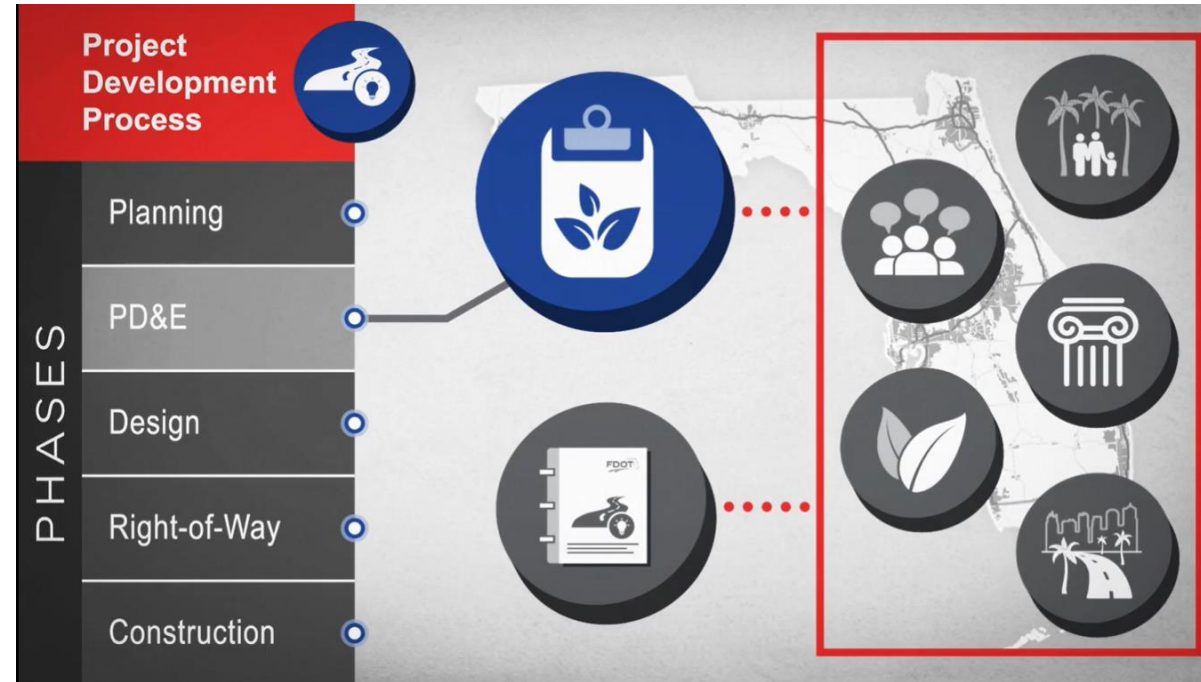


Environmental Training for Florida Turnpike Enterprise

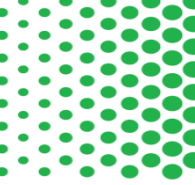
Differences between the State and Federal Processes



August 2020

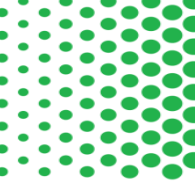
The environmental review, consultation, and other actions required by applicable federal environmental laws described in this training are carried out by FDOT pursuant to 23 U.S.C. § 327 and a Memorandum of Understanding dated December 14, 2016 executed by FHWA and FDOT.

Recap OEM role Specific to NEPA Assignment for Federal Projects



- Approve Class of Action Determinations (Type 2 CE, EA/FONSI, EIS)
- Approve Purpose and Need
- Approve/transmit technical reports to federal agencies
- Approve and file all NEPA documents and Re-evaluations
- Direct consultation with other federal resource agencies
- Defend NEPA document in court
- Decisions/Findings on Federal laws and Executive Orders

Specific Requirements of NEPA MOU



Include this statement:

“The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by FDOT pursuant to 23 U.S.C. Section 327 and a Memorandum of Understanding dated December 14, 2016”

On:

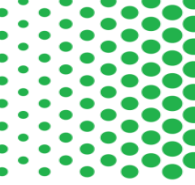
- All technical documents and NEPA document cover pages (generally done in SWEPT)
- Materials/correspondence as disclosure to the public and agencies as part of agency outreach and public involvement procedures, including any Notice of Intent or scoping meeting notice

Specific Requirements of NEPA MOU

- Environmental Review is solely FDOT's responsibility, FHWA retains certain engineering review functions (interstates, interchanges)
- Section 4f, determinations are made by FDOT, unless involve "constructive use"
- Tribal coordination is conducted by FDOT, unless it involves "Government to Government Consultation"

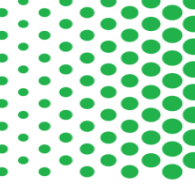
- Air Quality Conformity determinations were retained by FHWA; however not applicable in Florida as we are in attainment for air quality

Technical Differences For NEPA documents vs. SEIRs for Major Projects



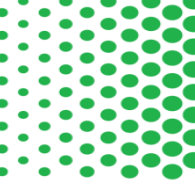
- NEPA Documents Include:
 - Alternatives Analysis Considerations/documentation for EA's and EIS's
 - Section 4f determinations
 - EPA Sole Source Aquifer determination for specific areas in Florida
 - Air Quality Conformity Determination (again not an issue b/c Florida is in attainment)
 - Planning Consistency Requirements are more stringent
 - Prime/Unique Farmlands
 - Wild and Scenic/National Rivers Inventory Rivers coordination
 - Uniform Relocation Act provisions
 - Coastal Barrier Resources

Technical Differences For NEPA documents vs. SEIRs for Major Projects



- Similar Requirements for NEPA and SEIR Documents (with some slight differences)
 - Endangered Species Act Coordination/Consultation (USFWS) (some differences)
 - State Listed Species (FWC)
 - USCG Coordination (see new Navigation Chapter in PD&E Manual)
 - Cultural Resources (Section 106 vs. F.S. 267)
 - Noise (same, State requirements mirror Federal)
 - Public Involvement – Public Hearings (Florida has more comprehensive Public Hearing req's.)
 - ARC (a Florida requirement, but incorporate in NEPA Documents as well per FDOT procedure)
 - Federal and State Permit requirements
 - Coastal Zone Consistency (with AN for NEPA, with Permitting for SEIRs)
 - Section 6f

Engagement Points with OEM for Federal Projects



- ETDM
 - Pre-screening
 - ◆ PDC and Lead Engineer will review Preliminary Environmental Discussion and Purpose & Need
 - Planning Screen
 - ◆ PDC will mark Purpose and Need Understood
 - Alternative Corridor Evaluation
 - ◆ PDC and Lead Engineer will review Methodology Memorandum, review ACER, approve elimination of alternatives
 - Programming Screen
 - ◆ PDC will approve the Purpose and Need

Engagement Points with OEM for Federal Projects

- ETDM
 - Class of Action Determination
 - ◆ Use form in SWEPT – focused on significance at this point to determine
 - ◆ PDC will approve after review with Lead Engineer, Administrators, and Director (if needed)
 - ◆ Doesn't have to be approved before PD&E begins

Engagement Points with OEM for Federal Projects

- PD&E
 - Report Cover Pages with NEPA Assignment verbiage must be used
 - Engineering Technical Document Reviews
 - ◆ Project Traffic Analysis Report (PTAR) – Review and comment
 - ◆ Methodology Letter Of Understanding (MLOU) – Review, but do not approve
 - ◆ Interchange Access Request (IAR) – Review, but do not approve
 - ◆ Preliminary Engineering Report (PER) – review and comment
 - ◆ Safety, Operations, and Engineering (SO&E) acceptability of preferred alternative (IAR document) has to be completed before NEPA approval

Engagement Points with OEM for Federal Projects

- PD&E
 - Report Cover Pages with NEPA Assignment verbiage must be used

 - Other Technical Document Reviews
 - ◆ Cultural Resources Assessment Survey
 - Review when adverse effect
 - 106 MOUs with SHPO
 - Tribal coordination - initiated through OEM
 - ◆ Natural Resource Evaluations
 - Review prior to initiating consultation
 - OEM MUST initiate formal consultation

Engagement Points with OEM for Federal Projects

- PD&E
 - 4f Reviews – most completed in SWEPT module
 - ◆ Determination of Applicability
 - ◆ No Use
 - ◆ Exception/Exemptions
 - ◆ Temporary Occupancy
 - ◆ de minimis approvals
 - ◆ Programmatic Evaluation approvals
 - ◆ Individual Evaluation approvals (outside of SWEPT)
 - Require additional review by OGC

Type 2 Categorical Exclusion Review Process Overview within SWEPT

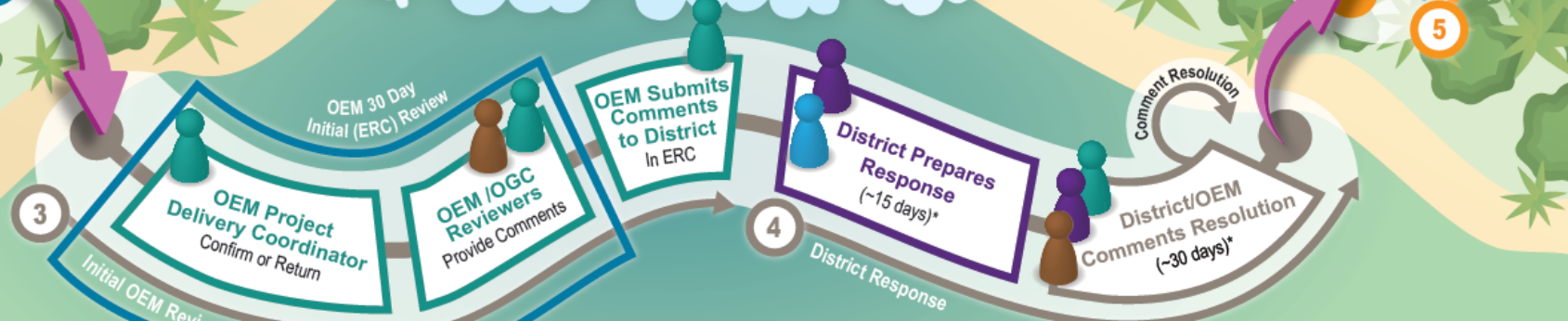
Document Review Process
 Florida Department of Transportation (FDOT) uses a robust process to prepare and review Type 2 Categorical Exclusion (CE) documents, making sure they are complete, consistent, and compliant with the Project Development and Environment (PD&E) manual.

DISTRICT DRAFT AND QA/QC

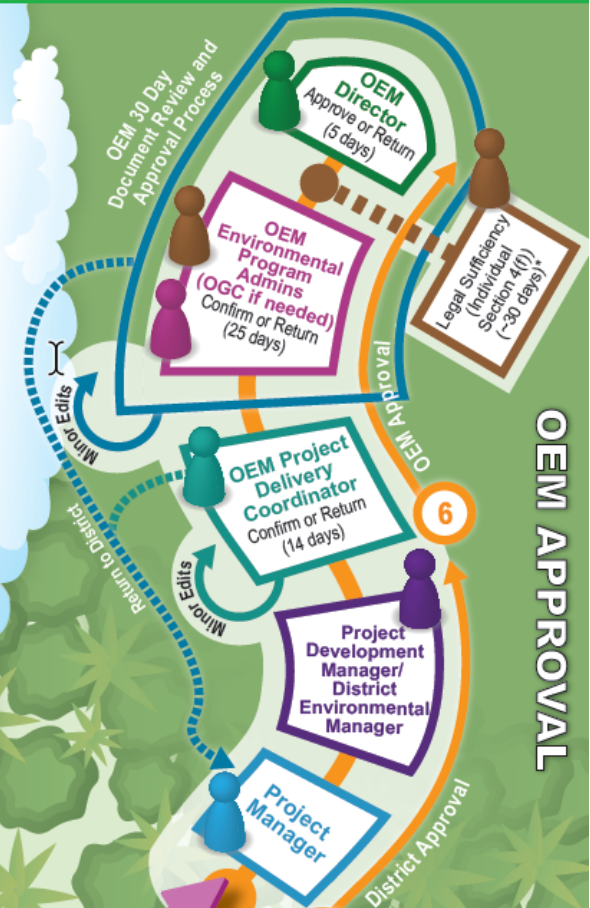


- OEM Director**
 •Review •Approve
 Signature appears on the cover
- Office of General Counsel (OGC)**
 •Legal Review •Determine Legal Sufficiency (Individual Section 4(f))
 •Recommend for approval •Legal Review Requested by (OEM, Districts, or Legal)
- OEM Administrators**
 •Review •Recommend for approval
- OEM Project Delivery Coordinators (PDCs)**
 •Review •Confirm Submittal •Completes Initial OEM Review
 •Comment Resolution •Recommend for approval •Include SMEs
- Project Development Manager (PDM)**
 •Review •Certify •Submit to OEM
- District Environmental Manager (DEM)**
 •Create or edit any document in District
 •Assign editors and reviewers •Review •Certify •Submit to OEM
- Project Manager (PM)**
 •Create or edit •Assign editors & reviewers •Review •Submit to DEM & PDM
- Lead Reviewer (optional roles that may be assigned within SWEPT)**
 •Review •Edit •Consolidate reviews •Send comments to editors •Submit to the PM
- Reviewer(s) (optional roles that may be assigned within SWEPT)**
 •Review •Submit comments to the Lead Reviewer
- Project Editors**
 •Create •Edit assigned sections •Assign editors & reviewers •Send for review

Team Assignments
 Editors, Reviewers, Lead Reviewers, and Project Managers are identified in SWEPT when the Type 2 CE document is set up. Other assignments are automatic based on a person's position within the department.



INITIAL (ERC) REVIEW



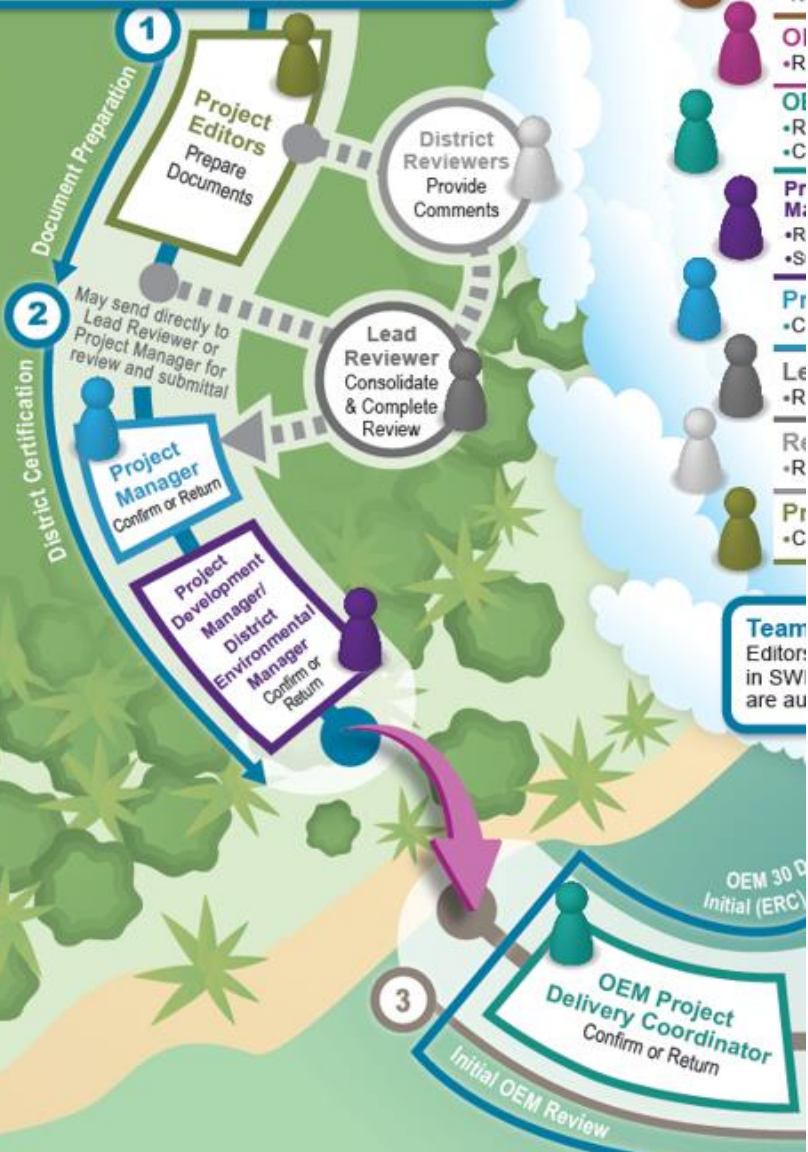
OEM APPROVAL

*Offices outside OEM are included in these steps

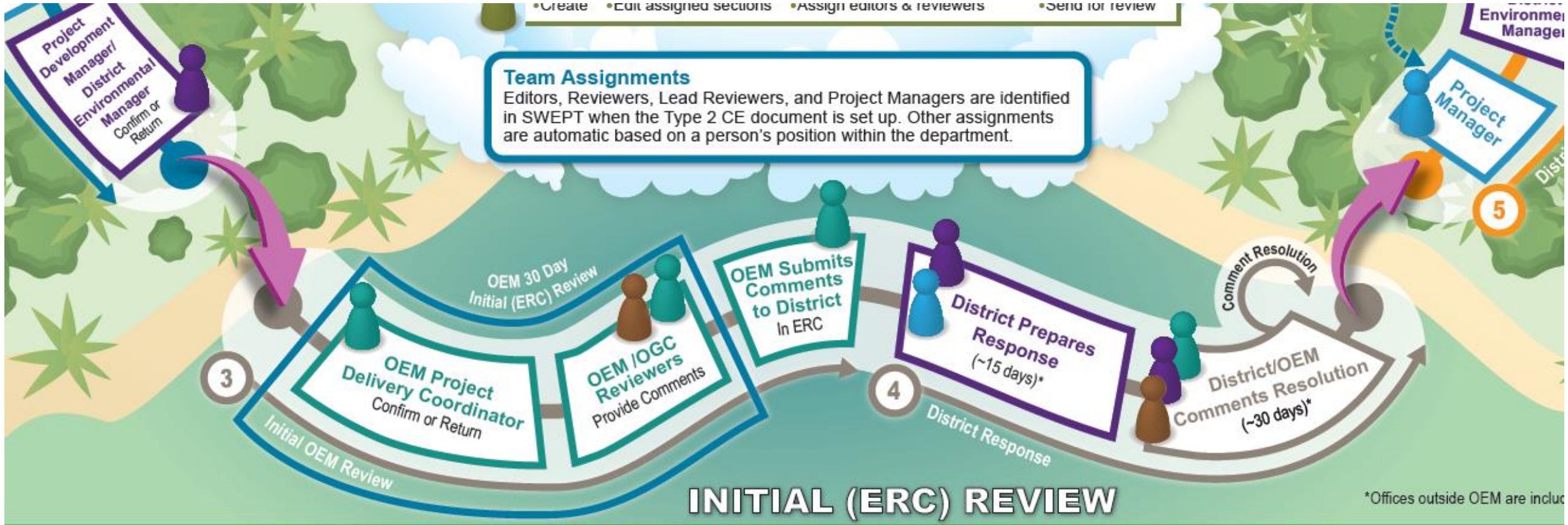
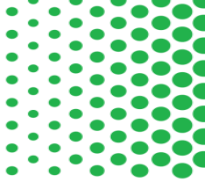
Document Review Process

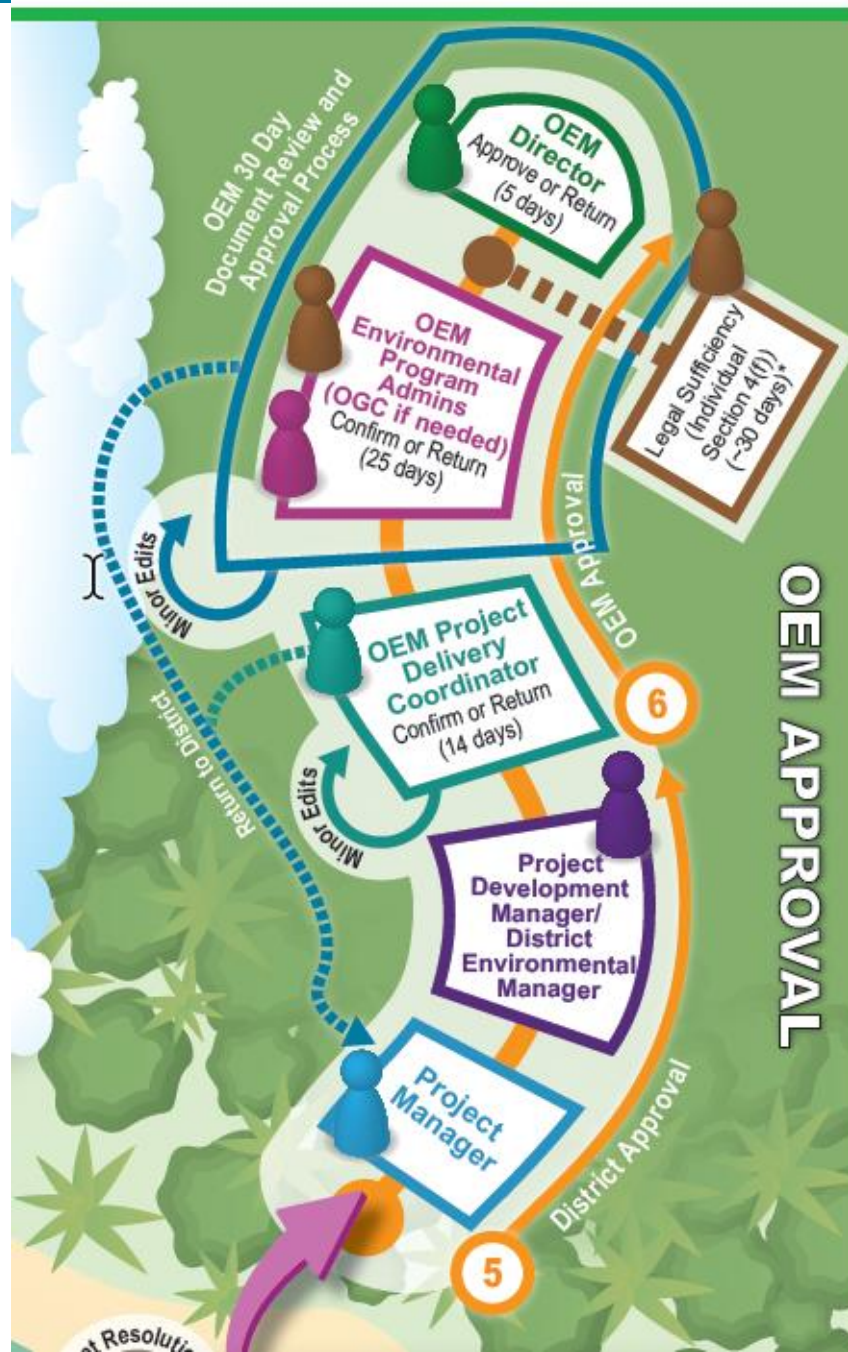
Florida Department of Transportation (FDOT) uses a robust process to prepare and review Type 2 Categorical Exclusion (CE) documents, making sure they are complete, consistent, and compliant with the Project Development and Environment (PD&E) manual.

DISTRICT DRAFT AND QA/QC



Team Editor in SW are au





Engagement Points with OEM for Federal Projects

- Design, ROW and Construction
 - Re-evaluations
 - ◆ Follow similar review process as the original environmental document (initial and final)
 - ◆ Required for federal funds approval at phase changes
 - ◆ Design changes, changes in law
 - Includes design changes during Design Build projects
 - ◆ Planning Consistency will require review
 - Re-initiate Section 7 ESA Consultation
 - IAR Re-evaluation - PM must coordinate with District Interchange Review Coordinator (DIRC) to determine if design change results in IAR re-evaluation
 - ◆ When required, must be completed before OEM approval of NEPA re-evaluation