffic circulation element, the conservation element, the infrastructure element, and the capital improvements element. The goals, objectives, and policies required under 9J-5.012(3)(b)5, 9J-5.012(3)(b)6, and 9J-5.016(3)(b)2, Florida Administrative Code, relate directly to the expansion of infrastructure in coastal high hazard areas. The County's statements of the goals, objectives, and policies must in turn be consistent with statements in the other elements of the Comprehensive Plan.

In addition, other issues have been identified which should be addressed as the County contemplates the bridge proposal.

- The proposed location for the new bridge may necessitate landfall on the island in or near an existing federally designated Coastal Barrier Resource System (CBRS) unit. The purpose of the Coastal Barrier Resources Act (CBRA) is to protect natural areas and minimize loss of life and property on barrier islands by restricting the use of federal funds which may have the effect of encouraging development on coastal barriers. Governor Martinez supports CBRA and the CBRS, and wishes to cooperate with the Federal government in furthering the fair and balanced implementation of the Act. Therefore, CBRS areas should be addressed in the formulation of comprehensive plans.

- A new bridge to the barrier island would encourage development in the South Beach area. The larger the population, the greater the evacuation problem would be during a major storm. Although the information presented states that a potential evacuation problem exists, the areas under consideration are relatively undeveloped, and presently have adequate evacuation capabilities. Brevard County's primary argument for an additional evacuation corridor is based on projected growth, not on existing need. This argument is not consistent with Chapter 9J-5, F.A.C., planning principles that require identification of coastal high hazard areas from which future development should be limited.

- New access to and development on the barrier island would necessitate other infrastructure expenditures including the expansion of State Route A1A and additional water and sewer lines, utilities, and other services.

- A new bridge would not fully alleviate other potential evacuation problems. For example, the barrier island is extremely narrow in several areas and has a relatively low elevation throughout. Such areas may be subject to damage during major storm events, canceling any positive effects of a new evacuation corridor over the Indian River Lagoon. Unless State Route A1A is expanded, a new bridge would not increase evacuation capacity significantly.

- Any new bridge in the South Beach area may have adverse impacts on the Indian River Lagoon Aquatic Preserve. Any proposed bridge alignment must take into consideration important resource areas including grassbeds, endangered species habitat, marine fisheries and other aquatic habitat. The increased population which will be facilitated by additional access to the barrier island may also have detrimental effects on water quality in the Aquatic Preserve. Point and nonpoint source pollution, such as sewage treatment plant outfalls, effluent from septic tanks and stormwater runoff, are directly correlated with increased population densities adjacent to estuarine areas.

- DCA would like to review the data presented in the "% Pop evacuating" column in the supporting material you provided. It is not clear how these percentages were derived, for they do not conform with the information which is available to us. For example, the percentages do not correspond with any of the behavioral response curves given in the ECFRPC Hurricane Evacuation Study, but appear to be a combination of two of the curves. It must also be pointed out that approximately 20% of the population would evacuate before an evacuation order is given (2-6 hours). This information will change the results of the evacuation study considerably.

- A major assumption in the County's analysis is that a southerly evacuation route, via the Wabasso Bridge, would not be available for evacuation. This is not consistent with either the present Brevard County Beach Evacuation Plan or the ECFRPC Hurricane Evacuation Study. Cooperation between neighboring counties is extremely important during times of emergency. The comprehensive plan's intergovernmental coordination element, pursuant to 9J-5.015(3)(c)2, F.A.C., should address such situations.

- The highway capacity figures used in your calculations should be evaluated in view of the 1985 Highway Capacity Manual (Transportation Research Board, Special Report 209) before your evacuation study is completed.

We are looking forward to actively working with Brevard County during the planning process on this and other issues. If we can be of assistance, do not hesitate to contact us.

Sincerely yours,

Tom Pelham

Thomas G. Pelham
Secretary

TGP/gsw

cc: Walter Kolb, Office of the Governor
Jake Kraft, Department of Transportation
Gordon Guthrie, Division of Emergency Management

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2571 EXECUTIVE CENTER CIRCLE, EAST • TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ
Governor

THOMAS G. PELHAM
Secretary

December 29, 1987

Mr. Walt Kolb
Executive Office of the Governor
The Capitol
Tallahassee, Florida 32301

Dear Mr. Kolb:

This letter concerns the October 22, 1987 correspondence from Mr. Jack Krieger, Chairman of the St. Lucie County Commission, to Governor Martinez, requesting that a waiver of the moratorium on state support of new bridges to barrier islands be granted. The county requests the waiver so that state funds could be utilized to construct a new bridge from Walton Road to Hutchinson Island.

Because of the Department's various levels of involvement in the Hutchinson Island planning area, we are providing you with information relating to four items. These items include: the Hutchinson Island Management Plan (HIMP), Governor Graham's August 8, 1986 directive expanding upon Executive Order 81-105, the local government planning requirements of Chapter 163, F.S., and Rule 9J-5, F.A.C., and the Coastal Barrier Resources Act.

After reviewing the HIMP and related documents, it is our determination that the HIMP would allow funding a portion of the Walton Road Bridge improvements that are needed. This determination was based on the May 4, 1983 interpretive memo regarding Executive Order 81-105 and Appendix A of the plan, which details development on the island (see enclosures). The interpretive memo states that "The amount of existing development as of the effective date will be used to determine the need for State funded projects. Any service demand generated by the development in excess of that existing on September 4, 1981 will be the responsibility of the local government." The memo also states that "It will be the responsibility of the governmental unit requesting state funds to provide accurate information detailing the amount of existing development within its boundaries as of the effective date." Appendix A addresses development conditions on the island prior to September 4, 1981.

Governor Graham issued a directive on August 8, 1986 which expands upon Executive Order 81-105. The directive instructed the Governor's agencies to limit funds which would be "used to subsidize growth. . . on hazardous coastal barrier islands." The directive was considered necessary as an interim measure until local governments implement comprehensive plans consistent with Chapter 163, Florida Statutes. The direction is clear that any infrastructure improvements affecting a coastal barrier should be fully coordinated with the county's comprehensive planning process. Any commitment of state funds independent of that process would not be prudent.

Additionally, Rule 9J-5, F.A.C., must be considered while resolving the Walton Road Bridge issue. Section 9J-5.012(3)(b)(5), F.A.C., requires that one of the objectives of the local comprehensive plan shall be to "limit public expenditures that subsidize development permitted in coastal high-hazard areas subsequent to the elements adoption, except for restoration or enhancement of natural resources." Also, Section 9J-5.016(3)(b)(2), F.A.C., states that the Capital Improvements Element of the comprehensive plan shall "limit public expenditures that subsidize development in high hazard areas."

Finally, regarding the Coastal Barrier Resources Act (CBRA), while the Walton Road Bridge would not fall directly in a CBRA unit (see enclosure), it would fall between designated units, clearly creating a benefit to those areas. This location may preclude the use of federal funding for the bridge.

While the Hutchinson Island Management Plan would allow for the use of some state funds to construct a bridge at Walton Road, it is our recommendation that the resolution of this issue await the adoption of the St. Lucie County Comprehensive Plan consistent with the requirements of Chapter 9J-5, F.A.C. The resolution of this issue is very important to the Department and it is hoped this information is adequate for your needs. If we can be of further assistance, please contact Jim Quinn or Edward Eckstein at (904) 487-4545.

Sincerely,

Tom Pelham

Thomas G. Pelham
Secretary

TGP/eed

STATE OF FLORIDA

DEPARTMENT OF ENVIRONMENTAL REGULATION

TWIN TOWERS OFFICE BUILDING
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32301

BOB GRAHAM
GOVERNOR

VICTORIA J. TSCHINKEL
SECRETARY

TO: John DeGrove, Secretary, Department of Community Affairs

FROM: Victoria J. Tschinkel, Chairperson
Interagency Management Committee

SUBJECT: Executive Order 81-105

DATE: May 4, 1983

At its February 17 meeting the Hutchinson Island Resource Planning and Management Committee voted to ask that the Interagency Management Committee (IMC) clarify how Executive Order 81-105, which restricts the expenditure of State funds on coastal barriers, would be applied to its study area. The Committee was concerned that until a clear statement was received as to how the State intended to apply the Executive Order it could not achieve its goal of preparing a management plan for its study area. Based upon its examination of the Executive Order, the IMC proposed six guidelines for the implementation of the Executive Order. Today the Governor agreed to these guidelines with minor changes. They now should be interpreted as follows:

1. The effective date of Executive Order 81-105 will be September 4, 1981, the date of its signing.

2. Existing development shall be defined as structures completed or under construction and structures approved under a Development of Regional Impact (DRI) development order in effect as of September 4, 1981.

3. It will be the responsiblity of the governmental unit requesting State funds to provide accurate information detailing the amount of existing development within its boundaries as of the effective date.

4. The amount of existing development as of the effective date will be used to determine the need for State funded projects. Any service demand generated by the development in excess of that existing on September 4, 1981 will be the responsibility of the local government.

5. In areas where this excess demand exists, State facilities shall be maintained, but no increase in capacity will be considered.

6. If a locally funded project is determined to stimulate new development the State should require a legally binding agreement be entered into by the local government. This agreement would clearly state that the provision of the required 25% match for disaster relief funds for the development generated by the proposed project would be the sole responsibility of the local government.

VJT/mh

Appendix A

TABLE 1 Revised 8/16/83

GOVERNOR EXECUTIVE ORDER 81-105 INTERPRETATION
BARRIER ISLAND DEVELOPMENT

AUGUST 1983

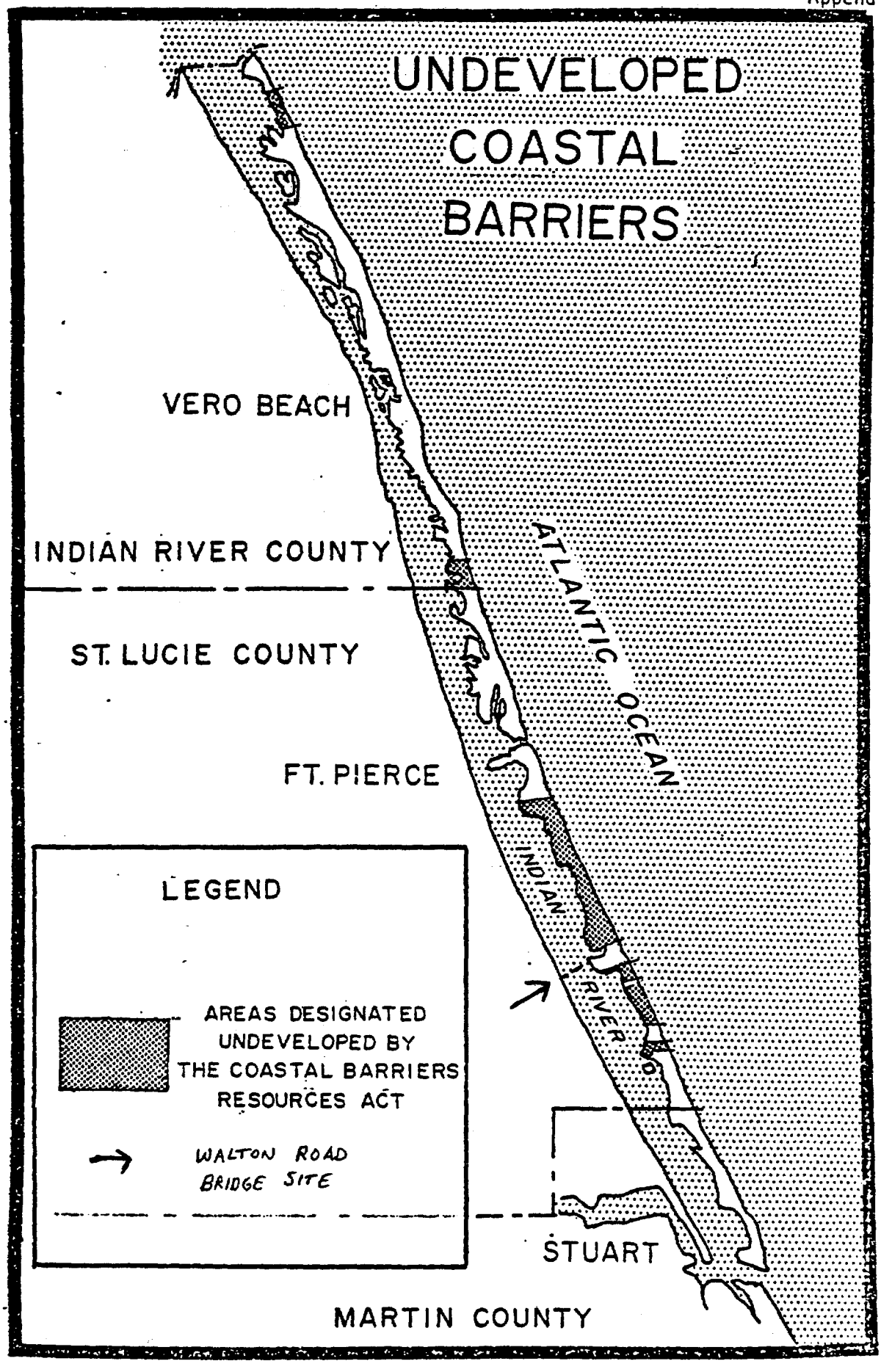
Zones	Jurisdiction	Living Units *Existing Development as of 9/4/81 (State responsibility)	Living Units #Post 9/4/81 Development (local responsibility)	Total
	Indian River Co.			
1	North Beach/Orchid	190	2,176	2,366 1/
2	Indian River Shores	1,036	1,045	2,081 2/
3	Vero Bech	3,650	781	4,431 3/
4	South Beach	1,158	872	2,030 4/
	Subtotal	6,034	4,874	10,908
	St. Lucie County			
5	North Beach	2,451	945	3,396 5/
6&7	Ft. Pierce	4,244	442	4,686 6/
	Hutchinson Island			
8	N. of FP&L	0	1,720	1,720 7/
9	S. of FP&L	5,469	1,457	6,926 8/
	Subtotal	12,164	4,564	16,728
	Martin County			
10	A&B Hutchinson Island	3,223	800	4,023 9/
	GRAND TOTAL	21,421	10,238	31,659

NOTES: * Existing development includes: structures completed or under construction, structures approved under a Development of Regional Impact (DRI) development order in effect as of September 4, 1981 and structures having active building permits in effect as of September 4, 1981.

Includes either development that had received local approval prior to 9/4/81 but not constructed until after 9/4/81, or development that has received local approval since 9/4/81.

Definitions:

- Living unit - includes residential, hotel/motel and recreational vehicle spaces.
- Local approval - P.U.D. or subdivision plat approval.
- Under construction - units that have active building permits.


UNDEVELOPED
COASTAL
BARRIERS
VERO BEACH
INDIAN RIVER COUNTY
ST. LUCIE COUNTY
FT. PIERCE
ATLANTIC OCEAN
INDIAN RIVER
LEGEND
AREAS DESIGNATED UNDEVELOPED BY THE COASTAL BARRIERS RESOURCES ACT
WALTON ROAD BRIDGE SITE
STUART
MARTIN COUNTY

Schmahl

— RPxy

STATE OF FLORIDA

OFFICE OF THE GOVERNOR
BOB MARTINEZ

JAN 20 1988

January 20, 1988

Honorable Jack Krieger
Saint Lucie County
Board of County Commissioners
2300 Virginia Avenue
Fort Pierce, Florida 33482-5652

Dear Commissioner Krieger:

In response to your letter requesting a waiver of the moratorium on Federal and State support for a proposed Walton Road Bridge to Hutchinson Island I asked for an analysis from the Departments of Community Affairs and Transportation. I am enclosing for your information a DOT staff memorandum and Community Affairs' Secretary Pelham's letter that comprehensively examines the issue.

Executive Order 81-105, various state coastal protection laws and the Federal Coastal Barrier Resources Act direct that state and federal funds should not be used to subsidize growth in hazardous coastal barrier areas. These regulations and the Hutchinson Island Resource Management Plan (HIMP) adopted by the Hutchinson Island Committee, and accepted by the Governor and Cabinet on November 18, 1983, collectively provide guidance for answering your request.

The HIMP in our judgment allows for the consideration of a request to use some state funds for constructing additional bridge capacity to Hutchinson Island. However, the proposed project is not listed on the Department of Transportation's Five Year Transportation Plan and is not part of your existing local comprehensive plan. Therefore, a final resolution of this issue should await the adoption of your updated County Comprehensive Plan and a determination by the Department of Community Affairs regarding its compliance with the requirements

RECEIVED
JAN 20 1988
DEPT. OF COMMUNITY AFFAIRS
OFFICE OF THE SECRETARY

of Chapter 9J-5 Florida Administrative Code. I understand that a preliminary draft copy of your plan may be available for review by the Department this year.

If we can be of further assistance please contact us.

Sincerely,

Governor

BM/rdp

cc: Secretary Kaye Henderson
Secretary Thomas G. Pelham

Enclosure

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2571 EXECUTIVE CENTER CIRCLE, EAST • TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ
Governor

THOMAS G. PELHAM
Secretary

December 28, 1987

M E M O R A N D U M

TO: Thomas G. Pelham, Secretary

THROUGH: Jim Quinn, Chief, Bureau of Local Planning
Woody Price, Director
Division of Resource Planning and Management

FROM: George Schmahl, Coastal Programs Unit

SUBJECT: Florida Coastal Management Program
Section 312 Evaluation

Attached is a copy of the draft evaluation by NOAA's Office of Ocean and Coastal Resource Management (OCRM) on the Florida Coastal Management Program (FCMP) as required by section 312 of the Federal Coastal Zone Management Act (CZMA) of 1972. This evaluation covers the period from February 1985 through October 1987 and was carried out between April and June of this year. As you will note, the findings conclude that the State of Florida has not complied with some of the requirements of the CZMA, and that the FCMP is deficient in several respects. If these deficiencies are not corrected, the decertification process could be initiated which could result in Florida being removed from the Federal Coastal Management Program.

Although many of the criticisms in the evaluation are demonstrably in error or the result of misunderstanding, several of the comments have some merit and have pointed out some weaknesses in the FCMP. The major problem is the lack of coordination between state agencies in the implementation of the FCMP. As you know, management of Florida's coastal resources are divided among various agencies, primarily the DER, DNR and DCA. Although the

DER is the designated lead agency of the FCMP, it has no authority over DNR or DCA. In order to address this situation, the Interagency Management Committee (IMC) was created, which receives input from the Interagency Advisory Committee (IAC) and the Citizens Advisory Committee (CAC). The IMC provides the mechanism through which coastal issues and policy can be addressed on a multi-agency level. The 312 evaluation report criticizes the IMC for recent inaction and failure to demonstrate coordination of agencies in the implementation of core FCMP regulations and statutes. Two other specific findings of the 312 evaluation cite the recent suspension of the Memorandum of Understanding between DER, DOT and OPB which required advance state review of DOT projects for consistency with the FCMP, and the transfer of the Office of Coastal Management within DER from the Secretary's office to the Bureau of Surface Water Management. OCRM views these developments as indication of less coordination between agencies and lessening the importance of the Office of Coastal Management.

I believe that involvement with the Federal Coastal Management Program is important for Florida, for it gives us the ability to have input on federal programs which affect the coastal zone, such as offshore oil and gas exploration, offshore spoil disposal siting and beach renourishment. I recommend that DCA continue and increase its involvement in the FCMP. I believe that at this point a letter of support for the Program to Secretary Twachtmann (proposed draft attached) would be appropriate which could be used in his response to NOAA concerning the evaluation. In addition, DCA should explore ways in which the FCMP, through the IMC, IAC or other methods, could be utilized to promote implementation of our policies and programs. One possibility is to use the IAC as a mechanism to discuss agency review of coastal management issues within local comprehensive plans. Chapter 163, F.S. and Chapter 9J-5, F.A.C., which address many coastal issues, have not yet been incorporated into the FCMP. By working with and through the IAC, DCA could coordinate support for the inclusion of the local government comprehensive planning legislation into the program.

GS/ms

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2571 EXECUTIVE CENTER CIRCLE, EAST • TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ
Governor

THOMAS G. PELHAM
Secretary

January 5, 1988

Honorable Dale Twachtmann
Secretary
Florida Department of
Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399

Dear Secretary Twachtmann:

The Department of Community Affairs (DCA) is in receipt of the draft evaluation of the Florida Coastal Management Program (FCMP) prepared by the Office of Ocean and Coastal Resource Management (OCRM) pursuant to section 312 of the Federal Coastal Zone Management Act of 1972.

A number of the criticisms raised in the evaluation appear to be of a procedural or administrative nature which can be adequately addressed by your staff. The primary substantive issue, however, is the concern that there is not adequate coordination between the various state agencies in the implementation of the FCMP. I would like to take this opportunity to reconfirm the cooperation of the Department in working with DER and other state agencies regarding the management of coastal resources. Sound coastal management in Florida will require close coordination among all participating state agencies. We will strive to assure that the programs and responsibilities of this agency are integrated within the FCMP to the maximum extent possible.

We believe that Florida's participation in the Federal Coastal Management Program is extremely important from our agency's perspective. The program allows state agency input on proposed federal actions which will affect the coastal zone. The ability to review such proposals is essential for the purpose of comprehensive land

use planning and coastal management. In addition, the Interagency Management Committee is a viable mechanism through which coastal issues and policies can be discussed and implemented among the various state interests.

The Department strongly supports the Florida Coastal Management Program. Please feel free to contact me or my staff to discuss ways in which we can participate to improve the program for the benefit of the coastal resources and people of the state of Florida.

Sincerely yours,

Tom Pelham

Thomas G. Pelham
Secretary

TGP/gsp

cc: Dave Worley, OCM

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2571 EXECUTIVE CENTER CIRCLE, EAST • TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ
Governor

THOMAS G. PELHAM
Secretary

February 4, 1988

Mr. Paul Johnson
Executive Office of the Governor
The Capitol
Tallahassee, Florida 32301

Dear Mr. Johnson:

Staff within the Department of Community Affairs has reviewed the Plan of Exploration, Site Specific Environmental Report and Oil Spill Trajectory Analysis and Response Plan submitted by Texaco Producing, Inc. for exploratory drilling in OCS Pensacola Area Block 996 (SAI #FL8801040763C). The submitted materials appear to be consistent with the Department's statutory responsibilities, regulations and policies relating to the Florida Coastal Management Program (FCMP).

The Department's interests are vested primarily in the onshore aspects of petroleum development. Our statutory responsibility arises from Chapter 380, Florida Statutes (F.S.). We are concerned that this statute, which is part of the federally approved FCMP, has not been addressed in the Consistency Assessment (Appendix I, pages 52-57) of this proposal. Chapter 380, F.S. is primarily involved with the establishment of land and water management policies to guide and coordinate local decisions relating to growth and development. We believe that offshore oil exploration and development could have significant impact on onshore development patterns and nearshore marine and estuarine environments. The provisions of this statute include criteria for the establishment of Resource Planning and Management Committee areas. Two such committees occur in the general area of the exploratory activity proposed: the Escambia/Santa Rosa area and the Northwest Florida Coast area (Okaloosa and Walton counties).

Chapter 380, F.S. also includes the Areas of Critical State Concern (ACSC) Program. The Apalachicola Bay area has been designated an ACSC and is within the potential oil spill impact zone as indicated in the oil spill trajectory analysis and response plan. In addition, the Development of Regional impact (DRI) program is included within this statute. A DRI is defined as a development which, because of its character, magnitude or location, would have a substantial effect upon the citizens of more than one county. The land-based development associated with most exploratory operations would not be of the magnitude to warrant a DRI review. However, there is the potential that related onshore development, such as construction of petroleum storage facilities, could be considered a DRI. Any port expansion which may be required to accommodate oil exploration activities could also be considered a DRI. For these reasons, the Department recommends that Chapter 380, F.S. be included routinely in any future coastal zone consistency assessments relating to offshore oil exploration.

Thank you for this opportunity to review this proposal. We will have further ground for comment in the event a marketable discovery is made.

Sincerely yours,

Tom Pelham

Thomas G. Pelham
Secretary

TGP/gsp

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2571 EXECUTIVE CENTER CIRCLE, EAST • TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ
Governor

THOMAS G. PELHAM
Secretary

February 16, 1988

Mr. Paul Johnson
Executive Office of the Governor
The Capitol
Tallahassee, Florida 32301

Dear Mr. Johnson:

Staff within the Department of Community Affairs has reviewed the Supplemental Plan of Exploration, updated Coastal Zone Consistency Certification and Photodocumentation Survey submitted by Sohio Petroleum Company for exploratory drilling in OCS Destin Dome Area Blocks 81 and 82 (SAI #FL8801110797C). The submitted materials appear to be consistent with the Department's statutory responsibilities, regulations and policies relating to the Florida Coastal Management Program (FCMP).

The Department's interests are vested primarily in the onshore aspects of petroleum development. Our review indicates that the potential onshore impacts from this exploratory drilling proposal (in the absence of an accidental oil spill) appear to be minimal. We are concerned, however, that Chapter 380, Florida Statutes was not included in the Consistency Assessment (Attachment F) provided with the proposal. Our statutory responsibility under the FCMP arises from this statute, which includes the Development of Regional Impact (DRI) and the Areas of Critical State Concern (ACSC) programs. The ACSC program is of special concern in this proposal, due to the close proximity of the exploratory wells to the Apalachicola Bay ACSC. The Department recommends that Chapter 380, F.S. be included routinely in any future coastal zone consistency assessment relating to offshore oil exploration.

Thank you for this opportunity to review this proposal. We will have further ground for comment in the event a marketable discovery is made.

Sincerely yours,

Tom Pelham

Thomas G. Pelham
Secretary

TGP/gss

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2571 EXECUTIVE CENTER CIRCLE, EAST • TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ
Governor

THOMAS G. PELHAM
Secretary

June 16, 1987

Mr. Paul G. Johnson and Ms. Debby Tucker
Office of Planning and Budgeting
Office of the Governor
The Capitol
Tallahassee, Florida 32399

Dear Mr. Johnson and Ms. Tucker:

The Department of Community Affairs (DCA) has completed its review of the Draft Environmental Impact Statement (DEIS) for proposed oil and gas lease sales 113/115/116 in the Gulf of Mexico Outer Continental Shelf (OCS) region. The following comments pertain primarily to proposed sale 116 in the Eastern Gulf of Mexico, for it is the one which will most affect the State of Florida.

I. Scope of issues addressed in the DEIS

The DCA is the land planning agency of the State of Florida (380.031 (18) Florida Statutes). As such, the Department has been charged with the responsibility of planning for and guiding growth and development within this state in order to provide optimum utilization of limited water resources, facilitate orderly and well-planned development and protect the health, welfare, safety and quality of life of the residents of Florida (380.021 F.S.). Our interests are therefore focused primarily on the onshore impacts associated with offshore exploration and development of oil and gas resources. It is of concern that many of the issues with which we are primarily interested were specifically not analyzed in the DEIS (Section I.B.2.c.(2)), due to a determina tion that no significant environmental issues existed. Such issues include community infrastructure, ports, state and local land use management, water supply and hurricane hazards.

a. Community infrastructure - Development of onshore support facilities could have significant impacts on available infrastructure in certain regions in the State of Florida. The existing infrastructure capabilities in many coastal areas, which will receive the majority of impacts, are already overburdened. It is generally accepted that the increased tax base created by new development is not sufficient to pay for the impacts to infrastructure and services caused by that development. This is even more pronounced in offshore oil exploration, due to the timing and pattern of employment and economic input generated from the development. Economic benefits to local communities generated from offshore oil development generally lag several years behind the negative impacts imposed on local government's ability to provide services and infrastructure.

For example, some environmentally sensitive areas, such as the Florida Keys, have extremely limited solid waste capabilities. The placement of support base facilities in Key West, as anticipated under the high find scenario, may significantly impact these facilities. Expansion of landfills is difficult in the Keys and other coastal areas due to the extreme environmental sensitivity of available land. Similar concerns exist for other potential land base sites.

An analysis of typical infrastructure needs by OCS support facilities and recommendations for mitigative measures should be included in the final EIS.

b. Ports - The availability of adequate port facilities is a concern which should be addressed. As long as industry interest remains concentrated off the northwest Florida coast, support facilities will probably continue to be provided from the Central Gulf area, as stated in the DEIS (P. I-13). If drilling activity expands to areas off the southwest coast or the Florida Keys, however, the issue of available ports becomes very important. Creation of new marinas is environmentally undesirable in most areas of Florida and is subject to severe permitting restrictions. Existing deepwater access points are in considerable demand from various economic sectors including commercial fishing, residential development, marina development and industry. As in other parts of the country which are tourist and recreationally oriented, extreme pressure exists to convert historically commercial and industrial marinas to those catering to recreational and residential uses. The establishment of industrial marinas in many areas, could result in competition between interests. Our analysis suggests that the commercial fishing industry would be most affected by such a confrontation. The DCA is committed to insuring the viability of commercial fishing interests in Florida.

For example, in section IV.A.2.a. (p. IV-27), 't is stated that a "potential opportunity area" for an service base exists on Boca Chica Island, in that it was vacant and "designated for industrial use in the local comprehensive plan." A new comprehensive plan was adopted by Monroe County in 1986. The particular site referenced on Boca Chica is now designated for commercial fishing, which would preclude industry development not associated with fishing interests. In this case the DEIS appears to have been based on outdated information in regards to potential sites available for port and service base development.

c. State and local land use management - We disagree with the statement (p. I-13) "that land use is not a major or significant issue." Any activity which will encourage growth and development in the coastal zone will contribute to a variety of environmental and economic land use impacts. Since onshore facilities associated with OCS development require waterfront sites, pressure for coastal land development will occur. This can have adverse environmental effects through wetland alteration, channel dredging and site preparation. Ultimately, local governments will be faced with the responsibility regarding zoning decisions which will allow onshore development to service the oil industry. Every local government is required to develop and implement a comprehensive land use plan beginning in 1988. These plans will affect the siting of service bases and support facilities. The drafters of the EIS should be aware of state policies regarding development in the Coastal Zone. An analysis of the impacts of OCS-associated development as it pertains to the State of Florida's Land Use Planning process should be included in the final EIS. Land use management is one of the most significant issues facing the State of Florida today. Impacts caused by onshore development associated with offshore oil exploration cannot be ignored as a contributor to the problem.

d. Water Supply - The availability of large amounts of fresh water is one of Florida's most important resources. Due to increased growth which is concentrated in the coastal zone, many communities are experiencing water shortages and saltwater intrusion into the water supply. Yet it is stated that OCS activities will have "negligible impact to regional water supplies" (p. I-13). This seems to conflict with statements made elsewhere in the document (section III.C.12., p. III-97) which acknowledge the potential of water supply problems, especially in Southwest Florida and the Florida Keys. Both of these areas may experience support base facility development.

Although it is true that state and local governments have the opportunity to comment on individual plans of exploration in regard to water usage, there is no mechanism in that review process to address cumulative impacts. Such cumulative impacts should be addressed in documents for the entire planning area, such as the present DEIS.

e. Hurricane hazards - The discussion of hurricane hazards on p. I-14 is totally inadequate. The occurrence of hurricanes in the Eastern Gulf planning area is very common and increases the potential for oil spills and accidents. If hurricanes were not taken into account in the section on oil spills (section IV.B.), then the accuracy of that entire analysis is called into question. Definitive hurricane plans should be formulated which require specific actions on the part of offshore operators in response to the various levels of hurricane warnings. Specifics of the "platform verification program" as they relate to hurricane hazards should be presented. Reliance on local Civil Defense and State National Guard to protect against damage inflicted by offshore oil facilities, besides being unrealistic, is passing the responsibility to entities which are not prepared to handle such emergencies. Hurricane hazards must be addressed in the final EIS.

II. Proposed actions and assumptions

a. Assumptions of the M scenario (section I.C.1.a.)

1. The assumption of 10 exploration wells between 1990-1994 (p.II-29) appears to be a significant underestimate based on reaction to previous lease sales in this area.

2. Reference to existing pipelines (p.II-29) is confusing. According to visual 1E (attached to the DEIS), there are no existing pipelines near Escambia or Santa Rosa counties or anywhere else in the eastern planning area. Clarification is needed on this point.

3. The construction of 35 miles of pipeline again appears to be an underestimate. The average distance of drilling sites from land is considerably greater than 35 miles. If a pipeline is warranted, it will probably be in excess of 35 miles.

4. Onshore support being provided "entirely from facilities...existing prior to the proposed action..." will be true only if the two assumed production platforms are located in the northwestern por-

tions of the planning area (Destin Dome, DeSoto Canyon). Since there are minimal existing facilities elsewhere in the state, exploration and development in other areas will require some onshore support facility development.

b. Mitigating measures

The DCA supports the live bottom stipulation and recommends that this stipulation be extended from 100 meters to 200 meters in depth especially in the area South of 26° N latitude. It is known that there are many areas within the southwest Florida basin which support significant live bottom communities in depths greater than 100 meters.

c. Alternative B

The DCA supports the areas of deferral outlined by comments submitted by representatives of Governor Martinez in public testimony during the public hearing process. The DCA has particular interest in certain areas due to our statutory responsibilities.

1. Areas of Critical State Concern:

Chapter 380.05 F.S. establishes a method by which regional areas of significance to the State of Florida can be designated as Areas of Critical State Concern, so that they may benefit from special planning considerations. There are two such coastal areas which may be affected by lease sale 116: The Florida Keys and the Apalachicola Bay Region. The reasons why these areas are of special concern to the state should be obvious, both from environmental and economic perspectives. Special consideration should be given to these areas during the development of the offshore oil leasing program.

A. Florida Keys - The DCA concurs with the decision to defer areas contiguous with the Florida Keys (areas 3,4,5 and 6 as described in the addendum to the DEIS) from lease sale 116. We strongly recommend that these areas be deleted from consideration in the five-year plan, rather than on a sale by sale basis. In addition, at a minimum we recommend that additional blocks in the Pulley Ridge Planning Area which correspond to the historical extent of the Tortugas shrimping grounds (alternative B-4 in the DEIS and additional area) also be deferred from the five year plan. Interference with fishing

activities and possible effects of drilling mud discharges on juvenile and adult shrimp should be thoroughly studied before this important fishing area is offered for lease. Previously, all of the area South of 26° N latitude had been deferred from leasing pending environmental studies of the area. Although these studies are reportedly complete, there is no specific reference to the findings of those investigations in the DEIS. We are concerned that the results of the studies were not used to the fullest extent in the formulation of leasing decisions in this area. We request a thorough analysis of the environmental data from the area South of 26° N in the final EIS. In addition, we request that a copy of the environmental report be sent to our office for review.

For a variety of reasons, placement of support base facilities anywhere in the Florida Keys is infeasible. Water access, land availability, inadequate infrastructure and ground transportation accessibility would make the location of service operations in the Keys difficult. Analysis of the unique problems associated with onshore development in the Keys should be included in the final EIS.

B. Apalachicola Bay - The DCA concurs with the decision to defer a buffer area near Apalachicola Bay from lease sale 116 (area 1 as described in the addendum to the DEIS). However, in order to provide adequate protection for this important commerical fishing area, we recommend that the buffer be increased to 30 miles in width from Panama City to Port St. Joe, to make it consistent with the buffer zone provided along the Western Florida Coast (Eastern portion of alternative B-5 in the DEIS). Again this area should be deferred from the five year plan, rather than only lease sale 116.

2. Resource Planning and Management Areas

Chapter 380.045 Florida Statutes allows the Governor of the State of Florida to appoint resource planning and management committees to address problems which may affect resources of statewide significance, as identified by the state land planning agency (DCA). Two such areas in the Northwest Florida Gulf have been the subject of such actions: The Escambia/Santa Rosa Coast (Pensacola area) and the Northwest Florida Coast (Okaloosa and Walton Counties). In order to provide protection for these important areas from impacts associated with oil development, the DCA supports the addition of a Panhandle Nearshore Coastal Buffer area between Panama City and the Florida/Alabama State Line (Western part of Alternative B-5 of the DEIS.)

III. General Comments

A. Oil Spill Analysis - The effect of hurricanes and tropical storms on oil spill impacts should be included in the analysis. Such storms could have significant impacts on the probability and rate of spreading of an oil spill.

The statement on P. VI-66 that the amount of oil released in small spills (less than 50 bbls) "is insignificant compared to production" is irrelevant and misleading. The significance of an oil spill has nothing to do with the amount of unspilled oil obtained. In fact, the probability of an oil spill is positively correlated with total production. Various places throughout the document refer to the high potential for oil spill impacts to the Florida Keys. These statements are always followed by the explanation that this high potential is due to import oil traffic and not the result of drilling. This implies that OCS development in the area would reduce the level of tanker-related spills. However, it is also acknowledged in the document that transport of oil by pipeline in the Florida Keys or Southwest Florida area is infeasible, and that transportation of oil from production wells in this area would be by tanker. Therefore, tanker related oil spills would not be reduced in this area due to the proposed action. In fact, the potential of such accidents would probably be increased due to the added activity of loading of oil from rig to tanker.

B. Environmental Impacts - The conclusion on P. IV-221 maintains that "the lack of any projected new construction of pipelines" renders impacts to barrier beaches very low. Yet on P.IV-226, as well as elsewhere in the document, it is stated that "35 miles of pipeline are estimated in the Eastern Gulf, from which ruptures could occur." Pipelines do not have to intercept a barrier beach to have impacts. If pipelines are warranted, they will most probably be in the vicinity of barrier beaches in the Northwest Florida/Panhandle region, which would be extremely vulnerable to impacts from pipeline leaks.

The statement on P.IV-231 that "impacts to offshore seagrasses from a surface spill are expected to be limited to water depths less than 10m" is extremely misleading, considering the fact that "extensive seagrass beds are not found deeper than 10m" (Zieman, 1982). The statement is therefore almost meaningless and implies that impacts to seagrass is somehow minimized. The fact that many of the shallow seagrass areas have been deferred does not completely protect them from oil spill damage. Spills occurring elsewhere, and then transported into seagrass areas, could significantly impact these important resources.

As exploration and development increases in the waters off Florida, the incidence of oil industry-related trash and debris on beaches will also increase. Contrary to the statement on P.IV-264 that trash and debris "has not been considered an issue or even measurable in the Eastern Gulf", representatives of Gulf Islands National Seashore have perceived it to be a problem in that area. Oil-related trash debris could have significant impacts on tourism in affected beach areas.

C. "Unavoidable" impacts - It is not enough to say that something is unavoidable without presenting a way to mitigate the impacts which result from that action. For example, increased incidence of trash and debris due to "human nature" (P.IV-276) could be offset by the establishment of a beach cleanup fund which would be contributed to by all successful bidders in the lease program.

Other unavoidable impacts cannot be mitigated such as loss of endangered species or sensitive offshore habitats. The loss of such resources should be carefully weighed against the low potential of oil finds in the Eastern Gulf.

D. "Short-term" use and "long-term" Productivity - Destruction of wetlands and other valuable habitat for construction of infrastructure and facilities is a permanent alteration which will not return to its previous condition. Although the marine environment is generally resilient, some areas such as live bottom communities will never recover after substrate alteration. Other areas, such as seagrass beds and mangrove communities, if impacted by oil spills, may not recover within a human lifetime. This should not be considered "short term."

Thank you for the opportunity to comment on the Draft Environmental Impact Statement for lease sales 113/115/116. Please do not hesitate to contact us if we can be of further assistance.

Sincerely yours,

Tom Pelham

Thomas G. Pelham
Secretary

TGP/gsw

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

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BOB MARTINEZ
Governor

THOMAS G. PELHAM
Secretary

July 21, 1988

M E M O R A N D U M

TO: Paul Johnson, Office of the Governor

FROM: Thomas G. Pelham, Secretary By Randall Kelley

SUBJECT: FY 1990 Public Works Application Review

Staff within the Department has reviewed the applications for the FY 1990 Public Works Program for consistency with the Florida Coastal Management Program (FCMP). Our statutory responsibilities under the FCMP are primarily directed at provisions within Chapter 380, Florida Statutes (F.S.), which includes the Area of Critical State Concern (ACSC) Program (Section 380.05, F.S.). There are two proposed projects located within the Florida Keys ACSC. We would like to offer the following comments on the proposed Monroe County Beach Erosion Control project.

The application proposes to restore eroded beach and create new beach area in the vicinity of Smathers and Rest beaches within the City of Key West. Key West has been designated an ACSC and principles for guiding development have been adopted pursuant to Rule 28-36, F.A.C. (formerly 27F-15, F.A.C.). Pursuant to Rule 28-37, F.A.C. (formerly 27F-16, F.A.C.) the City of Key West's Comprehensive Plan (1981) has been incorporated, with revisions, as the comprehensive plan and land development regulations for the ACSC, as required by Section 380.05(8), F.S. The referenced statute and rules are a part of the federally approved Florida Coastal Management Program.

The project, as outlined in the subject application, would result in the destruction of 7.8 acres of seagrass and an unspecified amount of unvegetated benthic area. Due to unresolved questions which are outlined below, we find the proposal to be inconsistent at this time with the Principles for Guiding Development and the Comprehensive Plan for the City of Key West. Therefore, due to insufficient information, the proposal is inconsistent with statutes and policies for which the Department is responsible under the Florida Coastal Management Program.

The following objectives identified in the principles for guiding development (28-36.003, F.A.C.) are relevant to this proposal:

(1)(b) Protection of tidal mangroves and associated shoreline and marine resources and wildlife.

(c) Minimize the adverse impacts of development on the quality of water in and around the City of Key West.

(g) Minimize the adverse impacts of proposed public investments on the natural and environmental resources of the City of Key West.

The following citations from the City of Key West's Comprehensive Plan and Land Development Regulations (Rule 28-37, F.A.C.) are also relevant to the project proposal:

Conservation/Coastal Zone Protection Element, Section II (pp. 5.17-5.25), Management Policies:

2.E. Dredging and/or filling associated with necessary water-dependent public projects shall be carefully managed to prevent unnecessary adverse environmental impact.

2.I. Marine grass beds, mangrove communities, and associated shoreline vegetation will be preserved to the fullest extent possible. Removal of vegetation or modification of natural patterns of tidal flow and nutrient input, cycling and export should be considered only in the case of overriding public interest or when such will improve the local biotic community.

Future Land Use Element, Section II (Goals, Objectives and Policies), Land Use Policy 1.D. (page 9.22):

Insure that all future development occurs in a manner consistent with Figure 9-2, the Future Land Use Map of the City of Key West.

Figure 9-2 (attached) indicates that the area south of South Roosevelt Boulevard, in the area of proposed renourishment, has been designated "Environmental Preservation."

The primary issues of concern are 1) the adverse impact to natural resources (seagrass beds, other benthic communities, wading bird habitat, water quality), 2) the protection of designated preservation areas, and 3) the determination of the

"overriding public interest" associated with this project. While there are positive public interest aspects associated with the improvement of a recreational beach, we have not been provided with enough information to determine if the positive impacts outweigh the significant negative impacts associated with the destruction of seagrass communities. Given the limited success with previous seagrass mitigation attempts in the Florida Keys, we are unable to determine if the proposed mitigation can offset the loss of important natural resources.

In addition to direct impacts to seagrass communities, indirect impacts to hard bottom and coral reef areas in the vicinity may also occur and should be addressed. The availability of an appropriate borrow area must also be investigated and identified. It is noted that the EIS referred to in the proposal was completed prior to the adoption of the comprehensive plan and land development regulations under the ACSC designation, and also prior to the designation of the waters adjacent to the proposed renourishment area as "Outstanding Florida Waters". Therefore, the EIS should be updated to include such considerations.

It should also be noted that the beach in question historically was of extremely limited area. It was not until the 1960 nourishment project that there was a significant recreational beach in Key West. It may not be advisable to perpetuate an artificially created beach which is significantly larger than what was naturally present. The presence of seagrass within close proximity of the shoreline indicates that this is a low energy environment which is typically indicative of conditions not conducive to beach formation.

In reviewing this application, DER should consider the findings of the Division of Administrative Hearings Case No. 86-1216 (OGC File NOS. 86-0347, 86-0387), concerning the Florida Keys Citizen Coalition and the City of Key West v. 1800 Atlantic Developers and the State of Florida Department of Environmental Regulation. In this case, a similar beach renourishment project in the vicinity of the subject proposal was denied a DER dredge and fill permit based on failure to provide reasonable assurances that the project was clearly in the public interest as required by Section 403.918(2)(a), F.S., regarding Outstanding Florida Waters. That project did not provide public access and therefore is clearly different than the subject proposal. Nevertheless, the hearing officer found (Recommended Order, Case No. 85-1216, p.26):

> The project will adversely affect the conservation of fish and wildlife, fishing or recreational values and marine productivity in the vicinity. The site, which

> would be permanently covered with beach sand, now provides viable intertidal marine habitat and a feeding ground for migratory, shore and wading birds. It supports numerous species of juvenile fish and crustaceans, a diverse benthic and algae community, and patches of seagrass which benefit water quality and enhance the ecology of the marine environment. This shallow water habitat, gently sloping to the sea from an extended unfortified shoreline, is a diminishing resource in Key West.

The need for the project was also questioned by the hearing officer, whose findings were supported in the final order of October 17, 1986 (p. 13), which stated that:

> ...the existing shoreline is currently a relatively stable area and that the addition of fill would make that shoreline less stable. This conclusion was also supported by Dr. Kenneth Echternacht, qualified as an expert in hydrographic engineering.

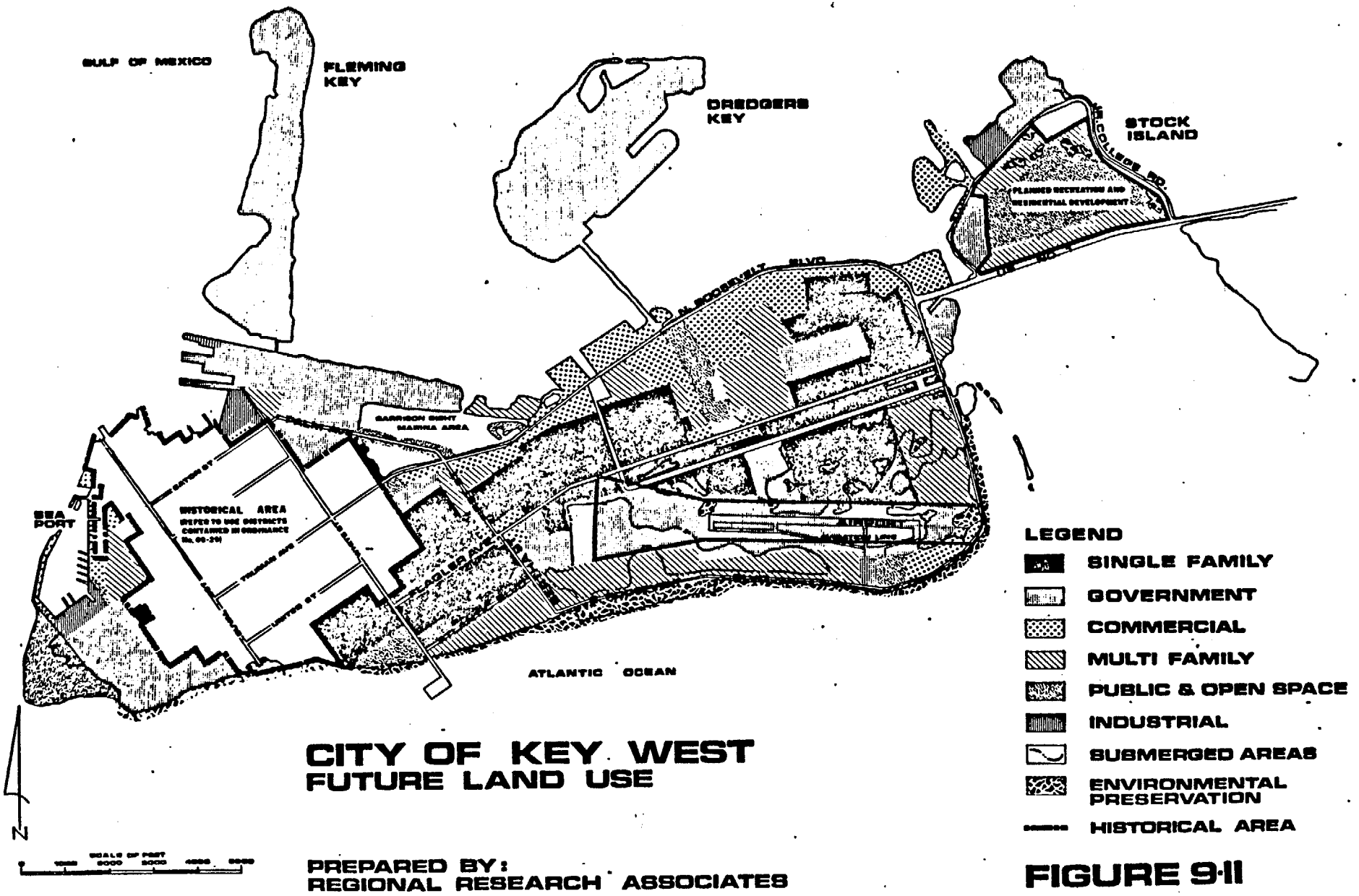
Although the question of the public interest aspect of a public recreational beach was not specifically addressed in the 1800 Atlantic case, the following observations in the final order (p. 19) are relevant:

> I cannot say that the construction of a beach is in itself a positive recreational value, inasmuch as it may be offset by a loss of recreational values associated with fishing, bird watching, snorkeling and other types of activities for which the existing habitat may be better suited.

Unless the concerns outlined above are resolved, the Department finds that the proposed Monroe County Beach Erosion Control proposal is inconsistent with the statutes and rules for which we have responsibility under the Florida Coastal Management Program. The project should not be presented for funding until questions regarding protection of marine resources and adverse impacts on water quality are resolved. In addition, an affirmative finding of <u>overriding</u> public interest must be established which considers environmental as well as recreational/economic concerns.

Thank you for the opportunity to comment on this proposal. If you have further questions contact George Schmahl in the Bureau of Local Planning at (904) 488-9210.

GS/ms



CITY OF KEY WEST
FUTURE LAND USE

PREPARED BY:
REGIONAL RESEARCH ASSOCIATES

FIGURE 9-11