

June 19 - 20, 2025
Hollywood, FL



**TRANSPORTATION
SYMPOSIUM**

NEPA/PD&E Laws & Rules Update



ENVIRONMENTALLY RESPONSIBLE
TRANSPORTATION DELIVERED

Office of Environmental
Management

Katasha Cornwell
Interim Director
Office of Environmental Management

Transportation Symposium
Website



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Audience Poll

- Who is in the Audience?
- Temperature Check



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Road Map

- Federal Updates
- State Updates
- OEM Website Revamp
- Where you can find us next



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Federal Updates

- Executive Orders
- Federal Court Cases
- Federal Highway Administration (FHWA) Updates
- Environmental Resources



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Federal Executive Orders

- Executive Orders removed:
 - Executive Order 14096 of April 21, 2023 (Revitalizing Our Nation's Commitment to Environmental Justice for All)
 - Executive Order 12898 of February 11, 1994 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations)
 - Environmental justice analysis



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Federal Executive Orders

- Executive Orders removed:
 - Green house gas/climate change analysis
 - Do not include GHG or climate change analysis in NEPA documents, but continue to document air quality analysis as previously directed (Part 2, Chapter 19 of the PD&E Manual)

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Federal Executive Orders

- Executive Order 14154 removed:
 - CEQ's rule-making authority
- Federal agencies must revise or establish their NEPA implementing procedures
- Agencies should consider voluntarily relying on those regulations in completing ongoing NEPA reviews



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Federal Executive Orders

- Executive Order making English the Official Language of the United States
 - LEP Considerations



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Federal Executive Orders

- Executive Orders from Spring 2025:
 - Directing the Repeal of Unlawful Regulations
 - Reducing Anti-competitive Regulatory Barriers
 - Updating Permitting Technology for the 21st Century
 - Monitoring closely – federal agency implementation required at the end of August 2025
 - FHWA and USACE



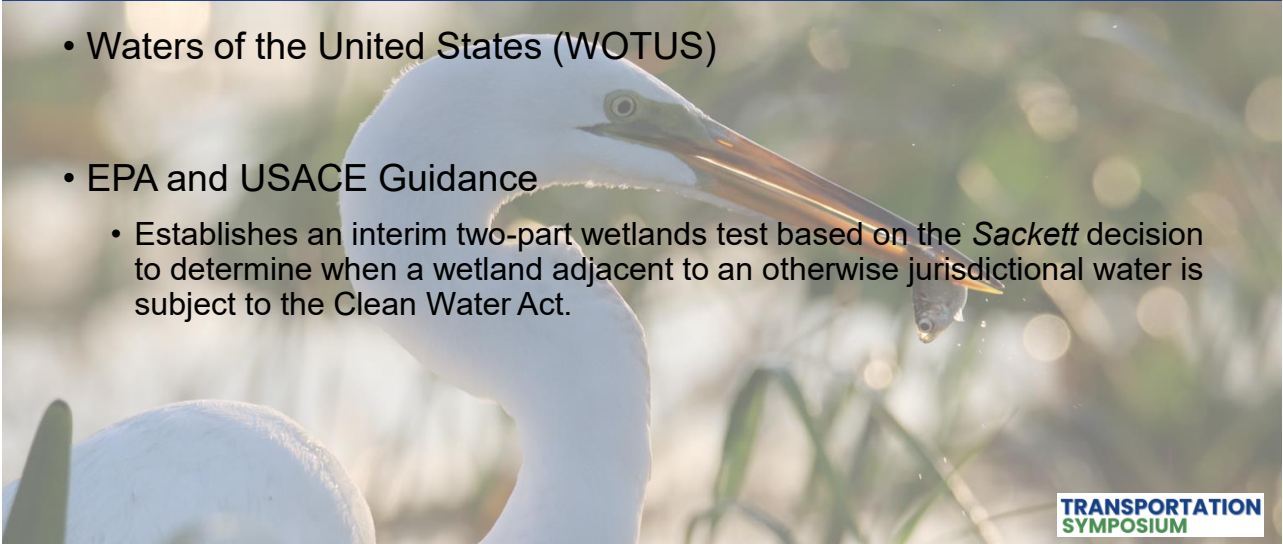
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Federal Court Cases

- Waters of the United States (WOTUS)
- EPA and USACE Guidance
 - Establishes an interim two-part wetlands test based on the *Sackett* decision to determine when a wetland adjacent to an otherwise jurisdictional water is subject to the Clean Water Act.



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Federal Court Cases

- Waters of the United States (WOTUS)

For a wetland to be jurisdictional, it must:

1. Be adjacent to a traditional navigable water, or a relatively permanent body of water connected to a traditional navigable water; and
2. Have a continuous surface connection to a requisite covered water making it difficult to determine where the water ends and wetland begins.

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Supreme Court Ruling

Uinta Basin Railway in Utah

- “In an 8-0 ruling Thursday, the high court determined reviews conducted under the National Environmental Policy Act (NEPA) do not need to consider certain upstream or downstream impacts of an infrastructure project.” The Hill: [Supreme Court narrows scope of key environmental review law](#)
- “When the effects of an agency action arise from a separate project—for example, a possible future project or one that is geographically distinct from the project at hand—NEPA does not require the agency to evaluate the effects of that separate project.” (Majority Opinion)

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Supreme Court Ruling

- “The environmental effects of the project at issue may fall within NEPA even if those effects might extend outside the geographical territory of the project or might materialize later in time—for example, run-off into a river that flows many miles from the project and affects fish populations elsewhere, or emissions that travel downwind and predictably pollute other areas.” (Majority Opinion)
- “But if the project at issue might lead to the construction or increased use of a separate project—for example, a housing development that might someday be built near a highway—the agency need not consider the environmental effects of that separate project.” (Majority Opinion)

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Federal Highway Administration

- Secretary Duffy Rescinded Memos
- Upcoming staff changes
 - ETDM Agreements
 - Retained NEPA Reviews
- Risk Assessment and Monitoring



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Federal Update – Environmental Resources

• Natural Updates

• Endangered Species Act – Definition of Harm

- Under the ESA, “[t]he term ‘take’ means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.”
- In response to the ruling, the FWS “have concluded that our existing regulations, which still contain the definition of “harm” contested in Sweet Home, do not match the single, best meaning of the statute. . Nor is any replacement definition needed. The ESA itself defines “take,” and further elaborating on one subcomponent of that definition—“harm”—is unnecessary in light of the comprehensive statutory definition.”
- We propose to rescind the regulatory definition of “harm” and rest on the statutory definition of “take.” This revision would be prospective only and would not affect permits that have been granted as of the date the regulation becomes final.

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Federal Update – Environmental Resources

• Natural Updates

• Black Rail (Training and Guidance on-line)

- [final_black-rail-esa-determination-guidelines_2024\(4\)_fwsinput.pdf](#)
- <https://www.youtube.com/watch?v=hYdKbJ-Ni4&feature=youtu.be>

• Tricolored Bat

- https://fdot-my.sharepoint.com/personal/denise_rach_dot_state_fi.us/Documents/species_guidance/Tri-colored_Bat/District_guidance_2025/FDOT_Tricolored_Bat_Consultation_Guidance_final



Photo: Julio Mulero

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Federal Update – Environmental Resources

Monarch Butterflies

Candidate Conservation Agreement with Assurances

Voluntary Agreement Provides:

- Regulatory Certainty for Endangered Species Act Compliance
- Minimizes Potential for Project Delays
- Reduces Consultation Costs
- Statewide Coverage and Consistency
- Species Benefits
- Community Benefits



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Federal Update – Environmental Resources

Monarch Butterflies - CCAA

Working with District Partners



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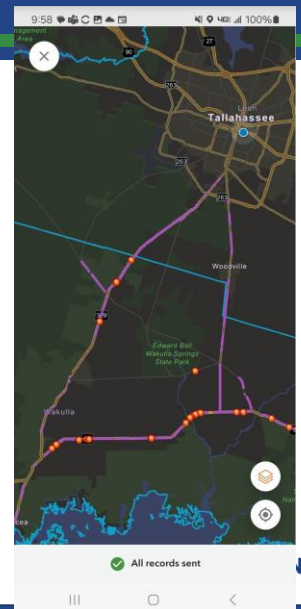
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Innovations

Working with Technology Partners

- ImagBox
- Aerial Imagery
- Quick Capture



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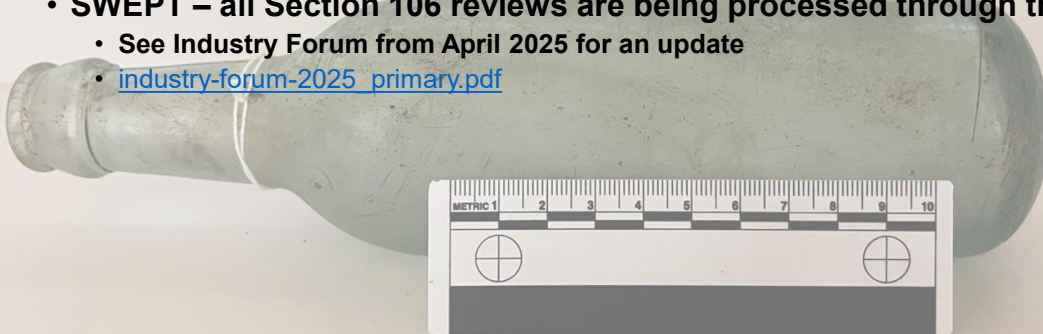


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Federal Update – Environmental Resources

• Cultural Updates

- Advisory Council on Historic Preservation (ACHP)
- SWEPT – all Section 106 reviews are being processed through this tool
 - See Industry Forum from April 2025 for an update
 - [industry-forum-2025_primary.pdf](#)



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Story Maps

- [Archaeological Collections & Curation](#)

COLLECTIONS & CURATION

GUIDANCE & FORMS

[FDOT COLLECTIONS & CURATION GUIDELINES](#)

[Access Database Form](#)

[Artifact Deaccessioning Form](#)

[Artifact Transfer Receipt](#)

[Collection Access Request Form](#)

[Collection Loan Request Form - External](#)

[Collection Loan Request Form - Internal](#)

[Excel Spreadsheet Template](#)

[Project Quick View Form](#)

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EXPLORE FDOT's LEGACY BELOW!

PRESERVATION AND PROGRESS

Preservation and Progress presents success stories of FDOT's commitment to historic preservation across Florida through an interactive story map.

FDOT HISTORY'S MYSTERIES

Sift through history's mysteries unearthed in the FDOT Archaeological Collections, featuring artifacts and archaeological sites from across the state.

CONTACT US

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State Updates

- Government Efficiency
- Environmental Permitting
- Industry Bill
- FWC Imperiled Beach-nesting Birds
- Cultural Resources - Module 3 Updates

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FDOT Government Efficiency

- Executive Order 25-44



FDOT Government Efficiency Team Mission

To continue the Florida Department of Transportation's quest for constant improvement by **identifying, prioritizing, implementing, measuring, and reporting** government efficiencies with an emphasis on those efficiencies created by leveraging current and emerging technologies.

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FDOT Government Efficiency Team Approach



Identify efficiencies.

- Previously Implemented
- In Process of being Implemented
- New Ideas



Prioritize efficiency ideas based on implementation time, benefits and impact.



Implement implementation plans.

- Objective
- Background
- Current State
- Communication
- Benefits
- Measurement
- Time Frame
- Resources
- Subject Matter Experts
- Deliverables



Measure the outcomes.

- Time
- Money
- Increased Production
- Improved Product
- Improved Service
- Improved Safety



Report efficiency outcomes/ results monthly per EO 25-44.

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2020 – SWEPT Module for Section 4(f) Resources

Section 4(f) of the USDOT Act requires consideration of cultural resources, parks, and wildlife and waterfowl refuges during transportation project development.



- **Modernized and Simplified Process**
- Consistent structure
- **Wizard** allows added documentation along way
- Standard statements ensures federal compliance
- **Tracks active reviews and provides history**
- Efficient submittal and OEM review/approval process
- **206 Section 4(f) forms** – 5 resources per form on average



New:
Net Benefit
Programmatic



Figure 6-49. Photograph of 8DE00828 – 4, facing west.

2022 - SWEPT Programmatic Agreements – Minor Activities and Protected Species

The Endangered Species Act requires consultation with federal wildlife agencies when a project may affect listed species.



\$1.7M in Savings

REPORTING YEAR	TOTAL PROJECTS	TOTAL CONCURRENCES
2022	200	499
2023	302	590
2024	308	735
2025	315	707



2023 – SWEPT Programmatic Agreement – Cultural Resources

Section 106 of the National Historic Preservation Act requires agencies to consider the effects of their projects on significant cultural resources.

- Similar Benefits of 4(f) Tool
- **All in One Review and Approval with SHPO**
- Annual Report Automated
- **1011 Total Reviews**
- Average 676 annually or 2.7 per business day
- **Average SHPO Review Time 21.4 days**
- SHPO Concurrence Rate 100%



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2023 – SWEPT Programmatic Agreement – Cultural Resources

Section 106 of the National Historic Preservation Act requires agencies to consider the effects of their projects on significant cultural resources.

What they are saying:

SHPO: SWEPT also enables us to **communicate easily with FDOT Staff** if additional information is needed. I **appreciate the way I can organize my reviews** by several different categories to track projects more effectively.

D1: Everything about the system has helped streamline the cultural resource review process.

D4: I like the **auto generated email notifications which keep me informed** on the status of the submissions and I like the 106 dashboard which makes tracking the forms easy.

D5: (at inception): I am **already seeing a great benefit in the efficiency** of tracking our project reviews with the SHPO

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Environmental Permitting

- OEM and State Drainage Office working on impacts from stormwater rule
 - Analyzing 8-9 projects statewide, both urban and rural
 - Analysis based on projects that could be affected by the stormwater rule if LDCA is not reached by June 2026
- State 404 program is still being explored by FDEP

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Environmental Permitting

- Statewide Permit Tracking
 - Tracks USACE workload and timeliness of approvals
 - Allows for updates to USACE and FDOT leadership on project statuses
 - Helpful Tips:
 - Solid project dates are critical – OEM is not setting priorities just monitoring and reporting
 - Be thoughtful about pre-app meetings - be sure to have meaningful information to share
 - Be sure to submit complete applications, incomplete applications does not help you in the queue or with timing

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Industry Bill

- Alternatives
- Timeframes

977	Section 19. Section 334.63, Florida Statutes, is created to
978	read:
979	<u>334.63 Project concept studies and project development and</u>
980	<u>environment studies.-</u>
981	<u>(1) Project concept studies and project development and</u>
982	<u>environment studies for capacity improvement projects on limited</u>
983	<u>access facilities must include the evaluation of alternatives</u>
984	<u>that provide transportation capacity using elevated roadway</u>
985	<u>above existing lanes.</u>
986	<u>(2) Project development and environment studies for new</u>
Page 34 of 54	
CODING: Words stricken are deletions; words <u>underlined</u> are additions.	
ENROLLED	
2025 Legislature CS for CS for CS for SB 462, 1st Engrossed	
2025462er	
987	alignment projects and capacity improvement projects must be
988	<u>completed to the maximum extent possible within 18 months after</u>
989	<u>the date of commencement.</u>

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Two Shores and a Shorebird

TWO SHORES & A SHOREBIRD
THE CONNECTIONS THAT BROUGHT THEM ALL TOGETHER



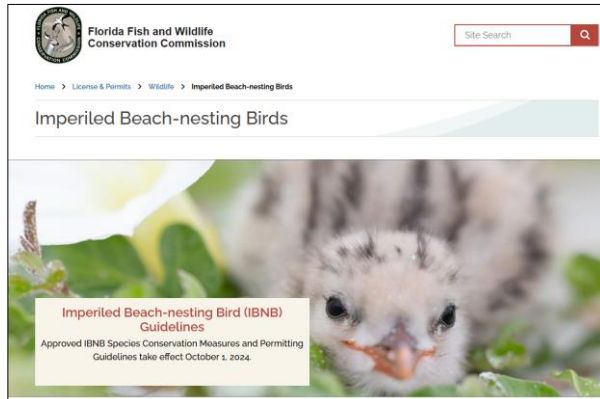
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FWC Beach Nesting Birds

• Imperiled Beach-nesting Birds | FWC



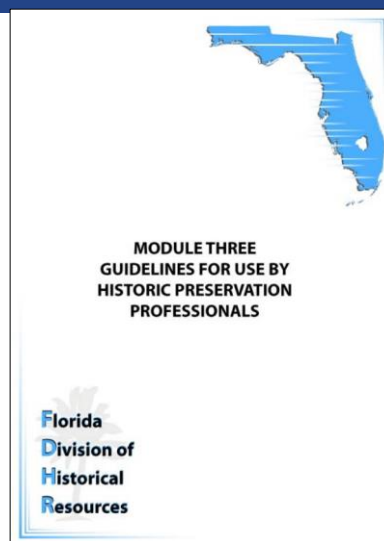
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DHR – Module 3 Guidelines

• Updates under consideration



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OEM Website Update

- [Office of Environmental Management Homepage](#)

Office of Environmental Management

Welcome!

The role of the FDOT Office of Environmental Management (OEM) is to develop and ensure the implementation of quality environmental policies, procedures and practices in the development of transportation improvements through each of the Department's core processes: plan, produce, deliver and maintain. Establish policy and procedures to ensure implementation of environmental programs and initiatives of the Department. Coordinate with federal and state environmental resource and regulatory agencies in the development and implementation of environmental processes and procedures consistent with environmental laws and regulations to assist the Department in achieving its mission.

INTERIM DIRECTOR
 Katasha Cornwell
Interim Director, Office of Environmental Management

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Additional Contacts
[Staff Directory](#)

Most Requested
[Documents & Resources](#) *NEW*
[PD and E Manual](#) *Current*
[Training Program](#)
[Divisions Homepage](#)

EXPLORE OEM's DIVISIONS

OFFICE OF ENVIRONMENTAL MANAGEMENT

DIVISIONS HOMEPAGE

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OEM Website Update

Office of Environmental Management DIVISIONS HOMEPAGE

The OEM team takes pride in developing and maintaining environmental policy, procedures, manuals, and guidelines. OEM established and continues to implement the Florida Department of Transportation (FDOT) Efficient Transportation Decision Making (ETDM) and Project Development and Environment (PD&E) processes which are important steps in delivering transportation projects to Florida communities. OEM also administers the FDOT [NEPA Assignment](#) established in 2016. Within our office we have four divisions, each with their own areas of expertise. Working together ensures quality processes are developed and implemented within every sub-discipline. Collectively, the Divisions perform quality assurance reviews, provide training and direction, as well as coordinate with other state and federal agencies, FDOT Districts, and others.

ENGINEERING REVIEW & ANALYSIS

The engineering section provides statewide technical and engineering expertise in all areas related to physical environmental considerations in association with transportation actions in all phases of project development, planning through maintenance. Physical environmental considerations and program areas include air quality, highway noise, water quality and contamination.

[Engineering Resources](#) [Highway Traffic Noise](#)

ENVIRONMENTAL REVIEW & ANALYSIS

The environmental section maintains the PD&E Manual which outlines procedures for adherence to the NEPA and its implementing regulations in addition to applicable state environmental laws. This environmental review team provides statewide technical expertise in areas related to natural, cultural, and community resource considerations in association with

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PSM CODES and SCHEDULE TEMPLATES	SUPPORTING RESOURCES
OEM Training PSM Codes and Schedule Templates Webinar (Recording) 11-4-2016 PSM Codes and Schedule Templates Webinar (PPT) 11-4-2016	<ul style="list-style-type: none"> • PD&E Roadmap • Planning Consistency for NEPA Practitioners • Processing Limitation on Claims Notices • OEM Document Review and Approval Process Webinar (2019) • OEM PDC and Engineering Leads • Standard Environmental Commitments Guidance • SWEPT Project File Organization Guidance • Guidance for using 3D technology in PD&E projects • Guidance for using 2D technology in PD&E projects
Environmental PSM Codes Approved Environmental PSM Codes - 8/14/2019 (-.xls)	<ul style="list-style-type: none"> • NEPA Assignment QA/QC Plan (2021) • PD&E Quality Control Plan Template (2017) • OEM EDMS QA/QC Process (PPT)
Environmental Document Schedule Templates Planning and PD&E (CE2) Updated September 2020 (PDF) (MS Project) Planning and PD&E (CE2) and Design (Primavera) (PDF) (MS Project) Planning and PD&E (EA) Updated September 2020 (PDF) (MS Project) Planning and PD&E (EIS) Updated September 2020 (PDF) (MS Project) Planning and PD&E (EIS-ROD) Updated January 4, 2020 (PDF) (MS Project) Planning and PD&E (SEIR) Updated September 2020 (PDF) (MS Project)	<ul style="list-style-type: none"> • Type 2 CE QA/QC Checklist (December 2024) • EA QA/QC Checklist (February 2025) • SEIR Checklist • PER QA/QC Checklist (Mar 2023) • Re-evaluation QA/QC Checklist (May 2023)
NOTE: Primavera files for each of these categories are all in one zip file (Primavera v6 and Higher).	

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Where You Can Find Us Next

- July 2025
 - Environmental Permitting Summer School
 - Noise Training
 - ICE Training
- Fall Transportation Symposium
- Coming Next Year – PD&E Symposium in conjunction with Transportation Symposium

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WRAP UP

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Audience Poll

- Temperature Re-Check



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Stay Alert at Dawn and Dusk

#Wildlife Crossings Work



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Contact Us






- Staff Directory
- **Katasha Cornwell**
- **850-414-5260**
- **katasha.cornwell@dot.state.fl.us**


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 June 19 - 20, 2025
 Hollywood, FL

 **TRANSPORTATION SYMPOSIUM**

 Please be sure to **certify your attendance** before leaving this event or no later than **Monday, June 30**, in order to receive PDH/CEC. Detailed instructions are available on the Transportation Symposium website.

Transportation Symposium Website

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