



## Florida Department of Transportation

RICK SCOTT  
GOVERNOR

605 Suwannee Street  
Tallahassee, FL 32399-0450

RACHEL D. CONE  
INTERIM SECRETARY

April 3, 2017

Mr. David Rydene  
National Marine Fisheries Service  
263 13<sup>th</sup> Avenue South  
St. Petersburg, FL 33701-55058

RE:

Amendment to Agency Operating Agreement (AOA) for Continuing the Efficient Transportation Decision Making Process in Florida Between National Marine Fisheries Service (NMFS), Florida Department of Transportation (FDOT) and Federal Highway Administration (FHWA) executed on July 20, 2011 and Funding Agreement (FA) for Continuing Participation in the ETDM Process Between NMFS, FDOT and FHWA executed on July 20, 2011

Contract #: BDS86    Amendment #: 4    Vendor #: F520821608001    FM#: 41506432805

Dear Mr. Rydene:

This letter confirms that the Florida Department of Transportation (FDOT) successfully assumed the Federal Highway Administration's (FHWA) responsibilities for compliance with NEPA and all other Federal environmental laws pertaining to the review or approval of FDOT's transportation highway projects, pursuant to Title 23 U.S.C. §327 and the implementing Memorandum of Understanding (MOU) executed on December 14, 2016.

Consistent with Section 5.1.4 of the MOU, Section 17 of the AOA and Article VII of the FA, the AOA and FA are amended such that, FDOT will assume FHWA's responsibilities under the AOA and FA, with the exception of the financial provisions in Article 1 paragraph 7 and related audit rights under Article III, paragraph G of the FA and those activities specifically retained by FHWA under Section 3 of the MOU, including publication of notices in the Federal Register, formal government-to-government tribal consultation and the environmental review, consultation and approval associated with the environmental documents for the I-4 Beyond the Ultimate Project and the Tampa Interstate Study Project. FHWA will continue to review amendments that effect funding and costs for reimbursement eligibility in accordance with Title 23 U.S.C., including 23 U.S.C. §139(j) and 2 CFR §§200.402 - 200.405.

With the exception of those limitations identified in the paragraph above, FDOT will be globally substituted for FHWA throughout the AOA and FA and assume FHWA's responsibilities under the MOU and this Amendment. Examples of duties previously assigned to FHWA include, but are not limited to:

- Planning Screen and coordination responsibilities
- Programming Screen and coordination responsibilities

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- Project Development & Environment Phase responsibilities
- Agency coordination
- Issue resolution

By signing below, each party consents to the substitution of FDOT for FHWA, as described and limited above, through Amendment to the AOA and FA, whereby FDOT assumes FHWA's role in the Agency Operating Agreement and Funding Agreement for Continuing Participation in the ETDM and Transportation Project Development Processes.

**STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**

By: [Signature] Date: 16 JUN 17  
Signature  
Secretary of Transportation

Mike Dew  
Printed Name  
Secretary of Transportation

*LEGAL REVIEW:*

By: [Signature] Date: 6/16/17  
Signature  
Office of General Counsel

**NATIONAL MARINE FISHERIES SERVICE**

By: [Signature] Date: 6/13/2017  
Signature  
Assistant Administrator for Fisheries (Acting)

Samuel D. Rauch, III  
Printed Name  
Assistant Administrator for Fisheries (Acting)

**FEDERAL HIGHWAY ADMINISTRATION**

By: [Signature] Date: 6/15/17  
Signature  
Division Administrator

*for* KAREN M BEUNELLE  
Printed Name  
*for* Division Administrator