

5.E.4 COASTAL RESOURCES

Federal activities involving or affecting coastal resources are governed by the Coastal Barriers Resources Act (CBRA) of 1982 as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501-3510] [PL 97-348], the Coastal Zone Management Act as amended [16 USC 1451-1464] [PL 92-583], and Executive Order 13089, Coral Reef Protection (63 FR 32701, June 16, 1998).

Congress passed the CBRA designating various, undeveloped coastal barrier islands for inclusion in the Coastal Barrier Resources System (CBRS) using site-specific maps. Notwithstanding emergency life-saving activities, areas included on the CBRS are ineligible for direct or indirect Federal financial assistance that might support development, including flood insurance. Exceptions for certain activities such as fish and wildlife research are provided and National Wildlife Refuges and other protected areas are excluded from the CBRS. Maps specifically identifying lands included in the CBRS were obtained from the National Oceanic and Atmospheric Agency (NOAA) Coastal Services Center. The CBRS located within the Study Area are graphically depicted on **Exhibit 5.E.4-1, Coastal Barrier Resource Areas**. The CBRS includes the barrier islands located between the Atlantic Ocean and the Intercoastal Waterway. However, none of the coastal barrier resources identified by the Coastal Services Center are located within the boundaries of the Detailed Study Area.

The Florida Coastal Management Program (FCMP) is based on a network of state agencies implementing 23 statutes that protect and enhance the state's natural, cultural, and economic coastal resources. The goal of the program is to coordinate local, state, and Federal agency activities using existing laws to ensure that Florida's coast is protected for future generations. The Florida DEP administers the FCMP. The State of Florida's coastal zone includes the area encompassed by the state's 67 counties and its territorial seas. Therefore, Federal actions which occur throughout the state are reviewed by the state for consistency with the FCMP. However, the state has limited its Federal consistency review of Federally licensed and permitted activities to the Federal licenses or permits specified in Section 380.23(3)(c), of the 2000 FS.⁷¹ (See Appendix L for the list of Federal licenses or permits.)

The Florida DEP provided the FAA comments on the Draft EIS along with a preliminary consistency determination.⁷² The Florida DEP consistency determination is a preliminary determination that the proposed Federal action is consistent with the enforceable policies of the FCMP to the maximum extent practicable, pending the receipt of any necessary state resource permits. The issuance of the state resource permits would constitute the state's finding of consistency with the FCMP, and would be the final review of the project under the consistency provision of the Coastal Zone Management Act (CZMA).

⁷¹ Title XXVIII, Natural Resources: Conservation, Reclamation, and Use; Chapter 380 Land and Water Management, Part II, Coastal Planning and Management, Section 380.23, Federal Consistency.

⁷² Mann, Sally. Office of Intergovernmental Programs. Florida Department of Environmental Protection letter to Virginia Lane, FAA. May 11, 2007.

Under EO 13089, *Coral Reef Protection*, U.S. coral reef ecosystems are defined to mean those species, habitats, and other natural resources associated with coral reefs in all maritime areas and zones subject to the jurisdiction or control of the U.S. When a proposed FAA action may affect U.S. coral reef ecosystems, the FAA shall be subject to the availability of appropriations, and provide for implementation of measures needed to research, monitor, manage, and restore affected ecosystems, including but not limited to measures reducing impacts from pollution sedimentation and fishing. There are no coral reefs located within the Detailed Study Area.