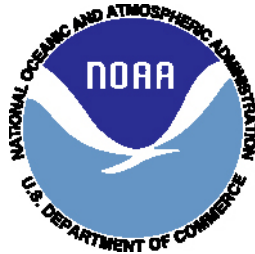
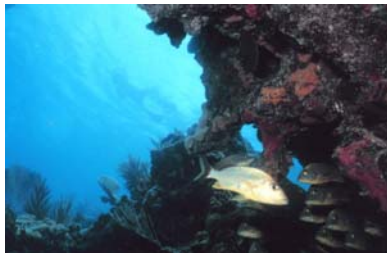


Final Evaluation Findings
Florida Coastal Management Program
June 2004 through August 2007



Office of Ocean and Coastal Resource Management
National Ocean Service
National Oceanic and Atmospheric Administration
U.S. Department of Commerce

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I. EXECUTIVE SUMMARY

Section 312 of the Coastal Zone Management Act (CZMA) requires NOAA's Office of Ocean and Coastal Resource Management (OCRM) to conduct periodic evaluations of the performance of states and territories with federally-approved coastal management programs. This review examined the operation and management of the Florida Coastal Management Program (FCMP) by the Florida Department of Environmental Protection (DEP), the program's designated lead agency, for the period of June 2004 through August 2007.

This document describes the evaluation findings of the Director of NOAA's OCRM with respect to FCMP during the review period. These evaluation findings include discussions of major accomplishments as well as recommendations for program improvement. The evaluation concludes that DEP is successfully implementing and enforcing its federally-approved coastal management program, adhering to the terms of its federal financial assistance awards, and addressing the coastal management needs identified in §303(2)(A) through (K) of the CZMA.

The evaluation team documented a number of FCMP's accomplishments during the review period. The program worked extensively to revise its routine program change requests to differentiate between substantive enforceable policies and administrative statutory provisions. FCMP successfully manages Florida's Beach Safety Program. In collaboration with its partners, the program prepared and submitted Florida's draft Coastal and Estuarine Land Conservation Program Plan to OCRM. FCMP worked to address outstanding conditions in Florida's Coastal Nonpoint Pollution Control Program during the review period. The program is funding an innovative post-disaster redevelopment planning effort. FCMP makes a significant portion of its federal coastal zone management funding available as subgrants through the Coastal Partnership Initiative and grants to state agencies and water management districts. FCMP provides significant financial support for the Waterfronts Florida Partnership Program, which addresses the physical and economic decline of traditional working waterfront communities. The program worked extensively to improve the application of federal consistency through: (1) proactive and inclusive collaboration with stakeholders; (2) provision of technical support, training and consultation services; and (3) agreements clarifying state coordination and consistency review procedures. FCMP has taken a positive approach to the National Coastal Management Performance Measurement System and participated in the pilot program that formed the basis for the current system. The program coordinates with other programs within DEP as well as with external state, local, academic, industrial and private agencies and organizations.

The evaluation team also identified areas where FCMP could be strengthened. OCRM's recommendations are in the form of six Program Suggestions. No Necessary Actions were identified. Recommendations address strategic planning, public access, grant

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programs, the Waterfronts Florida Partnership Program, federal consistency and partnerships.

II. PROGRAM REVIEW PROCEDURES

A. OVERVIEW

NOAA's Office of Ocean and Coastal Resource Management (OCRM) began its review of the Florida Coastal Management Program (FCMP) in June 2007. The evaluation process involves four distinct components:

- An initial document review and identification of specific issues of particular concern;
- A site visit to Florida including interviews and a public meeting;
- Development of draft evaluation findings; and
- Preparation of the final evaluation findings, partly based on comments from the state regarding the content and timetables of recommendations specified in the draft document.

The recommendations made by this evaluation appear in boxes and bold type and follow the findings section where facts relevant to the recommendation are discussed. The recommendations may be of two types:

Necessary Actions address programmatic requirements of the Coastal Zone Management Act's (CZMA) implementing regulations and of the federally-approved FCMP. Each Necessary Action must be implemented by the specified date.

Program Suggestions describe actions that OCRM believes would improve the program, but they are not currently mandatory. If no dates are indicated, the Florida Department of Environmental Protection (DEP) is expected to address the recommendations by the time of the next regularly-scheduled evaluation.

A complete summary of accomplishments and recommendations is outlined in Appendix A.

Failure to address Necessary Actions may result in a future finding of non-adherence and the invoking of interim sanctions, as specified in CZMA §312(c). Program Suggestions that are reiterated in consecutive evaluations to address continuing problems may be elevated to Necessary Actions. OCRM will consider the findings in this evaluation document when making future financial award decisions relative to FCMP.

B. DOCUMENT REVIEW AND ISSUE DEVELOPMENT

The evaluation team reviewed a wide variety of documents prior to the site visit, including: (1) the federally-approved Environmental Impact Statement and program documents; (2) financial assistance awards and work products; (3) semi-annual

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performance reports; (4) official correspondence; and (5) relevant publications on natural resource management issues in Florida.

Based on this review and on discussions with OCRM staff, the evaluation team identified the following priority issues:

- FCMP’s major accomplishments during the review period;
- Effectiveness of DEP in permitting, monitoring and enforcing the core authorities that form the legal basis of FCMP;
- Implementation of state and federal consistency authority;
- Extent to which FCMP is monitoring, reporting and submitting program changes to OCRM;
- Status of FCMP’s grant tasks and reporting;
- FCMP’s coordination with other federal, state and local agencies and programs;
- Effectiveness of local technical assistance programs in assisting coastal communities;
- Status of public access opportunities in the coastal zone;
- FCMP’s approach to emerging local and regional coastal management issues;
- FCMP’s advancement of the CZMA goals set out in §303(2); and
- The manner in which the state has addressed the recommendations contained in the previous §312 evaluation findings released in 2005. FCMP’s assessment of how it has responded to each of the recommendations in the 2005 evaluation findings is located in Appendix B.

C. SITE VISIT TO FLORIDA

Notification of the scheduled evaluation was sent to FCMP, DEP, relevant state and federal environmental agencies, members of Florida’s congressional delegation and regional newspapers. FCMP published notification of the evaluation and of the scheduled public meeting. In addition, a notice of OCRM’s “intent to evaluate” was published in the *Federal Register* on May 31, 2007.

The site visit to Florida was conducted on September 17-21, 2007. Ms. Rosemarie McKeeby, Evaluation Team Leader, OCRM National Policy and Evaluation Division; Ms. Kris Wall, FCMP Specialist, OCRM Coastal Programs Division; and Mr. Ben Rhame, Coastal Management Program Team Leader, Texas Coastal Management Program, formed the evaluation team.

During the course of the site visit, the evaluation team interviewed FCMP staff, representatives of federal, state and local government agencies, and members of institutions and interest groups involved with or affected by FCMP. Appendix C lists individuals contacted during this review.

As required by the CZMA, OCRM held an advertised public meeting on September 18, 2007, at 6:30 p.m., at the Douglas Building, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, Florida. The meeting gave members of the general public the

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opportunity to express their opinions about the overall operation and management of FCMP. Appendix D lists individuals who registered at the meeting. OCRM's response to written comments submitted during the review is summarized in Appendix E.

The evaluation team gratefully acknowledges the support of FCMP staff with site visit planning and logistics.

III. COASTAL MANAGEMENT PROGRAM DESCRIPTION

NOAA approved the Florida Coastal Management Program (FCMP) in September 1981. FCMP is based on the coordinated actions of networked state agencies and water management districts in order to implement 23 statutes and underlying enforceable policies. The Department of Environmental Protection (DEP), the state's chief environmental regulatory agency with responsibility for implementing most of the FCMP's underlying statutes, serves as the program's lead agency. As such, DEP has responsibility for oversight and administration of FCMP. The other agencies comprising FCMP include:

- The Department of Community Affairs, the state's land planning, emergency management, and housing and community development agency;
- The Department of Health, which regulates on-site sewage disposal among other responsibilities;
- The Department of State's Division of Historical Resources, which is charged with protection of the state's historic and archaeological resources;
- The Fish and Wildlife Conservation Commission, which has regulatory authority, including management, enforcement and research, for wild animals as well as fresh and saltwater aquatic life within its jurisdiction;
- The Department of Agriculture and Consumer Services, which administers the state's forestry programs, reviews mosquito control projects, and has responsibilities related to shellfish waters and aquaculture activities; and
- The Department of Transportation, which is charged with the development, maintenance and protection of the state's transportation system.

FCMP also works closely with Florida's five water management districts,¹ which regulate activities in the state's wetlands and waters as well as the use of water resources in partnership with DEP. The districts are organized along watershed boundaries. Four of the districts are responsible for administering federal consistency review of analogous state permits within their jurisdictions.

Based on the geography of Florida and the legal basis for the state program, the entire state is included within the coastal zone. For the purposes of funding eligibility and the applicability of most federal consistency provisions, the coastal zone boundary is limited to a smaller geographic area comprising the 35 coastal counties and their associated municipalities. The seaward boundary of the state's coastal zone extends three miles into the Atlantic Ocean and approximately nine miles into the Gulf of Mexico.

¹ St. John's River, South Florida, Southwest Florida, Suwanee River and Northwest Florida.

IV. REVIEW FINDINGS, ACCOMPLISHMENTS AND RECOMMENDATIONS

A. OPERATIONS AND MANAGEMENT

1. Grants Management

NOAA's Office of Ocean and Coastal Resource Management (OCRM) awards grants to federally-approved coastal management programs to assist with program implementation and enhancement. During the review period, the Florida Coastal Management Program (FCMP) satisfactorily managed its federal funding, achieved desired results from funded tasks and built upon established projects. OCRM also requires coastal management programs to submit semi-annual performance reports for each grant; the reports present consolidated information about accomplishments related to a program's financial assistance awards. FCMP submitted performance reports containing necessary information on schedule during the review period.

2. Program Changes

When a coastal zone management program makes changes to its enforceable policies, it is required to submit the changes to OCRM for review and approval. This requirement ensures that changes are consistent with the minimum approval criteria in the Coastal Zone Management Act (CZMA). It also provides OCRM and the public with an opportunity to assess whether the changes, if approved, would trigger the National Environmental Policy Act. Additionally, the requirement facilitates accurate application of federal consistency authority. CZMA §312 evaluations examine: (1) whether the coastal management program made changes to its program document during the review period; and (2) whether the program submitted the changes to OCRM for processing as program amendments or routine program changes (RPCs). OCRM's regulations define amendments as substantial changes in one or more of the following coastal management program areas:

- Uses subject to management;
- Special management areas;
- Boundaries;
- Authorities and organization; and
- Coordination, public involvement and the national interest.

An RPC is a further detailing of a coastal management program that does not result in substantial changes to the program.

FCMP submits RPC requests to OCRM annually after legislative changes are enacted in law. Every legislative session results in some form of change to the statutes on which FCMP's federal approval is based. However, as noted in the 2005 FCMP final evaluation

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findings, the elements of the statutes that undergo revision do not always relate to coastal management. For example, the previous findings cited a case in which an element of a statute dealing with employee retirement benefits was included as part of FCMP's RPC submission. The 2005 findings concluded that FCMP should identify the most relevant enforceable laws of the statutes so that attention could be focused on changes to those elements that directly affect FCMP implementation.

In response to the previous evaluation findings, FCMP worked extensively with OCRM to revise the RPC process. As a result, the program's RPC requests now clarify which are more substantial changes and which are primarily administrative updates. In addition, FCMP's 2006 RPC submission identified which of the new statutory provisions contained enforceable policies. FCMP's changes to its RPC requests resulted in high-quality submissions that facilitated OCRM's review. OCRM recognizes FCMP for the considerable time and effort it devoted to improving its RPC submissions and encourages the program to continue to refine the process to ensure that all enforceable policies, including regulations, are updated as necessary.

Accomplishment: FCMP worked extensively to revise its RPC requests to differentiate between substantive enforceable policies and administrative statutory provisions. The program's subsequent RPC submissions have been of high quality and significantly reduced OCRM's review time.

3. Strategic Planning and Role of FCMP Office

During meetings with various partners, including Michael Sole, Secretary of Florida's Department of Environmental Protection (DEP), the evaluation team asked about FCMP's role in coastal management. Consistently, the response was that FCMP coordinated coastal management efforts among many partners and focused on identifying needs and filling gaps. However, it was unclear to the team who was responsible for setting state coastal management priorities and strategically planning the future direction of coastal management in Florida.

The evaluation team asked FCMP leadership whether the program had engaged in any strategic planning during the review period. In response, the program cited development of its most recent Enhancement Grants Program Assessment and Strategy.² FCMP created a survey instrument based on OCRM's guidance and distributed it to a broad coalition of state and regional agency partners. The nine enhancement issue summaries in the Assessment and Strategy were based on survey responses and program research. The program noted that specific funding strategies were developed through extensive consultation with partner agencies, with consideration for other programs and initiatives, to ensure that enhancement funds are used strategically.

² The Coastal Zone Enhancement Grants Program requires each state periodically to: (1) assess its management program with respect to nine enhancement areas; (2) identify priority management needs; and (3) develop a new multi-year strategy.

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OCRM recognizes FCMP for completion of its 2006-2010 Enhancement Grants Program Assessment and Strategy. However, the Enhancement Grants Assessment and Strategy focuses on developing strategies for certain issue areas, but does not focus on programmatic and organizational aspects of the coastal management program. Given that FCMP has been operating for nearly 30 years, it was clear to the evaluation team that reviewing the program's mission, goals, objectives and vision of success through a separate strategic planning effort would be timely and valuable. A strategic planning effort would provide an opportunity for the program to assess its current role in coastal management efforts throughout the state, the program's structure, approach and methods, types of programs, strategies and effectiveness. The plan would also develop overarching guidance that would allow the program to position itself to operate proactively as new coastal management issues and challenges emerge.

1. Program Suggestion: OCRM strongly encourages FCMP to undertake a strategic planning effort that reviews the program's role in coastal management in Florida, including the program's goals, objectives, strategies, approach and vision of success.

B. PUBLIC ACCESS

FCMP is committed to helping local communities provide public access to the beach while protecting coastal resources. FCMP conducts an ongoing outreach program that provides free beach access signs to local governments. The program distributed 778 beach access signs to 42 local governments during the evaluation review period.

1. Beach Safety Program

The safety of Florida's public beaches is affected by changes in tide and surf conditions. While communities may post warning flags, they often vary greatly in the colors and symbols used to identify ocean conditions. Because many residents and visitors travel to different parts of the state to enjoy public beaches, the differences in warning flags can confuse beachgoers and decrease the flags' effectiveness.

In 2002, the state legislature required FCMP to develop and manage a uniform Beach Safety Program to minimize drowning risk at Florida's public beaches. In response, FCMP worked closely with the Florida Beach Patrol Chiefs Association, the United States Lifesaving Association, and the International Lifesaving Federation to develop a standard warning flag program for Florida's beachfront communities. The program uses the colors adopted by the International Lifesaving Federation with symbols added to clarify the flags' meanings. The program also includes interpretive signs along the beach that explain the meaning of each flag used in the warning system. Warning flags and interpretive signs are provided free of charge to local governments that provide public beach access. Communities that receive the free warning flags and interpretive signs are responsible for their installation, proper use and maintenance. FCMP provides flags and signs until the funds reserved for the program are expended.

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FCMP also worked with NOAA's National Weather Service (NWS) to develop and implement an educational program about the dangers of rip currents. Signs, brochures and posters are distributed to beach communities, public schools and other organizations. During the review period, FCMP organized and conducted a Beach Safety Education Workshop to provide communities with information to improve beach visitors' safety. Specific examples of the program's education and outreach efforts include:

- Distributing 2,674 beach warning signs and 2,136 warning flag sets to Florida's coastal communities and public parks;
- Distributing 778 beach access signs to Florida's coastal communities;
- Distributing 3,151 rip current signs to Florida's coastal communities and public parks;
- Organizing and hosting a statewide beach safety education workshop;
- Updating the FCMP website to inform the beach safety community about the program;
- Developing an online ordering process for signs and flags;
- Distributing NWS rip current educational tapes to local governments;
- Airing a portion of the NWS rip current educational tape on the Florida Channel and the Florida Education Channel, several closed-circuit in-hotel TV stations, and local public broadcasting stations as well as in Wal-Mart and several local visitor centers;
- Producing and distributing beach safety promotional items, brochures and posters to local governments, libraries, schools and the general public.

Accomplishment: FCMP successfully manages Florida's Beach Safety Program. In collaboration with NWS, FCMP developed and implemented an educational program about rip currents.

FCMP has funded the Beach Safety Program through its federal coastal zone management grant since its inception. During the site visit, the evaluation team discussed whether the state should begin to absorb the costs of the state-mandated Beach Safety Program. Doing so would free additional federal coastal zone management funds for other efforts, such as FCMP's Coastal Partnership Initiative Grants.³ The evaluation team recommended that FCMP and DEP explore alternative funding options for the Beach Safety Program during the next review period.

2. Coastal Access Guide

Florida's public beaches support recreational activities such as sunbathing, swimming, surfing, walking, jogging, bicycling, fishing, horseback riding, shell collecting and camping. Recreational boating and fishing are among the country's favorite pastimes, and participation in most outdoor recreation activities continues to grow. Some of Florida's public beaches provide parking, bathrooms, campgrounds and picnic areas. Other sites offer more limited amenities. Because Florida lacks a coordinated coastal

³ FCMP's grant programs are discussed in detail in Section IV-F-1 of this document.

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access guide, FCMP is funding an effort to update information about verified beach access points. The project includes entering publicly-owned beach access sites currently on large photo maps into a county-level Geographic Information System (GIS) map of Florida's Atlantic, Key and Gulf Coasts. Site specific information will also be included. The guide will increase the public's awareness of Florida's coastal access opportunities. OCRM commends FCMP on its efforts to develop a coordinated beach access guide.

3. Boating Access

During the evaluation review period, FCMP funded the Florida Fish and Wildlife Research Institute (FWRI) to continue development of the Coastal Resource Information System (CRIS) and the Florida BlueWays management tool. Developed as an FCMP program enhancement, CRIS and Florida BlueWays are companion projects. CRIS is an internet-accessible, GIS-mapped database of information about public access, beaches, recreational marinas, navigation channels, land use, protection zones, fishing and boating activities, waterway management and regulations.

Florida BlueWays is developing information management tools for resource managers by organizing and analyzing mapped scientific data, land use and resource management information. The primary focus of Florida BlueWays has been recreational boating and fishing, boating access and waterway management. Florida leads the nation in recreational boat registrations, and the state is facing critical issues related to waterway access and use conflicts. Florida BlueWays created a boating characterization methodology that was applied in a six-county area of the state's west coast and resulted in enhanced comprehensive planning and intergovernmental coordination. Based on the success of the pilot project, FWRI is transferring the characterization methodology to Brevard and Bay Counties. The project includes use of the characterization to address resource protection, waterway management and public access issues. The intent is to incorporate the characterization tool into marine facility siting processes and other land use and recreational surface water use decisions so that waterway management, boating access, coastal resource protection and waterfront community issues are fully integrated with growth management planning and policy development.

4. Saltwater Paddling Trail

The Florida Circumnavigational Saltwater Paddling Trail is a 1,500-mile sea-kayaking trail that begins at Big Lagoon State Park near Pensacola, extends around the Florida Peninsula and Keys, and ends at Fort Clinch State Park near the Georgia border. The trail is divided into 26 segments. Each segment is unique, ranging from the remote Big Bend Coast and Everglades wilderness to the more urbanized coastlines of Pinellas County and Fort Lauderdale. Segment guides, photos and maps can be downloaded free from the trail's website.⁴

During the review period, FCMP provided funding for DEP's Office of Greenways to finalize data and descriptions for six of the trail's 26 segments. The work included

⁴ <http://www.dep.state.fl.us/gwt/paddling/saltwater.htm>

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identifying the segments': (1) camping and lodging locations; (2) kayak launch and take-out points; (3) water and food sources; (4) shower facilities; (5) points of interest; and (6) unique attributes. Staff conducted numerous site visits and meetings to determine the availability of facilities for prospective users.

The evaluation team noted that while the state's public access projects, such as the beach access guide, boating characterization and saltwater paddling trail, are all being developed by FCMP partner agencies, they are not being developed in close coordination with one another. The public would benefit from a comprehensive website that contains all available coastal access information in Florida. At a minimum, individual project websites should be well-linked. OCRM encourages FCMP to examine how best to integrate these projects and to present the information to the public.

2. Program Suggestion: The updated coastal access guide, boating characterization study and circumnavigational saltwater paddling trail are related projects. Therefore, OCRM encourages FCMP to link these efforts together as much as possible and to present them to the public in a unified manner.

C. COASTAL HABITAT

1. Coastal and Estuarine Land Conservation Program

The Department of Commerce, Justice and State Appropriations Act of 2002⁵ directed the Secretary of Commerce to establish a Coastal and Estuarine Land Conservation Program (CELCP) "for the purpose of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical or aesthetic values, or that are threatened by conversion from their natural or recreational state to other uses." CELCP gives priority to lands that can be effectively managed and protected and that have significant ecological value. Each coastal state that submits grant applications under CELCP must develop an OCRM-approved CELCP Plan. An assessment of priority land conservation needs and clear guidance for nominating and selecting land conservation projects within the state must be included in each CELCP Plan.

FCMP submitted its first CELCP projects to OCRM for consideration in 2005 for the FY 2007 project review cycle. OCRM awarded funds to the top 17 of 41 eligible projects; Florida's projects were ranked 25, 33 and 40. In August 2006, as a result of the national rankings received by Florida's previous project submissions, FCMP focused on developing a draft CELCP Plan to ensure that its FY 2008 projects would receive extra credit. The program submitted Florida's draft CELCP Plan to OCRM in October 2006. Subsequently, FCMP submitted three CELCP projects to OCRM for consideration during the FY 2008 project review cycle. OCRM identified 44 projects eligible for funding, including Florida's projects which were ranked 11, 19 and 30. FCMP also worked to

⁵ Public Law 107-77.

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address OCRM's concerns with Florida's draft CELCP Plan and submitted the final draft to OCRM in June 2007.

FCMP's draft CELCP Plan establishes a process for identifying, selecting and nominating projects for review at the national level. The plan identifies the Florida Forever Program⁶ as the foundation for the state's CELCP implementation. Florida Forever's public accessibility, selection criteria, wide range of tools for assessing resource value and benefits, and the correlation of many of its goals with the national CELCP process are instrumental in defining the linkage between the Florida Forever Program and Florida CELCP. Throughout development of the draft CELCP Plan, FCMP consulted with its network partners, particularly the Division of State Lands, the Florida Natural Areas Inventory and the Office of Coastal and Aquatic Managed Areas (CAMA). The Division of State Lands is tasked with implementing and managing the Florida Forever Program and, in cooperation with the Florida Natural Areas Inventory, is responsible for many of the processes associated with evaluation and appraisal of lands available for state acquisition. CAMA provided input on the availability of lands for acquisition within Florida's three National Estuarine Research Reserves (NERR).

Accomplishment: In collaboration with its partners, FCMP prepared and submitted Florida's draft CELCP Plan to OCRM.

2. Restoration

FCMP funds restoration projects through its Coastal Partnership Initiative and state agency grant programs.⁷ An excellent example is Project GreenShores, a habitat creation and restoration project in Pensacola Bay. The restoration site's subtidal and intertidal zones are bare sand, and there is little to no submerged aquatic vegetation or saltmarsh along the shoreline. Due to the lack of vegetation in these zones, the existing habitat's productivity and wildlife value are minimal.

Project GreenShores has been developing a series of salt marshes and oyster reefs that totals approximately 25 acres along the western shore of Pensacola Bay. In Phase II, submerged rock piles constructed of recycled concrete will create oyster reefs that will help protect intertidal areas from wave action. Reefs will be seeded with clean oyster shells obtained from area seafood restaurants and spat collected through oyster gardening. The project area has already been re-graded to intertidal elevations using clean sand. After the desired elevations were achieved, planting of native emergent saltmarsh vegetation in the intertidal areas began. At the time of the evaluation, submerged aquatic vegetation had recently been planted in the areas of the marsh that remain submerged at low tide. The emergent and submerged saltmarsh vegetation will improve water quality by assimilating excess nutrients, trapping suspended particles, and improving dissolved oxygen levels, while also providing critical habitat for many species of fish and wildlife. Volunteers from local schools, civic groups, scout troops, church groups and others assist

⁶ The Florida Forever Program is a successful land conservation program that has purchased and protected more than six million acres of conservation lands since its inception.

⁷ FCMP's grant programs are discussed in detail in Section IV-F-1 of this document.

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with the planting activities. DEP's Northwest District Office coordinates with local volunteer groups and also supervises the volunteers during planting activities.

In addition to habitat restoration, Project GreenShores provides public education about environmental issues such as habitat loss, nonpoint source pollution, wetland functions and shoreline erosion. DEP staff conduct educational outreach to schools and civic groups as well as at events such as Earth Day, Bay Day and the Seagrass Festival. They encourage fishing, snorkeling and canoeing at the site.

A consortium of state and local governments, non-profit agencies, private businesses and individuals oversees Project GreenShores. DEP provides project management. The City of Pensacola donated use of the submerged lands and removed upland invasive plants. Escambia County provided the sand, and the University of West Florida conducted the bathymetric survey. Gulf Power Company and other local businesses also donated money, services and time to the project.

3. Seagrass Management

Florida seagrass beds are vulnerable to many human impacts, especially eutrophication, which reduces water quality. Unfortunately, seagrass mapping, which is critical to effective resource protection and management, is lacking in Florida. Recognizing this, FCMP funded FWRI to launch an integrated program of seagrass mapping and monitoring that includes: (1) mapping all seagrasses in Florida waters on a six-year schedule; (2) monitoring seagrasses annually; (3) preparing an annual report documenting seagrass cover and species composition changes at monitoring stations; and (4) preparing a comprehensive report every six years to document seagrass gains and losses. During the first year of implementation, FWRI will: (1) compare monitoring techniques and indicators in Tampa Bay; (2) develop standard interview questions and protocol; and (3) identify seagrass mapping and monitoring programs throughout the state and interview principal investigators.

During the review period, FCMP funding also allowed FWRI to collaborate with CAMA to implement a study of potential seagrass restoration sites in Indian River Lagoon and to prepare technical information necessary for state and federal permit reviews. Additionally, CAMA promoted seagrass restoration and conservation through outreach and education, including:

- Marking significant seagrass meadows repeatedly scarred by propellers;
- Conducting surveys and mapping marine debris in seagrass habitats in the Coupon Blight Aquatic Preserve;
- Increasing residents' and tourists' awareness of the importance of seagrasses through radio and other media;
- Working with the Florida Fish and Wildlife Conservation Commission (FWCC) to decrease the number of vessel groundings; and
- Assisting FWCC and Monroe County with documenting marine debris and derelict vessels in the Florida Keys.

D. WATER QUALITY

1. Coastal Nonpoint Pollution Control Program

In 1990, Congress established the Coastal Nonpoint Pollution Control Program (CNPCP), which works within the framework of existing Coastal Zone Management Programs developed under the CZMA and Nonpoint Source Pollution Management Programs developed under the Clean Water Act. Two of the CNPCP's key purposes are to strengthen the links between federal and state coastal zone management and water quality programs and to enhance state and local efforts to manage land use activities that degrade coastal waters. NOAA and the U.S. Environmental Protection Agency (USEPA) must approve each state's CNPCP.

Florida has requested federal approval of its CNPCP. Following the state's submission in April 2006, NOAA and USEPA requested supplemental clarification of the state's proposed onsite sewage treatment disposal system (OSTDS) management measure. FCMP worked extensively to improve the OSTDS management measure during the review period. Activities included:

- Development and implementation of an OSTDS inspection system via an outreach program to mortgage lenders, banks and OSTDS service providers;
- Establishment of an interactive web-based tracking system to allow the property sales industry to access records on the status and results of property inspections;
- Assessment of the needs of priority counties and provision of intensive technical assistance to improve local OSTDS maintenance management programs;
- Development of a model ordinance for OSTDS maintenance management in two counties;
- Development of educational materials, fact sheets, exhibits and similar materials; and
- Development of public service announcements on the proper care and maintenance of onsite sewage systems.

Through subsequent discussions with NOAA and USEPA, Florida clarified its plans for implementation of the OSTDS coastal nonpoint pollution control management measure as well as the funding commitments for the effort. At the time of the site visit, USEPA correspondence with FCMP indicated that the federal process for final approval of Florida's CNPCP might be completed soon.

Accomplishment: FCMP worked to address outstanding conditions in Florida's CNPCP. At the time of the evaluation site visit, the program was awaiting final federal approval.

2. Harmful Algal Bloom Response Plans

The Florida Department of Health (DOH) has identified a number of public health response, outreach and education needs related to harmful algal blooms (HAB),

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including: (1) implementation of consistent public health strategies through county-specific public health response plans; (2) consensus on appropriate HAB response measures; (3) improved public notification of bloom events; and (4) timely dissemination of current research results. FCMP is funding a multi-year strategy to:

- Develop county-specific HAB response plans;
- Finalize a HAB reference guide;
- Design and field test a user manual for the HAB planning process; and
- Develop an annual operating plan and project evaluation plan to measure progress.

Additionally, DOH is using FCMP funds to develop a website to disseminate HAB-related information on health advisories, outbreak events, environmental testing, the status of red tide and blue-green algae blooms, and information on seafood safety, including shellfish, puffer fish, crabs and other potential HAB exposure routes.

3. Pathogen Monitoring

An FCMP grant is allowing DOH to collaborate with the Oceans and Human Health Center at the University of Miami to investigate sources of ocean pollution and to develop new monitoring tools. The project will monitor pathogens in nearshore waters and within sediments of the intertidal zone. It will also analyze *E. coli*, fecal coliform, *C. perfringens* and a suite of pathogens. Results will be used to determine whether or not elevated levels of enterococci are correlated with the presence of pathogens.

DOH is also examining: (1) the occurrence of microbial indicators of fecal pollution in public beach waters; (2) the source of the indicators; and (3) how local factors influence indicators' occurrence and persistence. The study's main objective is to increase understanding of the relationship of documented pathogens to indicators used in beach monitoring. Determining possible sources of contamination will assist in the assessment and prevention of chronic and acute beach pollution and allow prioritization of pollution remediation projects.

E. COASTAL HAZARDS

Coastal hazard management is a very high priority issue in Florida. During the review period, the program identified a local need for assistance with post-disaster redevelopment planning. Although local comprehensive plans should include policies that address post-disaster redevelopment planning, preparation of the plans has been hindered by a lack of standards to guide their development in Florida.

As a result, FCMP is supporting Florida's Department of Community Affairs (DCA) in its efforts to initiate development of post-disaster redevelopment plans for local governments. DCA will produce model plans as examples for all coastal communities and will revise a "Best Practices Guide" to help with plan development. DCA will also form local post-disaster redevelopment plan working groups and prepare outreach

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material for the public. Additionally, DCA and the Florida Division of Emergency Management will propose legislation to require each community to develop a post-disaster redevelopment plan as part of the local government's comprehensive plan.

Accomplishment: FCMP is funding an innovative post-disaster redevelopment planning effort. FCMP's support of post-disaster redevelopment planning is a strong example of the program's targeted use of funds to meet critical needs while avoiding duplication of effort.

F. COASTAL DEPENDENT USES AND COMMUNITY DEVELOPMENT

1. Grant Programs

FCMP's Coastal Partnership Initiative Grants Program makes funds available to: (1) local governments in the state's 35 coastal counties; (2) municipalities within coastal county boundaries that are required to include a coastal element in their comprehensive plan; (3) NERRs; and (4) National Estuary Programs (NEP). Public and private colleges, universities, regional planning councils and nonprofit groups may also apply if an eligible local government, NERR or NEP agrees to participate. Partnerships between regional and local agencies and non-profit organizations are encouraged. The funds support projects and activities that protect and enhance natural and cultural resources. The program's goal is to inspire community action and to promote the protection and effective management of Florida's coastal resources in four specific categories:

- **Remarkable Coastal Places:** Communities may conduct activities related to designating and protecting places with exceptional cultural, historic and ecologic value. Examples include: (1) developing acquisitions plans, conservation plans, and long-term management plans; (2) implementing restoration plans; and (3) creating environmental awareness publications, displays and campaigns.
- **Community Stewardship:** Typical stewardship projects include small-scale, community-based activities that involve citizens and volunteers in the field. Activities range from monitoring and wetland restoration to educational field trips and waterfront cleanups.
- **Access to Coastal Resources:** Communities are encouraged to accommodate public access to coastal and marine resources while protecting fragile and overused environments. Eligible access projects include: (1) developing plans for land acquisition, restoration and management; (2) developing site plans for nature trails; (3) developing recreational surface water use policies; (4) exotic species removal and restoration of native species; and (5) small-scale capital improvements such as dune walkovers, boardwalks and canoe launches.
- **Working Waterfronts:** Waterfront communities often wish to revitalize and promote interest in their waterfront districts. Examples of working waterfront projects include: (1) developing and implementing a vision and plan for a

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waterfront district; (2) developing architectural standards for waterfront areas; and (3) small construction projects such as a boardwalk, observation platform, welcome center or information kiosk.

Coastal Partnership Initiative grants range from \$15,000 to \$50,000. Grant recipients are required to provide 100 percent matching funding, which may be cash or in-kind. Match may include the salaries of employees, the value of volunteer time, or the value of construction materials. Federal funds may not be used as match for Coastal Partnership Initiative grants.

FCMP accepts Coastal Partnership Initiative applications annually in August or September. Each proposal is reviewed by a technical evaluation committee of at least five members with knowledge about coastal resource management. Proposals are evaluated using the following general criteria:

- Project geographic area is easily identified and is appropriate for the proposed solution.
- Project components are clearly described.
- Project is an appropriate solution for the demonstrated need.
- Applicant and partner roles have been adequately identified.
- Proposed solution is innovative and could be used by another group or locale facing similar circumstances.
- Project meets the goal of the initiative category.
- Applicant and partners can effectively and efficiently complete the project within one year.
- There is community support for the project.
- Project will support specific goals and objectives of the local comprehensive plan.
- Project builds on participation in any of the following programs: Local Mitigation Strategy, Florida Forever, Waterfronts Florida, Front Porch Florida, Designated Waterbodies, Surface Water Improvement and Management Program, Florida Springs, Florida State Park System, or Gulf Ecological Management Sites.

Category-specific criteria are also considered. The evaluation committee ranks proposals within each category based on total score and recommends the highest-ranking projects in each category that score above a minimum of 50 points for funding. Examples of Coastal Partnership Initiative projects funded during the evaluation review period include: (1) dune and wetland crossovers and public fishing piers; (2) exotic species removal and native plant revegetation; (3) master plans and waterfront and park planning; (4) endangered species protection and monitoring; (5) water access planning for seafood harvesters; and (6) designated Waterfronts Florida community vision plan implementation.

FCMP also provides grants to state agency partners and water management districts in amounts ranging from \$15,000 to \$150,000. Examples of projects funded by such grants include: (1) seagrass, salt marsh and wetland restoration activities; (2) monofilament recovery; (3) coastal water quality sampling and monitoring; (4) documentation and

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mapping of historic underwater archaeological preserves and upland cultural resources; and (5) Waterfronts Florida Partnership Program start-up funds for newly designated communities. Additionally, FCMP awards several grants each year to implement the Enhancement Grants Program Assessment and Strategy. Recent examples include: (1) boating characterization and development of land and surface water use policies; (2) post-disaster redevelopment plans; (3) harmful algal bloom response plans and coordination; and (4) Waterfronts Florida Partnership Program implementation.

As evidenced by the following funding summary, subgrants are a major component of FCMP.

Fiscal Year	Coastal Partnership Initiative	State Agencies/Water Management Districts
2007-2008	10 subgrants = \$428,196	5 subgrants = \$507,965
2006-2007	9 subgrants = \$440,873	12 subgrants = \$813,429
2005-2006	12 subgrants = \$516,440	11 subgrants = \$861,569
2004-2005	11 subgrants = \$430,287	10 subgrants = \$850,336

The evaluation team and FCMP staff discussed the program’s subgrants thoroughly, met with grant recipients and visited project sites during the evaluation. Staff indicated that projects that fill existing management needs are priorities for funding. The evaluation team was consistently impressed with the caliber of the projects FCMP funded as well as the amount of resources FCMP leveraged with its funds.

Accomplishment: FCMP makes a significant portion of its federal coastal zone management funding available as subgrants through the Coastal Partnership Initiative and grants to state agency and water management districts.

During the site visit, the evaluation team and FCMP staff also discussed potential methods of further improving the program’s subgrant initiatives. During the review period, FCMP began efforts to increase the diversity of grant applicants by: (1) improving outreach to and coordination with potential recipients; (2) providing more equity for smaller local governments; and (3) restricting the number of applications per applicant. The evaluation team noted, however, that FCMP staff does not actually have a voting role in determining the subgrants and may not have much flexibility on an annual basis to encourage applicants to focus on high priority or emerging coastal management issues, particularly with the Coastal Partnership Initiative Grants.

FCMP should carefully review its subgrant initiatives as part of any strategic planning effort.⁸ The program should review application evaluation committees and ranking guidelines to see whether any changes are warranted. FCMP should also consider the feasibility of awarding extra points to proposals that address annual priority issues

⁸ In Section IV-A-3 of this document, OCRM strongly encourages FCMP to undertake a strategic planning effort to assess the program’s mission, goals and objectives.

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selected by the program. Additionally, FCMP should revisit whether its role in ranking proposals should extend beyond coordination.

3. Program Suggestion: OCRM strongly encourages FCMP to evaluate the Coastal Partnership Initiative and state agency and water management district grants processes to find ways to: (1) further strengthen these programs; (2) guarantee that FCMP has an adequate role in identifying funding priorities and specific grants awarded each year; and (3) ensure subgrants meet both FCMP and National Coastal Management Program funding priorities.

2. Waterfronts Florida

The Waterfronts Florida Partnership Program addresses issues that contribute to the physical and economic decline of traditional working waterfront communities. FCMP created Waterfronts Florida as a program enhancement and continues to fund its implementation. FCMP's Waterfronts Florida activities include: (1) ongoing administration and coordination with designated communities; (2) preparation of a comprehensive program assessment; (3) consultation with an ad hoc advisory committee on the future direction of the program; and (4) preparation of a strategic plan for developing new program initiatives. Since the program's inception in 1996, 21 communities have been designated as Waterfronts Florida communities, making them eligible for technical and financial assistance in developing and implementing community-designed vision plans. In 2005, Waterfronts Florida reached a significant milestone when it was authorized in statute.

The Waterfronts Florida Partnership Program solicits applications on a two-year cycle. Local governments may apply, and non-profits or similar groups may serve as applicants if supported by a city or county government. Prospective Waterfronts Florida communities⁹ must agree to: (1) appoint a waterfronts partnership committee that includes at least one representative from local government; and (2) fund the salary and travel expenses for a full-time program manager. Waterfronts Florida communities create a local focus for planning and revitalization through visioning and stakeholder inclusion with attention to the program's four priority areas: (1) environmental and cultural resource protection; (2) hazard mitigation; (3) economic development; and (4) public access.

Designated communities receive intense support for a two-year period. Waterfronts Florida staff work with advisory groups and program managers to get the organization started, develop community-based ideas for projects, create an action plan, and implement the local vision for the waterfront. The program contracts separately with consultants to offer specialized training on topics such as conflict resolution, grant writing and economic development. Staff also provide hands-on support to communities that experience problems in the course of plan implementation. Technical assistance may

⁹ Larger deepwater port areas, defined by operating revenues of more than \$5 million annually, are not eligible to participate in Waterfronts Florida.

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include training in organizational development and effectiveness and exposure to subject matter experts who deal with relevant issues. DCA facilitates workshops for visioning, citizen participation and community planning.

Waterfronts Florida provides small grants to individual communities to help with different aspects of specific projects, such as design work. Grant money may be used to create and implement plans, conduct surveys and studies, and develop brochures. Staff also work with local waterfront committees to develop partnerships with various organizations to expand the pool of financial and human resources.

The planning network is a hallmark of Waterfronts Florida. Program managers meet quarterly to hear from agency personnel and other professionals on topics such as storm water management, historic preservation, economic development, and formation of non-profit organizations. Quarterly meetings provide program managers with an opportunity to share challenges and to solicit solutions among peers. The meetings are open to communities interested in applying to Waterfronts Florida. Additionally, communities continue participation in the program after the initial two-year implementation period, serving as models, mentors and members of the waterfronts planning network.

Accomplishment: FCMP provides significant financial support for the Waterfronts Florida Partnership. FCMP has also: (1) provided ongoing administration and coordination with designated communities; (2) prepared comprehensive program assessments; and (3) consulted with an ad hoc advisory committee on the future direction of the program. Additionally, FCMP is preparing a strategic plan for developing new program initiatives.

The evaluation team was very impressed with the Waterfronts Florida Partnership Program. However, the team questioned whether FCMP should continue to serve as the primary funding source for the program. As noted above, FCMP created Waterfronts Florida as a program enhancement and continues to fund its implementation. FCMP's priorities for their subgrant programs include providing "start-up" funding for good programs that address existing management needs and leverage significant resources. Clearly an excellent program, Waterfronts Florida is well-established. In fact, the program recently completed a visioning process to inform the next phase of program development and expansion. Therefore, the evaluation team concluded that it is time for Waterfronts Florida to diversify its funding sources. FCMP could continue to support the program by providing technical assistance, including coastal management tools, to the waterfronts planning network.

3. Program Suggestion: As a well-established, mature program, Waterfronts Florida should diversify its funding sources and rely less upon funding from FCMP. This would make additional federal coastal management funds available for use as seed money for new programs that address other critical coastal management needs.

G. GOVERNMENT COORDINATION AND DECISION-MAKING

1. Federal Consistency

The CZMA's federal consistency provision is a major incentive for states to join the National Coastal Zone Management Program. It is also a powerful tool that states use to manage coastal uses and resources and to facilitate cooperation and coordination with federal agencies. The provision imposes a requirement on federal agencies conducting, licensing or funding activities that have reasonably foreseeable effects on any land or water use or natural resource of the coastal zone to be consistent to the maximum extent practicable with the enforceable policies of a state's federally-approved coastal management program.

FCMP's federal consistency reviews are integrated into other state review processes depending on the type of proposed federal action. DEP administers the Florida State Clearinghouse, which receives consistency determinations from federal agencies. The clearinghouse coordinates the state's review of proposed federal activities, requests for federal funds, and applications for federal permits other than those issued under §404 of the Clean Water Act and §10 of the Rivers and Harbors Act. Consistency reviews of federal permits issued under those Acts are conducted in conjunction with wetland and environmental resource permits issued by DEP or the water management districts. The Offshore Projects Unit, also part of DEP, coordinates consistency reviews of federal activities proposed in offshore waters. Examples of such activities include oil and gas projects, pipelines and other offshore energy facilities, ocean disposal, military use, artificial reefs, offshore sand and gravel mining, state and federal legislation, and proposed rules. During the review period, FCMP and the Offshore Projects Unit worked closely together to improve the application of federal consistency to offshore oil and gas projects.

Regardless of the specific process, the review of federal activities is coordinated with appropriate FCMP partner agencies. Each agency is given an opportunity to provide comments on the merits of the proposed action, address concerns, make recommendations, and state whether the project is consistent with its statutory authorities in FCMP. Regional planning councils and local governments also may participate in the federal consistency review process by advising DCA on local and regional impacts of proposed federal actions. If a state agency determines that a proposed federal activity is inconsistent, the agency must: (1) explain the reason for the objection; (2) identify the statutes with which the activity conflicts; and (3) identify any alternatives that would make the project consistent.

FCMP assists with coordination of consistency reviews conducted through the Florida State Clearinghouse, Offshore Projects Unit, and wetland and environmental resource permit analyses. The program also provides technical support, training and consultation services to state and federal agencies regarding federal consistency procedures. For example, during the current evaluation review period, FCMP successfully negotiated agreements with Eglin Air Force Base and the Florida Keys National Marine Sanctuary to clarify state coordination and consistency review procedures. Despite these efforts, the

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evaluation team noted that FCMP, several state partners, and some federal agencies expressed a need for information about the requirements and procedures for federal consistency. Providing this training is a joint responsibility of OCRM and FCMP, and OCRM encourages FCMP to work with the office to ensure that information and training needs are met. OCRM also encourages the program to undertake agreements similar to those with Eglin Air Force Base and the Florida Keys National Marine Sanctuary with other key partners where practicable. Additionally, FCMP is developing: (1) a rule to implement consistency requirements in §380.23 F.S.; and (2) an interstate consistency process.

Accomplishment: FCMP worked extensively to improve the application of federal consistency through: (1) proactive and inclusive collaboration with stakeholders; (2) provision of technical support, training and consultation services; and (3) agreements clarifying state coordination and consistency review procedures.

4. Program Suggestion: OCRM strongly encourages FCMP: (1) to coordinate closely with the office as the program develops its new rule to implement consistency requirements; and (2) to work with the office to ensure that federal consistency information and training needs are met within the state.

2. Performance Measurement

In 2004, OCRM implemented a pilot program to identify potential performance measures for the National Coastal Management Performance Measurement System (NCMPMS). FCMP was one of nine participants in the pilot program and collected data for four of the six measures under assessment during the pilot period.¹⁰ FCMP also submitted data for five contextual measures that provided information on environmental and socioeconomic factors that influence program actions.

During the first phase of the NCMPMS, FCMP reported on public access and government coordination and decision-making. All data reported for these measures was classified according to whether the funding source was CZMA funds or state, non-CZMA funds. The primary difficulties with capturing Phase I data related to: (1) the boundary established by FCMP for data collection; (2) the inability to capture permit-related data; and (3) the accuracy of existing datasets. Data reclassification was further complicated by the need to report the data on two OCRM portals – Gulf Coast and East Coast. While participation was challenging, FCMP succeeded in providing responses for all items in each measure by the deadline. Throughout Phase I, FCMP recognized data gaps in the numbers of existing public access sites and acres open for public use within the coastal zone. At the conclusion of Phase I reporting, the program began identifying new sources

¹⁰ FCMP collected data on public access, coastal hazards, coastal community development and coastal-dependent uses.

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that could provide updated contextual data for FY 06-07 reporting. The updated coastal access guide may also provide data for the access measures.

Phase II of the NCMPS requires reporting on coastal habitats and coastal water quality in addition to public access and government coordination and decision-making. OCRM's original guidance included the funding filter described above, and FCMP obtained state-related data for the required measures. In May 2007, OCRM issued revised guidance that significantly streamlined the measures. As a result, FCMP reviewed its compiled data to ensure alignment with the new measures. FCMP should continue to work with its partner agencies to improve data recording and sharing coordination to assist in developing both state and national performance measures.

Accomplishment: FCMP participated in the NCMPS Pilot Program, which formed the basis for the current NCMPS. The program submitted its performance measurement data to OCRM on schedule. Additionally, FCMP continues to work with its networked partners to identify data sources that can be used in the NCMPS.

3. Education and Outreach

Throughout the review period, FCMP continued its education and outreach efforts in order to raise public awareness of coastal issues. The program provides products and services such as: brochures, posters and other publications; conference and event planning; federal consistency workshops; environmental education events, informational displays and school outreach activities. Specific examples of FCMP's education and outreach efforts during the evaluation review period follow.

Coastal Cleanup

- Organizing and participating in a local beach cleanup for the annual International Coastal Cleanup; and
- Distributing International Coastal Cleanup participation materials to all 67 state school districts.

Events, Conferences and Exhibits

- 2004 Florida Shore & Beach Preservation Association Annual Meeting;
- Clean Beaches Council 2005 Sustainable Beaches Summit;
- 2006 NOAA Educational Partnership Program's Education and Science Forum;
- Ocean's Day at the state capitol;
- Restore America's Estuaries Third National Conference and Expo on Coastal and Estuarine Habitat Restoration;
- The Coastal Society's Twentieth Biennial Conference; and
- The Eighth Annual Southern and Caribbean Regional Meeting.

Publications and Displays

- Publishing "Coastal Currents" Newsletter;

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- Producing and distributing educational kiosks about aquaculture, coastal resources and preserves;
- Producing and distributing educational displays for Florida NERRs' Visitors' Centers, Lignumvitae State Park, and the DEP Northwest District Office; and
- Completing major revisions of FCMP's website.

FCMP also funds education and outreach efforts through its grant programs. For example, funding awarded to the Caribbean Conservation Corporation (CCC) enabled development of high-quality educational materials for school children and visitors to Brevard County's barrier island. The public outreach activities funded through the grant allowed CCC to recruit and train numerous individuals to volunteer at the new Barrier Island Ecosystem Center. Additionally, the organization's stewardship-building activities involved more than a hundred families in activities designed to protect Brevard County's coastal resources.

4. Partnerships

The evaluation team was impressed with FCMP's successful coordination with partners both within DEP as well as with external state, local, academic, business and private agencies and organizations. Evaluation participants often praised the program's collaborative approach. These findings contain many examples that highlight FCMP's coordination with its partners. Through partnerships with other agencies and organizations, FCMP is strengthened by pooling the resources and expertise of many different groups. The program's proactive approach to coordination by involving partners early in processes and projects improves efficiency and allows potential problems to be addressed before they escalate. The emphasis that FCMP places on collaboration with its partners is clearly one of the strengths of the program.

Accomplishment: FCMP regularly engages in many diverse partnerships. The program successfully coordinates with other programs both within DEP as well as with external state, local, academic, business and private agencies and organizations.

FCMP frequently plays a coordinating role among its many partners in coastal management. Because of their number and diversity, some of FCMP's partners may have little interaction with each other, even though each is working on some aspect of coastal management. Thus, the evaluation team and FCMP discussed methods for further improving the program's coordinating role and information sharing among its many partners. For example, a listserv would allow the partners to post project highlights and updates, announcements and questions. Additionally, a newsletter would increase information sharing among partners while also highlighting FCMP efforts throughout the state to a broader audience.

5. Program Suggestion: OCRM encourages FCMP to explore ways of improving information sharing, such as a listserv or newsletter, among its many partners.

V. CONCLUSION

For the reasons stated herein, I find that Florida is adhering to the programmatic requirements of the Coastal Zone Management Act and its implementing regulations in the operation of its federally-approved Florida Coastal Management Program (FCMP).

FCMP has made notable progress in the following areas: program changes, beach safety program, Coastal and Estuarine Land Conservation Program, Coastal Nonpoint Pollution Control Program, coastal hazards, grant programs, Waterfronts Florida Partnership Program, federal consistency, performance measurement and partnerships.

These evaluation findings also contain six recommendations. The recommendations are all in the form of Program Suggestions. The evaluation team did not identify any Necessary Actions. The Program Suggestions should be addressed before the next regularly-scheduled program evaluation, but they are not mandatory at this time. Program Suggestions that must be repeated in subsequent evaluations may be elevated to Necessary Actions. Summary tables of program accomplishments and recommendations are provided in Appendix A.

This is a programmatic evaluation of FCMP that may have implications regarding the state's financial assistance awards. However, it does not make any judgment about or replace any financial audits.

/signed/ David M. Kennedy
David M. Kennedy
Director, Office of Ocean and
Coastal Resource Management

6/5/08
Date

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VI. APPENDICES

Appendix A. Summary of Accomplishments and Recommendations

The evaluation team documented a number of FCMP’s accomplishments during the review period. These include:

Issue Area	Accomplishment
Program Changes	FCMP worked extensively to revise its RPC requests to differentiate between substantive enforceable policies and administrative statutory provisions. The program’s subsequent RPC submissions have been of high quality and significantly reduced OCRM’s review time.
Beach Safety Program	FCMP successfully manages Florida’s Beach Safety Program. In collaboration with NWS, FCMP developed and implemented an educational program about rip currents.
CELCP	In collaboration with its partners, FCMP prepared and submitted Florida’s draft CELCP Plan to OCRM.
CNPCP	FCMP worked to address outstanding conditions in Florida’s CNPCP. At the time of the evaluation site visit, the program was awaiting final federal approval.
Coastal Hazards	FCMP is funding an innovative post-disaster redevelopment planning effort. FCMP’s support of post-disaster redevelopment planning is a strong example of the program’s targeted use of funds to meet critical needs while avoiding duplication of effort.
Grant Programs	FCMP makes a significant portion of its federal coastal zone management funding available as subgrants through the Coastal Partnership Initiative and grants to state agency and water management districts.
Waterfronts Florida	FCMP provides significant financial support for the Waterfronts Florida Partnership. FCMP has also: (1) provided ongoing administration and coordination with designated communities; (2) prepared comprehensive program assessments; and (3) consulted with an ad hoc advisory committee on the future direction of the program. Additionally, FCMP is preparing a strategic plan for developing new program initiatives.
Federal Consistency	FCMP worked extensively to improve the application of federal consistency through: (1) proactive and inclusive collaboration with stakeholders; (2) provision of technical support, training and consultation services; and (3) agreements clarifying state coordination and consistency review procedures.

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Performance Measurement	FCMP participated in the NCMPPS Pilot Program, which formed the basis for the current NCMPPS. The program submitted its performance measurement data to OCRM on schedule. Additionally, FCMP continues to work with its networked partners to identify data sources that can be used in the NCMPPS.
Partnerships	FCMP regularly engages in many diverse partnerships. The program successfully coordinates with other programs both within DEP as well as with external state, local, academic, business and private agencies and organizations.

In addition to the accomplishments listed above, the evaluation team identified several areas where FCMP could be strengthened. Recommendations are in the form of Program Suggestions. The evaluation team did not identify any Necessary Actions. Areas for improvement include:

Issue Area	Program Suggestion
Strategic Planning	OCRM strongly encourages FCMP to undertake a strategic planning effort that reviews the program's role in coastal management in Florida, including the program's goals, objectives, strategies, approach and vision of success.
Public Access	The updated coastal access guide, boating characterization study and circumnavigational saltwater paddling trail are related projects. Therefore, OCRM encourages FCMP to link these efforts together as much as possible and to present them to the public in a unified manner.
Grant Programs	OCRM strongly encourages FCMP to evaluate the Coastal Partnership Initiative and state agency and water management district grants processes to find ways to: (1) further strengthen these programs; (2) guarantee that FCMP has an adequate role in identifying funding priorities and specific grants awarded each year; and (3) ensure subgrants meet both FCMP and National Coastal Management Program funding priorities.
Waterfronts Florida	As a well-established, mature program, Waterfronts Florida should diversify its funding sources and rely less upon funding from FCMP. This would make additional federal coastal management funds available for use as seed money for new programs that address other critical coastal management needs.
Federal Consistency	OCRM strongly encourages FCMP: (1) to coordinate closely with the office as the program develops its new rule to implement consistency requirements; and (2) to work with the office to ensure that federal consistency information and training needs are met within the state.
Partnerships	OCRM encourages FCMP to explore ways of improving information sharing, such as a listserve or newsletter, among its many partners.

Appendix B. FCMP's Response to 2005 Evaluation Findings

#1. Program Suggestion: FCMP should define priority coastal areas and issues where coordination would be beneficial and establish a mechanism to facilitate dialog with its networked agencies on appropriate areas and issues. A contract could be let to set up a process that examined the whole permitting process from the initial pre-application to permit compliance that focuses on all agencies involved, not just the primary permitting agency.

While FCMP does not lead a formal “group to focus jointly on coastal issues,” interagency coordination is a hallmark of the activities conducted by FCMP. All activities are performed in collaboration with network partners and facilitate dialog on appropriate areas and issues. Ad hoc committees and work groups are formed as needed to assist with tasks and to benefit from the involvement and expertise of all agency partners. The consistency review processes, whether conducted through the Clearinghouse or through permit reviews, also involve interagency coordination and collaboration and strive for state agency consensus. Network agency partners advise FCMP in determining funding priorities, and the use of grant funds is subject to executive review and approval. Because these existing procedures and coordination are working effectively, there is no perceived need to establish a formal interagency coastal issues group.

With regard to environmental permitting, the DEP Division of Water Resource Management and the five regional water management districts have lead responsibility for most of Florida's regulatory activities. These agencies follow established procedures for pre-application consultation and follow permit procedures that integrate state agency partners so that applicants are aware of the multiple state interests and programs that might affect permit decisions. (The CZMA federal consistency requirement is one of the reasons that permits are coordinated with multiple agencies.) Standard permit procedures are also supplemented by more extensive interagency coordination for transportation projects, power plants, airports, pipelines, deepwater ports, mines and large coastal developments. State laws and regulations also provide the option for projects to be evaluated using a “team permit” process prescribed in a formal ecosystem management agreement. Because these mechanisms are in place and working well, there is no need to develop a new process to ensure that permit reviews consider multiple agency issues.

During the current evaluation review period, the Fish and Wildlife Conservation Commission (FWCC) underwent an extensive organizational and legal reorganization, including the establishment of a new office under the Executive Director to coordinate priority issues and policy matters. FCMP initiated a long-term series of meetings and follow-up actions with FWCC to provide training in federal consistency procedures, to discuss FWCC's participation in federal consistency review of wetland permits, and to develop strategic updates of FCMP's enforceable policies to reflect FWCC's statute and rule reorganization. FCMP is using FWCC's recommendations to make revisions to permit processing guidelines and to develop the consistency procedures rule. FCMP is

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actively working with FWCC staff to develop a Routine Program Change specific to FWCC's enforceable policies.

FCMP conducted extensive coordination with its partner agencies in 2005 and 2006 to develop the Section 309 Assessment and Enhancement Strategies for 2006-2010. The process resulted in a much needed update of nine issue areas that had not been evaluated in depth since 1995. The consultation led to the identification of key priority issues, gaps and unmet needs, some of which were cost-feasible to include as 309 strategies. Many of the 2006-2010 strategies include enhanced coordination of coastal issues among the network agencies, local government and the public. In particular, the aquaculture strategy established an interagency group to improve aquaculture management and practices, increase training and technical assistance for the industry, and resolve issues related to environmental protection, public lands management and user conflicts.

FCMP is also using the results of the Section 309 Assessment and Enhancement Strategies to supplement its annual consultation with state agencies to determine the highest and best use of Section 306 funds. The result is a strategic use of CZMA funds that supports the priority needs of network partner agencies and leveraging state and local partnerships and new initiatives.

#2. Program Suggestion: FCMP is encouraged to develop user friendly documents explaining how the program is now constituted, how the processes now work and how Florida's coastal resources are being managed.

The transfer of FCMP to FDEP only changed the designated lead agency; it did not change the constitution of FCMP or state permit procedures. FCMP priority activities were adjusted to reflect some new strategies and a reduction in staffing and federal funds. The transfer was explained in the newsletter and on FCMP's website and through direct consultation in workshops, annual grant solicitations, and interagency activities, particularly the Section 309 assessment process.

FCMP's website has always described how consistency reviews are integrated into permit reviews, although FCMP is currently updating its website content and revising the procedural manuals available on-line to improve the information available to agencies and the public. FCMP does not issue permits, however, and relies on the detailed websites maintained by permitting agencies to provide permit processing information to potential applicants and the public.

In addition, FCMP engaged in many outreach and education activities during the evaluation review period.

#3. Program Suggestion: OCRM and FCMP should work to articulate better the enforceable policies of the program to facilitate federal review of program changes so that analyses may be focused on programmatic elements of the laws underpinning FCMP.

Over the last three years, FCMP has continued to submit a Routine Program Change annually to incorporate legislative changes to the statutes that make up the FCMP. During this time, FCMP worked with OCRM to revise the RPC process so that it focuses on substantive enforceable policies rather than other statutory provisions that are primarily administrative. As a result, the 2006 RPC only added new statutory sections to the FCMP that are clearly enforceable policies. The recent RPC submission for 2007 refined the process by including a table organized to identify statutory changes that: (1) constitute new enforceable policies; (2) modify existing enforceable policies; and (3) remove language from FCMP statutes. FCMP is anticipating new guidance from OCRM regarding program change procedures and will continue to revise Florida's RPC process as needed.

#4. Program Suggestion: FCMP is encouraged to revisit previous and emerging coastal issues to expand program coverage and initiatives to reconsider their importance to overall FCMP implementation. As the FCMP considers these initiatives contracting for their accomplishment, or other approaches, such as the use of other agencies, regional groups, or localities should be considered for funding through its grant program.

FCMP's transition to DEP resulted in a loss of staff and a decline in federal funding. Also, the transfer legislation directed FCMP to create a new beach safety program, a high priority driven by an increasing number of beach drownings. In this context, therefore, DEP has to set priorities, focus staff and grant resources, and strive to do more with less. In response, program and grant administration were improved by:

- Lowering administrative costs to make more funds available for program activities and pass-through grants;
- Refining the Coastal Partnership Initiative grant program and its implementing rule to improve the quality of funded projects;
- Creating a grant program for state agencies and water management districts with the flexibility to respond to state priorities and emerging issues;
- Expending all of the federal award;
- Supporting state and local priorities through interagency consultation, federal consistency coordination and grant funding;
- Using interagency committees and executive review and approval to direct the use of grant funds; and
- Maximizing the leverage value of grant spending.

The result has been a grant funding portfolio that is diverse geographically and programmatically, complements other funding streams, and affords statutory and agency synergy. In spite of funding and staffing limitations, the strategic conservative

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management of the federal grant and close consultation with state agency partners has allowed the FCMP not only to support valuable ongoing activities but also to launch new initiatives and leverage a broader range of larger activities. Some examples include:

- Creation of the Beach Safety Program;
- Assisting with large-scale coastal habitat restoration projects such as Project GreenShores and Alligator Creek;
- Assisting the start-up of innovative projects such as boating characterization studies, seagrass and oyster salvage, and an interactive wreck diving website;
- Expanding local government disaster preparedness by developing post-disaster redevelopment plans and harmful algal bloom response plans;
- Determining the future of the Waterfronts Florida Partnership Program and other working waterfronts programs in accordance with 2005 and 2006 legislation;
- Implementing a new organizational framework for CAMA and updating aquatic preserve management plans;
- Funding scientific studies and research in priority areas such as bacterial source tracking and human exposure to pathogens, groundwater flows and coastal circulation, and ballast water as a source of harmful algal blooms;
- Developing a coordinated statewide program to map and monitor seagrasses;
- Interpreting underwater archaeological preserves and other maritime heritage sites;
- Creating Florida's CELCP Plan and submitting six competitive project proposals;
- Assisting the larger state effort to increase the maintenance and management of OSTDS not covered by operating permits;
- Developing an interstate consistency proposal to fully implement the intent of the CZMA and 15 CFR 930 Subpart I.

#5. Program Suggestion: FCMP is encouraged to continue the development of electronic permit processing and to further streamline its processes through the use of information technology.

During the review period, the Clearinghouse continued making improvements to its internet-accessible database, making the system more user-friendly for the public and agency partners.

FCMP was not previously developing an electronic permit process, but in the past had discussed with DEP wetlands permitting staff whether the electronic wetland permit tracking system could be adapted to mark the consistency review time periods so they would not have to be tracked separately. So far, it has not been feasible to make such an adaptation. In the meantime, the FCMP initiated the development of a consistency procedures rule that will address the synchronization of state and federal time clocks. This is a better means of addressing the procedural issue.

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Both DEP and the water management districts have continued to make improvements to their electronic permit processing and tracking systems to streamline procedures and allow more monitoring of trends and results:

In 2004, DEP updated its wetland permit application tracking database to allow staff to track wetland acreage gains and losses, changes in wetland function values, and the degree to which permit-related wetlands creation, restoration, and enhancement are successful. This new capability will improve compliance inspections of mitigation sites and allow staff to verify that permits are meeting the goal of “no net loss of wetland function.”

DEP is also developing the capability to receive electronic permit applications and exemption verifications and is expanding a program to “self-certify” compliance with certain activities that are exempt from permit requirements. DEP is also working to streamline federal and state permitting and wetland delineation methodologies by implementing an expansion of the State Programmatic General Permit, which issues the federal permit simultaneously with the state wetland permit, and by developing additional Regional General Permits issued by USACE.

The wetland permit program has increased web access to more recent, higher resolution, and true-color aerial photos for DEP and public users. Tools have been integrated with databases to improve accuracy in mapping permitted impacts. Mobile GIS applications have been increased to enable field permitting and to improve compliance and enforcement inspections.

FCMP consulted with permit staff during the 309 evaluation regarding potential improvements to wetlands permitting procedures that might be cost-feasible for FCMP to fund. The primary needs identified by the program were not specifically IT-related, but included: consistent, on-demand training for permit processing staff; statewide mapping of wetlands and tracking of gains/losses; more staff to perform wetland reviews and field inspections; faster and more wetlands restoration. However, these needs are either cost-prohibitive for FCMP or being addressed by other state and regional agencies.

#6. Program Suggestion: FCMP should clarify the federal consistency requirements and state review process regarding federal agency consistency determinations when a federal law other than the CZMA requires the federal agency to obtain a state permit.

FCMP has always maintained guidance materials on its web site that explain how consistency reviews are coordinated in Florida and describing federal and state roles and responsibilities. Those materials, along with all of the website content, are in the process of being updated to be more clear and informative. In addition, the FCMP routinely offers to assist federal agencies in completing consistency requirements. During the evaluation review period, the state successfully negotiated agreements with Eglin Air

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Force Base FB and the Florida Keys National Marine Sanctuary to clarify state coordination and consistency review procedures.

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Appendix C. People and Institutions Contacted

State of Florida Representatives

Name	Title	Affiliation
Dornecia Allen	Grant Specialist	DEP FCMP
Danny Clayton	Environmental Manager	DEP FCMP
Susan Goggin	Environmental Administrator	DEP FCMP
Lynn Griffin	Coastal Program Administrator	DEP FCMP
Leesia Koutz	Environmental Specialist	DEP FCMP
Debby Tucker	Environmental Administrator	DEP FCMP
Leanne Zimmerman	Grant Specialist	DEP FCMP
Jennifer Fitzwater	Deputy Secretary for Policy and Planning	DEP
Michael Sole	Secretary	DEP
Sally Mann	Director	DEP Office of Intergovernmental Programs
Lauren Milligan		DEP Office of Intergovernmental Programs
Stephanie Bailenson	Director	DEP Office of Coastal and Aquatic Managed Areas
Karen Bareford		DEP Office of Coastal and Aquatic Managed Areas
Melissa Charbonneau		DEP Office of Coastal and Aquatic Managed Areas
Ellen McCarron		DEP Office of Coastal and Aquatic Managed Areas
Jim Lappert		DEP Northwest District
Leda Suydan		DEP Park Service
Seth Blich	Manager	Apalachicola National Estuarine Research Reserve
Walker Banning		Department of Community Affairs
Jennifer Carver		Department of Community Affairs
Sandy Meyer	Hazard Mitigation Program Manager	Department of Community Affairs
Bart Bibler		Department of Health
Carina Blackmore		Department of Health
David Polk		Department of Health

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Andrew Reich	Coordinator, Aquatic Toxins Program	Department of Health
Buddy Cunill		Department of Transportation
Peter McGilvray		Department of Transportation
Lisa Gregg		Fish and Wildlife Conservation Commission Division of Marine Fisheries Management
Mary Ann Poole	Director, Office of Policy and Stakeholder Coordination	Fish and Wildlife Conservation Commission
Paul Carlson		Fish and Wildlife Research Institute
George Henderson		Fish and Wildlife Research Institute
Henry Norris		Fish and Wildlife Research Institute
Bill Sargent		Fish and Wildlife Research Institute
Mary Glowacki		Department of State
Roger Smith	State Underwater Archaeologist	Department of State

Local Government Representatives

Name	Title	Affiliation
Carol Crispen		Town of Eau Gallie
Georgia Katz	Special Projects Manager	St. John's County Growth Management Services
Raymond Mojica		Brevard County Department of Parks and Recreation

Federal Agency Representatives

Name	Title	Affiliation
David Dale		NOAA National Marine Fisheries Service
Bonnie Johnson		Department of Interior Minerals Management Service
Bob Miller		Eglin Air Force Base

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Miguel Mozden		Patrick Air Force Base
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Industry Representatives

Name	Title	Affiliation
Brad Cooley		Suez Energy
Judy Davidson		Anadarko
Sharon Jensen	Specialist	Anadarko
Gaylene Reier	Regulatory Analyst	Anadarko

Academic Representatives

Name	Title	Affiliation
Stephen Holland		University of Florida Department of Tourism, Recreation and Sport Management

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Appendix D. People Attending the Public Meeting

No one attended the public meeting.

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Appendix E. OCRM's Response to Written Comments

OCRM did not receive any written comments regarding the Florida Coastal Management Program during the course of the evaluation.