

# Environmental Training for Florida Turnpike Enterprise

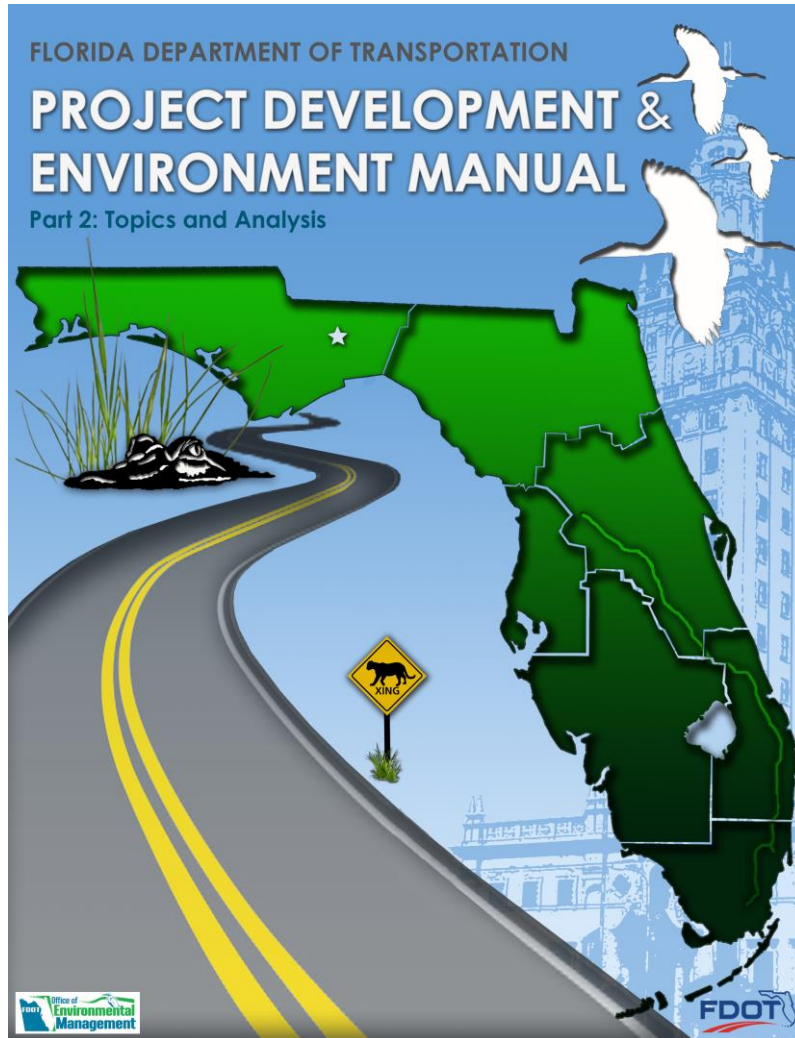
Acquisition and Restoration Council (ARC) Coordination



*August 2020*

The environmental review, consultation, and other actions required by applicable federal environmental laws described in this training are carried out by FDOT pursuant to 23 U.S.C. § 327 and a Memorandum of Understanding dated December 14, 2016, executed by FHWA and FDOT.

# NEW Part 2, Chapter 23 of the PD&E Manual



Topic No. 650-000-001  
Project Development and Environment Manual  
Acquisition and Restoration Council (ARC) Coordination

Effective: July 1, 2020

## PART 2 CHAPTER 23

### ACQUISITION AND RESTORATION COUNCIL (ARC) COORDINATION

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Acquisition and Restoration Council (ARC) Coordination

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# State-owned Upland Conservation Lands

- Projects requiring the use of state-owned upland conservation lands which are managed for:
  - Conservation
  - Outdoor resource-based recreation, or
  - Archaeological or historic preservation
- Lands held by the Board of Trustees of the Internal Improvement Trust Fund, or Board of Trustees
- The Acquisition and Restoration Council (ARC)
  - Administratively supported by the Florida Department of Environmental Protection (FDEP)
  - Administers the review and approval of management plans and land uses for all state-owned conservation lands
  - Oversees the process of review of acquisition interests
  - Recommends approvals to the BOT
  - Acts on FDOT's applications for easements on these lands

## Acquisition and Restoration Council Responsibilities

The Acquisition and Restoration Council (ARC) is a 10-member group with representatives from four state agencies, four appointees of the Governor, one appointee by the Fish and Wildlife Conservation Commission, and one appointee by the Commissioner of Agriculture and Consumer Services. ARC has responsibility for the evaluation, selection and ranking of state land acquisition projects on the Florida Forever priority list, as well as the review of management plans and land uses for all state-owned conservation lands.

# Policies and Applicability

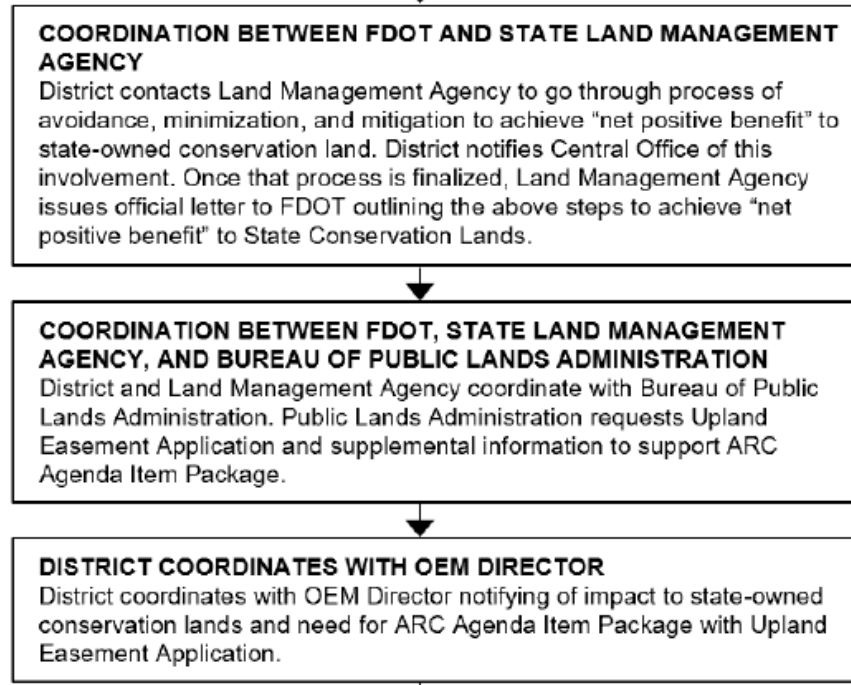
- Land Acquisition Funds, Specific Programs, and Statutory Authority
- Policies established by the TIITF
  - *Policy for Incompatible Use of Natural Resource Lands*
  - *Use of Natural Resource Lands by Linear Facilities As Approved by The Board of Trustees of the Internal Improvement Trust Fund on January 23, 1996*
- Identify the applicability and potential use of state-owned conservation lands
  - Area of Interest Tool- EST
  - Coordination
    - ◆ Land Management Agency or
    - ◆ FDEP Bureau of Public Lands Administration

## 23.1.1.3 Statutory Authority

- **Section 253.001, F.S.**, reaffirms the BOT's existence and its duty to hold lands in trust for the use and benefit of the people of the state pursuant to the *Florida Constitution*.
- **Section 253.02, F.S.**, establishes a board of four trustees, consisting of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture, to manage the lands and administer the funds associated with the sale and management of the lands. This statute authorizes the BOT to grant easements on state-owned conservation lands for electric transmission and distribution facilities, and to set up a provision for fee simple title exchange to manage impacts. This statute was the basis for BOT developing its policy for all linear facilities, which includes transportation projects.
- **Section 259.035, F.S.**, created the ARC, an entity that maintains review and advisory authority over lands designated as conservation land and/or land acquired under the land acquisition programs described above. The ARC is

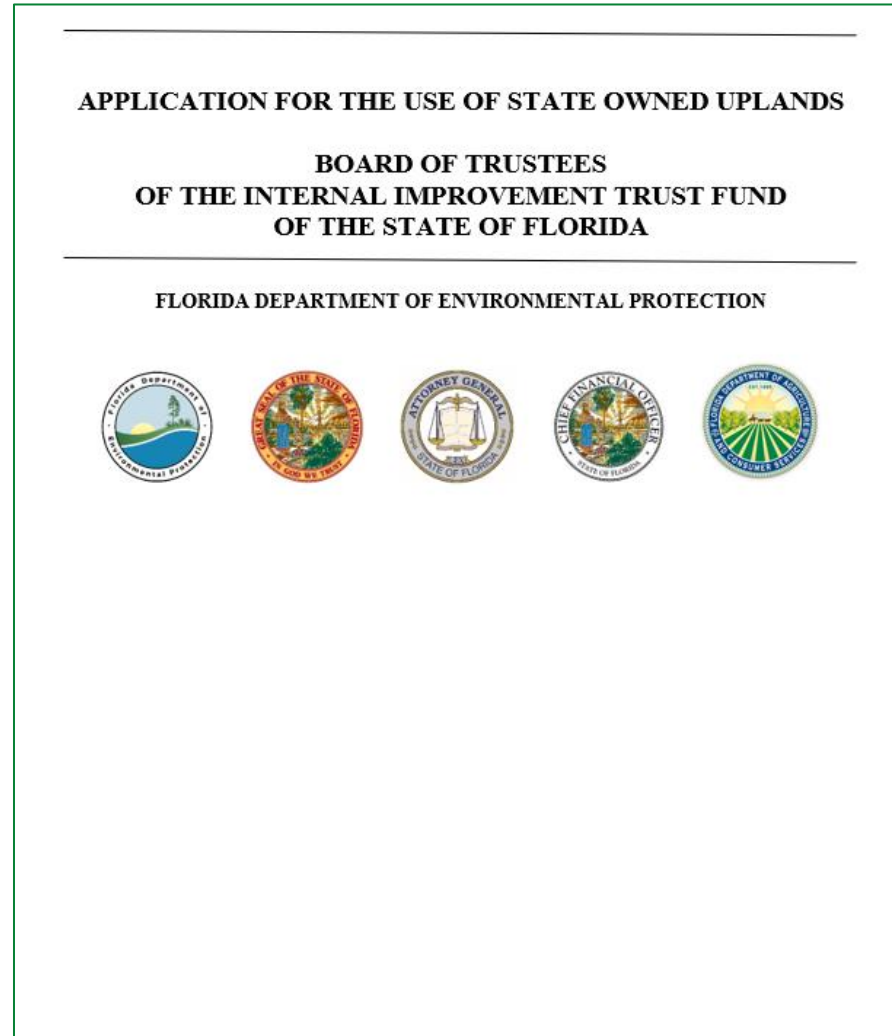
# Coordination

- Explains Coordination
  - Between FDOT and Land Management Agency
  - Between FDOT, Land Management Agency, and Bureau of Public Lands Administration
  - Coordination with the OEM Director
  - Includes mitigation



# ARC Agenda Item Package and ARC Meeting

- Explains preparation of:
  - ARC Agenda Item Package
    - ◆ Upland Easement Application
    - ◆ Supplemental Information for the Upland Easement Application
    - ◆ State Lands Impact Report
- Process of scheduling ARC Meeting Agenda Item
- ARC review of the ARC Agenda Item Package
- ARC determination and development of an MOA
- Signing of MOA and FDEP preparation of easement document for FDOT approval
- Other applicable laws and regulations



# Documentation in a NMSA Checklist

- Identifies if there are state-owned conservation lands being acquired in the project area that are subject to review and approval by the ARC
- Includes a summary of impacts and coordination (as appropriate) and includes correspondence in the project file
- Final decisions by the Council and MOA if applicable, are referenced and included in the project file

| YES  | NO                       |
|--|--------------------------|
| <input type="checkbox"/>   | <input type="checkbox"/> |
| Are there state-owned conservation lands being acquired in the project area subject to review and approval by the Acquisition and Restoration Council?   |                          |
| <input type="checkbox"/>   | <input type="checkbox"/> |
| Are properties protected under Chapter 267, F.S., adversely affected as determined in consultation with the Florida Division of Historical Resources?  |                          |
| <input type="checkbox"/>   | <input type="checkbox"/> |
| Does the action have known contamination sites which would have more than a minimal impact to design, right of way, or construction activities once assessed as described in Part 2, Chapter 20, Contamination of the PD&E Manual, and can't be avoided or remediated? |                          |
| <input type="checkbox"/>   | <input type="checkbox"/> |
| Will the project have substantial controversy on environmental grounds?  |                          |

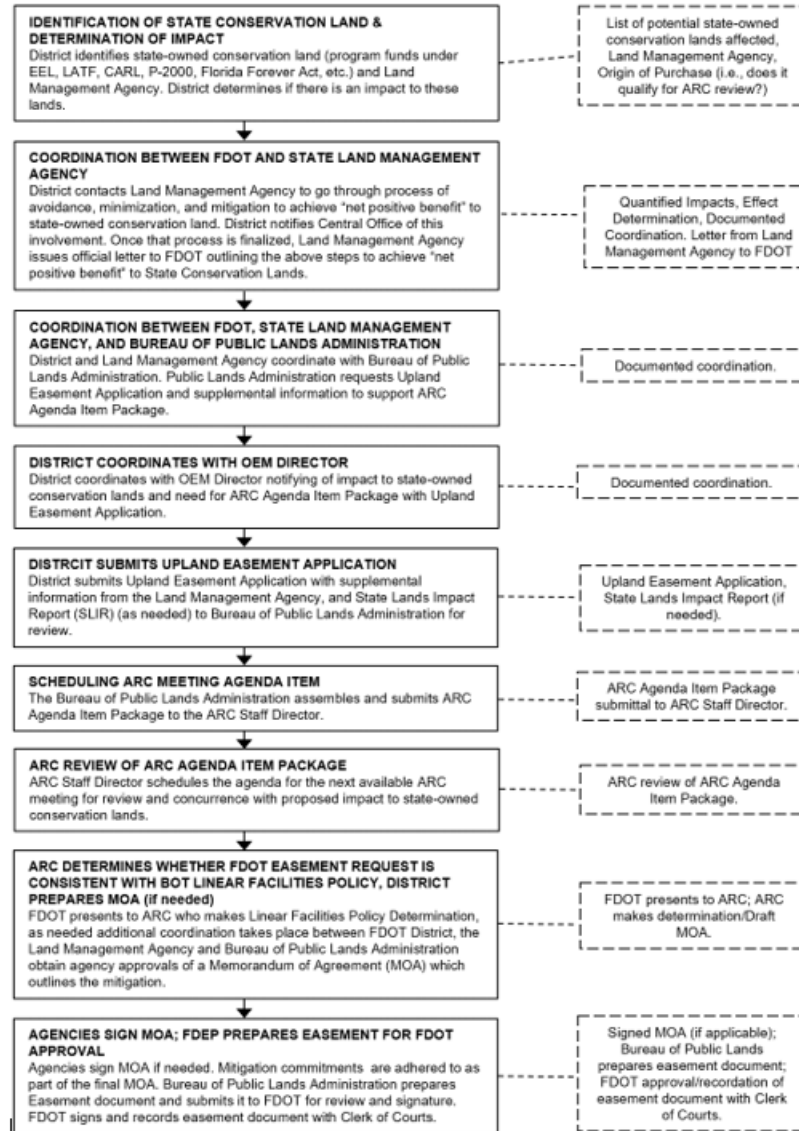
# Documentation in a State Environmental Impact Report Form

- Recreational Areas and Protected Lands subsection
  - Summary of the identification of and impact to state-owned conservation land
  - Discussion of the ARC review process
- Correspondence in the SWEPT project file
- If final decisions by the ARC are made and the MOA is completed at finalization of the SEIR, they should be attached

| Issues/Resources                          | *Substantial Impacts? |     |         |        | **Supporting Information |
|---|-----------------------|-----|---------|--------|--------------------------|
|   | Yes                   | No  | Enhance | No/Inv |                          |
| <b>A. SOCIAL and ECONOMIC</b>             |                       |     |         |        |                          |
| 1. Social                                 | [ ]                   | [ ] | [ ]     | [ ]    | _____                    |
| 2. Economic                               | [ ]                   | [ ] | [ ]     | [ ]    | _____                    |
| 3. Land Use Changes                       | [ ]                   | [ ] | [ ]     | [ ]    | _____                    |
| 4. Mobility                               | [ ]                   | [ ] | [ ]     | [ ]    | _____                    |
| 5. Aesthetic Effects                      | [ ]                   | [ ] | [ ]     | [ ]    | _____                    |
| 6. Relocation Potential                   | [ ]                   | [ ] | [ ]     | [ ]    | _____                    |
| <b>B. CULTURAL</b>                        |                       |     |         |        |                          |
| 1. Historic Sites/Districts               | [ ]                   | [ ] | [ ]     | [ ]    | _____                    |
| 2. Archaeological Sites                   | [ ]                   | [ ] | [ ]     | [ ]    | _____                    |
| 3. Recreational Areas and Protected Lands | [ ]                   | [ ] | [ ]     | [ ]    | _____                    |



See Figure 23-1



Questions?

