

## **PART 1, CHAPTER 3**

# **PRELIMINARY ENVIRONMENTAL DISCUSSION AND ADVANCE NOTIFICATION**

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## PART 1, CHAPTER 3

# PRELIMINARY ENVIRONMENTAL DISCUSSION AND ADVANCE NOTIFICATION

### 3.1 OVERVIEW

Pursuant to **23 United States Code (U.S.C.) § 327** and the implementing Memorandum of Understanding (MOU) executed on December 14, 2016, the Florida Department of Transportation (FDOT) has assumed Federal Highway Administration's (FHWA's) responsibilities under the **National Environmental Policy Act (NEPA)** for highway projects on the State Highway System (SHS) and Local Agency Program (LAP) projects off the SHS. In general, FDOT's assumption includes all highway projects in Florida whose source of federal funding comes from FHWA or which constitute a federal action through FHWA. This includes responsibilities for environmental review, interagency consultation and other activities pertaining to the review or approval of **NEPA** actions. Consistent with law and the MOU, FDOT will be the Lead Federal Agency for highway projects with approval authority resting in the Office of Environmental Management (OEM).

FDOT develops a Preliminary Environmental Discussion (PED) as a means to communicate project context and potential project effects to the public and local, state, federal, and tribal partners, known as the Environmental Technical Advisory Team (ETAT), during the Efficient Transportation Decision Making (ETDM) project screenings (see [ETDM Manual, Topic No. 650-000-002](#)) and through the Advance Notification (AN) package. A PED addresses each of the twenty-one ETDM issues reviewed by ETAT during an ETDM screening event and is required for each screened project.

The PED is consistent with **Title 23 U.S.C.** which allows the project sponsor to provide information about the project context, potential project alternatives, analysis methodology, and agency involvement as it provides an opportunity for input from stakeholders.

The PED is the District's initial examination of a project's potential involvement with environmental issues/resources and the District's plans to address the issues as the project advances to further study. This could include identification of avoidance, minimization, or mitigation options. The Districts should develop alternative specific PEDs when multiple alternatives are screened. The PED used in combination with ETAT comments will assist the District in understanding the potential project effects and support preparation of the scope of the Project Development and Environment (PD&E) Study. At the end of an ETDM project screening event, a Summary Degree of Effect (SDOE) is generated by the District documenting the results of the screening event. SDOEs are published in the ETDM Summary Report and reflect a refined understanding of the project.

FDOT informs agencies, tribal representatives, elected officials, and other interested stakeholders of a proposed transportation action through the AN. The AN also provides stakeholders an opportunity to provide input and become involved in a project. PEDs developed for a combined ETDM Programming Screening event and delivery of the AN package both use the same PEDs.

The AN fulfills the project initiation notification as required by ***Title 23 U.S.C., Highways***, the President's ***Executive Order 12372 (Intergovernmental Review of Federal Programs)***, and the Governor's ***Executive Order 95-359 (Florida State Clearinghouse)***. In addition, the AN may also provide notice of FDOT's intent to apply for federal-aid through the FHWA on a project, by including the [\*\*Application for Federal Assistance \(SF-424\)\*\*](#) form requesting federal assistance.

The AN is also used by FDOT to address consistency with the Florida Coastal Management Program (FCMP). The Florida Department of Environmental Protection (FDEP) is responsible for coordinating the State of Florida's review of federal activities for consistency with the FCMP. FDEP uses the State Clearinghouse (SCH) as a means to facilitate and document the coordination process and makes a Federal Consistency Review Determination after receiving comments from appropriate state and local agencies, also known as consistency reviewers. For detailed information on FCMP and Federal Consistency Review Determination see [\*\*Part 2, Chapter 14, Coastal Zone Consistency\*\*](#). Additionally, the AN alerts the Florida Department of Economic Opportunity (DEO) to provide comments regarding to a project's compatibility with the Local Government Comprehensive Plans [***Chapter 163, Florida Statutes (F.S.)***].

FDOT uses the Environmental Screening Tool (EST) to distribute the AN package electronically. Hardcopies of AN packages should be provided when requested or as agreed to (e.g. Miccosukee Tribe of Indians). The AN may be completed during the Programming Screen or delayed until commencing the PD&E Study. [\*\*Figure 3-1\*\*](#) shows the AN process. The decision to join or separate the Programming Screen or AN is made at the District's discretion based on when PD&E is scheduled to start in the Work Program (see [\*\*ETDM Manual, Topic No. 650-000-002\*\*](#), Chapters 4 and 5). Qualifying transportation projects should be entered into the EST as described in Chapter 4 of the [\*\*ETDM Manual, Topic No. 650-000-002\*\*](#). See [\*\*Part 1, Chapter 2, Class of Action Determination for Highway Projects\*\*](#) for a list of qualifying project types. The EST also contains Geographic Information System (GIS) project and environmental information, which agencies, tribal representatives, and others can use during the Programming Screen to support their comments on a proposed project's potential involvement of a resource, identify potential technical studies, and document the need for resource agency or tribal involvement. GIS data should not be the only source used to provide this information. Agency reviews and comments are provided within a 45-day timeframe (60 days if an extension is granted) and are documented in the EST. The SCH has an additional 15 days after the end of the screening event to complete its consistency review.

Comments from consistency reviewers regarding Federal Consistency Review are reviewed by the SCH, which makes a consistency determination as required by ***Section***

**380.23, F.S., and 15 Code of Federal Regulations (CFR) Part 930.** The SCH issues a notice of inconsistency when it determines that a project is inconsistent. It should be noted, however, that the final consistency determination is made during the permitting process. The comments are documented in the **Preliminary Programming Screen Summary Report**. The input received is evaluated and used to advance or focus analysis, as appropriate, prior to the PD&E Study, develop the scope of services of the PD&E Study, and to assist in determining the appropriate Class of Action (COA) ([Part 1, Chapter 2, Class of Action Determination for Highway Projects](#)). The AN initiates the funding request from FDOT's Federal-Aid Management Office, as appropriate.

## 3.2 PROCEDURE

The PED and AN convey the District's understanding of a project area prior to the ETDM screening events, stemming from a multi-disciplinary review based on local knowledge, FDOT analysis, and possible field review of the project.

### 3.2.1 Preparation of the Preliminary Environmental Discussion

FDOT uses the PED during the ETDM process to inform ETAT and other agencies, as appropriate, of the District's initial understanding of the natural, physical, cultural, and community issues/resources in a project study area. The PED also discusses the process FDOT plans to use to address or evaluate issues and resources as the project advances through project development. The PED is based on local knowledge, planning studies, GIS Data and any other evaluations relevant to the project area. For instructions on how to develop the PED, follow Number 3, in [Section 3.2.2.3](#).

The PED is required for projects completing a Planning or Programming Screening event in ETDM. The PED is part of the standard text entered in the fact sheet of the AN package providing environmental setting information. When a PED is prepared, the information gathered from ETAT commentary (if prior screening event occurred), early studies, early stakeholder coordination should be used for early scoping efforts, advancing technical studies or focusing on relevant project activities for the next phase. Products resulting from previous studies that were used to develop the PED should be uploaded in the EST. The ETDM Coordinator or Project Manager is responsible for checking the data for completeness and accuracy. Coordination and review by other District representatives prior to PED release and/or response is strongly encouraged. Other District representatives may include the Environmental Manager, District Project Development Engineer and District Permits Coordinator. The OEM Project Delivery Coordinator (PDC) and Engineering Lead review and provide comments about the project description, purpose and need, and PED before the screening event notification is distributed. PDC's have up to 14 days to provide comments and may also include subject matter experts.

### 3.2.2 Preparation of the Advance Notification Package

For projects that qualify for EST screening, the AN process may be initiated with the Programming Screen review or, separately prior to start of the PD&E Study. See [Part 1,](#)

**[Chapter 2, Class of Action Determination for Highway Projects](#)** for a list of qualifying project types. The only non-federal projects which may require an AN, and qualify for screening through the EST are FDOT projects that are prepared as a State Environmental Impact Report (SEIR) (**[Part 1, Chapter 10, State, Local, or Privately Funded Project Delivery](#)**).

Projects that qualify for screening and involve a federal action, federal funds, or are desired to maintain federal eligibility, require a Federal Consistency Review Determination. Consistency reviews are completed when the AN Package is distributed. SEIRs may require a Federal Consistency Review Determination because they often involve a federal permit. For projects requiring a federal permit, coordination with the permitting agency is needed to determine if the Environmental Document prepared by the state will provide sufficient information to serve as the agency's **NEPA** document [e.g., U.S. Coast Guard (USCG) bridge permits, U.S. Army Corps of Engineers (USACE) **Section 404** permits].

The AN package is prepared through the EST. See the **[EST User Handbook](#)** for guidance about using the EST. The AN package consists of a cover letter, location map(s), Fact Sheet, **[Application for Federal Assistance \(SF-424\)](#)** (if appropriate), and a transmittal list.

### **3.2.2.1 Cover Letter**

The AN package includes a cover letter addressed to the SCH but it is distributed to all recipients of the AN package. The cover letter should be dated consistent with the project release date in the EST and include the project name, ETDM number, Financial Management Number if available, and Federal Aid Project Number if one has been assigned. A sample cover letter is shown in **[Figure 3-2](#)**. The cover letter, once signed by the District designee, is uploaded to the EST as part of an electronic AN package. If the project has been previously screened this should be noted in the cover letter (see **[Figure 3-2](#)**).

### **3.2.2.2 Location Maps**

The AN package contains a project location map (**[Figure 3-3](#)**) and may also include a project aerial map. These maps (and others if needed) can be uploaded to or generated by the EST. Maps should include the state road number (if applicable), the project's common name, City and/or County of location, project boundary/limits and any alternatives. The maps are combined with the rest of the information and distributed as a part of the AN package.

### **3.2.2.3 Fact Sheet**

The Fact Sheet, developed by the analyst using project knowledge from a variety of sources including Statewide Acceleration Transformation (SWAT) scoping, provides an overview of the project and includes the project purpose and need, project description,

PED, and other details as listed below. The PED identifies the project's potential involvement with environmental issues/resources. For projects with more than one alternative, the PED reflects differences between alternatives; for example, one option may not impact wetlands, when another will. The Fact Sheet enables reviewing agencies to have project information for field and desk-top reviews.

The EST contains project related GIS information that can be used in the preparation of the Fact Sheet. The GIS summaries can also aid ETAT members during their review. For previously screened projects, the District may use the information from the most recent summary report to assist in preparing the Fact Sheet. This information is transmitted electronically to the ETAT and SCH through the EST.

The Fact Sheet should include the following:

1. **Purpose and Need** - The project's purpose and need is derived from information obtained through coordination with the District Planning Office and other agency partners, such as the Metropolitan Planning Organization (MPO) or local government agency. This information should be consistent with information entered into the EST by the ETDM Coordinator or Project Manager. [Part 2, Chapter 1, Project Description and Purpose and Need](#) provides guidance on preparing the project's purpose and need.

The status of planning consistency should be summarized in this section and state if the proposed project is consistent with the Local Government Comprehensive Plan(s) through DEO's review of FDOT's Five Year Work Program pursuant to **Section 339.135(4)(f), Florida Statutes**. Consistency with the approved Long Range Transportation Plan (LRTP) should be identified for projects within MPO areas. This section identifies that the project is documented in the Transportation Improvement Program (TIP) and the State Transportation Improvement Program (STIP). For projects in non-MPO areas, identify consistency with the Local Government Comprehensive Plan(s), STIP and describe steps (such as funding for future phases) toward implementation of the project. It should be noted that in the EST, more detailed information can be entered specifically documenting the current status of planning requirements (see [EST User Handbook](#)). The requested information should be consistent with the **Planning Requirements for Environmental Document Approvals Form, Form No. 650-050-41 (Part 1, Chapter 4, Project Development Process)** that must be submitted with draft and final Environmental Documents for federal-aid highway projects. For Type 2 Categorical Exclusions (CEs) this form is included in the **Type 2 Categorical Exclusion Determination Form No. 650-050-11, (Part 1, Chapter 5, Type 2 Categorical Exclusion)**.

2. **Project Description** - This section includes a summary of project information, including the project limits, a description of the proposed improvements, such as addition of lanes, number of lanes, and major structural components (e.g., bridges, ramps). The description should list other planned or ongoing projects, either in

close proximity or that would directly affect the project being developed. It should include previous coordination efforts, proposed alternatives (if applicable), and a summary of public involvement. The project description should be consistent with information entered into the EST by the ETDM Coordinator or Project Manager.

3. **Preliminary Environmental Discussion** - The PED is part of the text associated with the AN during the programming screen. This section is prepared by the District and includes the identification of environmental issues/resources including community features, a description of potential involvement with issues/resources, and a discussion of anticipated technical reports and permits. Please consult the appropriate chapters in **Part 2** of this [Manual](#) for guidance on identifying issues associated with the categories below.

- a. **Social and Economic**

1. **Land Use Changes** - Describe existing and future land uses in the project area and how the project may affect these uses. See [Part 2, Chapter 4, Sociocultural Effects Evaluation](#).
2. **Social** - Consider the community demographics (e.g., age, income, minority populations), underserved populations / environmental justice concerns, community cohesion, safety/emergency response, community character, community goals, and describe potential involvement with them as appropriate. See [Part 2, Chapter 4, Sociocultural Effects Evaluation](#).
3. **Relocation Potential** - Discuss potential Right of Way (ROW) acquisition needs for the project and whether relocations may be needed. See [Part 2, Chapter 4, Sociocultural Effects Evaluation](#).
4. **Farmlands** - Describe any farmlands in the project area and summarize their potential involvement. See [Part 2, Chapter 6, Farmland](#).
5. **Aesthetic Effects** - Describe the area's existing aesthetic features and summarize the project's potential involvement. See [Part 2, Chapter 5, Aesthetic Effects](#).
6. **Economic** - Describe the known economic condition of the area, ongoing or planned economic development efforts, and the project's potential involvement. See [Part 2, Chapter 4, Sociocultural Effects Evaluation](#).
7. **Mobility** - Describe existing traffic conditions, travel modes, existing and planned transit routes in the area. Describe the project's involvement with the movement of people, goods (e.g., freight), and services. See [Part 2, Chapter 4, Sociocultural Effects Evaluation](#).



- b. **Cultural** - see *Part 2* of this [Manual](#)
1. **Section 4(f) Potential** - For U.S. Department of Transportation (USDOT) projects, identify properties potentially protected by **Section 4(f)**. Identify any public parks, publicly-owned recreation areas, and wildlife or waterfowl refuges located within the vicinity of the proposed project. Describe the potential involvement and how it may be evaluated in the PD&E phase. See [Part 2, Chapter 7, Section 4\(f\) Resources](#).
  2. **Historic and Archaeological Sites** - Within the vicinity of the proposed project, identify any known sites listed or eligible for listing on the **National Register of Historic Places (NRHP)**. This includes, but is not limited to historic districts, objects, archaeological remains, and historic standing structures, including bridges. Describe the project's potential involvement and how cultural resources will be evaluated. See [Part 2, Chapter 8, Archaeological and Historical Resources](#).
  3. **Recreation Areas** - Identify any recreation areas, the project's potential involvement, and how they may be evaluated. It should be noted that for USDOT projects these properties may be potentially protected by **Section 4(f), Section 6(f) of Land and Water Conservation Fund Act (LWCFA) of 1965 (16 U.S.C. §§ 460I-5 through 460I-7 and 460I-11)** prohibits the conversion of property acquired or developed with these grants to a non-recreational purpose without the approval of the National Park Service (NPS). Identify a project's potential **Section 6(f)** involvement. The Land and Water Conservation Fund Act (LWCFA) expired on September 30, 2015, but was extended for 3 years in the **Consolidated Appropriations Act 2016**, until September 30, 2018 (**Public Law 114-113**).
- c. **Natural** - see *Part 2* of this [Manual](#)
1. **Wetlands and other Surface Waters** - Discuss potential involvement with wetland and surface water resources. If known, identify the location of potential jurisdictional wetlands and surface waters as determined by the FDEP, Florida Water Management Districts (WMDs), and/or the USACE. Describe how wetlands and surface waters may be evaluated. See [Part 2, Chapter 9, Wetlands and Other Surface Waters](#).
  2. **Water Quality and Quantity** - Provide a brief description of existing stormwater treatment and the possible options for treatment. Identify if the project is located within a sole source aquifer, and provide the name of the aquifer. The Environmental Protection Agency (EPA) will need to provide a Sole Source Aquifer letter, as appropriate. See [Part 2, Chapter 11, Water Quality and Water Quantity](#).

3. **Floodplains** - State if the project is in the base floodplain or involves a regulated floodway, the project's potential involvement, and how potential floodplain impacts will be evaluated. See [Part 2, Chapter 13, Floodplains](#).
  4. **Coastal Zone Consistency** - State if the project, is subject to a consistency review, **15 CFR § 930**. See [Part 2, Chapter 14, Coastal Zone Consistency](#).
  5. **Wildlife and Habitat** - Identify threatened and endangered species that may inhabit or migrate through the project corridor, designated critical habitat involved with the project, wildlife habitat for listed species, and describe the project's potential involvement, and how they may be evaluated. See [Part 2, Chapter 16, Protected Species and Habitat](#).
  6. **Coastal and Marine** - Identify any Essential Fish Habitat (EFH) in the project vicinity and potential for involvement with managed species inhabiting, or migrating through the project vicinity as required by the **Magnuson-Stevens Fishery Conservation Management Act (MSFCMA)**. Identify possible involvement with Habitat Areas of Particular Concern (HAPCs). Describe the project's potential involvement, and how it may be evaluated. Identify if the project is located in the vicinity of, or is located within, a coastal barrier resource as defined by the **Governor's Executive Order 81-105** and the **Coastal Barrier Resources Act (CBRA)**. See [Part 2, Chapter 17 Essential Fish Habitat](#) and [Part 2, Chapter 15, Coastal Barrier Resources](#).
- d. **Physical** - see **Part 2** of this [Manual](#)
1. **Noise** - Identify any potential noise sensitive sites within the vicinity of the project. Identify the likelihood of traffic noise impacts and performance of a noise study during PD&E. See [Part 2, Chapter 18 Highway Traffic Noise](#).
  2. **Air Quality** - Describe the air quality conformity designation of the project area and the need to perform a Carbon Monoxide (CO) analysis. See [Part 2, Chapter 19, Air Quality](#).
  3. **Contamination** - Identify by industry or commercial type any known Hazardous Material Generators and/or potentially contaminated sites (e.g., petroleum) within the vicinity of the project. State how the project will be evaluated for contamination. See [Part 2, Chapter 20, Contamination](#).
  4. **Infrastructure** - Provide a brief description of existing infrastructure (e.g., utilities, railroads, transit), the project's potential involvement, and

how it may be evaluated. See [Part 2, Chapter 21, Utilities and Railroads](#).

5. **Navigation** - Identify if the project intersects a potentially navigable waterway, the project's potential involvement, and how it may be evaluated. Describe the level of USCG involvement based on screening results.
- e. **Special Designations** – see *Part 2* of this [Manual](#)
1. **Outstanding Florida Waters** - Identify potential involvement with Outstanding Florida Waters. See [Part 2, Chapter 10, Aquatic Preserves and Outstanding Florida Waters](#).
  2. **Aquatic Preserves** - Identify potential involvement with Aquatic Preserves. See [Part 2, Chapter 10, Aquatic Preserves and Outstanding Florida Waters](#).
  3. **Scenic Highways** - Identify, by formal name, designated or candidate Scenic Highways in the project vicinity and potential for involvement. See [Part 2, Chapter 5, Aesthetic Effects](#).
  4. **Wild and Scenic Rivers** - Identify potential involvement with rivers listed in the Nationwide Rivers Inventory including Wild and Scenic Rivers. See [Part 2, Chapter 12, Wild and Scenic Rivers](#).
4. **Anticipated Permits** - Identify any anticipated permits.
  5. **Anticipated Technical Studies** - Identify any anticipated technical studies.

### 3.2.2.4 Application for Federal Assistance

An [Application for Federal Assistance \(SF-424\)](#) is included as part of the AN package for those projects involving federal funding. An example of the federal form is provided in [Figure 3-4](#).

### 3.2.2.5 Transmittal List

A transmittal list is a record of the recipients of the AN, and must be provided in the AN package. Recipients of the AN include: ETAT members, consistency reviewers, elected officials, federally recognized tribes, and other local, state, and federal agencies that need, or have requested, to be notified. An example list of agencies and organizations that the AN package is typically distributed to is included in [Figure 3-5](#). All contacts listed are not applicable for all projects. The OEM maintains contact information in the EST database for mandatory AN contacts. Districts should verify contacts in that list and communicate any updates or discrepancies to OEM. The District is responsible for adding

additional project-specific contacts to the list. The EST provides a tool for adding new contacts. For guidance on adding and managing contacts see the [EST User Handbook](#).

### 3.2.3 Distribution of the Advance Notification Package

After the District performs a final quality review of project data, the completed AN package is transmitted to OEM using the EST for review. PDCs have up to 14 days to provide comments. OEM comments are accompanied by three options; approved to screen without edits, approved to screen with edits, or revise and resubmit to OEM for another review. Upon receiving OEM approval, the District uses the EST to transmit the AN package. An email notification is automatically customized according to the type of review the recipient conducts and may be tailored further to include project-specific review instructions. See [Figure 3-6](#) for a sample **Programming Screen Notification** with an AN package. The email includes a link to the AN package. The email is sent to the following recipients:

1. ETAT Members
2. FDOT Community Liaison Coordinator (CLC)
3. Interested parties who may set up notification preference through the ETDM Public Access Website
4. Florida SCH
5. Agencies on the SCH contact list when the Consistency Reviewer of the agency is not the same as the ETAT reviewer (if the project requires a Federal Consistency Review)
6. Other AN package recipients not included in the above, such as regional planning council and local government officials

The District may mail hardcopies of the package to other recipients, as requested. For instance, several federally recognized Native American Tribes request hardcopy packages be mailed to a specified location (refer to the [Native American Coordination website](#) for more details, addresses, and tribal preferences). The [Native American Coordination website](#) includes a list of the Tribal Chief or Chairperson as well as the tribal historic preservation official(s). The Tribal Chief or Chairperson should be sent an AN package. An additional letter should be distributed with the AN to preservation officials to inform these officials that FDOT is initiating its cultural resources identification and evaluation process for the project. See [Figure 3-7](#) for a cover letter for preservation officials. Regardless of how the AN package is distributed, the transmittal list should be documented in the EST. Other interested parties may include federal, state, or local agencies such as police and fire departments, and schools that are not part of the ETAT or a consistency reviewer. Additional recipients may be identified and entered in the EST as necessary by the District. [Figure 3-8](#) provides addresses for organizations and/or agencies that may not be represented by an ETAT member or a consistency reviewer,

but are required to receive a copy of the AN package. This list is maintained in the EST by OEM. If a correction is needed, please notify OEM.

### 3.2.4 Comments and Responses

Recipients have 45 days from the date of transmittal of the AN package to provide comments (electronically or hardcopy) to FDOT. A 15-day extension may be granted by the District upon request by the reviewing party. Requests can be verbal (e.g., in person or phone call) or written (e.g., letter, email, or interacting with the EST). Agencies failing to respond by the end of the review period, but which have jurisdiction by law or are anticipated to have an interest in the proposed action, may be contacted at the District's discretion to solicit their comments.

At the end of the comment period, the SCH has an additional 15 days to review the consistency reviewer's comments and provide a federal consistency determination that the requirements pursuant to **Chapter 163, F.S.** are met. The SCH uses comments received from consistency reviewers as the basis for its consistency determination. When a project is determined to be inconsistent with the FCMP, a notice of inconsistency is issued by FDEP pursuant to **15 CFR Part 930** and **Section 380.23, Florida Statutes**. The determination must cite the section of the relevant statute under the agency's authority with which the project is inconsistent, and must identify actions that can be taken to resolve the inconsistency.

The District reviews and addresses ETAT comments prior to the publication of the **Preliminary Programming Screen Summary Report**. When the AN process is completed after the Programming Screen review and before the COA determination, FDOT responds to AN comments in the EST and then re-publishes the **Preliminary Programming Screen Summary Report**. Once published, the **Preliminary Programming Screen Summary Report** documents the screening event (ETAT comments), the Federal Consistency Determination, and the AN comments, as well as the District's responses to comments received, as appropriate.

Once the report is published, an email notification is automatically distributed informing the ETAT and those who received the AN package electronically of the updated status. Copies of the **Preliminary Programming Screen Summary Report** can be sent by the District to other interested parties if requested. Information from the summary report is then used to advance or focus analyses prior to the PD&E Study, develop the scope of services of the PD&E Study, and assist with the COA determination as discussed in [Part 1, Chapter 2, Class of Action Determination for Highway Projects](#). The **Final Programming Screen Summary Report** contains the same information as the **Preliminary Programming Screening Summary Report** with the addition of an approved COA determination.

### 3.2.5 Agency Roles

During the comment period, agencies may request, or be invited, to serve as Cooperating or Participating Agencies on a project. Agency roles must be designated and approved by the Lead Agency prior to determining the COA. These designations describe various levels of involvement in the environmental review process.

1. **Lead Agency** - The Lead Agency is the agency having primary responsibility for the Environmental Document, determining the preferred alternative in the PD&E phase, and inviting Cooperating and Participating Agencies. The District is the Lead Agency for non-federal projects. OEM is the Lead Agency for federal highway transportation projects. Otherwise, a federal agency will be the Lead Agency and under ***Title 23 U.S.C. § 139(c)(3)***, and FDOT serves as the joint lead agency. FDOT identifies whether a project will be processed as a federal or state project through consideration and coordination during the SWAT Planning Meeting. Potential Lead Agencies are identified during the Programming Screen to expedite the COA process.
2. **Cooperating Agency** - According to the Council on Environmental Quality (CEQ) (***40 CFR § 1508.5***), a cooperating agency is defined as any federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or project alternative. A state or local agency of similar qualifications (or a Native American Tribe when the effects are on lands of tribal interest) may, by agreement with the lead agency(ies), also become a cooperating agency.

During the Programming Screen, an agency can request to be a Cooperating Agency or during project review, FDOT Districts can recommend Cooperating Agencies; however, the Lead Agency is responsible for officially inviting and approving the Cooperating Agencies.

Cooperating Agencies have a higher degree of authority, responsibility, and involvement in the environmental review process. Because the Cooperating Agencies have legal/jurisdiction requirements tied to the preparation of the Environmental Document, they may be called upon to review the pre-circulated Environmental Document on a case-by-case basis as determined by the lead agency. Cooperating Agencies must be included when establishing the schedule.

The CEQ regulations [***40 CFR § 1501.6(b)(3)***] permit a Cooperating Agency to “assume on request of the Lead Agency responsibility for developing information and preparing environmental analyses including portions of the environmental impact statement concerning which the cooperating agency has special expertise.” An additional distinction is that, pursuant to ***40 CFR § 1506.3(c)***, “a Cooperating Agency may adopt without re-circulating the environmental impact statement of a Lead Agency when, after an independent review of the statement, the Cooperating Agency concludes that its comments and suggestions have been satisfied”.

Cooperating Agencies may be determined during the Programming Screen or during the PD&E Study.

3. **Participating Agency** - Other agencies with expertise or jurisdiction relevant to the project that are invited by the Lead Agency (pursuant to **23 U.S.C. § 139**) to respond to requests for technical assistance, attend scoping and coordination meetings, attend joint field reviews, provide substantive and early input on issues of concern, scope agreements for issues and required technical studies, review Lead Agency-approved draft/final Environmental Documents. Designation as a Participating Agency does not indicate project support and does not provide an agency with increased oversight or approval authority above its statutory limits. It is not necessary to invite agencies as Participating Agencies that have only a tangential, speculative, or remote interest in the project. Examples of a Participating Agency include: federal, state, tribal, regional, and local government agencies. Nongovernmental organizations and private entities cannot serve as Participating Agencies.

Per **23 U.S.C. § 139(d)** the Lead Agency is responsible for inviting and approving Participating Agencies in the **NEPA** process. An agency may request to serve as a Participating Agency. The Lead Agency may invite agencies that are not ETAT members to be involved as Participating Agencies.

Per **23 U.S.C. § 139**, responsibilities of the Participating Agencies include:

- a. Participating in the **NEPA** process at the earliest possible time, especially with regard to the development of the purpose and need, range of alternatives, methodologies, and the level of detail for the analysis of alternatives.
- b. Identifying, as early as practicable, any issues of concern regarding the project's potential environmental, socio-economic, community, or other impacts.
- c. Participating in the issue resolution process.
- d. Providing meaningful and timely input on unresolved issues.
- e. Participating in the scoping process. The scoping process should be designed so that interested agencies are invited to participate and have an opportunity for involvement in the process.
- f. Reviewing ancillary project documentation as a means of providing expert review and providing commentary or concurrence as appropriate.
- g. Reviewing at the discretion of the lead agency, the Environmental Document before it is approved for public availability.

### 3.2.6 Issue Resolution

If the SCH finds the project to be inconsistent with the FCMP and an inconsistency determination is provided during the AN review, the project will go through the ETDM issue resolution process (see Chapter 2 of the [ETDM Manual, Topic No. 650-000-002](#)). The ETDM Issue Resolution process seeks to find solutions to complex issues among agencies by identifying mutually agreeable activities or conditions that will address a resource concern (natural, physical, social or cultural) while meeting the transportation need. Issue resolution activities may continue through future project delivery phases as detailed analysis begins and more information becomes available. Once the issue has been resolved, the entire issue resolution process will be documented in the EST and the Environmental Document. The [EST User Handbook](#) provides additional guidance on tracking and documenting the issue resolution process. Should a federal agency disagree with the decision, the Federal Dispute Resolution process may be initiated. If there are unresolved issues for federal highway projects undergoing **NEPA** review, then the “issue resolution” process set out in **23 U.S.C. § 139(h)(4)** will apply.

### 3.2.7 Project Status Update

Recipients of the Programming Screen Notification and/or AN must be notified when one or more of the following conditions occur:

1. It has been 4 years or longer and no project activities have occurred since the distribution of the AN;
2. There is a change in project logical termini (expanded); and/or
3. There is a change in project concept(s) (e.g., new or revised alignments, addition of a new interchange, addition of express lanes).

If the project has **not** entered the PD&E phase, the AN must be reprocessed and will include an updated Programming Screen. Entering the PD&E phase is defined as work occurring on the project after the official start date of the PD&E Study represented by Project Schedule and Management (PSM) codes (Type 2 CE Start = 706, EA Start = 707, NOI-EIS Start = 708, or SEIR Start = 709). The start of the PD&E phase date is project-specific and determined by the Project Manager. It represents the date the project team begins the PD&E Study activities, thus signaling the beginning of **NEPA** coordination and analysis for federally funded projects, and the beginning of coordination and analysis to support development of a SEIR for state-funded projects. For an Environmental Impact Statement (EIS), Notice of Intent (NOI) serves as the official start date.

An updated AN package is prepared in accordance with [Section 3.2.2](#). On federal highway projects, the District must coordinate with OEM.

The Project Manager in coordination with the ETDM Coordinator updates project information in the AN package in the EST, and sends the updated package to the



recipients of the original AN. The cover letter ([Figure 3-2](#)) should reference the earlier AN (including the State Application Identifier number) and include the reason(s) the new AN is being transmitted.

If the project has entered the PD&E phase, the project is not required to go back through the Programming Screen. Instead, the District will prepare a project status fact sheet which includes the following information:

1. Details about the project [project title, ETDM number, Financial Management Number, Draft Environmental Impact Statement (DEIS) number if it applies]
2. Brief project description including the COA
3. Brief statement regarding current status of project, including any changes which have occurred since the original submittal
4. Current schedule of the project
5. Contact Information

The project status fact sheet is sent to the same recipients of the Programming Screen notification and/or AN.

### 3.3 REFERENCES

Chapter 163, F.S.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0100-0199/0163/0163ContentsIndex.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0163/0163ContentsIndex.html)

Federal Register, 1982, Presidential Executive Order 12372. FR Vol. 47, No. 137

FDEP. Intergovernmental Programs Procedure and Reference Manual.

[http://www.dep.state.fl.us/secretary/oip/state\\_clearinghouse/manual.htm](http://www.dep.state.fl.us/secretary/oip/state_clearinghouse/manual.htm)

FDEP. State Clearinghouse Manual

[http://www.dep.state.fl.us/secretary/oip/state\\_clearinghouse/manual.htm](http://www.dep.state.fl.us/secretary/oip/state_clearinghouse/manual.htm)

FDOT. Efficient Transportation Decision Making Manual Topic No. 650-000-002.

<http://www.fdot.gov/environment/pubs/etdm/etdmmanual.shtm>

FDOT. EST User Handbook. [https://etdmpub.fla-](https://etdmpub.fla-etat.org/est/?startPageId=493&keywords=EST&categoryList=82)

[etat.org/est/?startPageId=493&keywords=EST&categoryList=82](https://etdmpub.fla-etat.org/est/?startPageId=493&keywords=EST&categoryList=82)

FHWA. Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Final Guidance, November 15, 2006.

<http://search.usa.gov/search?utf8=%E2%9C%93&affiliate=dot-fhwa&query=SAFETEA-LU+Guidance&commit.x=12&commit.y=12>

Letter, December 7, 2007, USCG, discussing programmatic approach as a cooperating agency

Memorandum of Agreement Between FHWA and FDOT Concerning the State of Florida's Participation in the Surface Transportation Project Delivery Program Pursuant to 23 U.S.C. 327, December 14, 2016. <http://www.fdot.gov/environment/pubs/Executed-FDOT-NEPA-Assignment-MOU-2016-1214.pdf>

Section 380.23, F.S.

[http://www.leg.state.fl.us/statutes/index.cfm?StatuteYear=2015&AppMode=Display\\_Results&Mode=Search%2520Statutes&Submenu=2&Tab=statutes&SearchString=Section+380.23](http://www.leg.state.fl.us/statutes/index.cfm?StatuteYear=2015&AppMode=Display_Results&Mode=Search%2520Statutes&Submenu=2&Tab=statutes&SearchString=Section+380.23)

State of Florida, Office of the Governor, September 29, 1997, Executive Order 95-359

Title 15 CFR § 930, 197, Federal Consistency With Approved Coastal Management Programs (Subpart F). <http://www.ecfr.gov/cgi-bin/text-idx?SID=758bac6dae3a9a678ef77e197eb29e14&mc=true&node=pt15.3.930&rgn=div5>

Title 40 CFR § 1500-1508. Council on Environmental Quality, Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act. [http://www.ecfr.gov/cgi-bin/text-idx?SID=d0bc3539af1d24b33a217c6618118ea9&mc=true&tpl=/ecfrbrowse/Title40/40cfrv37\\_02.tpl#1500](http://www.ecfr.gov/cgi-bin/text-idx?SID=d0bc3539af1d24b33a217c6618118ea9&mc=true&tpl=/ecfrbrowse/Title40/40cfrv37_02.tpl#1500)

Title 23 U.S.C. Highways.

### **3.4 FORMS**

Planning Requirements for Environmental Document Approvals Form, Form No. 650-050-42

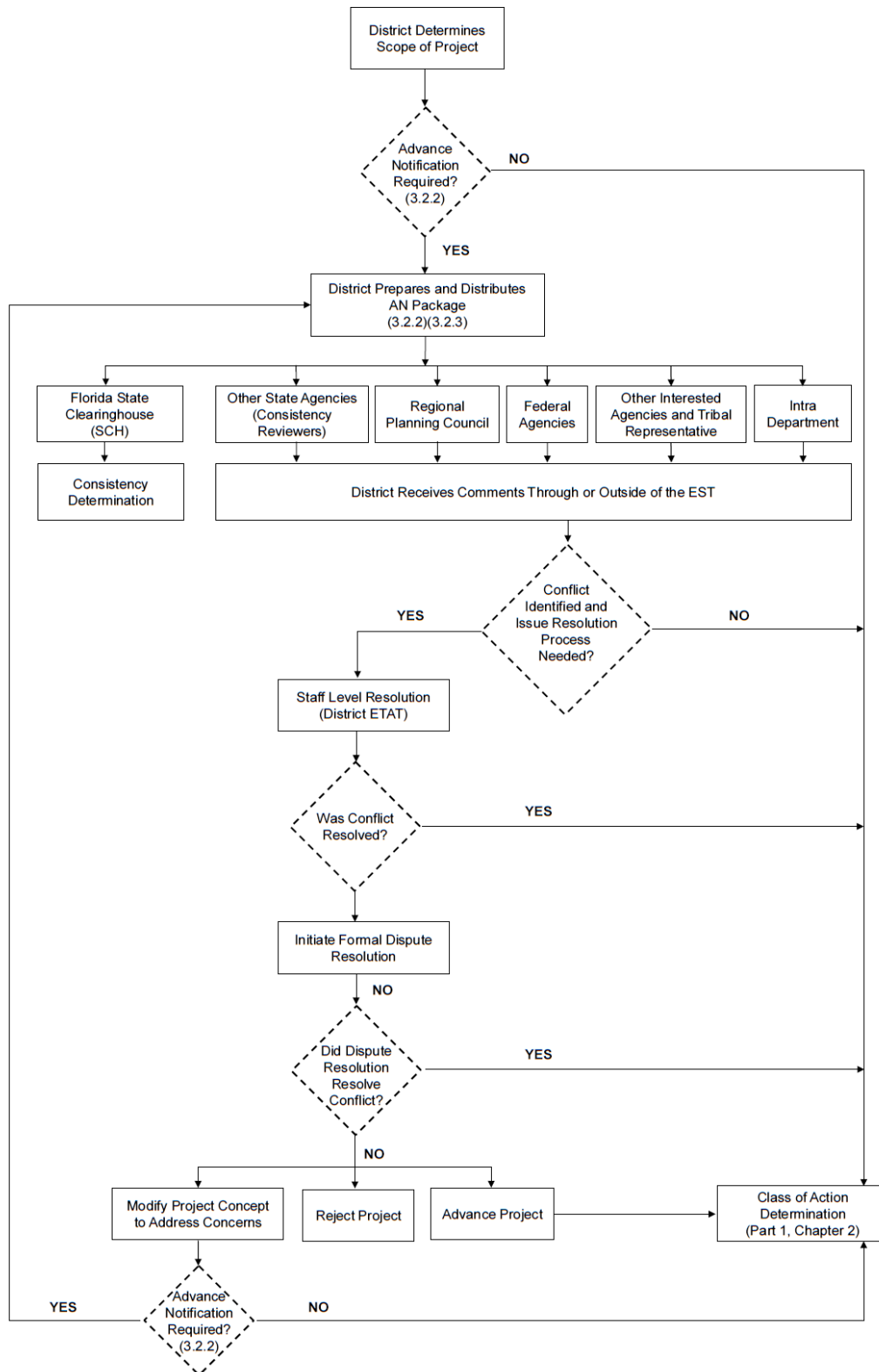
Type 2 Categorical Exclusion Determination Form, Form No. 650-050-11\*

\*To be completed in [SWEPT](#)

Note: Hyperlinks are only for those with FDOT Intranet access only. Those without Intranet access may view or download forms at: <http://www.fdot.gov/procedures/>. Sign in is required.

### **3.5 HISTORY**

2/28/2005, 11/5/2007, 10/19/2012, 8/22/2016



**Figure 3-1 Advance Notification Process**

(DATE)

Florida State Clearinghouse  
Department of Environmental Protection  
3900 Commonwealth Boulevard  
Mail Station 47  
Tallahassee, Florida 32399-3000

SUBJECT: Advance Notification  
Project Name  
ETDM Number  
Federal Aid Project Number X-XXX(X)-X  
Financial Management Number XXXXXXXXXXXX  
\_\_\_\_\_ County, Florida

Dear Name:

This Advance Notification (AN) package is being sent to your office for distribution to State agencies that conduct federal consistency reviews (consistency reviewers) in accordance with the Coastal Zone Management Act and Presidential Executive Order 12372. Although we will request specific comments during the permitting process, we are asking that consistency reviewers examine the attached information and provide us with their comments.

Consistency reviewers have 45 days from the Programming Screening Notification to provide their comments. Once you have received their comments, please submit a consistency determination for the State of Florida within 60 days of the Programming Screen Notification. If you need more review time, send a written request for an extension to our office within the initial 60 day comment period

(Projects that qualify for screening and involve a federal action, federal funds, or are maintaining federal eligibility, require a Federal Consistency Review Determination. If any of these conditions are anticipated for any phase through construction, then add the following statement):

*"This is a federal action. The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by the Florida Department of Transportation (FDOT) pursuant to 23 U.S.C. § 327 and a Memorandum of Understanding dated December 14, 2016 and executed by the Federal Highway Administration and FDOT. -FDOT will determine what type of environmental documentation will be necessary. The determination will be based upon in-house environmental evaluations and comments received through coordination with other agencies. Please provide a consistency review for this project in accordance with the State's Coastal Zone Management Program.*

*In addition, please review this project's consistency, to the maximum extent feasible, with the requirements of Chapter 163 of the Florida Statutes."*

### **Figure 3-2 Cover Letter to the State Clearinghouse**

(DATE)  
Page 2

If a project is non-federal, then include the following statement:

*"This is a non-federal action and the Florida Department of Transportation will determine what type of environmental documentation will be necessary. The determination will be based upon in-house environmental evaluations and comments from other agencies. A consistency review for this project is not required by 15 CFR Part 930 because no federal actions are involved.*

*In addition, please review this project's consistency, to the maximum extent feasible, with the requirements of Chapter 163 of the Florida Statutes."*

**Conditional if previously screened – insert the following paragraph:**

*The project was previously reviewed through the Environmental Screening Tool as part of the Efficient Transportation Decision Making (ETDM) Programming Screen. The project is listed as \_\_\_\_\_.  
The Programming Screen Summary Report was published on \_\_\_\_\_.  
The Environmental Technical Advisory Team (ETAT) members may review this report on the ETDM website. Non-ETAT agencies may review this report on the public access website located at: <http://etdmpub.florida-etat.org/>.*

Your comments should be submitted via the EST if you are an ETAT representative, or emailed or mailed to the District contact:

District Environmental Office  
Florida Department of Transportation  
Street address XXXX  
District / City, Florida XXXXX  
Email address

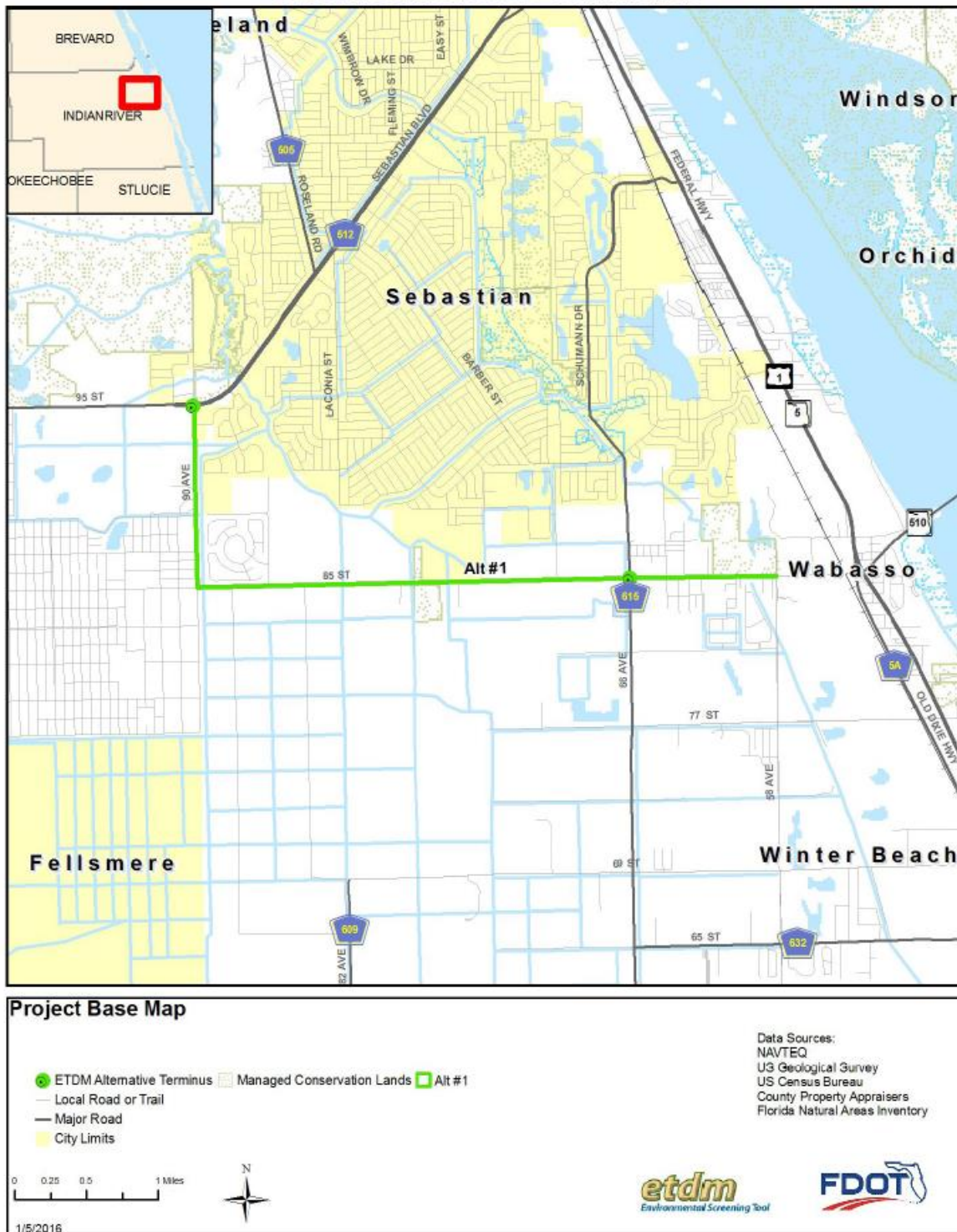
Sincerely,

Manager of District office in charge of  
PD&E studies as appropriate based  
on District organizational structure

Attachment

**Figure 3-2 Cover Letter to the State Clearinghouse (Page 2 of 2)**

**14233 CR 510 Widening from CR 512 to 58 Avenue  
 CR 512/85th Street to 58th Avenue**



This map and its content is made available by the Florida Department of Transportation on an "as is," "as available" basis without warranties of any kind, express or implied.

**Figure 3-3 Example of Project Location Map**

<a href="#">View Burden Statement</a>		OMB Number: 4040-0004 Expiration Date: 10/31/2019
<b>Application for Federal Assistance SF-424</b>		
<b>* 1. Type of Submission:</b> <input type="checkbox"/> Preapplication <input type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application		<b>* 2. Type of Application:</b> <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision
* 3. Date Received: <input type="text"/>		* If Revision, select appropriate letter(s): <input type="text"/> * Other (Specify): <input type="text"/>
4. Applicant Identifier: <input type="text"/>		
5a. Federal Entity Identifier: <input type="text"/>	5b. Federal Award Identifier: <input type="text"/>	
<b>State Use Only:</b>		
6. Date Received by State: <input type="text"/>	7. State Application Identifier: <input type="text"/>	
<b>8. APPLICANT INFORMATION:</b>		
* a. Legal Name: <input type="text"/>		
* b. Employer/Taxpayer Identification Number (EIN/TIN): <input type="text"/>	* c. Organizational DUNS: <input type="text"/>	
<b>d. Address:</b>		
* Street1: <input type="text"/>	Street2: <input type="text"/>	
* City: <input type="text"/>	County/Parish: <input type="text"/>	
* State: <input type="text"/>	Province: <input type="text"/>	
* Country: <input type="text"/>	USA: UNITED STATES <input type="text"/>	
* Zip / Postal Code: <input type="text"/>		
<b>e. Organizational Unit:</b>		
Department Name: <input type="text"/>	Division Name: <input type="text"/>	
<b>f. Name and contact information of person to be contacted on matters involving this application:</b>		
Prefix: <input type="text"/>	* First Name: <input type="text"/>	
Middle Name: <input type="text"/>		
* Last Name: <input type="text"/>		
Suffix: <input type="text"/>		
Title: <input type="text"/>		
Organizational Affiliation: <input type="text"/>		
* Telephone Number: <input type="text"/>	Fax Number: <input type="text"/>	
* Email: <input type="text"/>		

**Figure 3-4 Application for Federal Assistance**

Application for Federal Assistance SF-424	
<b>* 9. Type of Applicant 1: Select Applicant Type:</b> <input type="text"/>	
Type of Applicant 2: Select Applicant Type: <input type="text"/>	
Type of Applicant 3: Select Applicant Type: <input type="text"/>	
* Other (specify): <input type="text"/>	
<b>* 10. Name of Federal Agency:</b> <input type="text"/>	
<b>11. Catalog of Federal Domestic Assistance Number:</b> <input type="text"/>	
CFDA Title: <input type="text"/>	
<b>* 12. Funding Opportunity Number:</b> <input type="text"/>	
* Title: <input type="text"/>	
<b>13. Competition Identification Number:</b> <input type="text"/>	
Title: <input type="text"/>	
<b>14. Areas Affected by Project (Cities, Counties, States, etc.):</b> <input type="text"/> <input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>	
<b>* 15. Descriptive Title of Applicant's Project:</b> <input type="text"/>	
Attach supporting documents as specified in agency instructions. <input type="button" value="Add Attachments"/> <input type="button" value="Delete Attachments"/> <input type="button" value="View Attachments"/>	

Figure 3-4 Application for Federal Assistance (Page 2 of 3)



Application for Federal Assistance SF-424	
<b>16. Congressional Districts Of:</b>	
* a. Applicant	* b. Program/Project
Attach an additional list of Program/Project Congressional Districts if needed.	
	<input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>
<b>17. Proposed Project:</b>	
* a. Start Date:	* b. End Date:
<b>18. Estimated Funding (\$):</b>	
* a. Federal	
* b. Applicant	
* c. State	
* d. Local	
* e. Other	
* f. Program Income	
* g. TOTAL	
<b>* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?</b>	
<input type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on <input type="text"/> .	
<input type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review.	
<input type="checkbox"/> c. Program is not covered by E.O. 12372.	
<b>* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)</b>	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If "Yes", provide explanation and attach	
	<input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>
<b>21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)</b>	
<input type="checkbox"/> <b>** I AGREE</b>	
** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.	
<b>Authorized Representative:</b>	
Prefix:	* First Name:
Middle Name:	
* Last Name:	
Suffix:	
* Title:	
* Telephone Number:	Fax Number:
* Email:	
* Signature of Authorized Representative:	* Date Signed:

Figure 3-4 Application for Federal Assistance (Page 3 of 3)

Federal Emergency Management Agency - Mitigation Division, Chief  
Federal Railroad Administration – Director  
Federal Railroad Administration  
U.S. Department of Interior - Bureau of Land Management, Southeastern States Office  
U.S. Department of Housing and Urban Development, Regional Environmental Officer  
U.S. Department of Interior - U.S. Geological Survey Chief  
U.S. Environmental Protection Agency - **ETAT Representative**  
U.S. Department of Interior – U.S. Fish and Wildlife Service - **ETAT Representative**  
U.S. Army Corps of Engineers - Regulatory Branch - **ETAT Representative**  
U.S. Department of Commerce - National Marine Fisheries Service – Southeast Regional Administrator or Southeast Regional Director  
U.S. Department of Commerce - National Marine Fisheries Service - Habitat Conservation Division - **ETAT Representative**  
U.S. Department of Agriculture - Southern Region  
U.S. Department of Interior - National Park Service - Southeast Regional Office - **ETAT Representative**  
Federal Aviation Administration - Airports District Office  
U.S. Department of Health and Human Services – National Center for Environmental Health  
U.S. Department of Interior - Bureau of Indian Affairs - Office of Trust Responsibilities  
U.S. Coast Guard - Commander (obr) - Eighth District - **ETAT Representative** (District 3 only)  
U.S. Coast Guard - Commander (oan) - Seventh District - **ETAT Representative**  
Florida Inland Navigation District  
Poarch Band of Creek Indians of Alabama  
Muscogee (Creek) Nation of Oklahoma  
Seminole Tribe of Florida - **ETAT Representative**  
Miccosukee Tribe of Indians of Florida - **ETAT Representative**  
Seminole Nation of Oklahoma  
Mississippi Band of Choctaw Indians (see Figure 3.7 for applicability)  
Florida Fish and Wildlife Conservation Commission - **ETAT Representative**  
U.S. Forest Service - **ETAT Representative**  
Florida Department of Environmental Protection - **ETAT Representative**  
Florida Department of Environmental Protection- State Clearinghouse  
Florida Department of State - **ETAT Representative**  
Florida Department of Economic Opportunity – **ETAT Representative**  
Florida Department of Agriculture and Consumer Services - **ETAT Representative**  
Federal Transit Administrator - **ETAT Representative**  
Regional Planning Council  
Water Management District - **ETAT Representative**  
Engineer/Manager, Environmental Office  
Local Government Officials

**Figure 3-5 Example Transmittal List**

FROM: [FDOT ETDM Coordinator]  
TO: [ETAT Member, ETDM Coordinator Management Team, FDOT CLC, FDOT CLC Primary, FDOT ETDM Coordinator Primary, MPO CLC Primary, MPO CLC, MPO ETDM Coordinator Primary, MPO ETDM Coordinator, Advance Notification – Commenting Interested Parties, Consistency Reviewers, Project Managers, District Environmental Manager, State Clearinghouse Coordinator, Federal Consistency – Commenting Interested Party]

Subject: Notice: ETDM Programming Screen and Federal Consistency Review have begun

The ETDM Programming Screen and the Florida State Clearinghouse federal consistency review period have begun for the following project. This notice also constitutes the Advance Notification in accordance with Presidential Executive Order 12372. Please review instructions below and then proceed to the Environmental Screening Tool to submit your comments at:

[www.fla-etat.org](http://www.fla-etat.org)

ETDM # : \_\_\_\_\_  
PROJECT NAME : \_\_\_\_\_  
ALTERNATIVE : \_\_\_\_\_  
MODES : \_\_\_\_\_  
PHASE : \_\_\_\_\_  
DISTRICT : \_\_\_\_\_  
COUNTY : \_\_\_\_\_  
PLANNING ORGANIZATION : \_\_\_\_\_  
POTENTIAL LEAD AGENCIES : \_\_\_\_\_

ETDM COORDINATOR : \_\_\_\_\_  
Phone: \_\_\_\_\_ Email:

PROJECT MANAGER : \_\_\_\_\_

<Click to view the Advance Notification Package> Link: [http://etdmpub.fla-etat.org/est/AN\\_Package.jsp?pkg=2085](http://etdmpub.fla-etat.org/est/AN_Package.jsp?pkg=2085)

---

**Figure 3-6 Sample Programming Screen Notification**

The review period starts today XX-XXX-XX, and will end in 45 days, on XX-XXX-XX.

=====

The following Water Management District(s) should review this project:

\_\_\_\_\_

=====

INSTRUCTIONS FOR ETDM PROGRAMMING SCREEN REVIEW ETAT reviewers are asked to proceed with their Programming Screen review of the above-referenced project. Those ETAT reviewers who also serve as Federal Consistency Reviewers for their agency should reference the "Federal Consistency Review" instructions below. Those agencies that use different personnel to perform the ETDM and federal consistency reviews should coordinate internally to ensure that the Federal Consistency Review and the ETDM comments are not in conflict.

Your review of this project should include:

- \* Review of Project Description and Purpose and Need
- \* Commentary on potential direct and indirect effects. Consider:
  - Standardized GIS analyses provided in the EST
  - Studies and other data about the area
  - Your professional knowledge about potential effects in the area
- \* Assignment of degree of effect
- \* Scoping recommendations for future project development phase to address:
  - Potential technical studies necessary to evaluate potential project effects
  - Identify critical issues/resources for analysis during PD&E

Your commentary and input will be used to assist in determining the Class of Action for the NEPA study.

For those involved in Sociocultural Effects Evaluations, please review the 'Sociocultural Effects Evaluation- Guidelines for the ETDM Process' document at <http://www.dot.state.fl.us/emo/pubs/sce/sce.htm>.

If you have any technical questions, need assistance, or require additional training, the following three options are available to you:

- 1) Contact the ETDM Help Desk at 850-414-5334 or [help@fla-etat.org](mailto:help@fla-etat.org)
- 2) Contact ETDM Coordinator or CLC
- 3) Contact Project Manager

**Figure 3-6 Sample Programming Screen Notification (Page 2 of 3)**

NOTICE TO MPO ETDM Coordinators and CLCs: Some projects may not fall within your geographic jurisdiction; however, the Department would not want to prevent you from commenting on a project if you believe that it may impact your organization. Therefore, you are being notified of any project entering a review cycle within your FDOT District.

=====

**INSTRUCTIONS FOR FEDERAL CONSISTENCY REVIEW** The Florida State Clearinghouse requests that applicable state agency contacts review the referenced project for consistency with the Florida Coastal Management Program. If you are not the designated Clearinghouse contact for your agency, please advise the designated contact of this notice. Those agencies that use different personnel to perform the ETDM and Clearinghouse reviews should coordinate internally to ensure that the Federal Consistency Review and the ETDM comments are not in conflict.

State reviewers should note that if a finding of inconsistency is made, the finding must cite the section of the relevant statute under that agency's authority with which the project is inconsistent, and must identify actions that can be taken to resolve the conflict. Prior to actually issuing a finding of inconsistency, the reviewing agency should immediately notify the Clearinghouse of identified problems (phone 850-245-2161).

The Florida State Clearinghouse requests the participation of the regional planning councils and local governments in the federal consistency review process. Please note that participation is advisory in nature, based upon such issues as consistency with the strategic regional policy plan or the local government comprehensive plan, or conflict with other known area activities.

Thank you,

ETDM Coordinator and CLC

**Figure 3-6 Sample Programming Screen Notification (Page 3 of 3)**

(DATE)

Organization  
Title of preservation official  
Name of preservation official  
Street address  
City, Florida Zip Code

SUBJECT: Advance Notification  
Project Name  
ETDM Number  
Federal Aid Project Number X-XXX(X)-X  
Financial Management Number XXXXXXXXXXXX  
\_\_\_\_\_ County, Florida

Dear Name:

This Advance Notification (AN) package is being sent to your office for distribution to State agencies that conduct federal consistency reviews (consistency reviewers) in accordance with the Coastal Zone Management Act and Presidential Executive Order 12372. Although we will request specific comments during the permitting process, we are asking that consistency reviewers examine the attached information and provide us with their comments.

Consistency reviewers have 45 days from the Programming Screening Notification to provide their comments. Once you have received their comments, please submit a consistency determination for the State of Florida within 60 days of the Programming Screen Notification. If you need more review time, send a written request for an extension to our office within the initial 60 day comment period

(Projects that qualify for screening and involve a federal action, federal funds, or are maintaining federal eligibility, require a Federal Consistency Review Determination. If any of these conditions are anticipated for any phase through construction, then add the following statement):

*"This is a federal action. The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by the Florida Department of Transportation (FDOT) pursuant to 23 U.S.C. §327 and a Memorandum of Understanding dated December 14, 2016 and executed by the Federal Highway Administration and FDOT. -FDOT will determine what type of environmental documentation will be necessary. The determination will be based upon in-house environmental evaluations and comments received through coordination with other agencies. Please provide a consistency review for this project in accordance with the State's Coastal Zone Management Program.*

*In addition, please review this project's consistency, to the maximum extent feasible, with the requirements of Chapter 163 of the Florida Statutes."*

### Figure 3-7 Cover Letter to the Preservation Officials

(DATE)  
Page 2

If a project is non-federal, then include the following statement:

*"This is a non-federal action and the Florida Department of Transportation will determine what type of environmental documentation will be necessary. The determination will be based upon in-house environmental evaluations and comments from other agencies. A consistency review for this project is not required by 15 CFR Part 930 because no federal actions are involved.*

*In addition, please review this project's consistency, to the maximum extent feasible, with the requirements of Chapter 163 of the Florida Statutes."*

**Conditional if previously screened – insert the following paragraph:**

*The project was previously reviewed through the Environmental Screening Tool as part of the Efficient Transportation Decision Making (ETDM) Programming Screen. The project is listed as \_\_\_\_\_.  
The Programming Screen Summary Report was published on \_\_\_\_\_.  
The Environmental Technical Advisory Team (ETAT) members may review this report on the ETDM website. Non-ETAT agencies may review this report on the public access website located at: <http://etdmpub.florida-etat.org/>.*

Please inform FDOT if you have any concerns related to historic or archaeological resources of importance to you or if wish to be a consulting party under Section 106 of the National Historic Preservation Act of 1966 (as amended). Furthermore, if there are any traditional religious and/or culturally important places in or the project area which you want FDOT to consider in the development of this project, you may contact FDOT to identify your concern. The information regarding any such properties will be kept confidential.

Should you wish to inform FDOT on how to proceed to address the Tribe's concerns, you may provide this as well. Requests and comments should be forwarded to:

Director, Office of Environmental Management  
Florida Department of Transportation  
605 Suwannee Street Tallahassee, Florida  
32399-0450.  
Email xxx or phone (850) 414-4316.

Or you may contact the State Cultural Resources Coordinator at the same address:  
email xxx or phone (850) 414-5323.

**Figure 3-7 Cover Letter to the Preservation Officials (Page 2 of 3)**

Your comments should be submitted via the EST, or emailed or mailed to the District contact:

District Environmental Office  
Florida Department of Transportation  
Street address XXXX  
District / City, Florida XXXXX  
Email address

Sincerely,

Manager of District office in charge of  
PD&E studies as appropriate based  
on District organizational structure

Attachment

**Figure 3-7 Cover Letter to the Preservation Officials (Page 3 of 3)**



**FEDERAL AND STATE AGENCIES**

<p>Orlando Airports District Office                  Federal Aviation Administration                  5950 Hazeltine National Dr., Suite 400                  Orlando, FL 32822</p>	<p>Southeast Regional Office                  National Park Service                  U.S. Department of Interior                  75 Spring St., SW, Suite 1130                  Atlanta, GA 30303</p>
<p>Director                  Region IV Mitigation Division                  Federal Emergency Management Agency                  3003 Chamblee Tucker Road                  Atlanta, GA 30341-4148</p>	<p>National Center for Environmental Health                  Centers for Disease Control and Prevention                  U. S. Dept. of Health and Human Services                  1600 Clifton Rd.                  Atlanta, GA 30333</p>
<p>Regional Administrator                  Federal Railroad Administration                  61 Forsyth Street SW, Suite 16T20                  Atlanta, GA 30303-3104</p> <p>Director                  Office of Public Engagement                  Federal Railroad Administration                  1200 New Jersey Ave. SE, Mail Stop 10                  Washington DC, 20590</p>	<p>Director                  U.S. Department of Interior, USGS                  Florida Water Science Center                  12703 Research Parkway                  Orlando, FL 32826</p>
<p>(FDOT District 3 and parts of 2)                  Commander</p> <p>U.S. Coast Guard Eighth District                  500 Poydras Street                  New Orleans, LA 70130-3310</p>	<p>Chief                  Division of Natural Resources                  Office of Trust Services                  Bureau of Indian Affairs                  U.S. Department of Interior                  1849 C Street, NW                  MS-4620-MIB                  Washington, D.C. 20240                  (Only when a project may potentially involve                  Indians)</p>
<p>Field Manager                  Southeastern States Field Office                  Bureau of Land Management                  U.S. Department of Interior                  411 Briarwood Drive, Suite 404                  Jackson, MS 39206</p>	<p>Regional Environmental Officer                  U.S. Dept. of Housing and Urban Development                  Five Points Plaza                  40 Marietta St.                  Atlanta, GA 30303-2086</p>
<p>Southeast Regional Administrator                  National Marine Fisheries Service                  National Oceanic and Atmospheric Administration                  263 13th Ave, South                  St Petersburg, FL 33701                  In addition, for actions involving the FL Keys:                  Southeast Regional Director                  National Marine Sanctuaries Program                  National Oceanic and Atmospheric Administration                  33 East Quay Rd                  Key West, FL 33040</p>	<p>Chief                  Office of Parks Planning                  Division of Recreation and Parks                  Department of Environmental Protection                  3900 Commonwealth Boulevard                  Tallahassee, Florida 32399                  (850)245-3051                  (for projects in the vicinity of Florida State Parks)</p>
<p>Florida Inland Navigation District                  1314 Marcinski Road                  Jupiter, FL 33477</p>	

**Figure 3-8 Contact Information**