

CHAPTER 21

OUTSTANDING FLORIDA WATERS

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21. OUTSTANDING FLORIDA WATERS

21-1 OVERVIEW

Florida Statutes, Section 403.061, Subsection (27), grants powers to the Department of Environmental Protection (DEP) to establish rules which provide for a special category of water bodies within the State, to be designated as Outstanding Florida Waters (OFWs), which shall be specially protected because of their natural attributes. Most OFWs are open water areas managed by the state or federal government as parks, including wildlife refuges, preserves, marine sanctuaries, estuarine research reserves, certain waters within state or national forests, scenic and wild rivers, or aquatic preserves.

The following chapters of the **Florida Administrative Code** relate to OFWs:

Chapter 62-302.700	Special Protection, Outstanding Florida Waters, Outstanding National Resource Waters
Chapter 62-4.242	Antidegradation Permitting Requirements; Outstanding Florida Waters; Outstanding National Resource Waters; Equitable Abatement
Chapter 62-25.035	Stormwater General Permits
Chapter 62-343	Environmental Resource Permit Procedures

Generally, DEP cannot issue permits for direct pollutant discharges to OFWs, which would lower ambient (existing) water quality or for indirect discharges which would significantly degrade OFWs.

During the Efficient Transportation Decision Making (ETDM) process, the proposed project is entered into the Environmental Screening Tool (EST) by the ETDM Coordinator (See the **ETDM Planning and Programming Manual**). The Purpose and Need for the project is identified, and logical termini are located on a GIS based map. The Advance Notification (AN) package is distributed electronically as part of the Programming Screen on the EST (**Part 1, Chapter 3 Advance Notification**). A **Final Programming Screen Summary Report** is created before the project is advanced to PD&E and provides the Class of Action Determination for the project.

OFW information is provided in the Special Designations section of the **Programming Screen Summary Report** and includes the results of GIS analysis for the OFWs using available GIS data and applicable maps. Environmental Technical Advisory Team (ETAT) comments and potential Degree of Effect determinations on the Special Designations issue may also be included in the report. The **Programming Screen Summary Report** should identify the proximity of the proposed action to any OFW and identify any potential impact to the resource.

It is the responsibility of the District to determine whether or not a project is located in one of the OFWs. Districts can review information provided in the **Programming Screen Summary Report** as well as **Chapter 62-302.700**.

21-2 PROCEDURE

21-2.1 Outstanding Florida Waters Determination

The District will determine whether the project is located in an area designated as an OFW. **Chapter 62-302.700, F.A.C.**, lists the areas that are designated as OFWs. This determination may have already been made during the EST screening event. It is recommended that the District review the information in the Special Designations section of the **Programming Screen Summary Report**. If further help is required in delineating the boundary of an OFW, the District should contact the DEP for assistance.

21-2.2 Documentation

21-2.2.1 Projects Not In An Outstanding Florida Water

For projects not located in an OFW, no further documentation is required.

21-2.2.2 Projects In An Outstanding Florida Water

For projects located in an OFW, the following items are to be assessed, and included in the Type 2 Categorical Exclusion/**Project Development Summary Report**, Environmental Assessment, Environmental Impact Statement, or State Environmental Impact Report (**Part 1, Chapters 5, 6, 8 and 10**).

1. Identify the OFW as it relates to the project
2. Impacts to the OFW should be identified and assessed from information contained in the permit coordination package (**Part 1, Chapter 12**) and the Water Quality section (**Part 2, Chapter 20**).

21-3 REFERENCES

1. Section 403.061, Subsection (27), Florida Statutes
2. Chapter 62-302.700, Florida Administrative Code
3. Chapter 62-4.242, Florida Administrative Code
4. Chapter 62-25.035, Florida Administrative Code
5. Chapter 62-343, Florida Administrative Code
6. Florida Department of Transportation. Efficient Transportation Decision Making Planning and Programming Manual