



APPENDIX B

REGULATORY REQUIREMENTS



Appendix B

Regulatory Guidelines

This Master Plan is prepared in accordance with Federal Aviation Administration (FAA) Advisory Circulars **AC 150/5370-6B**, *Airport Master Plans*, and **AC 150/5300-13**, *Airport Design*, in conjunction with the FDOT's *Guidebook for Airport Master Planning* and other related standards. Furthermore, current guidance will be incorporated from the FAA Airports District Office (Orlando), FDOT Aviation Office, JAA, and other local government agencies. Planning efforts of the city, county, region, state, and nation have been coordinated in the Master Plan to provide the most preeminent plan for the benefit of CRG and all of the participating organizations.

In addition, in order to assist JAA in considering the environmental factors that may impact future development at CRG, the following national, state and local legislation was considered. This overview of regulatory guidelines will assist the sponsor and the planning consultant in developing alternatives that are tailored to the airport's size, unique setting and operating environment while also considering the airport's environmental setting, the identification of environmentally related permits and the potential impacts of recommended development projects. An in-depth analysis of existing environmental conditions at CRG is provided in **Chapter Two**, *Existing Conditions*.

B.1 Water Quality

B.1.1 Legislation

The Federal Water Pollution Control Act, as amended by the Clean Water Act provides the authority to establish water control standards, control discharges into surface and subsurface waters, develop waste treatment management plans and practices, and issue permits for discharges and for dredged and filled materials into surface waters. The Fish and Wildlife Coordination Act requires consultation with the United States Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FFWCC) when any alteration and/or impounding of water resources is expected. The Federal National Pollution Discharge Elimination System (NPDES) permit program provides regulations that govern the quality of stormwater discharges into water resources of the United States.

B.1.2 Regulatory Agencies

The United States Army Corps of Engineers (COE), the Florida Department of Environmental Protection (FDEP), and the Saint Johns River Water Management District (SJRWMD) have jurisdiction over and regulate activities that alter the landscape and disrupt water flow to wetland areas and surface waters through the Environmental Resource Permitting (ERP) Program in Florida. The program forwards permit applications to other state and federal agencies including the FFWCC and the USFWS. Permitting requirements for construction that exceeds five acres are specified by NPDES regulations and administered by the FDEP.

B.2 Historical, Architectural, Archaeological, and Cultural Resources

B.2.1 Legislation

The National Historic Preservation Act of 1966 and the Archaeological and Historic Preservation Act of 1974 provide protection against development impacts that would cause change in historical, architectural, archaeological, or cultural resources.

B.2.2 Regulatory Agencies

The Department of State, Division of Historical Resources is responsible for promoting historical, archaeological, museum, and folk culture resources in Florida.

B.3 Biotic Communities

B.3.1 Legislation

The Fish and Wildlife Coordination Act (48 Statute 401 as amended; 16USC et. Seq.) considers impacts to habitat and wildlife. Section 2 of this act requires consultation with USFWS, the United States Department of the Interior (USDI), and state agencies that regulate wildlife whenever water resources are modified by a federal, public, or private agency under federal permit of license.

B.3.2 Regulatory Agencies

The USFWS and FFWCC have authority under the act to provide comments and recommendations concerning vegetation and wildlife resources.

B.4 Endangered and Threatened Species

B.4.1 Legislation

The Endangered Species Act of 1973 (ESA), as amended, requires federal agencies, in consultation with and assisted by the USFWS, to ensure that their actions are not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat of such species. Section 7 of the Act states that federal agencies must review their actions: If those actions will affect a listed species or its habitat, they must consult with the United States Fish and Wildlife Service.

B.4.2 Regulatory Agency

The USFWS, the Florida Department of Agriculture and Consumer Services (FDACS), and the FFWCC have jurisdiction over and administer native endangered and threatened species permits for Florida. During the consultation process, the USFWS will determine the significance of potential impacts to federally protected species and will recommend methods to avoid or mitigate for impacts that may occur as a result of the proposed projects.

The FFWCC Threatened and Endangered Species Section reviews and issues permits that involve Florida's protected terrestrial animal species. The FFWCC Bureau of Protected Species Management reviews and issues permits that involve Florida's protected aquatic wildlife species. The FDACS Division of Plant Industry is responsible for providing protection to Florida's protected native plant species that are classified as endangered, threatened, or commercially exploited.

B.5 Wetlands

B.5.1 Legislation

Executive Order 11990, Protection of Wetlands, mandates that each federal agency take action to minimize the destruction, loss, or degradation of wetlands, and preserve and enhance their natural values. On the federal level, wetlands are regulated according to Section 404 of the Clean Water Act, which requires a permit for dredging and filling activities that take place in Waters of the United States, including wetlands.

The legal framework for the regulation of activities in wetlands by the State of Florida and by the State's Water Management Districts is provided, in part, by Chapter 373 of the Florida Statutes, *the Florida Water Resources Act of 1972*, specifically 373.414 which states that an activity regulated under this part will not be harmful to water resources;

water quality standards will not be violated; and such activity in, on, or over surface waters or wetlands, is not contrary to the public interest. If such an activity significantly degrades or is within an Outstanding Florida Water, the applicant must provide reasonable assurance that the proposed activity will be clearly in the public interest. Specifics concerning permit requirements are codified in Chapter 40, parts A through E, of the Florida Administrative Code.

B.5.2 Regulatory Agencies

In Northeast Florida, the COE, the FDEP, and the SJRWMD have jurisdiction over and regulate activities that alter the landscape and disrupt water flow to wetland areas and surface waters through the State ERP Program.

B.6 Floodplains

B.6.1 Legislation

Executive Order 11988, “Floodplain Management” defines floodplains as lowland areas adjoining inland and coastal waters, especially those areas subject to one percent or greater chance of flooding in any given year.

B.6.2 Regulatory Agencies

The Federal Emergency Management Agency (FEMA) has produced Flood Insurance Rate Maps (FIRMs) for communities participating in the National Flood Insurance Program. The maps detail the 100-year and 500-year base flood elevations. The State of Florida administers and requires compensation for floodplain impacts through the ERP program. SJRWMD has jurisdiction over Northeast Florida.

B.7 Coastal Zone Management Program

B.7.1 Legislation

The Coastal Zone Management Act (CZMA) aims to preserve, protect, develop, and where possible, restore and enhance the resources of the nation’s coastal zone. The Florida Coastal Management Act of 1978 (Chapter 380, Part II, Florida Statutes) authorized the FDEP to develop a comprehensive state coastal management program based upon existing Florida Statutes and Rules.

B.7.2 Regulatory Agency

The FDEP is responsible for directing the implementation of the Florida Coastal Management Program (FCMP). The program is based on a cooperative network of nine agencies including the FDEP, the Florida Department of Community Affairs (DCA), FFWCC, Department of State (DOS), Governor's Office of Planning and Budgeting (OPB), Department of Transportation (DOT), Department of Health (DOH), and the Division of Forestry within the DACS. SJRWMD is also a cooperating member in the consistency review process for Northeast Florida.

B.8 Farmland

B.8.1 Legislation

The Farmland Protection Policy Act of 1981 (FPPA) requires the evaluation of farmland conversion to non-agricultural areas. Prime farmland is land best suited for producing food, feed, forage, fiber, and oilseed crops. This land has the quality, growing season, and moisture supply necessary to produce sustained crop yields with minimal energy and economic input.

B.8.2 Regulatory Agencies

The National Resources Conservation Service (NRCS) has jurisdiction and should be consulted if farmland is to be converted to non-agricultural use by a federally funded project. The consultation determines whether the farmland is classified as "prime" or "unique." If it is, the Farmland Protection Act requires rating the farmland conversion impacts based upon the length of time farmed, amount of farmland remaining in the area, level of local farm support services, and the level of urban land in the area.