



*Florida Department of Transportation*

RICK SCOTT  
GOVERNOR

605 Suwannee Street  
Tallahassee, FL 32399-0450

RACHEL D. CONE  
INTERIM SECRETARY

May 8, 2017

Mr. Timothy Parsons  
Florida Department of State  
Division of Historical Resources  
RA Gray Building  
500 S. Bronough Street  
Tallahassee, FL 32399-0250

Mr. John M. Fowler  
Executive Director  
Advisory Council on Historic Preservation  
401 F Street NW, Suite 308  
Washington DC 20001-2637

Mr. James Christian  
Federal Highway Administration  
Florida Division  
3500 Financial Plaza  
Suite 400  
Tallahassee, FL 32312

RE: Amendment to Programmatic Agreement (PA) Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the Florida Division of Historical Resources, State Historic Preservation Officer and the Florida Department of Transportation for the Federal-Aid Highway Program in Florida effective March 14, 2016

Dear Programmatic Signatories:

As you are aware, the Florida Department of Transportation (FDOT) successfully assumed the Federal Highway Administration's (FHWA's) responsibilities for compliance with the National Environmental Policy Act of 1969 (NEPA) and all other Federal environmental laws pertaining to the review or approval of FDOT's transportation highway projects, as authorized by 23 USC §327, pursuant to a Memorandum of Understanding (MOU) executed on December 14, 2016. FDOT's assumption of FHWA's responsibilities pursuant to the MOU is otherwise known as NEPA Assignment.

Section 5.1.4 of the MOU provides that within six months of the effective date of the MOU, FDOT will coordinate with FHWA and other agencies to modify existing interagency agreements. Such actions may include:

- A. Obtaining written consent to the continuation of the interagency agreement in its existing form, but with the substitution of FDOT for FHWA; or
- B. Amending the interagency agreement as needed so that the interagency agreement continues but that FDOT assumes FHWA's responsibilities.

Consistent with Section 5.1.4 of the MOU and Stipulation XII, paragraph G of the PA, the PA is amended such that, FDOT will assume FHWA's responsibilities under the PA, with the exception of those activities specifically retained by FHWA under Section 3 of the MOU, including.

- Government-to-government tribal consultation. Notwithstanding, the MOU does not prevent FDOT, FHWA, and a tribe from agreeing to allow FDOT to carry out consultation activities on behalf of FHWA; however, FHWA would remain legally responsible for government-to-government consultation;
- Projects that cross state lines; and the
- Environmental review, consultation and approval of environmental documents for the I-4 Beyond the Ultimate Project and the Tampa Interstate Study Project.

In addition to recognizing the substitution through NEPA Assignment of FDOT for FHWA, the PA is further amended to remove Stipulation IV, paragraph C, which is nullified by the NEPA Assignment MOU. No other terms of the PA have changed.

With the exception of those limitations identified above, FDOT will be globally substituted for FHWA throughout the PA, assuming FHWA's responsibilities under the MOU and this Amendment. Pursuant to the MOU, FDOT has been assigned and assumes all of the U.S. DOT Secretary's responsibilities for environmental review, reevaluation, consultation, or other actions pertaining to the review or approval of the Federal-Aid highway projects it has assumed, and in that capacity FDOT's Office of Environmental Management has been assigned the role of "agency official" for the purpose of compliance with 36 CFR Part 800.

By signing below, each party consents to the substitution through NEPA Assignment of FDOT for FHWA, as described and limited above, through Amendment to the PA, whereby FDOT assumes FHWA's role in the Programmatic Agreement for the Section 106 Process in Florida, originally executed on March 14, 2016. The parties further agree this Amendment to the PA may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

**STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**

By: Brian Blanchard  
Signature  
Secretary of Transportation

Date: 5-30-17

Brian Blanchard  
Printed Name  
Secretary of Transportation

**ADVISORY COUNCIL ON HISTORIC PRESERVATION**

By: John M. Fowler  
Signature  
Executive Director

Date: 6/7/17

JOHN M. FOWLER  
Printed Name  
Executive Director

**FLORIDA DEPARTMENT OF STATE—DIVISION OF HISTORICAL RESOURCES**

By: Angela E. Tomlinson  
Signature  
for Director, Division of Historical Resources and State Historic Preservation Officer

Date: 6/2/17

Angela E. Tomlinson  
Printed Name  
for Director, Division of Historical Resources and State Historic Preservation Officer

**FEDERAL HIGHWAY ADMINISTRATION—FLORIDA DIVISION**

By: Karen M. Brunelle  
Signature  
for Division Administrator

Date: 5/31/17

KAREN M. BRUNELLE  
Printed Name  
for Division Administrator



**Florida Department of Transportation**

**RICK SCOTT  
GOVERNOR**

605 Suwannee Street  
Tallahassee, FL 32399-0450

**JIM BOXOLD  
SECRETARY**

**DELEGATION OF AUTHORITY**

I, Rachel D. Cone, Acting Secretary of the Florida Department of Transportation, delegate to Brian A. Blanchard, as the Assistant Secretary for Engineering and Operations, and Thomas C. Byron, Assistant Secretary for Intermodal System Development the authority and responsibility to take action on my behalf at anytime during my absence from the Department headquarters in Tallahassee. I also rescind any prior delegations to the contrary.

Rachel D. Cone, Acting Secretary  
Florida Department of Transportation

2/1/17  
Date