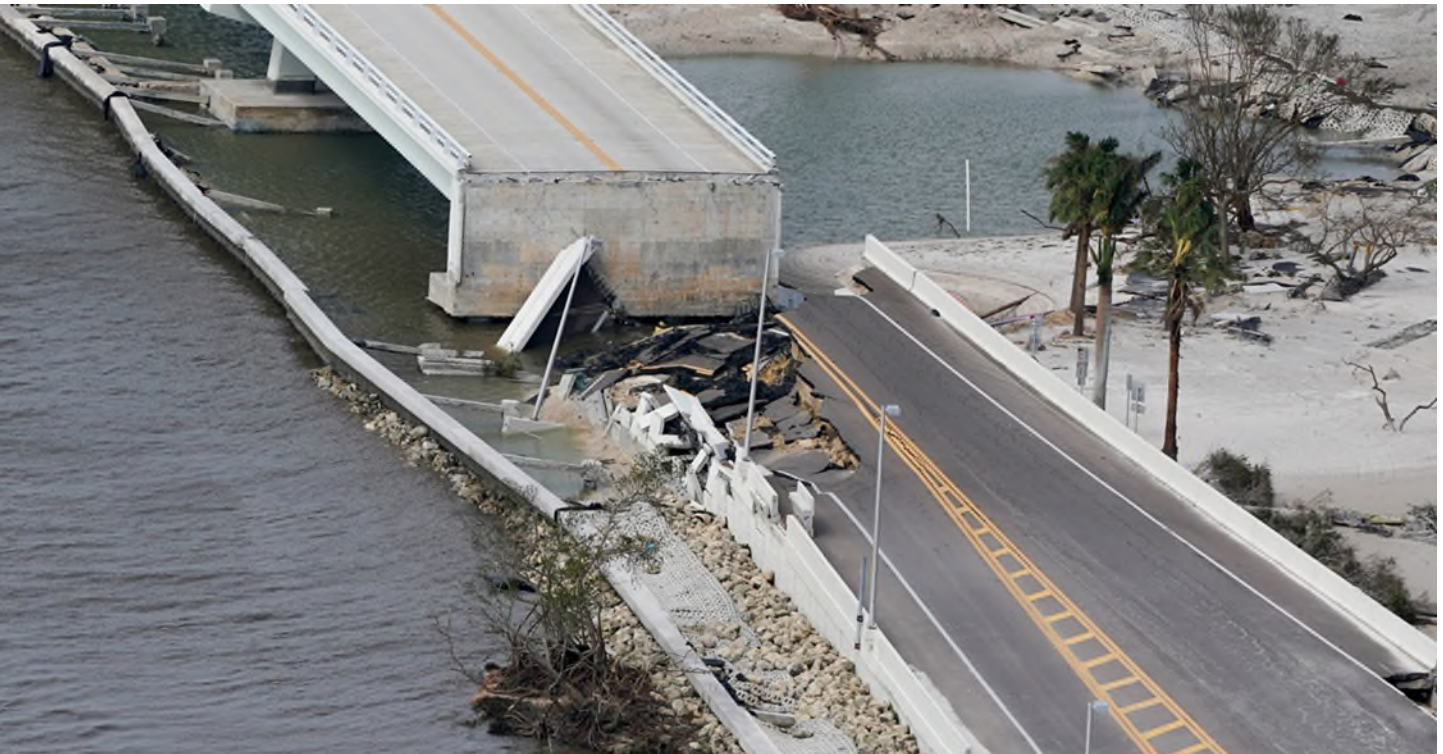




**Bridge Repairs at Pine Island from Hurricane Ian, District 1**



**Sanibel Bridge damage from Hurricane Ian, District 1**

# FDOT Environmental Review Guidance for Emergency Relief Projects

Office of Environmental Management

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## 1. Overview

This guidance details roles and responsibilities of the District Environmental Management Office (EMO) for the preparation of documents necessary for reimbursement through the Federal Highway Administration (FHWA) Emergency Relief (ER) Program. Emergency agency consultation and environmental permitting are also discussed. The Office of Environmental Management (OEM) has a SharePoint site that includes all [Emergency Guidance \(sharepoint.com\)](#). Note that guidance may change from event to event. Emergency information will be posted on the SharePoint site as it is received.

District EMO staff prepare the National Environmental Policy Act (NEPA) documentation required for the Florida Department of Transportation (FDOT) to seek reimbursement of federal emergency relief funds. EMO staff may participate on the damage assessment teams to determine what actions and projects are needed to repair the transportation facilities. Damage assessment teams may also include staff from maintenance, design, and construction offices.

If possible, prior to emergencies caused by natural disasters such as floods or hurricanes and prior to Governor's proclamation or President's declaration of emergency, the District EMO should coordinate with the District Emergency Operations Center, the District Federal Aid office, and the lead District ER staff to clarify the anticipated process and timing for each office's role in the process. It is also a best practice to coordinate with regulatory agencies on anticipated needs. Potential debris storage areas should be submitted and predetermined through the Florida Department of Environmental Protection (FDEP) [portal](#) for use of disaster debris management sites. Any required NEPA documentation should be prepared. The District Emergency Officer may already have a pre-approved list of debris management sites. Please follow the guidance listed at [FDEP Guidance for Establishment, Operation, and Closure of Disaster Debris Management Sites](#). It is advisable to test the soil, groundwater, and/or surface water at a proposed DDMS prior to receipt of storm debris to establish pre-existing conditions.

Documentation of environmental analysis is required for all damage repair work for emergency relief projects, if requesting federal reimbursement. Under NEPA, activities that may impact cultural/historic resources, listed species, designated critical habitat, essential fish habitat (EFH) or coastal barrier resources (CBR) will require emergency environmental consultation/coordination with the appropriate agency. For guidance on consultation with the State Historic Preservation Officer (SHPO) see Section 6 of this document. For consultation with the United States Fish and Wildlife Service (USFWS) for listed species, critical habitat or coastal barrier resources see Sections 7 and 8. For consultation with the National Marine Fisheries Service (NMFS) for listed species and EFH, see Section 7. More information about NEPA and the Environmental Process can be found in the FDOT [Project Development & Environment \(PD&E\) Manual](#).

**Best Practice:** Have hard copy contact lists for all agency and internal contacts and any forms you may need after the emergency event. This will be helpful in the event the power is out for an extended period of time. If environmental consultation with a regulatory agency is needed, consult with the agency as soon as possible. If possible (if agencies themselves are not impacted by the emergency), try to address resource coordination before the NEPA documentation is complete. If agency consultation occurred after the emergency work was completed, be sure to update the project file to include documentation of consultation.

## 2. Definitions

**23 CFR 668.103** includes definitions that may clarify FHWA's Emergency Relief Program.

**Betterments.** Added protective features, such as rebuilding of roadways at a higher elevation or the lengthening of bridges, or changes which modify the function or character of a highway facility from what existed prior to the disaster or catastrophic failure, such as additional lanes or added access control.

**Emergency repairs.** Those repairs including temporary traffic operations undertaken during or immediately following the disaster occurrence for the purpose of:

- (1) Minimizing the extent of the damage,
- (2) Protecting remaining facilities, or
- (3) Restoring essential traffic.

**Heavy maintenance.** Work usually done by highway agencies in repairing damage normally expected from seasonal and occasionally unusual natural conditions or occurrences. It includes work at a site required as a direct result of a disaster which can reasonably be accommodated by a State or local road authority's maintenance, emergency, or contingency program.

**Natural disaster.** A sudden and unusual natural occurrence, including but not limited to intense rainfall, floods, hurricanes, tornadoes, tidal waves, landslides, volcanoes, or earthquakes which cause severe damage.

**Proclamation.** A declaration of emergency by the Governor of the affected State.

**Serious damage.** Heavy, major, or unusual damage to a highway which severely impairs the safety or usefulness of the highway or results in road closure. Serious damage must be beyond the scope of heavy maintenance.

### 3. Emergency Relief Activities Eligible for Reimbursement

Damage repair work eligible for **Emergency relief funds** under **23 U.S.C. § 125** include: the repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that are in operation or under construction when damaged. The action must occur within the existing right of way (ROW) and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction). These repairs are restoration in-kind to pre-disaster conditions. Eligible emergency events must have caused at least \$700,000 (of federal share) in damage. Individual sites must have at least \$5000 dollars in damage (not including Maintenance of Traffic, Construction Engineering and Inspection and maintenance; generator placement alone does not qualify) in order to be eligible for emergency relief funding.

There are two types of emergency relief repairs that are eligible for FHWA reimbursement. **Emergency repairs** are made during or right after a disaster to restore essential traffic, to minimize the extent of damage, or to protect the remaining facilities. Repairs that go beyond these three objectives are **permanent repairs**. Some of the most common emergency repairs are from washouts, slope failures, and sinkholes. More details on eligible projects can be found in the [FHWA ER Manual](#).

**Emergency Repair** examples include:

- Erection and removal of barricades and detour signs
- Flagging and pilot cars during the emergency period

- Construction of temporary roadway connections (detours)
- Erection of temporary detour bridges
- Temporary substitute highway traffic service, including ferry or transit service
- Removal of debris (confirm eligibility with FHWA)
- Use of explosives for removal of drift piling up on bridges
- Placing riprap around piers and bridge abutments to relieve severe on-going scour action
- Placing riprap on the downstream slopes of approach fills to prevent scour from overtopping
- Replacement of washed-out embankments and approach fills
- Regrading of roadway surfaces, roadway fills, and embankments
- Placement of erosion control such as haybales, silt fencing, mulching, grassing seed, berms, sod, only if they are part of emergency repair activity
- Placement of final roadway surfaces when needed to restore essential traffic

The FHWA Emergency Relief Manual (May 31, 2013) states that, “Permanent repairs are those repairs undertaken after the occurrence of a disaster to restore the highway to its pre-disaster condition. They usually occur after emergency repairs have been completed. Permanent repairs will typically require the development of plans, specifications, and estimates. They will likely require some design effort and may require geotechnical studies or other engineering studies, structural analysis, or environmental reviews. The replacement of bridges, construction of retaining structures, highway relocations or the addition of significant protective measures are usually considered permanent repairs. Work outside of the roadway section and repairs to non-essential facilities such as rest areas are considered permanent repairs.” Permanent repairs require the preparation of a NEPA document and follow the standard NEPA process for document approvals. More information regarding the NEPA process can be found in the [PD&E Manual](#).

The class of action (i.e., amount of environmental analysis and documentation) will be determined by the type and amount of project impacts. A local agency seeking reimbursement for emergency repairs is not required to be LAP Certified by the Department. The Department staff may execute the grant disbursement agreement Form No. 350-000-15 Local Agency Emergency Repair Agreement with a local agency regardless of certification status. Please see the LAP Manual, [Chapter 13, Emergency Relief Program](#) for more guidance.

If the repair area is larger than the original project footprint, it will be considered a betterment. Typically, any betterments require FHWA (usually the lead FHWA engineer) to pre-approve the restoration. Permanent repairs must be programmed within 2 years for accounting purposes. Project sites must have over the \$5,000 in damage to be eligible for reimbursement.

**Permanent Repairs** examples include:

- Replacement of bridges
- Construction of retaining structures
- Highway relocations or the addition of significant protective measures such as geofabrics geogrids and shoreline stabilization
- Mast arm installation
- Noise barriers

- Lighting
- Fencing (depends on types)
- Signalization
- Adding an Intelligent Transportation System (ITS) component

#### 4. Preparing a Detailed Damage Inspection Report

The damage assessment team will prepare a Detailed Damage Inspection Report (DDIR) describing the repairs that were or will need to be made. Information on completing the [DDIR form](#) can be found in the [FHWA Florida Division, Emergency Response Q&A](#). Completed DDIRs should be signed by the FHWA Engineer. District EMO should obtain a signed copy of the DDIR so the appropriate NEPA documentation can be developed, and the *Environmental Certification for Federal Project* can be completed for the repair. This *Environmental Certification for Federal Project* form is required as part of the contract documents for federal-aid construction projects and should be used when submitting all projects, including LAP projects, for approval to the Federal Aid Office. Typically, the emergency repair DDIR is signed prior to other certifications. For permanent repairs, once the FHWA Engineer signs the DDIR, District EMO can complete the NEPA document and *Environmental Certification for Federal Project* form. Emergency and permanent repairs have separate sections on the DDIR form. Work should be separated into the corresponding section of the DDIR as each section has a different reimbursement rate. The District EMO should coordinate with the District Permit Coordinator and any FDOT damage assessment team personnel during this process. The FHWA engineer can deny approval for repair work on DDIRs. If there is a pre-existing condition or proper maintenance has not been done, the work may not be approved for reimbursement through emergency relief program. DDIR's must be revised when there is a 20% increase in cost or significant changes in the scope of work. The Federal Aid Coordinator will need the DDIR and the *Environmental Certification for Federal Project* form to process the reimbursement request. Emergency repair work must be completed **within 270** days of the emergency event to be eligible for 100% reimbursement.

If using the same FM number within the Statewide Environmental Project Tracker (SWEPT) be sure to use the "Additional Identifier" field to add details. See example below on how this field can be used.

**FM Number**

451808-1-G2-01

Change

**Related FM Numbers** Enter the item number and choose the FM Number you want to add from the matches that are displayed.

**Additional Identifiers**



TWO: 6

**Federal-Aid Program (FAP) Number** If this value is incorrect, please correct it in the Work Program. Updates will be reflected here within one day.

Not Available

**Work Program Project Description (Name)** If this description is incorrect, please correct it in the Work Program. Updates will be reflected here within one day.

HURRICANE IAN DISASTER RECOVERY - DESOTO COUNTY

**Work Mix** If this description is incorrect, please correct it in the Work Program. Updates will be reflected here within one day.

EMERGENCY OPERATIONS

**County Name** If the county name is incorrect, please correct it in the Work Program. Updates will be reflected here within one day.

Desoto County

**Local Agency Program (LAP)** To be considered a LAP project, federal dollars must be programmed into the adopted Work Program.

No

Include the "Identifier Name" and "Identifier Value" as shown below.

### Edit Additional Identifiers

Add an additional identifier by typing in a name and value. (Ex. SC: 001, SC: 002)

**Letters, numbers, dashes, and spaces only. No other special characters allowed.**

Identifier Name

Identifier Value

TWO

6

Remove

Add More Identifiers

Update List

Cancel

It may also be helpful to include those details in the project description section of the Type 1 CE form. Coordinate with the District Work Program office on how to name and track projects for emergency relief activities.

**Best Practice:** A standard project naming convention is suggested for ease of searching SWEPT: Emergency Repairs Hurricane XXXX – Location/ Damage Description/ IR-##-###. The OEM Help Desk (850-414-5334) can provide support if needed.

## 5. Preparing the NEPA Document

Emergency repairs are typically documented on a *Type 1 Categorical Exclusion (CE) Checklist, Form No. 650-050-12* that is generated in SWEPT by the District EMO and can be completed during or after the repair. Information on information to include in a Type 1 CE can be found in the PD&E Manual, [Part 1, Chapter 2 Class of Action Determination for Federal Project](#). Emergency repairs generally fall into one of these scenarios:

- a) For emergency repairs when agency consultation/coordination is not required, a *Type 1 Categorical Exclusion (CE) Checklist, Form No. 650-050-12* is prepared. The *Environmental Certification for Federal Project* and approved DDIR are required to be submitted to the Federal Aid Office to process the reimbursement.
- b) For emergency repairs when agency consultation/coordination is required, the *Type 1 Categorical Exclusion (CE) Checklist, Form No. 650-050-12* can be prepared with the consultation ongoing. Agency consultation/coordination should be initiated as soon as possible after the emergency event or as soon as practicable. The documentation showing agency consultation/concurrence must be completed **within 270 days** of the emergency event start date to be eligible for 100% federal reimbursement. Details on agency consultation for cultural/historic resources, listed species/critical habitat/Essential Fish Habitat (EFH) and Coastal Barrier Resources (CBR) are in Sections 6, 7 and 8, respectively. The *Environmental Certification for Federal Project* and approved DDIR are required to be submitted to the Federal Aid Office to process the reimbursement.
- c) One Type 1 CE form may be completed for multiple damage sites (e.g., traffic control activities, guard rails and fences) as long as the description and locations of sites are clear, and they are on the same road within the same county. **FHWA guidance states that these sites should only be ¼ mile long and it is at FHWA’s discretion to approve county wide projects that are over ¼ mile long.** The Environmental Screening Tool (EST) may be used to determine if any repairs were in sensitive areas. Potential locations where agency coordination/consultation may be necessary include coastal areas, shorelines, flood-prone areas, bridges, historic districts, areas with cultural resources, and areas containing wildlife and habitat resources, particularly listed species, critical wildlife habitats, and rare and sensitive habitat types. **The District must include the DDIR as supporting material for the Environmental Document in the project file.**

Districts should avoid, to the maximum extent possible, using lands which may be protected by **Section 4(f)** for emergency and permanent repair actions and/or debris storage and materials staging areas. When using land from a known **Section 4(f)** protected resource, the District must notify the Official with Jurisdiction (OWJ) for that property and coordinate the action with them as much as is practicable and appropriate. For more information regarding **Section 4(f)** protected resources refer to [Part 2, Chapter 7 Section 4\(f\) Resources](#) of the PD&E Manual.

For emergency repairs where consultation/coordination could not be completed prior to construction, the District EMO should track these projects and upload the appropriate documentation to the project file **within 270 days** of the emergency declaration. Note that the Type 1 CE form includes an option to select “Emergency Consultation On-going” for Historic and/or Archaeological Resources as well as the ESA and Magnuson–Stevens Fishery Conservation and Management Act (MSFCMA) section, as appropriate. Once that is selected, include the status of consultation in the comment box provided. It is



important to update the Type 1 CE form once consultation has been completed and to retain the consultation concurrence documents in the project file.

If the Department is completing a permanent repair, the standard NEPA process is required. The appropriate NEPA document is prepared by the District and, if applicable, approved by OEM. These projects must be submitted to FHWA for reimbursement within 2 years of the storm event.

**Planning Consistency:** Emergency relief projects (except those involving substantial functional, locational, or capacity changes) are exempt from planning consistency documentation per 23 CFR 450.218.

**Best Practice:** Add the appropriate emergency event Executive Order to the project file with the Type 1CE form.

An example process from District 1 on how they prepared Type 1 CEs and tracked Hurricane Ian projects can be found in **Appendix A**. It details how emergency repairs are tracked, use of the Environmental Screening Tool Area of Interest tool, and how to document emergency consultation. **Appendix B** is an example of the tracking spreadsheet and **Appendix C** is the Environmental Determination Worksheet. For more information about the Emergency Relief procedure and the PD&E process, see Section 4.3 of [Part 1, Chapter 4 Project Development Process](#) of the PD&E Manual.

## 6. Archaeological and Historical Resources Consultation Requirements

Consultation with the State Historic Preservation Officer (SHPO) is required for projects where emergency actions may impact archaeological or historical resources (such as historic bridges) in accordance with Section 106 of the National Historic Preservation Act and Chapter 267, F.S. Refer to Stipulation IX of the [Section 106 PA](#) and Section 8.3.6.6 in [Part 2, Chapter 8 Archaeological and Historical Resources](#) of the PD&E Manual for detailed guidance on Section 106 consultation.

Emergency repairs that have no potential to affect historic properties will conduct Section 106 documentation and consultation in accordance with Stipulations V and VI of the Section 106 PA. SHPO may provide event-specific guidance to further streamline event-related emergency undertakings processed under Stipulation V and VI of the PA. OEM will ensure the timely distribution and posting of event-specific guidance to the Emergency Guidance SharePoint site, when applicable.

Emergency repairs that are initiated within 30 days of the emergency proclamation and which have the potential to affect historic properties or potential historic properties will conduct Section 106 documentation and consultation concurrent with or following completion of the emergency repair action. Within forty-eight (48) hours of the initial declaration or identification of the emergency with an historic property, or as soon as practicable, initiate the Section 106 process by notifying the SHPO of the nature of the emergency with the historic property and discuss the proposed corrective work. Documentation of the consultation should be saved in the project's file.

Emergency repairs that are initiated 31 days or more following the emergency proclamation and/or any work beyond the scope of emergency operation shall follow the standard Section 106 process and procedures outlined in the Section 106 PA.

**Best Practice:** Keep track of any specific avoidance or mitigation measures used during the repair, such as having an archaeological monitor, in the project file for documentation during consultation with the SHPO.

## 7. Endangered Species Act and Magnuson-Stevens Fishery Conservation Management Act Consultation Guidance

In cases where emergency actions may affect federally listed species, critical habitats, and Essential Fish Habitat (EFH) emergency consultation with the Services is required by Section 7 of the Endangered Species Act (ESA) and the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as appropriate. For consultation with the USFWS, use the Information for Planning and Consultation [IPaC, [IPaC: Home \(fws.gov\)](#)] system to generate an official species list. Provide the IPaC generated project number with correspondence to the projects. For consultation with the NMFS, include the anticipated scope of work and potential impacts to listed species and/or EFH.

In certain circumstances, after the fact consultation may be required. For example, when hurricane debris is pushed off the roadway onto right of way that is designated as critical habitat, this activity will require after the fact consultation with the USFWS. Another example is when a bridge or causeway is being repaired, any adverse impacts to essential fish habitat (EFH) will require consultation with the NMFS. Once the emergency work is completed, the district notifies the NMFS if any EFH has been adversely affected, the amount and type of impacts to EFH, and what compensatory mitigation is proposed to offset the loss of ecological functions. Refer to [Part 2, Chapter 16, Protected Species and Habitat and Chapter 17, Essential Fish Habitat of the PD&E Manual](#). More information on USFWS emergency consultation process can be found at [Southeastern Emergency Endangered Species Act Sec. 7 Consultation Resources | U.S. Fish & Wildlife Service \(fws.gov\)](#).

Consultation should be completed **within 270 days** of the emergency declaration for emergency repairs to be eligible for 100% reimbursement. Permanent repairs will follow the typical NEPA process and should be submitted within 2 years of the event. Documentation of the consultation should be saved in the project file.

**Best Practice:** Keep track of any specific avoidance or mitigation measures used during the repair, such as placing special sand in coastal areas, in the project file for documentation during consultation with the USFWS, NMFS or permitting agencies. It is important to follow-up with the agencies with an email or memo documenting completion of the emergency consultation. Documentation of the consultation should be added to the project file.

**Below are links to general emergency environmental consultation guidance:.**

USFWS Emergency Consultation information: <https://www.fws.gov/library/collections/southeastern-emergency-endangered-species-act-sec-7-consultation-resources> NMFS and NOAA Emergency Guidance: [Endangered Species Act Emergency Consultations in the Southeast | NOAA Fisheries](#)

## 8. Coastal Barrier Resources Act

The FDOT is required to consult with the USFWS prior to the expenditure of federal funds on projects that may affect a system unit of the coastal barrier resources system. If the emergency repair may impact a coastal barrier resource, the District submits a request to the appropriate USFWS Ecological Services Field Office with the location and description of the project or action, the particular Coastal Barrier Resources Act exception(s) that applies to the project or action, an explanation of how the project or action meets that exception(s), and any other supporting materials. Refer to Part 2, Chapter 15 Coastal Barrier Resources for more information.

## 9. Emergency Permitting Guidance

### 9.1 Federal Permitting

#### **U.S. Army Corps of Engineers**

The USACE has authority to issue alternative/emergency permitting procedures in response to an emergency. The USACE regulations define an emergency as a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a period less than the normal time needed to process the application under standard procedures.

These alternate permitting procedures are specific for each storm event and are typically effective for a six-month period. See the emergency [USACE permitting procedures for Hurricane Ian](#) for an example of the USACE's Alternative Permit Application Processing Procedures.

Most of the USACE's authorizations will be completed through a Nationwide Permit. The USACE will authorize actions or work that are considered to be emergencies, which may include, but are not limited to, the discharge of dredged or fill material into waters of the United States, and work in navigable waters of the United States, to include dredging to restore navigation and relieve flooding, stabilization of eroded shorelines, repair and replacement of authorized structures including docks and bulkheads, installing temporary utility lines and access roads, replacing existing roads and bridges, installing water intake structures and removal and disposal of debris in waters. For certain in-kind replacements for emergency reconstruction, no permit is required for recently damaged parts as listed in [33 CFR Section 323.4](#).

#### **U.S. Coast Guard**

The U.S. Coast Guard guidance in case of temporary repair or replacement of bridges:

Temporary repair or replacement of severely deteriorated or damaged bridges to meet emergency land transportation requirements essential to the public health, interest and safety may be authorized without formal permit action.

The Coast Guard will take the following into consideration prior to approving such work. Please provide the relevant information below:

- (i) Type of bridge (i.e., highway, railroad, bascule, vertical lift);
- (ii) Clearances of existing structure;
- (iii) Type of bridgework proposed;
- (iv) Clearances to be provided by temporary bridge repairs or structures;
- (v) Anticipated effects on navigation;
- (vi) Anticipated effects on the environment;
- (vii) Probable (apparent) cause of the bridge failure;
- (viii) Anticipated period of time that the bridge will be retained; and
- (ix) Intention of the bridge owner to retain or repair a bridge permanently.

The [emergency] authorization is limited to the minimum period required for the bridge to return to normal operation. Extending the time to allow the temporary bridge or repair to remain in the waterway... [will be considered in the light of prevailing circumstances].

Any temporary bridge repair or structure constructed under such an approval, which is later determined to have a significant effect on navigation, or the environment will be subject to removal or alteration by and at the expense of the owner of the bridge to provide for the reasonable needs of navigation and to mitigate adverse impacts on the quality of the human environment.

Permanent retention of any temporary bridge repairs or structures will be subject to Coast Guard Bridge Permit procedures.

Construction of Temporary Bridges.

In case of natural disasters or other catastrophic circumstances requiring extraordinary measures, or for military exercises, the construction of temporary bridges and causeways is authorized without approval of the location and plans. Such authorization is limited to the minimum period required for return to normalcy.

Any temporary bridge constructed under such authorization, which is later determined to have a significant impact on navigation, or the environment will be subject to removal or alteration to provide for the reasonable needs of navigation.

Any temporary structure built under this authorization is a categorical exclusion action for purposes of the considerations required otherwise under the National Environmental Policy Act (NEPA) for the duration of the emergency period until return to normalcy.

Any temporary structure built under this authorization, which adversely affects the reasonable needs of navigation or the human environment, will be subject to removal or alteration by the owner to provide for the reasonable needs of navigation and maintenance of the quality of the human environment. Any temporary structures that are retained as permanent structures will be subject to a formal permit action for the proposed structure or after-the-fact approval under 33 CFR § 114.25.

It is a best practice to use information from the existing bridge permit when coordinating with the Coast Guard.

## 9.2 State Permitting

### **Florida Department of Environmental Protection**

The Secretary of the FDEP will issue an Emergency Final Order for Emergency Authorization for permitting repairs, replacement, restoration, and certain other measures made necessary in response to the imminent or immediate danger to the public health, safety, and welfare of the citizens of the state caused by a storm event. This emergency declaration will need to be saved in the project file with the NEPA checklist. See [FDEP Emergency Final Order for Hurricane Ian](#) as an example of what activities are authorized after a storm event. The Emergency Final Order typically will:

- Provide the emergency area (county list) where the order is in effect
- Include specific activities that may be authorized (may change with each Order that is released) without notice to the FDEP or appropriate WMD. Some activities require authorizations that may be issued upon site inspection by the regulatory agency
- Allow the FDOT to protect, repair or replace eligible structures and property without notice to the agency
- Provide for tolling and extending expiration dates of certain permits and other authorizations following the declaration of a state of emergency

Refer to the Emergency Final Order for specific details including general conditions that must be followed and time frame when activities must be completed. If the Emergency declaration or order time

frame gets extended, this only allows for extension of the waiving of the eligible activities listed in the document, this does not extend the time frame (270 days from event) for eligible reimbursement.

Post Storm Environmental Resource Permitting (ERP) Guidance is available:

<https://floridadep.gov/sites/default/files/ERP-PostStormGuidance.pdf>.

The FDEP Emergency Final Order **does not cover** the State 404 Program. If a project meets the maintenance exemption listed in 40 CFR § 232.3(c)(2) Activities Not Requiring Permits [*State 404 Handbook, Appendix B*], the activity will not need to apply for Emergency Authorization.

**40 CFR § 232.3 Activities not requiring permits.**

(2) Maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, bridge abutments or approaches, and transportation structures. Maintenance does not include any modification that changes the character, scope, or size of the original fill design. Emergency reconstruction must occur within a reasonable period of time after damage occurs in order to qualify for this exemption.

If an activity does not meet the above exemption, then a State 404 Emergency Field Authorization would be required. The activities specifically described in an Emergency Field Authorization permit will be limited to the duration of time (typically no more than 90 days) required to complete the authorized emergency action. Depending on the project, the authorization may require within 90 days of completion of issuance of an Emergency Field Authorization, the authorized entity to apply for a State 404 Program permit for the activity [*Chapter 62-331.110, F.A.C.*]. FDEP recommends applying for projects separately keeping in mind the activity may require a State 404 permit to be obtained after the 90-day emergency authorization.

For Coastal Construction Control Line (CCCL) Permitting:

The Florida Department of Environmental Protection’s Office of Resilience and Coastal Protection is prepared to assist with cleanup and recovery. During pre-storm preparations or after a storm event, CCCL staff are available to assist with emergency permitting information and processing seaward of state coastal construction control lines. In addition, CCCL emergency permitting materials are available [on-line](#).

- CCCL Program: [www.FloridaDEP.gov/CCCL](http://www.FloridaDEP.gov/CCCL); email [CCCL@FloridaDEP.gov](mailto:CCCL@FloridaDEP.gov); phone 850-245-2094
- CCCL Permit Managers: [contact information](#)
- CCCL Emergency Permitting Page: [www.FloridaDEP.gov/CCCL](http://www.FloridaDEP.gov/CCCL)
- CCCL [Post Storm Public Information Handout](#)
- [Guidance to Local Governments for Emergency Temporary Coastal Armoring and Other Measures Seaward of the CCCL](#)
- [Post-Hurricane Recovery Sand Specifications](#)
- Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section, [website](#); 850-922-4330, [marineturtle@MyFWC.com](mailto:marineturtle@MyFWC.com)

10. Resources

Detailed Damage Inspection Report: [https://www.fhwa.dot.gov/fldiv/documents/erpfaq\\_DDIR.pdf](https://www.fhwa.dot.gov/fldiv/documents/erpfaq_DDIR.pdf)

Federal Highway ER Guidance: <https://www.fhwa.dot.gov/programadmin/erelief.cfm>

Federal Aid Highways Emergency Relief Manual <https://www.fhwa.dot.gov/reports/erm/er.pdf>

Local Agency Program Manual: <https://www.fdot.gov/programmanagement/lap/lap-toc.shtm> Florida  
Division of Emergency Management: [www.floridadisaster.org](http://www.floridadisaster.org)

Weather warnings and advisories from National Weather Service:  
<https://alerts.weather.gov/cap/fl.php?x=1>

FDOT Emergency Management Office: <http://www.fdot.gov/emergencymanagement/>

FDEP Emergency Management: <https://floridadep.gov/hurricane>

Debris Staging area guidance: <https://floridadep.gov/comm/comm/documents/staging-area-storm-generated-debris-guidance>

Beaches Funding <https://floridadep.gov/water/beaches-funding-program/content/beaches-funding-assistance-information>

FDEP District Emergency Contacts: <https://floridadep.gov/comm/comm/content/district-environmental-emergency-contacts>

Guidance for Operation and Closure of Disaster Debris Management:  
<https://floridadep.gov/waste/permitting-compliance-assistance/documents/guidance-establishment-operation-and-closure>

FEMA Public Assistance Program and Policy Guide: <https://www.fema.gov/media-library/assets/documents/111781>

FHWA Construction Contract Administration  
<https://www.fhwa.dot.gov/programadmin/contracts/?CFID=46449791&CFTOKEN=e24ebd772d55b311-A750E4B5-93F1-B6CC-2FB8C5085B0FA60C>

Florida Marine Debris Emergency Response Guidance: <https://response.restoration.noaa.gov/marine-debris>

[Defining and Managing Emergency Relief Repair Activities for 100 Percent Federal Funding \(Revised\)](#)

## Appendix A - District 1 Procedure for Processing Type 1 Categorical Exclusion Emergency Repairs for Hurricane Ian Response

Hurricane Ian information can be found at in the [Hurricane Ian Folder](#) (If you do not have access, please request it from [Jonathon Bennett](#)).

Check [Emergency Repair Tracker](#) for assigned task.

1. Click Hyperlink in Tracker to take you to assigned task folder, this is where all the documents, pictures, and Google Earth locations for the review are stored, please use this folder to save all task documents

- a. Review Environmental Determination Worksheet – (EDW)- for anticipated work, location, FPID, and TWO (if applicable). The top of the form and #1-6 is to be provided by project manager. Remainder of the form is to be filled out by the reviewer.
- b. Review pictures to assist you with filling out the work type and documentation (photos do not need to be included in the SWEPT record).
- c. Google Earth .kmz file (should be in the folder) will assist you in creating the Area of Interest.

2. Create an Area of Interest (AOI) in [ETDM/EST](#)

- a. Utilize naming convention “Emergency Repair (D1) Hurricane Ian – *Project Location*”.
- b. Use best judgement comparing damage photos, google earth, and EST to create a polygon or line that will encompass the damaged area (buffers may not be needed, it is anticipated that work should remain in the Right-of-Way [ROW]).
- c. Save EST’s AOI generated reports in the AOI-subfolder of the task folder.

- i. *GIS\_Location*
- ii. *SDR\_Location (this is the “Clipping” analysis)*
- iii. *SDR-I\_Location (the I stands for “Intersecting” analysis)*
- iv. *Hardcopy\_Maps*
- v. *CR-DR\_Location*
- vi. *WATERSS\_Location*

d. Analysis the potential effects utilizing all available resources, document in the EDW #7-12.

3. Compile supporting documentation.

- a. Review task folder for SHPO documentation, if not present, contact [Lauren Peters](#)
  - i. District wide Section 106 PA’s are used for minor work, e.g., washout repair, sign repair.

- ii. More extensive projects may require a Letter or CRAS prepared.
  - b. Review task folder for Contamination Memo, if not present, contact [Nikki Vallandingham](#).
  - c. Any agency coordination needed please CC: [Jeffrey James](#), [Jonathon Bennett](#), and [Lauren Peters](#) in the email.
4. Develop Type 1 CE Memo utilizing all supporting documentation. A memo draft with instructions are present in the Draft word document in task folder.
5. Create Type 1 CE in [SWEPT](#).
- a. When creating a new project in SWEPT, select the “Additional Identifiers” option. Add “TWO” as the identifier name and then the task number (e.g., 08) as the identifier value.
  - b. For the project description, start with: This is an environmental certification for construction authorization. TWO XX: Emergency Repairs (D1) Hurricane Ian: project name. Then brief description of the work.
  - c. Follow form, fill in information as appropriate.
  - d. Assign Jonathon Bennett and Kristin Caruso as part of the SWEPT Project Team.
  - e. Anticipated supporting documentation to be included in the SWEPT record:
    - i. Governors Emergency Declaration.
    - ii. Federal Emergency Declaration.
    - iii. FDEP Amended Emergency Order.
    - iv. Notification to SHPO (PA, Letter, CRAS as appropriate).
    - v. Contamination Memorandum.
    - vi. Environmental Determination Worksheet (EDW).
    - vii. Type 1 CE Memo.
    - viii. Species PA, Species Key’s, or Species Coordination as appropriate (fill out the species PA tool. The .pdf of the species PA does not also need to be included).
    - ix. STIP page if available (Emergency Relief Project are exempt from Planning consistency documentation per 23 CFR 450.218). From the STIP web application, select Report Level as “Current STIP” to find the FPID # listed.
    - x. Auxiliary documentation as appropriate.
  - f. Kristin Caruso and Jonathon Bennett are available for QA/QC and support.
  - g. When Type CE1 file is complete submit to Jeffrey James through SWEPT for approval.
6. Approved Type 1 CE and Approved Environmental Certification to be saved to the task file.
- a. A single .pdf of the certification page, checklist, EDW, memo, STIP, all supporting environmental memos and species PA, and the Emergency Declarations should be



created. Since this is to be emailed, it must be less than 20 megs. Do a 'save as" and "reduce file size" to shrink large files.

b. Email to appropriate Project Manager and include staff in cc list of memo. In email cc line, include Jeff James.

c. Emergency Repair Tracker Updated to reflect completed task.

7. Signed Detailed Damage Inspection Report (DDIR), when available, will be inserted into the SWEPT project file and task file.

8. Emergency Repair Tracker to be provided to SHPO to update project locations and task type.

## Appendix B - Example Project Tracking Spreadsheet

Headings to consider when developing a project tracking spreadsheet:

- FPID
- TWO #
- Project Name
- Project Manager
- Environmental Project Manager
- Area Of Interest Assign
- County
- Type Emergency Repair
- Funds
- Environmental Determination Worksheet (Due/Received?)
- Status/Comments
- Date Certification Needed/Provided
- Species-Specific Survey Needed?
- Cultural Resources Assessment Survey
- Natural Resources Evaluation
- Section 4(f)/106
- Contamination Screening Evaluation Report
- Detailed Damage Inspection Report in SWEPT
- Other Disciplines (include scenic highway)

For ease of reference, consider color coding the spreadsheet to note projects that are complete or if tasks are pending information, past due or nearing the due date.

View Figure 1 for example project tracking spreadsheet with legend.

FDOT ENVIRONMENTAL REVIEW GUIDANCE FOR EMERGENCY RELIEF PROJECTS

FPID	TWO#	Project Name	PM	EPM	ADI Assign	County	Type ER	Funds	204	Time	EDW (Due/Received)	Status/Comments	Date Cert Needed/Provided	Species-Specific Survey Needed?	CRAS	NRE	Section 4(f)/106	CSER	DIR In SWEPT	Other Disciplines (incl scenic hwy)
93199-1		HURSHAM AVENUE BRIDGE RESTORATION - HOLLYWOOD COUNTY	James Vike		Jessie Beckwith	Hol	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93405-1		HURSHAM AVENUE BRIDGE RESTORATION - WASHINGTON COUNTY	James Vike		Bonnie Hoop	Wash	Local Firm, CEI				9/27/2022	Complete	9/27/2022						Metric in Folder	
93402-1		HURSHAM AVENUE BRIDGE RESTORATION - MONTEGUE COUNTY	James Vike		Jessie Beckwith	Monte	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93403-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93404-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93405-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93406-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93407-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93408-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93409-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93410-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93411-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93412-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93413-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93414-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93415-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93416-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93417-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93418-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93419-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93420-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93421-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93422-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93423-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93424-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93425-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93426-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93427-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93428-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93429-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93430-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93431-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93432-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93433-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93434-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	
93435-1		HURSHAM AVENUE BRIDGE RESTORATION - LEE COUNTY	James Vike		Jessie Beckwith	Lee	Local Firm, CEI				9/27/2022	Complete	9/28/2022						Metric in Folder	

Figure 1 Example Project Tracking Spreadsheet

## Appendix C- Example Environmental Determination Worksheet

### ENVIRONMENTAL DETERMINATION WORKSHEET

Date:		Funding Type (Federal, State, Local)	
FPID No.		Federal Aid Project No.	
Roadway ID No.		County & Nearest City:	
Proposed work mix:		Project Manager:	
R/W date (if applicable), production date, or fund encumbrance date (for LAP)			
Project Name:			
From:		To:	

**\*\*PLEASE PROVIDE A PROJECT LOCATION MAP\*\***

1. **Project Description and Proposed Improvements:** Provide a description of the project as it exists and the proposed improvements. Include: rural or curb & gutter; width of existing ROW; lane and shoulder widths; signals, lighting or other amenities; sidewalks; median description, as applicable to the project scope.

2. **Existing Conditions:** Provide a list of features and known issues present that are not listed above.

3. **Drainage Structures:** Describe what drainage structures are currently present, and how you plan to improve the system. List number of structures (ID#), culverts, and pipes, and the location of any existing and proposed ponds.

4. **Excavation:** Are you excavating an area within the project greater than one foot below land surface? If yes, what is the purpose of the excavation? If any land clearing or other soil disturbance is proposed beyond the immediate area of improvements/work elements, please explain this below.

## ENVIRONMENTAL DETERMINATION WORKSHEET

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5. **Right-of-Way:** Is any additional right-of-way (including any easements) needed for this project? If so, describe where and how much

6. **Permits required:** List all permits anticipated and/or required.

### **Environmental Management Office to complete remainder of form**

7. **Floodplains:** Indicate the map number and zone

8. **Wetland Involvement:** Indicate any wetland involvement and the amount of acreage expected to be impacted

District One, Environmental Management Office  
MS 1-40, 801 North Broadway Avenue, Post Office Box 1249, Bartow, FL 33831-1249  
Phone: 863-519-2300; Fax: 863-534-2331

**ENVIRONMENTAL DETERMINATION WORKSHEET**

9. **Endangered Species and Critical Habitat:** Cite use of species keys and Minor Transportation Activities PA if appropriate, and any agency coordination.

[Empty response area for question 9]

10. **Cultural Resources:**

[Empty response area for question 10]

11. **Recreational Properties:** Consider Section 4(f), Section 6(f), and ARC resources. For maintaining agency contact info, the Project PM can be consulted.

[Empty response area for question 11]

12. **Contamination**

[Empty response area for question 12]

13. **For all Bridge Replacement projects – Traffic**

Existing: \_\_\_\_\_ Project ADT (10 year): \_\_\_\_\_

District One, Environmental Management Office  
MS 1-40, 801 North Broadway Avenue, Post Office Box 1249, Bartow, FL 33831-1249  
Phone: 863-519-2300; Fax: 863-534-2331