



Audience Poll

• Who is in the Audience?



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Prederal Updates • State Updates • TRANSPORTATION SYMPOSIUM

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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
 - Initial Guidance Feb 2025
 - Updated Guidance Sept 2025

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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 ("Seven County")

- "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
- Staff changes
 - ETDM Agreements
 - Retained NEPA Reviews
 - · PI and Noise Chapters
- Risk Assessment and Monitoring



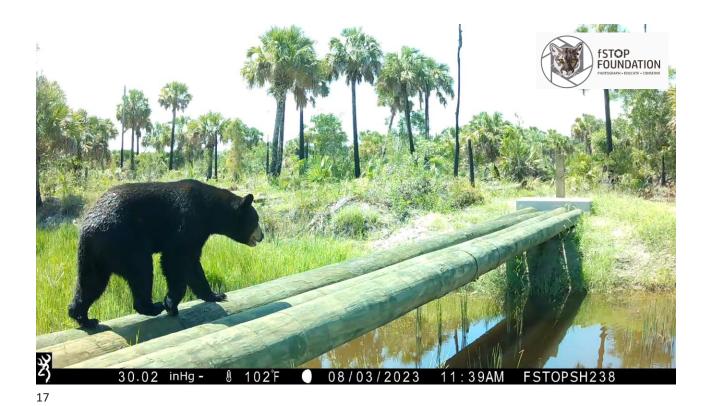
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USDOT and FHWA NEPA Updates DEPARTMENT OF TRANSPORTATION [4910-22-P] Federal Highway Administration Federal Railroad Administration 49 CFR Part 264 49 CFR Part 622 USDOT Order 5610.1D – June 2025 [Docket No. FHWA-2025-0007] FHWA Interim Final Rule - July 2025 RIN 2130-AD05 RIN 2132-AB51 Working through a detailed analysis of potential changes to PD&E Manual ACTION: Interim Final Rule. AGENCY: Federal Highway Admin · PAGE LIMITS: SUMMARY: FHWA, FRA, and FTA are publishing this interim final rule (IFR) to EAs must be formatted for an 8.5"x11" page with one-inch

- EAs must be formatted for an 8.5"x11" page with one-inch margins using a word processor with 12-point proportionally spaced font, single spaced. Footnotes may be in 10-point font. Such size restrictions do not apply to explanatory maps, diagrams, graphs, tables, and other means of graphically displaying quantitative or geospatial information, although pages containing such material do count towards the page limit. When an item of graphical material is larger than 8.5"x11", each such item shall count as one page.
- 771.138 b(2) The text of an EA must not exceed 75 pages, not including any citations or appendices









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-determinationquidelines 2024(4) fwsinput.pdf
 - https://www.youtube.com/watch?v=hYdKbJ-Ni4&feature=youtu.be
- Tricolored Bat
 - https://fldotmy.sharepoint.com/personal/denise_rach_dot_state_f l_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

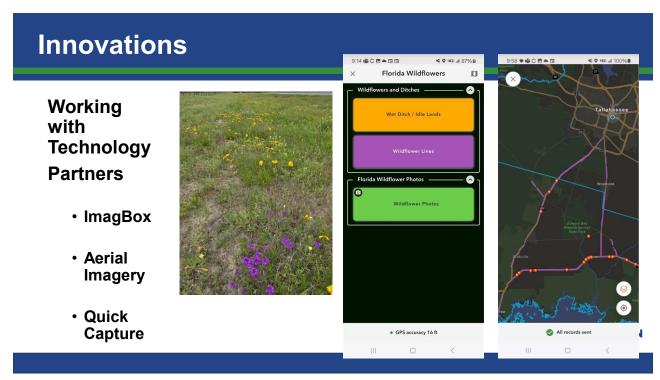


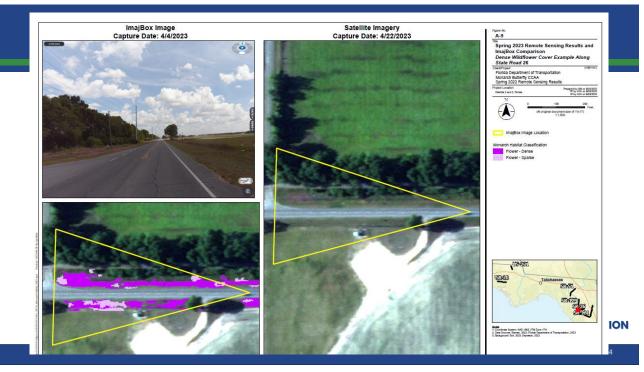


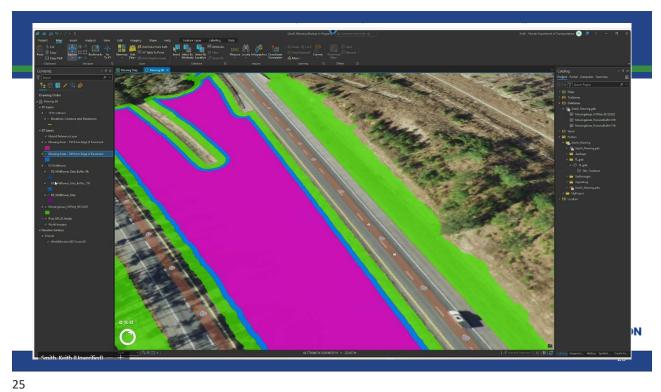


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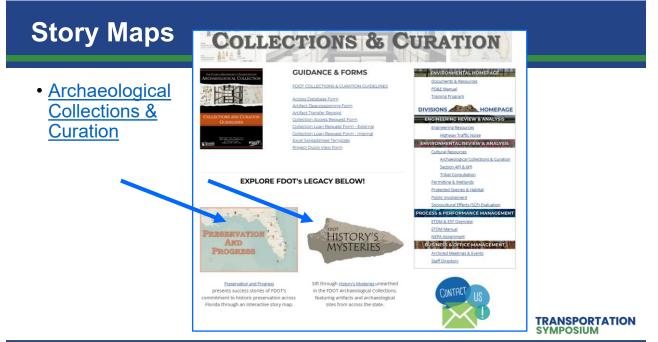
- Cultural Updates
 - Advisory Council on Historic Preservation (ACHP)
 - SWEPT all Section 106 reviews are being processed through this tool
 - See Industry Forum from April 2025 for an update
 - industry-forum-2025 primary.pdf

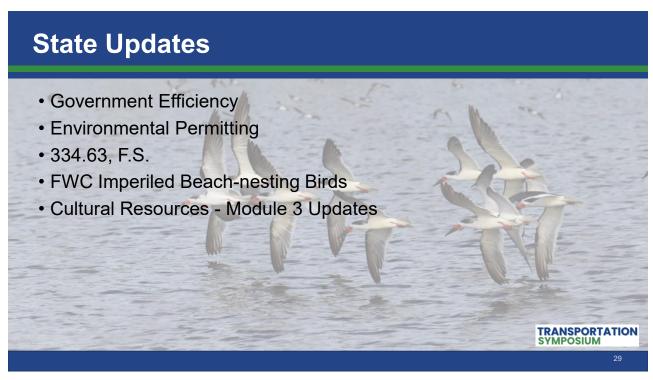


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FDOT Government Efficiency

• Executive Order 25-44



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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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



Net Benefit Programmatic



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

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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.

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\$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



Environmental Permitting

- OEM & State Drainage Office reviewed impacts from stormwater rule
 - Analyzed 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
- Can meet updated SW Criteria in most cases!
 - Rural Typical Sections may even reduce pond sizes due to the use of swales/vegetated filter strips
 - Complex Scenarios include:
 - Urban Typical Section
 - Impaired/OFW exist
 - Little clearance from SHWL
- Updated Tools // Training and Outreach

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Industry Bill

- Alternatives
- Timeframes

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

- · Recognize PD&E as an action step in production process
- Actions to date
 - Identified existing best practices
 - Developed new ideas
 - Polled districts



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Options for District decision making based on project needs

3 Main Categories of Focus

- 1. Long Lead Time Items
- 2. Alternatives Development
- 3. Delivery Strategies







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Long Lead Time Items

- Traffic
- Species Surveys
- Cultural Resources Surveys for Ponds



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Alternatives Development

- Range of Alternatives (build and no-build)
- Ponds
 - · Pond sizing
 - Supports Stormwater Rule
 - Reduces environmental re-work in Design



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Delivery Strategies

- More Type 1 CEs (OEM review not required)
- PD&E/Design Overlap when funding available
- Streamline existing Type 2 CE documentation
- More document templates
- Eliminate unnecessary documentation (WQIE, Air, LHR)
- · 'One page' FONSI



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Utilize Full Range of Type 1 Categorical Exclusions

Currently Available Option

Positives

- Addressed in PD&E Manual Part 1, Chapter 2
- Approved by District
- OEM review not required
 - Requires OEM coordination in some instances
- Similar level of analysis as Type 2 CE
- c(22), c(23), & d(13) offer a lot of flexibility

Challenges

Perception

2.2.2.1.1 Actions listed in 23 CFR 771.117(c)

The following actions are listed in 23 CFR 771.117(c) and meet the criteria for CEs in the CEO regulations and 23 CFR 771.117(a) and normally do not require any further KPEA approvals by Cells This list includes additional clarification and Resolbils in the use of CEs under 23 CFR 5771.117(c) as provided in PHMA Informational Memos: Additional Persibilities in Celesported Exclusions, didted May 2, 2017 and June 12, 2018.

- Activities which do not involve or lead directly to construction, such as planning and research activities; grants for training; engineering to define the elements of a proposed action or alternatives so that social, economic, and environmental effects can be assessed; and federal-aid system revisions which establish classes of hishbases on the federal-aid highway system.
- Approval of utility installations along or across a transportation facility. The replacement of existing utility powerline poles for overhead utilities and installation of new poles are possifiered approval of utility installation projects.
- 3. Construction of bicycle and pedestrian lanes, paths, and facilities.
- 4. Activities included in the State's Highway Safety Plan under 23 U.S.C. § 402.
- Transfer of federal lands pursuant to 23 U.S.C. § 107(d) and/or 23 U.S.C. § 317 when the land transfer is in support of an action that is not otherwise subject to FHWA (OEM as Assigned) review under NEPA.
- The installation of noise barriers, or alterations, to existing publicly owned buildings to provide for noise reduction.
- 7. Landscaping.
 - nstallation of fencing, signs, pavement markings, small passenger shelters, traffic ignals, and railroad warning devices where no substantial land acquisition or raffic disruption will occur.
- 25. Bridge renamination; reconstruction; or replace renamination are or instruction or grade separation to replace existing at-grade railroad crossings, if the actions meet the constraints in 23 CFR § 771.117(e). Bridge removal may be a component of a bridge replacement project under this CE.
- 29. Purchase, construction, replacement, or rehabilitation of ferry vessels (including improvements to ferry vessels after), navigation, and security systems) that vousiluon t require a change in the function of the ferry terminals and can be accommodated by existing facilities or by new facilities which themselves are within a CE.
- 30. Nehabilitation or reconstruction of existing terry facilities that occupy substantial the same geographic footprint, do not result in a change in their functional ur and do not result in a substantial increase in the existing facility's capaci Example actions include work on pedestrian and vehicle transfer structures a associated utilities, buildings, and terminals.

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Streamline Type 2 Form

Positives

- Provide tabular data for most resources
 - Reduces duplication of effort
 - Less errors
 - Faster to develop
- Reduces OEM review time
- Focus on information decision maker needs

Challenges

- Timeline to enhancement of SWEPT
- Communicating new process
- Revising QA/QC expectations



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Strategy to Reduce Time – 6-month implementation

PER and NRE Templates in SWEPT

- Includes refining PER to remove duplicative info in other technical documents (including Environmental Document)
- Species descriptions built into NRE (e.g., pick-list)

Other Possible Report Templates

- Contamination Screening Evaluations
- Location Hydraulic Reports

Analyze Type 2 CE footprint to move to more quickly to Design

- NEPA in a rectangle
- One build alternative (best fit)
- · Refine alternatives analysis to identify constraints

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'One Page' FONSI for EAs

Positives

- Being done by other state DOTs, Military
- Less preparation/review time for consultant/District
- Faster OEM approval

Challenges

None anticipated



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Enhancing Performance Metrics

- Enhancing performance metrics
 - All environmental document reviews will be in SWEPT
 - Technical document reviews can be tracked as developed
 - Supports workload balancing



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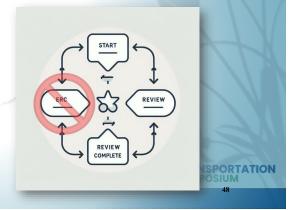
All Environmental Document Reviews in SWEPT

Positives

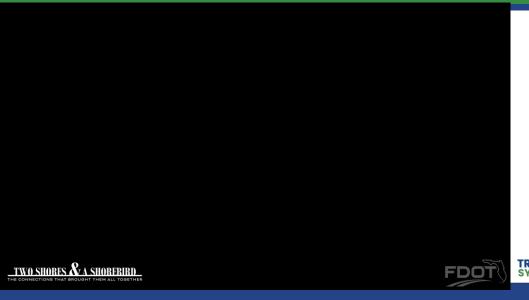
- Adds tracking and timelines to Districts for reviews and responses
- Environmental document development, review, and approval within one application

Challenges

- Timely enhancements to SWEPT
- Communicating new process



Two Shores and a Shorebird



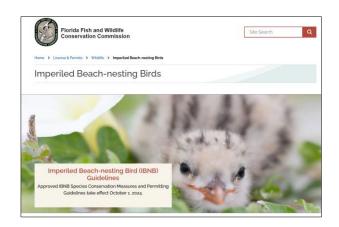
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FWC Beach Nesting Birds

• Imperiled Beach-nesting Birds | FWC



Agroved by PVC Commission July 2022 I Incorporated by reference in Rule 80A27 00.5 F.C. Sequence 2023

American oystercatcher, snowy plover,
black skimmer, least tern
Haematopus palliatus, Charadrius nivosus,
Rynchops nifger, Sternula antilliarum

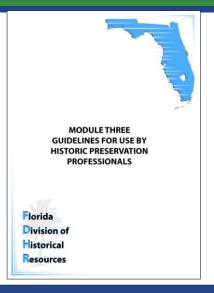
Executive Summary
The American oystercatcher, snowy plover, black skimmer, and least ten are listed as state Presentered on Fords 5 Changered and residence of the Stephense of Stephense of the Stephen

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DHR - Module 3 Guidelines

• Updates under consideration





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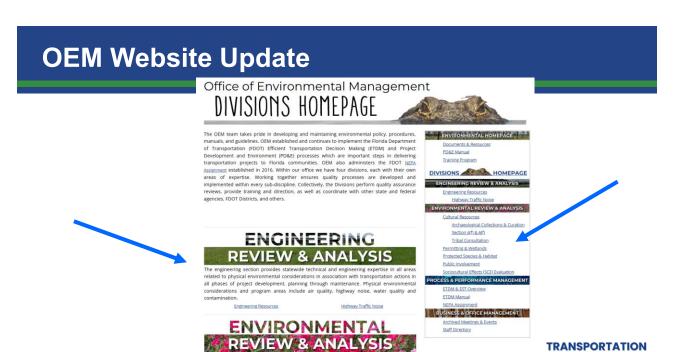
OEM Website Update

Office of Environmental Management Homepage



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environmental laws. This environmental review team provides statewide technical expertise ir areas related to natural, cultural, and community resource considerations in association with

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OEM Website Update

Office of Environmental Management Homepage

PSM CODES and SCHEDULE TEMPLATES

OEM Training

PSM Codes and Schedule Templates Webinar (Recording) 11-4-2016PSM Codes and Schedule Templates Webinar (PPT) 11-4-2016

Environmental PSM Codes

Approved Environmental PSM Codes - 8/14/2019 (.xls)

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 (SEIR) Updated January 4, 2020 (PDF) (MS Project)
Planning and PD&E (SEIR) Updated September 2020 (PDF) (MS Project)

NOTE: Primavera files for each of these categories are all in one zip file (<u>Primavera v6 and Higher</u>).

SUPPORTING RESOURCES

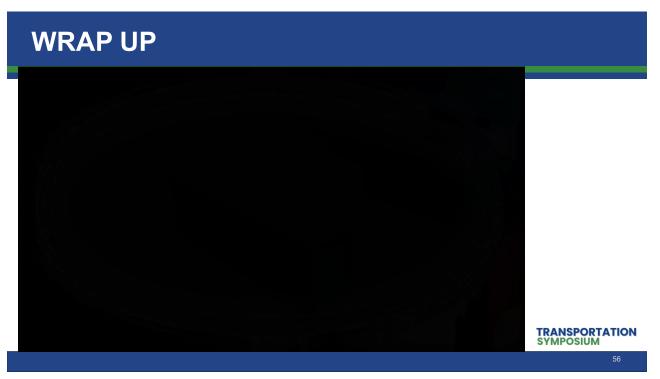
- PD&E Roadmap
- Planning Consistency for NEPA Practitioners
- <u>Processing Limitation on Claims Notices</u>
- OEM Document Review and Approval Process Webinar (2019)
- OEM PDC and Engineering Leads
- Standard Environmental Commitments Guidance
- SWEPT Project File Organization Guidance
- Guidance for using 3D technology in PD&E projects
- Guidance for using 2D technology in PD&E projects
- NEPA Assignment QA/QC Plan (2021)
- PD&E Quality Control Plan Template (2017)
 OEM EDMS QA-QC Process (PPT)
- Type 2 CE QA/QC Checklist (December 2024)
- <u>Iype 2 CE QA/QC Checklist</u> (December
 <u>EA QA/QC Checklist</u>(February 2025)
- SEIR Checklist
- PER QA/QC Checklist (Mar 2023)
- Re-evaluation QA/QC Checklist (May 2023)

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