

**Purpose and Use of Florida's NEPA Assignment Monitoring Risk Assessment Tool**

The purpose of this tool is to jointly assess the risk of the various programs areas for which FDOT is responsible. This procedure is based on several internal and external factors that will address FHWA's risk and guide the subsequent approach to the monitoring review process. The FHWA Environmental Team and FDOT Environmental Team will jointly complete this assessment tool. Once the risk is assessed, the results will determine whether 1) an additional monitoring event is needed outside the required two and 2) the topic areas and products that will be reviewed as part of the NEPA assignment monitoring event. For the topic(s) identified for the monitoring event, the joint monitoring team will determine review approach that will be used to determine compliance with specific requirements for each component.

**Instructions**

1. For each question answer yes, some, or no and check, if applicable, the corresponding topic area that to which the "Yes" or "Some" applies. The tally will automatically calculate a score based on the answers.
2. Select "Yes" if there is a clear widespread risk. Select "Some" if there is risk, but more isolated in observances.
3. The question score reflects on that question's impact to the risk in the environmental program. See below chart.
4. If question 1 is yes, or the score is 135 or greater, then another monitoring event is needed. Further discussions with FDOT, FHWA PEF Director, Division Leadership, and/or HEPE liaison may be warranted.
5. If a pattern of concern in a topic area is evident from 4 or more questions then, FHWA and FDOT should discuss to determine if further evaluation and/or action is warranted.

Score	Impact to Program Risk
20	High
15	Medium
10 or less	Low



U.S. Department of Transportation  
**Federal Highway Administration**



FHWA and FDOT Joint NEPA Assignment  
Annual Assessment for 2024

Rev. Feb 2024

FDOT Reviewers: Jonathon Bennett, Mary Blake

FHWA Reviewers: Joseph Sullivan, Luis Lopez

Date of assessment: 02/13/2024

<sup>1</sup> i.e. Resource Agency Coordination, Technical Documents

<sup>2</sup> Includes Aesthetics, Economic Development, Land Use, Mobility

General Risk Questions:	Answer	Y	Some	N	Score	Comment:	4f (Recreational)	Air Quality	Alternatives (EA, EIS)	Cultural Resources (106, 4f, and Tribal Coordination)	Coastal	Commitments	Cooperating Agency	ESA/ Section 7	Environmental Justice	Flood Plains	Indirect & Cumulative Effects	Navigation	Noise	Purpose & Need	Planning Consistency	Public Involvement	Relocations	Supporting Documentation <sup>1</sup>	Sociocultural <sup>2</sup>	Wetlands
1. Is this assessment being conducted in 2024 or 2026 (year 2 or year 4 of the MOU)?	Yes																									
2. Were there any Noteworthy/Successful Practices in the last audit, monitoring event, or FDOT self assessment? If yes, then enter "NP" in the applicable topic area(s).	Yes					2023 FDOT NEPA Assignment Self-Assessment identified successful practices noted to the right. 2020 FHWA NEPA Assignment Audit included successful practices noted to right.	NP			NP			NP	NP					NP			NP		NP		NP
3. Were there any non-compliance observations in the last audit or monitoring event? If yes, then check the applicable topic area(s).	Yes	20	10	0	10	Non-compliance addressed at the time of audit.																		x		
4. Were there any opportunities for improvement in the last FDOT self assessment ? If yes, then check the applicable topic area(s).	Some	10	5	0	5	Opportunities for Improvements in the 2023 Self-Assessment includes list to the right. OEM provided guidance on consultative re-evaluation use and the Re-evaluation QA/QC checklist use. OEM ensured conservation measures were included in commitments for species, and coordinated the use of the Minor Transportation Activities Species PA on emergency repair projects OEM clarified use of species keys and PAs documentation needed. OEM also provided guidance/training on how/when to use Planning Consistency commitments and update SWEPT's Commitment Tracking for Planning Consistency.						x		x					x		x			x		

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5. Have there been any law/regulation changes that impact environmental processes since the last audit or monitoring event? If yes, then check the applicable topic area(s).	Yes	15	7	0	15	See Attachment A. FDOT evaluating what processes may need to be updated to address these changes.		x	x				x	x	x		x					x				x
6. Have there been changes in the PD&E manual regarding the listed topics? If yes, then check the applicable topic area(s).	Some	10	5	0	5	See Attachment B: 2023 Manual Updates.	x	x		x				x		x		x	x					x	x	x
7. Is there a knowledge or staffing gap with the District SME since the last audit or monitoring event? If yes, then check the applicable topic area(s).	No	10	5	0	0	Various District staff have retired or changed employment, support from consultants and other staff have filled in any gaps until positions have been filled.																				
8. Is there a knowledge or staffing gap with OEM SME since the last audit or monitoring event? If yes, then check the applicable topic area(s).	No	15	7	0	0	Various OEM staff have retired or changed employment, support from consultants and other staff have filled in any gaps until positions have been filled.																				
9. Are there known areas of concern based on topics identified through the FDOT Self-Assessment coordination or conversations with OEM and District staff (i.e. Project Delivery Coordinators, Project Development Engineering Specialists, and District SMEs)? If yes, then check the applicable topic area(s).	Some	10	5	0	5	FDOT 2023 Self-Assessment has identified Planning Consistency, Noise, and Species Key/PA use as an area needing additional guidance.								x					x		x			x		
10. Are there known areas of concern based on topics identified through the FDOT Self-Assessment coordination or conversations with Legal staff? If yes, then check the applicable topic area(s).	Some	10	5	0	5	GHG unknowns are of concern.		x																		
11. Are there known areas of concern based on topics identified through the FDOT Self-Assessment coordination or conversations with District Leadership? If yes, then check the applicable topic area(s).	No	10	5	0	0	None noted.																				
12. Are there known areas of concern based on conversations or topics identified through public issues or concern correspondence to FHWA or FDOT?	Some	15	7	0	7	FHWA and FDOT noted concerns with noise abatement, cultural resources, and interchange re-evaluations.				x									x							x

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13. Are there known areas of coordination concern based on conversations with or topics identified through partner agencies?	No	15	7	0	0	No coordination concerns noted. USCG provided positive coordination comments regarding FDOT during a Joint Training event. USFWS noted positive coordination and joint process improvements in ESA (Panther CA, Monarch CCAA, Mussel PA, Panama City Crayfish PA, Minor Transportation Activities PA). SHPO has provided positive feedback regarding the updated Section 106 PA.																				
14. Are there known areas of concern based on other States monitoring findings?	Some	10	5	0	5	Through reviews of other states monitoring findings, Public Involvement, EJ, wetlands, Noise, Tribal coordination, and Commitments have been noted as areas of concerns.				x					x				x			x			x	
15. Are there known areas of concern based on National Stewardship and Oversight observation/trends?	Some	10	5	0	5	Regulatory changes may lead to implementation confusion at the State level for EJ, Equity, Air Quality, and WOTUS. Commitment tracking tends to be a concern in multiple state reviews.		x				x			x									x	x	
<b>Total:</b>					62		1	4	1	3	0	2	1	4	3	1	1	1	5	0	2	3	0	4	2	5
<b>Potential max:</b>					160																					

If question 1 is yes, or the score is 135 or greater, then another monitoring event is needed. Further discussions with FDOT, PEF Director, Division Leadership, and/or HEPE liaison may be warranted.

If a pattern of concern in a topic area is evident from 4 or more questions then, FHWA and FDOT should discuss to determine if further evaluation and/or action is warranted.

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<p><b>Additional Comments:</b> FDOT has no additional concerns regarding the risk assessment. FHWA has no additional stewardship and oversight insights to include.</p>																														
<p><b>Review Team Recommendation:</b> After discussion and consideration of the four scores of 4 or greater the FHWA and FDOT Review Team recommend 3 topic areas including Noise, Supporting Documentation, and Wetlands with Supporting Documentation incorporating ESA/Section 7 evaluation. Air Quality may be a future concern due to changes in regulation and potential NAAQS exceedance sites in Florida's future but due to historical full attainment there will be very little data in NEPA documents to assess at this time.</p>																														
<p><b>Final Summary:</b> Based on the evaluation, FHWA and FDOT have reviewed the information presented and concur in the Review Team's recommendation to select the focused areas within Noise, Supporting Documentation, and Wetlands for the 2024 monitoring event noting that Supporting Documentation will incorporate ESA/Section 7 evaluation as well.</p>																														

<p><b>X</b>  Digitally signed by KAREN M BRUNELLE Date: 2024.03.11 13:44:00 -04'00'</p>	<p><b>X</b>  3/11/24</p>
<p>Karen M. Brunelle, P.E. Director, Office of Project Development Federal Highway Administration FL Division</p>	<p>Jennifer Marshall, P.E. Director, Office of Environmental Management Florida Department of Transportation</p>

**Updated in Laws, Executive Orders, and Regulations since 2020 NEPA Assignment FHWA Audit include but not limited to:**

**Federal**

- 33 C.F.R. 328, Definition of Waters of the United States
- 40 C.F.R. 120, Definition of Waters of the United States
- 40 C.F.R. 1500, NEPA
- 50 C.F.R. 17.11, Endangered and threatened wildlife
- 16 U.S.C. 1276, Rivers constituting potential additions to national wild and scenic rivers system
- 16 U.S.C. 1855, Essential Fish Habitat, Other requirements and authority
- 18 U.S.C. 1170, Illegal trafficking in Native American human remains and cultural items
- 23 U.S.C. 101, Definitions and declaration of policy
- 23 U.S.C. 119, National highway performance program
- 23 U.S.C. 125, Emergency relief
- 23 U.S.C. 133, Surface transportation block grant program
- 23 U.S.C. 134, Metropolitan transportation planning
- 23 U.S.C. 135, Statewide and nonmetropolitan transportation planning
- 23 U.S.C. 138, Preservation of parklands
- 23 U.S.C. 139, Efficient environmental reviews for project decision making and One Federal Decision
- 23 U.S.C. 327, Surface transportation project delivery program
- 42 U.S.C. 5121, Congressional findings and declarations
- E.O. 14008, Tackling the Climate Crisis at Home and Abroad
- E.O. 14052, Implementation of the Infrastructure Investment and Jobs Act
- E.O. 14096, Revitalizing Our Nation's Commitment to Environmental Justice for All
- (Rescinded E.O. 13807, Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects)
- 2023 Clean Water Act Section (CWA) 401 Water Quality Certification Improvement Rule

**State**

- 62-331 F.A.C., FDEP 404 Assumption
- 62s-7 F.A.C., Sea Level Impact Projection (SLIP)
- F.S. 259.1055, Florida Wildlife Corridor Act



FHWA and FDOT Joint NEPA Assignment  
Annual Assessment for 2024  
ATTACHMENT B

# 2023 Project Development and Environment (PD&E) Manual Revisions

July 1, 2023 Version





## Major Changes in Procedure

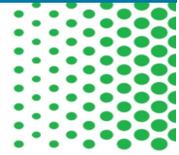
- NEPA Regulation - 40 CFR Changes
  - Time and length limits for Environmental Assessments and Environmental Impact Statements (EIS)
  - New Summary of Submitted Alternatives, Information and Analyses and notification for EISs
  - Use of Categorical Exclusions from FTA or FRA
- Hybrid format for public meetings and hearings
- SWEPT updates incorporated
  - State Environmental Impact Report (SEIR)
  - SEIR Re-evaluation Form
  - Section 4(f) Tool



## Other Changes in Procedure

- OEM Notification and agreement to changes in Project Description during PD&E
- QA/QC Plan requirement for Type 2 Categorical Exclusions (CEs)
- Submittal of QA/QC Checklists with OEM Initial Review
  - Type 2 CE
  - Re-evaluations
- Project Commitment Report attached to Non-Major State Actions or Type 1 CEs





## Other Changes in Procedure

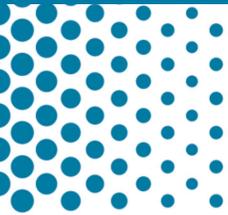
- New WATERSS Process
  - Stormwater Management Alternatives Report (SMART)
- Sea Level Impact Projection (SLIP) Studies
  - SLIP Study Reports
- Consideration of innovative alternatives such as Connected and Automated Vehicle (CAV) technology
- Signed Typical Section Package submitted to OEM with final Preliminary Engineering Report

## Other Changes in Procedure

- FDEP's assumption of the Clean Water Act
  - State 404 Program
- Submittal of Natural Resource Evaluations (NREs) to Florida Department of Agriculture and Consumer Services
- Consideration of upland authorizations for temporary use of state-owned lands



# New/Updated References



## Updated or New FDOT Policies and MOUs

- Public Involvement
- Managed Lanes
- Resiliency of State Transportation Infrastructure
- Landscape
- First Renewal of the Memorandum of Understanding Between FHWA and FDOT Concerning the State of Florida's Participation in the Surface Transportation Project Delivery Program Pursuant to 23 U.S.C. § 327, May 26, 2022



## New OEM Guidance Documents Incorporated

- Guidance for Processing Limitations on Claims
- Type 2 CE QA/QC Checklist
- Re-evaluation QA/QC Checklist
- SWEPT Project File Organization Guidance
- Safety Analysis Guidebook for PD&E Studies
- WATERSS Process Guidebook
- FDOT Preliminary Engineering Report Outline and Guidance
- FDOT Native Florida Plant Coordination Guidance



## New FDOT Sources Incorporated



- FDOT Environmental Review Guidance for Emergency Relief Projects
- A Guide to Hybrid Public Meetings and Hearings
- Florida's Connected and Automated Vehicles (CAV) Business Plan
- FTE- General Tolling Requirements (GTR) Toll Siting 202 and 300 Toll Submittal Requirements
- Toll Siting Technical Memorandum Template
- Traffic Analysis Handbook
- Safety List Dashboard

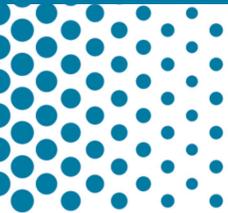


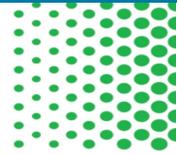
## Other New Sources Incorporated

- CEQ-NEPA 2020-01, Emergencies and National Environmental Policy Act Guidance
- FDEP- State 404 Program Applicant's Handbook
- ACHP- Program Comment to Exempt Consideration of Effects to Rail Properties Within Rail Rights-of-Way
- ACHP- Guidance on Agreement Documents: Executing Agreement Documents
- FHWA- Use of Freeway Shoulders for Travel — Guide for Planning, Evaluating, and Designing Part-Time Shoulder Use as a Traffic Management Strategy



# Form changes





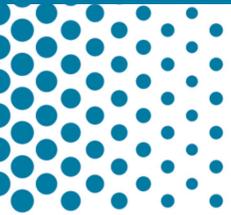
## Forms now only in SWEPT

- Environmental Certification for State Funded Projects
- State Environmental Impact Report Form
- SEIR Re-evaluation Form
- Section 4(f) Forms
  - Replaced with Section 4(f) Tool

## Deleted forms

- Approval to Advance Preliminary Design Activities Form
  - Replaced with OEM coordination
- Planning Consistency Forms
  - Information to be added to Environmental Document
  - Removing from FDOT Procedural Document Library

# Changes in Regulation





## Federal Regulation Updates

- 40 CFR § 1500-1508- CEQ NEPA Regulations- Final Rule
- 40 CFR Parts 1502, 1507, and 1508 – CEQ NEPA Implementing Regulations Revisions
  - Changed some definitions back to previous version
- EO 13807- Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects- Rescinded
  - Interim Policy on the Application of the One Federal Decision (OFD) Process to FDOT Projects- removed
  - Memorandum of Understanding Implementing One Federal Decision Under EO 13807- removed
  - Some of the concepts of OFD were retained through revisions to 23 U.S.C. 139
- 23 U.S.C. 139 - Efficient Environmental Reviews for Project Decision Making and One Federal Decision
- 23 U.S.C. 138 – Preservation of Parklands (Section 4(f) Requirements)



## 40 CFR § 1500-1508- CEQ NEPA Regulation Updates

- Significance definition removed-replaced with guidance
- FDOT can use Categorical Exclusions from FTA or FRA
- Required consultation with Cooperating Agencies on Purpose and Need
- Environmental Assessments (EAs) and Environmental Impact Statements (EISs)
  - New time limits
  - New limits on length
  - Senior Agency Official Roles



## 40 CFR § 1500-1508- CEQ NEPA Regulation Updates

- Senior Agency Official- EAs and EISs
  - Department Assistant Secretary for Engineering and Operations
    - ◆ Approves more time for document preparation
      - Sets new time periods
    - ◆ Approves increasing document size (beyond page limits)
      - Sets new page limits
    - ◆ Addresses issues that may affect ability to meet the schedule
- OEM Director
  - Responsible for review of NEPA compliance



## 40 CFR § 1500-1508- CEQ NEPA Regulation Updates

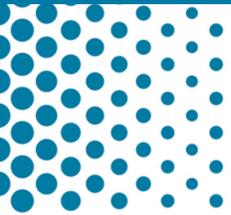
- Environmental Impact Statements
  - NOI informs stakeholders requests comments on potential alternatives and impacts, identification of any relevant information, studies or analyses of any kind concerning impacts affecting the quality of the human environment
  - New Summary of Submitted Alternatives, Information and Analyses
  - Publications should invite comment
  - Record of Decision statement
  - Removal of Distribution List and Index
  - Electronically available
  - Electronic submission of comments
  - FEIS include estimated total cost to prepare draft and final document

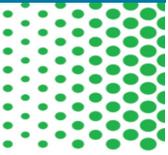
## State Regulations

- Section 161.551, F.S. and Chapter 62S-7, F.A.C.- SLIP Study Rule
- Chapter 62-334, F.A.C.- FDEP's assumption of the Clean Water Act
  - State 404 Program



# Chapter Changes





## Minor Changes Throughout the Manual

- Updated the revision date
- Updated NEPA Assignment MOU standard statement
- Hyperlinks changed to a website rather than direct link to a document
  - FDOT Forms, Procedures, Policies linked to the Procedural Document Library
- Reference Sections updated and hyperlinks checked
- Updated the History Sections to include the last revision date

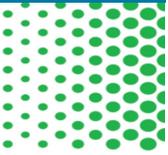
## Changes Throughout Part 1

- Preferred Alternatives normally chosen prior to public hearing and guidance for unusual circumstances when it cannot be

## Chapter with only minor changes

- ◆ Chapter 1- Introduction





## Part 1 Chapters 2 and 3

- Part 1, Chapter 2- Class of Action Determination for Federal Projects
  - Updated Type 1 Categorical Exclusion (CE) guidance
    - ◆ Planning Consistency
    - ◆ Multiple Type 1 CEs prepared using the same Financial Management number
    - ◆ New Sociocultural Effects Question on checklist
  - 40 CFR Changes
  - Guidance on acquisitions with relocations and/or displacements
- Part 1, Chapter 3- Preliminary Environmental Discussion and Advance Notification
  - Updated PED outline
  - Updated guidance on initiating coordination with Native American Tribes
  - 40 CFR Changes
  - Coordination with OEM to determine whether to prepare a project status fact sheet



## Part 1, Chapter 4- Project Development Process

- Guidance on re-approving Methodology Memorandums (MMs)
- PDC 14-day review of Alternative Corridor Evaluation Report (ACER)
- ACER- OEM approval rather than concurrence
- Planning Consistency documentation (EAs and EISs)
  - Table is a sample rather than required form
- Updated list of documents to be kept in the project file
- Coordination with OEM for emergency repairs that do not qualify for a Type 1 CE

## Part 1, Chapters 5- Type 2 Categorical Exclusion

- Updated Type 2 CE Form guidance
- Type 2 CEs required to go through the Quality Assurance (QA)/Quality Control (QC) check at the District level
- Required submittal of the Type 2 CE QA/QC Checklist for initial review
- Updated guidance on Type 2 CE reviews by OEM
  - Courtesy review guidance

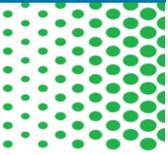


## Part 1 Chapters 6-9 (EA, FONSI, DEIS, and FEIS)

- 40 CFR Changes
  - Definition updates
  - New time limits
  - New limits on length
  - Senior Agency Official Role (Department Assistant Secretary for Engineering and Operations)
  - New Notice of Intent requirements
  - New EIS structure and publication requirements
  - Updated Record of Decision statement
  - Electronic availability- document and submittal of comments
  - FEIS cover page to include estimated total cost to prepare draft and final document
    - ◆ Coordination with OEM
- Guidance for Processing Limitations on Claims

## Part 1, Chapter 10- State, Local, or Privately Funded Project Delivery

- Non-Major State Action (NMSA) Checklist preparation guidance
- NMSA Re-evaluation clarification
- Additional State Environmental Impact Report (SEIR) preparation guidance
- SEIR Re-evaluation guidance
- Minor Project Environmental Impact Report (PEIR) Form changes



## Part 1, Chapter 11- Public Involvement

- FDOT's Community Engagement Policy update
- Community Awareness Memorandum replaced with a Community Awareness Plan
- Hybrid format for public meetings and hearings
- Includes justification for facility selected for a meeting
- Guidance on publishing public meetings on FDOT's Public Meeting Notices Website
- Updated sample notices and announcements to include 40 CFR changes
  - Request for comments on the new section of the DEIS
  - Submitted alternatives, information, and analysis and summary

## Part 1, Chapter 12- Environmental Permits

- Updates to definitions section
- Inclusion of FDEP's Assumption of Section 404 of the Clean Water Act
- Updates to Regional General Permit – SAJ-92
- Removal of USCG information and updated with reference to Part 1, Chapter 16
- Updates to Osprey and Gopher Tortoise permitting

## Part 1, Chapter 13- Re-evaluations



- Minor edits to Re-evaluation Form
- Required submittal of the Re-evaluation QA/QC Checklist
- Additional guidance on Type 1 CE Re-evaluations
- Split Re-evaluation process flowchart into two Figures
  - One for Type 2 CEs, EAs, and EISs and the other for Type 1 CEs

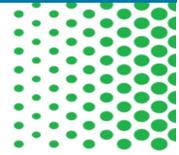
## Part 1, Chapter 14- Transit Project Delivery



- Changed recommended to preferred alternative
- 40 CFR Changes
- Added 341.041, Florida Statutes (F.S.) to the list of Sections of the F.S. that govern the development of TDPs
- Removal of FTA CE Checklist and replaced with coordination with FTA
- Removal of USCG information and updated with reference to Part 1, Chapter 16
- Updated the 23 CFR § 771.118(c) actions
- Added 23 CFR § 771.123(b)(2) requirements to establish the Coordination Plan for an EIS, including schedule, within 90 days of publishing the NOI. For CEs coordinate with the lead agency on public involvement activities
- EIS Errata sheet guidance

## Part 1 Chapters 15 and 16

- Part 1, Chapter 15- Project File and Records Management
  - Link to FDOT's SWEPT Project File Organization Guidance
  - Updated file naming convention to include NMSAs
- Part 1, Chapter 16- United States Coast Guard Projects and Navigation
  - Removed outdated information from revised USCG guidance documents



## Changes Throughout Part 2

- New guidance on preparing SWEPT forms
- Edits to incorporate the SEIR Form changes
- Clarification or additional guidance on documentation in the Environmental Document
- Updated definitions
- Guidance on what folder in SWEPT to place supporting information

## Chapters with only minor changes

- Part 2, Chapter 2- Traffic Analysis
- Part 2, Chapter 5- Aesthetic Effects
- Part 2, Chapter 6- Farmland
- Part 2, Chapter 14- Coastal Zone Consistency
- Part 2, Chapter 15- Coastal Barrier Resources

## Part 2, Chapter 1- Project Description and Purpose and Need



- OEM Notification and agreement to changes in Project Description during PD&E
- Updated planning consistency guidance
- 40 CFR Changes
  - Requirement to consult with Cooperating Agencies on the purpose and need

## Part 2, Chapter 3- Engineering Analysis



- New WATERSS Process
  - Stormwater Management Alternatives Report (SMART)
- Sea Level Impact Projection (SLIP) Studies
  - SLIP Study Reports
- Consideration of innovative alternatives such as Connected and Automated Vehicle (CAV) technology
- Signed Typical Section Package submitted to OEM with final Preliminary Engineering Report
- Toll Roads
- Existing Roadway Conditions –more direction and added managed lanes, traffic signs, noise walls, ITS/TSM&O
- New section on Future conditions (Section 3.2.3.4) -removed from “Design Control and Criteria”
- Section 3.2.5.3 – Requires the use of the Safety Needs List Dashboard
- Section 3.2.10.2- Preliminary Engineering Report – Revised the PER outline to be more in line with the PER Guidance

## Part 2, Chapter 4- Sociocultural Effects Evaluation



- Tie in Farmlands to other SCE topics
- Added FDOT websites and social media accounts as a best practice for reaching potentially underrepresented populations
- Agricultural lands not protected under the Farmland Protection Policy Act to be assessed with Land Use Changes
- Documentation of the appropriateness of proceeding with the action as a CE, given relocations
- New standard statements for documenting Nondiscrimination considerations
  - Determination of No Involvement
  - No Adverse Effects
  - No Disproportionately High Adverse effects



## Part 2 Chapters 7 and 8

- Added clarification on Section 106 and Section 4(f) public involvement coordination, timing, and applicability
- **Part 2, Chapter 7- Section 4(f) Resources**
  - Added the concept of All Possible Planning to Section 4(f) Evaluations
  - Guidance on submitting Draft Individual Section 4(f) Evaluation to DOI
  - Guidance on documenting compliance with concurrent requirements in the Recreational Areas and protected Lands section of the Environmental Document
  - Section 4(f) Tool in SWEPT
- **Part 2, Chapter 8- Archaeological and Historical Resources**
  - Clarified Stipulation VII document types
  - New guidance on General Consultation with Native American Tribes
  - Link to Tribal Notification Letter examples on website

## Part 2 Chapters 9-13

- Part 2, Chapter 9-Wetlands and Other Surface Waters
  - Wetland mitigation statement for SEIRs
  - Inclusion of FDEP's Assumption of Section 404 of the Clean Water Act
- Part 2, Chapter 11- Water Resources
  - Addition of Nature Coast as an Aquatic Preserve
- Part 2, Chapter 12- Wild and Scenic Rivers
  - Guidance added for documentation in SEIRs
- Part 2, Chapter 13- Floodplains
  - Added summary of Bridge Hydraulic Report (BHR) for Environmental Documents

## Part 2, Chapter 16- Protected Species and Habitat



- New guidance on Technical Assistance for non-federal projects
  - Districts must coordinate with the Service if there will be effects to listed species or critical habitat
  - Can request technical assistance from Service
  - Service may recommend FDOT conduct species surveys
- Removal of Johnson's Seagrass as a federally listed species
- New guidance if state listed plants will be impacted
  - NRE/Technical memo sent to FDACS by the District
    - ◆ FDACS will notify the Endangered Plant Advisory Council or interested native plant Nongovernmental Organizations (NGOs) to alert them to the potential for plant salvage activities
    - ◆ If an NGO is interested, they will coordinate with the District
    - ◆ If NGOs do not express interest, no FDACS follow up needed until project is ready to advertise
  - Link to FDOT Native Florida Plant Coordination Guidance April 2021

## Natural Resource Evaluation (NRE)- New guidance - Chapters 16 and 17

- August 2022- Updated Natural Resources Evaluation Outline and Guidance
  - Section 6 lists the information NMFS needs for informal Section 7 consultation
- NRE is prepared to complete consultation with the Service (formal and informal)
  - Summarized in the final Environmental Document
  - Supporting technical document- is not attached/ keep in SWEPT project file
- Generally, final agency concurrence is not summarized in the NRE because it has not yet been obtained
- Do not attach field notes to NRE- keep in SWEPT project file
- Draft NREs for federal projects are reviewed by OEM. NREs for state projects or Technical memos are not reviewed by OEM
- NREs are final documents prior to submittal to the resource agencies
  - Draft watermarks or notations should be removed prior to submittal to the agencies
  - Updates to the NRE are in the form of an Addendum, no change to original document

## Part 2, Chapter 17- Essential Fish Habitat

- Guidance on Technical Assistance with the Services for SEIRs
- Edits to EFH Standard statements and new statement for SEIRs
- Reminder- Need to have a “no involvement” determination when EFH is not affected

## Part 2 Chapters 18 and 19

- Part 2, Chapter 18- Highway Traffic Noise
  - Guidance on non-highway transportation noise sources
  - Guidance on Design Phase Considerations for Noise
- Part 2, Chapter 19- Air Quality
  - Air Quality standard statement changes
  - Clarification on when the CO screening test should be done



## Part 2 Chapters 20-22

- Part 2, Chapter 20- Contamination
  - Deletion of section 20.2.5.4 – Use of Bridge Debris as an Artificial Reef
    - ◆ Is mentioned in Part 2 Chapter 3
- Part 2, Chapter 21- Utilities and Railroads
  - For projects that are with Design phase in the Five Year Work Program or projects with combined PD&E and Design, utility locations will be shown on the preliminary engineering plans found in the Preliminary Engineering Report (PER)
- Part 2, Chapter 22- Commitments
  - Requirement to attach the Project Commitment Record (PCR) to the Type 1 CE and NMSA
  - Clarification -PCR is prepared after approval of the Environmental Document and uploaded to the project file

## Part 2, Chapter 23- State-owned Upland Conservation Land Coordination



- New chapter title
- Added regulations on state owned conservation or recreation lands
- Updated guidance to prepare and submit the Upland Easement Application
- Updated Upland Easement Application content guidance
- New sections:
  - 23.2.3.6 Other Upland Authorizations for Temporary Use of State-Owned Lands
    - ◆ 23.2.3.6.1 Use Agreements
    - ◆ 23.2.3.6.2 Letters of Authorization
    - ◆ 23.2.3.6.3 Procedures to Obtain