

## **PART 1 CHAPTER 16 NAVIGATION**

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## PART 1, CHAPTER 16

### NAVIGATION

#### 16.1 OVERVIEW

This chapter outlines the environmental review process, coordination, and documentation for projects in which a United States Coast Guard (USCG) permit is required.

##### 16.1.1 Legislative Authority

Laws relating to the protection, preservation and safety of navigable waterways are found in **Section 9 of the Rivers and Harbors Appropriation Act of 1899**, as amended, **33 United States Code (U.S.C.) § 401 and § 403**; the Act of March 23, 1906, as amended, **33 U.S.C. § 491**; the Act of June 21, 1940, as amended, (**Truman-Hobbs Act**) **33 U.S.C. §§ 511-523**; the **General Bridge Act of 1946**, as amended, **33 U.S.C. § 525**; the **International Bridge Act of 1972**, **33 U.S.C. § 535**; and the **Ports and Waterways Safety Act of 1972**, as amended by the **Port and Tanker Safety Act of 1978**, **33 U.S.C. §§ 1221-1225 (USCG, 2004)**.

Under the authorities delegated to the Commandant of the USCG by the Secretary of the U.S. Department of Homeland Security (USDHS), it is the USCG's duty and responsibility to ensure that navigable waters of the United States are preserved, while balancing competing needs of land and waterborne modes of transportation. The USCG has an obligation to ensure a bridge's final permitted design does not impinge upon the "reasonable needs of navigation" for that specific waterway, while serving the needs of land transportation. This obligation is met by the issuance of bridge permits.

Bridge permits and permit amendments are the USCG documents approving the location and design plans of bridges. A USCG bridge permit is commonly referred to as a **Section 9** permit because permitting authority historically relied on **Section 9 of the Rivers and Harbors Appropriation Act of 1899**. Currently, the authority primarily relies upon the **General Bridge Act of 1946**. Consistent with the **Rivers and Harbors Appropriation Act**, the **General Bridge Act** requires USCG approval to construct a new bridge or reconstruct/modify an existing bridge over navigable waters.

The USCG has jurisdiction over "navigable waters" of the United States, as defined in **33 Code of Federal Regulations (CFR) § 2.36** as well as by specific congressional and judicial designations. There are two USCG Districts with jurisdiction in Florida. The USCG Southeast District, located in Miami, issues bridge permits for projects in FDOT Districts 1, 2, 4, 5, 6 and 7. The USCG Heartland District, located in New Orleans, issues bridge permits for projects in FDOT District 3. For Turnpike projects, the applicable USCG District is based upon the location of the project within the USCG District boundaries.

All bridges across waterways that support nighttime navigation are required to display navigational lights in accordance with **33 CFR Part 118**. The approval of navigational lights and other required signals must be obtained prior to any construction from the

USCG District Commander (Bridge Office). The USCG may exempt bridges over waterways with no significant nighttime navigation from the lighting or other signal requirements. Design plans for navigational lighting should be separate from the design plans for the bridge when submitting a USCG bridge permit application. The bridge navigational lighting plan requires a separate application from the bridge permit application.

### **16.1.2 Permit Eligibility**

USCG bridge permits are required for construction of a new bridge or modification of an existing bridge over navigable waters. A USCG bridge permit is necessary if a bridge project includes any of the following:

1. The construction of a new bridge over navigable waters;
2. The modification of an existing bridge that increases the travel capacity of the bridge (i.e., adding a travel lane); or,
3. The modification of an existing bridge that would result in changes to navigation (i.e., changes to the horizontal or vertical clearances, fender systems)

Unless specifically declared otherwise by Congress, navigable waters are defined in **33 CFR § 2.36** to include the following:

- a. Territorial seas of the United States;
- b. Internal waters of the United States subject to tidal influence; and;
- c. Internal waters of the United States not subject to tidal influence:
  - 1) which are or have been used, or are or have been susceptible for use, by themselves or in connection with others, as highways for substantial interstate or foreign commerce, notwithstanding obstructions that require portages; or
  - 2) which a governmental or non-governmental body with expertise in waterway improvement determines, or has determined to be, capable of improvement at a reasonable cost (a favorable balance between cost and need) to provide, by themselves or in connection with others, highways for substantial interstate or foreign commerce.

### **16.1.3 Bridge Permit Exceptions and Exemptions**

Several types of projects involving bridges do not require a USCG permit but may still require USCG authorization or notification. This may include 1) bridge removal (USCG notification required), 2) retaining all or part of a bridge over navigable water for purposes other than transportation [U.S. Army Corps of Engineers (USACE)] notification required), and 3) repairing or replacing worn or obsolete parts on an existing bridge where the

modification would not result in changes to navigation (e.g., projects involving bridge maintenance, painting, pile jackets, spall repairs).

The ***Coast Guard Bridge Permitting*** document states that most infrastructure repairs do not require a USCG permit as long as they do not affect navigation clearances or bridge configuration. In addition, emergency repairs or replacement of severely deteriorated or damaged bridges or construction of new temporary bridges to meet emergency land transportation requirements may be authorized by the USCG without formal permit action. Authorization under these circumstances is limited to the minimum period required to return the bridge to normal operation.

There are three types of exemptions from a USCG bridge permit, these include ***1982 Coast Guard Authorization Act (CGAA) (PL 97-322, Title 1, Oct. 15, 1982, 96 Stat. 1581)***, Advance Approval Waterways, and ***Title 23 U.S.C. 144(c)***.

### **16.1.3.1 1982 Coast Guard Authorization Act**

***Section 107 of the CGAA of 1982, 33 U.S.C. § 525(b)***, exempts bridge projects from bridge permits when the bridge project crosses non-tidal waters which are not used, and susceptible to use in their natural condition, or susceptible to use by reasonable improvement as a means to transport interstate or foreign commerce.

### **16.1.3.2 Advance Approval Waterways**

There may be instances where bridges are proposed to be built across waterways which are deemed navigable in law but not traversed by any vessel larger than small motorboats (e.g., logs, log rafts, kayaks, canoes, rowboats, and outboard johnboats). The term “small motorboats” does not include sailing or cabin cruiser crafts. In these cases, the clearances provided for high water stages will be considered adequate to meet the reasonable needs of navigation.

In these circumstances, the USCG can issue an Advance Approval Authorization in accordance with ***33 CFR § 115.70***. Each potential candidate bridge/waterway crossing is evaluated by the USCG on a case-by-case basis to determine if an Advance Approval may be appropriate.

### **16.1.3.3 Title 23 U.S.C. § 144(c)**

The ***Surface Transportation Assistance (STA) Act of 1978*** amended ***23 U.S.C. § 144*** and was enacted to reduce paperwork and related costs in the execution of the USCGs bridge permit programs. For Federal Highway Administration (FHWA) funded or eligible projects, FHWA has the responsibility under ***23 U.S.C § 144*** and ***23 CFR § 650.805*** to determine whether a bridge project receiving federal assistance under ***Title 23, U.S.C.***, meets the exemption criteria for USCG Administration purposes. Though FHWA maintains authority for ***23 U.S.C § 144(c)***, such waterways fall under USCG jurisdiction and are covered in the ***2014 Memorandum of Agreement (MOA) between USCG and FHWA***. FHWA agreed that USCG will have an informative and effectual role in the

determination process. The FHWA determination is preliminary and USCG input on navigability and commerce is influential to FHWA's determination. Therefore, before such FHWA determinations are made, FHWA consults with the USCG to obtain concurrence with the determination. Upon consultation by the FHWA, the USCG will timely concur or not concur so as to not delay project advancement.

A USCG permit is not required if FHWA determines that the proposed construction, reconstruction, rehabilitation, or replacement of the federally aided or assisted bridge is over waters:

- 1) Which are not used or are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce and
- 2) Which are
  - (i) not tidal, or
  - (ii) if tidal, used only by recreational boating, fishing, and other small vessels less than 21 feet in length.

FDOT assesses the need for a USCG permit, or navigation lights or signals for proposed bridges. If uncertain whether the waterway is susceptible to improvement for navigation, is tidal, or is considered navigable, or if the types of vessels using the waterway are unknown, FDOT consults with the appropriate USCG or FHWA depending on project location.

Early coordination takes place between FDOT and the USCG (without FHWA) for FDOT Federal Projects under jurisdiction of the USCG Southeast District, with USCG making the decision through the Efficient Transportation Decision Making (ETDM) Environmental Screening Tool (EST) for projects that qualify for screening. For FDOT Federal Projects in the USCG Heartland District, FHWA makes this preliminary determination in coordination with USCG.

For bridge crossings of waterways with navigational traffic where FDOT believes that a USCG permit may not be required, the FDOT provides supporting information early to enable the USCG/FHWA to make a determination that a permit is not required and that proposed navigational clearances are reasonable.

Since construction in waters exempt from a USCG permit may be subject to other USCG authorizations, such as approval of navigation lights and signals and timely notice to local mariners of waterway changes, the USCG should be notified whenever the proposed action may substantially affect local navigation.

Since the ***Title 23 U.S.C. § 144(c)*** exemption is only applicable to FHWA funded or eligible projects, it can only be used for FDOT Federal Projects.

## 16.1.4 Synchronizing Federal Agency Reviews

The USCG, through their bridge permitting process, is required to ensure that all environmental considerations are given careful attention. As such, these considerations, including **National Environmental Policy Act (NEPA)** documents [Categorical Exclusion (CE), Environmental Assessment (EA), or Environmental Impact Statement (EIS)] and any related **Clean Water Act- Section 401 Water Quality Certification** and **Section 404** permits must be submitted to USCG.

Actions taken by federal agencies require an evaluation under **NEPA**, as set forth in **42 U.S.C. § 4336a**, **U.S. Department of Transportation (USDOT) Order 5610.1C**, applicable parts of the operating agencies' directives (e.g., **Federal-Aid Highway Program Manual (FHPM) 7-7-2** and **Commandant Instruction 5090.1**), and other federal environmental statutes and orders. Regulations strongly encourage that a single agency (lead agency) be designated to handle the **NEPA** responsibility where related actions by several federal agencies are to be taken. The lead agency, in such instances, assumes the responsibility for consultation with other agencies, coordinating necessary environmental study evaluations, and preparation of any **NEPA**-related determination or document for review by the cooperating federal agencies prior to making it available for public review.

In accordance with the **1986 MOU between the USCG and FHWA**, when a highway section requires an action by both FHWA and USCG, the FHWA will normally serve as the Lead Federal Agency for the preparation and processing of environmental documents (**FHWA, 1986**). In this instance, FDOT will serve as the Lead Federal Agency pursuant to the **NEPA Assignment MOU** as discussed in [Section 16.2.1](#).

Early and ongoing coordination with the USCG is vital to an integrated permitting and **NEPA** process. The bridge permit application and approval process are very much connected to other environmental reviews. Section 1 of the **Coast Guard Bridge Permit Application Guide (BPAG)** details how the USCG permitting process and **NEPA** compliance can be coordinated, including project initiation, navigational clearance determination, **NEPA** decision-making, and permitting decision. Enclosure 2 of the **Bridge Administration Manual** includes a table that details procedures for projects which require a bridge permit. The table in Enclosure 2 shows the timing of FHWA/State activities along with USCG activities and is helpful in identifying where coordination with the USCG falls within the **NEPA** process.

In addition to the **Bridge Administration Manual** and **BPAG**, the **2015 Red Book (Synchronizing Environmental Reviews for Transportation and Other Infrastructure Projects)** was developed by FHWA in cooperation with USACE, USCG, Federal Railroad Administration (FRA), Federal Transit Administration (FTA), Environmental Protection Agency (EPA), United States Fish and Wildlife Service (USFWS), and National Oceanic and Atmospheric Administration (NOAA). This guidance was crafted to function as a how-to for synchronizing federal regulatory reviews.

In 2014, USCG and FHWA entered into an MOA to coordinate and improve bridge planning and permitting. The purpose of the **2014 MOA between USCG and FHWA** is to

“expedite and coordinate the planning, environmental review, and decision-making” for bridge permits primarily by:

1. Determining which bridge design concepts unreasonably obstruct navigation as soon as practicable and prior to or concurrent with the **NEPA** scoping process (in the Planning phase) in order to inform project alternatives to be evaluated;
2. Preparing a coordinated Environmental Document that satisfies both USCG and FHWA (FDOT) **NEPA** requirements and results in a shared, or joint environmental impact decision documents where practicable and concurrent environmental impact decision documents at all other times; and
3. Concurrently conducting the environmental evaluation and processing of the bridge permit application materials, wherever possible.

The MOA also details actions that can be taken by each agency at each stage in the planning process and guidance for issue resolution. In addition, the USCG, FHWA, Federal Transit Administration (FTA), and Federal Railroad Administration (FRA) entered into a MOU in 2014 with the same goal of improving the bridge permitting process.

According to **23 U.S.C. § 139 (c) 5**, an agency may adopt a draft or final EIS or a portion of the document if it meets the standards for an EIS. A Cooperating Agency may adopt an EIS without recirculating it. The **2014 MOA between USCG and FHWA** states that the USCG will adopt an FHWA **NEPA** document if the bridge’s environmental impacts are adequately addressed. Therefore, through **NEPA** Assignment, USCG may adopt an FDOT **NEPA** document for a Federal Action.

### **16.1.5 Process Overview**

The USCG bridge permit application and approval process (detailed in the **BPAG**) is very much connected to other environmental reviews. The process is initiated when FDOT contacts the USCG to discuss the proposed bridge project.

The first step, regardless of the Environmental Document type, is determining whether the project may require a USCG permit. First, the project is reviewed to determine if it is going to cross a waterbody. Then, the determination that the water body is navigable is made. This process is different depending on which USCG District jurisdiction the project falls under. During project initiation, the USCG also reviews the proposed project purpose and need statement, if applicable.

**Navigation Impact Reports** are typically required for the construction of new bridges on waterways without any existing bridges downstream, and for replacement of a movable bridge with a fixed bridge structure. The information needed to complete the report includes navigation data on the subject waterway, as well as information on the types of vessels using the waterway, clearances, information on obstructions, and information on properties adjacent to the bridge and waterway in the project location.

Throughout the Project Development and Environment (PD&E) phase, coordination with the USCG is continued. The USCG is invited to scoping meetings and provides guidance on USCG requirements for the Environmental Document, as applicable. After the Environmental Document is drafted, the USCG cross-checks the document against the requirements identified in the project plan/**BPAG**; evaluates design alternatives for consistency with the preliminary navigation determination; and provides comments. When the Environmental Document is finalized, the USCG prepares a **NEPA** decision document for approval in conjunction with FDOT's **NEPA** document. The USCG completes **NEPA** to support issuance of their federal permit.

The permit is typically applied for during the Design phase, with FDOT as the applicant. At the time of permit application, the USCG determines if additional information is required to complete the review. If so, the USCG will notify the FDOT in writing of application deficiencies. After the FDOT submits the required information, the USCG will notify the FDOT that the application is complete. An application is considered complete when all required documents are received and are found sufficient to make a decision on the application.

The USCG issues a **Public Notice (PN)** for the proposed project when sufficient information has been received. The application does not need to be complete for the USCG to issue a **PN**. The USCG responds to navigation-related public comments and sends non-navigation related comments to FDOT to be addressed. The USCG consults with and obtains comments from state and federal agencies with jurisdiction or special expertise concerning environmental or navigational impacts. Such agencies include but are not limited to the National Marine Fisheries Service (NMFS), USFWS, State Historic Preservation Officer (SHPO), and EPA. FDOT conducts this consultation with the USFWS for FDOT Federal Projects per agreement with [ESA Lead Agency Consultation Correspondence](#). Comments are generally obtained through direct coordination with affected agencies, responses to the **PN**, and the **Local Notice to Mariners**. For more information on the public notices required for USCG projects see the **Bridge Administration Manual**.

After it has been determined that consultations under all applicable environmental laws have been completed, the USCG makes a permit recommendation and if appropriate, issues the bridge permit. If the project is considered a 'headquarters action' (typically an EA or EIS requiring a bridge permit), the application is sent to USCG headquarters for decision where the District Commander's recommendation may be accepted or rejected, and a bridge permit may be issued or denied. USCG headquarters review typically adds at least two weeks to the USCG bridge permit review process.

USCG bridge permits specify that the permit becomes null and void unless construction of the bridge is commenced and completed by certain dates. This time period is usually three to five years, respectively, from the date of the permit issuance. Longer construction times can be requested and substantiated with good reasons.

References listed in [Section 16.3](#) include hyperlinks to information sources that identify details regarding the USCG permit review process, required components of permit applications, and the locations and contact information of regional USCG offices.

## 16.2 PROCEDURE

### 16.2.1 Florida Department of Transportation Federal Projects

The navigation process for FDOT Federal Projects is outlined in [Figure 16-1](#).

#### 16.2.1.1 Projects Not Qualifying for Efficient Transportation Decision Making Screening

Detailed evaluations are generally not warranted for transportation projects not qualifying for screening in the EST. These projects advance straight to the Design phase. See [Part 1, Chapter 2, Class of Action Determination for Federal Projects](#) for clarification on projects that qualify for screening. Projects that do not require screening, based on analysis, have no significant effects.

For these types of projects, if it is uncertain whether the waterway is susceptible to improvement for navigation, is tidal, or is considered navigable, or if the types of vessels using the waterway are unknown, FDOT coordinates with the USCG or FHWA depending on project location. For projects located in the USCG Southeast District, this coordination may take place by directly contacting the USCG. For projects located in the USCG Heartland District, the District follows the coordination process with FHWA outlined in [Section 16.2.1.2](#).

For projects that do not require EST screening, decisions and conditions should be documented in the project file, summarized in the Environmental Document, and addressed through incorporation into the final design plans. Documentation in the Environmental Document is as follows:

**Type 1 Categorical Exclusion** - Minimal documentation on navigational effects is required for a Type 1 CE. In the **Type 1 Categorical Exclusion Checklist**, “no waterway crossing”, “No USCG bridge permit required”, or “USCG bridge permit” is selected. If a USCG bridge permit is not needed, the rationale on how this determination was made is documented. If it is identified that a USCG bridge permit is needed, the District must contact the Office of Environmental Management (OEM). Further guidance on preparing a **Type 1 Categorical Exclusion Checklist** is found in [Part 1, Chapter 5, Categorical Exclusion](#).

**Type 2 Categorical Exclusion** - Some Type 2 CEs may not require screening through the EST. See [Section 16.2.1.3.2](#) for guidance on documenting Type 2 CEs.

### 16.2.1.2 Projects Qualifying for Efficient Transportation Decision Making Screening

As discussed in [Section 16.1.4](#), the USCG has entered into an MOU with FHWA, FTA, and FRA, as well as an MOA with FHWA to coordinate and improve bridge planning and permitting. For FDOT Federal Projects that qualify for screening in the EST, the conditions in the **2014 MOA between USCG and FHWA** are met in the following process.

During the Planning screenings, a preliminary permitting exemption determination may be made. The USCG may also request a **Navigation Impact Report** for the project.

#### USCG Southeast District

For FDOT projects under the jurisdiction of the USCG Southeast District, this preliminary determination is conducted through ETDM screening events for qualifying projects. The USCG has designated Environmental Technical Advisory Team (ETAT) members that participate in the ETDM screening events. The ETAT are involved in early coordination meetings and may attend site visits if necessary.

During the planning or programming screen, a separate Notice of Waterway Crossing email is sent through the EST to USCG Southeast District ETAT members that includes project information and an interactive list of places where the project intersects with bridges (which is linked to map and street views of each intersection). Through these links the ETAT access the EST and can select whether the intersection with a bridge is within their jurisdiction or not. The USCG may request a **Bridge Project Questionnaire** to help them determine whether a bridge permit is required. A sample questionnaire is provided in the [Guidance for Part 1, Chapter 16](#).

If the USCG selects no in the EST, it is documented as “not in USCG Jurisdiction” and further coordination with USCG is not needed, unless new unassigned crossings are later included in the project.

If the USCG selects yes, they are then given the opportunity to identify if a permit and/or lighting plan is required or add additional comments. If no permit is required, the USCG is able to choose the type of exemption that is applicable ([Section 16.1.3](#)). This exemption is documented in the EST and no further coordination with USCG is needed unless new unassigned crossings are later included in the project. If a permit is not needed, but a lighting plan is, it is documented in the EST.

If it is in the USCG’s jurisdiction and a permit is required, it is documented that a permit is required and the USCG is automatically added as a Cooperating Agency. If a lighting plan is required, this will also be documented in the EST.

The results of this input are included with the general project information in the planning or programming screen summary report. USCG comments may be included in the Navigation section of the report as well as a summary by the District. The designation of USCG as a Cooperating Agency is also documented in the summary report. For more information on how this takes place in the EST see the [ETDM USCG Resources Enhancements in the EST](#).

## USCG Heartland District

District 3 documents any coordination with FHWA and the USCG by uploading coordination letters to the EST and may add a summary in the Navigation section of the planning or programming screen summary report. If available, the letter from the USCG should include the USCG's determination of jurisdiction, determination that a permit is or is not needed, and/or if a lighting plan is required. If a USCG permit is required, the USCG is added as a Cooperating Agency.

The designation of USCG as a Cooperating Agency is also documented in the summary report.

### 16.2.1.2.1 Project Development and Environment

During the PD&E phase, coordination with the USCG is continued, regardless of the Class of Action (COA), as applicable. FDOT should coordinate with USCG as necessary to resolve issues and avoid unnecessary project delays.

If it has been determined that a USCG permit may be needed for a project in the USCG Heartland District, District 3 prepares a navigation package that includes a completed **Bridge Project Questionnaire** and submits it to the OEM Project Delivery Coordinator (PDC). The PDC submits it to FHWA. FHWA makes a navigability determination and then submits it and the **Bridge Project Questionnaire** and coordinates with USCG. The questionnaire is prepared for bridge replacements or new bridges, but is not required for bridge repairs. If the project is for bridge repairs, the District follows the guidance in the **USCG October 17, 2017 letter** (see [Guidance for Part 1, Chapter 16](#)).

If the USCG requested a **Navigation Impact Report**, coordination with USCG is necessary to obtain preliminary minimum navigation clearances prior to the development/selection of viable alternatives in order to prevent advancement and study of alternatives which USCG would not be able to permit.

FDOT prepares a coordinated **NEPA** document that satisfies both USCG and FHWA **NEPA** requirements and issues a shared or joint environmental impact determination. The **NEPA** document must include information that is acceptable for adoption by the USCG.

FDOT coordinates with USCG during preparation of the **NEPA** document and prepares necessary environmental documentation based on project analysis ([Section 16.2.1.3.1](#)). The **NEPA** document includes discussion of potential bridge impacts to the environment and the results of ongoing coordination with USCG. In the **NEPA** document, USCG is provided with the documentation of navigational impacts and compliance with **NEPA** and other applicable federal environmental statutes, regulations, and executive orders, including coordination/consultation letters from federal and state resource and regulatory agencies.

During the preparation of the **NEPA** document for coastal bridge replacement projects, consideration may be given to using clean material for use as an artificial reef. This should be included in the coordination process with the regulatory and resource agencies as well

as other stakeholders once it has been determined that demolition is the preferred alternative. Consideration will include, but will not be limited to, management, testing, storage, cost and/or transport of the material as well as permitting and agreements that may be necessary.

The draft Environmental Document is submitted to USCG for review, and as appropriate, FDOT responds to comments received on environmental aspects of highway bridges. To ensure the USCG can adopt the **NEPA** document for its bridge permit action, the **NEPA** document should adequately address all comments received from the USCG as a Cooperating Agency.

The **NEPA** document should include appropriate commitments per [Part 2, Chapter 22, Commitments](#).

[Part 2, Chapter 8, Archaeological and Historical Resources](#), provides guidance on which bridge projects require **Section 106 of the National Historic Preservation Act (NHPA)** compliance. For historic bridges requiring **Section 106 NHPA** compliance, FDOT copies USCG on SHPO concurrence letters or MOAs with SHPO and consulting parties.

FDOT also coordinates with USCG to determine if joint efforts for public notices, meetings and hearings would be appropriate. Where a combined Final Environmental Impact/Record of Decision (FEIS/ROD) is anticipated, FDOT notifies USCG and adjusts the review process of the FEIS/ROD accordingly.

The USCG will provide comment on the sufficiency of an Environmental Document (i.e., stating that the document satisfies USCG requirements to process a permit) and will provide preliminary navigation clearance determinations (e.g., stating that minimum navigation clearance for a particular location is XX vertical and XX horizontal) based on information on-hand from a navigation impact study or user input. See [Guidance for Part 1, Chapter 16](#) for a sample letter from USCG. If a letter is received it should be referenced in the Environmental Document and uploaded into the StateWide Environmental Project Tracker (SWEPT).

Also, during the PD&E phase, FDOT may compile applicable environmental information for the bridge permit application. Permitting may be conducted during the PD&E phase, or later during the Design phase.

#### **16.2.1.2.1.1 Navigation Analysis**

The navigation analysis should consider any potential impacts to navigation for proposed construction, reconstruction, rehabilitation, or replacement of federally-aided or assisted projects located over waters.

At the beginning of the PD&E phase, the District looks at the results of coordination with USCG documented in the **Final Programming Screen Summary Report** and reviews the project to make sure there are no additional crossings not identified in the screening.

Information from the ETDM screening should be used to focus the analysis/impact assessment. The **Programming Screen Summary Report** should identify if the project is within USCG jurisdiction, if a permit and/or lighting plan is needed, or if an exemption and the exemption type ([Section 16.1.3](#)) has been identified. During PD&E, the District should also utilize USCG comments from the **Programming Screen Summary Report** to anticipate permitting needs.

If additional crossings have been identified since the ETDM screening, coordination with USCG is necessary to determine if a USCG permit is needed. Coordination with FHWA may be necessary for projects under the jurisdiction of the USCG Heartland District.

Pursuant to **23 CFR § 650.807(d)**, FDOT should accomplish sufficient preliminary design and consultation during PD&E to investigate bridge concepts, including the feasibility of any proposed movable bridges, the horizontal and vertical clearances that may be required, and other location considerations which may affect navigation. At least one fixed bridge alternative shall be included with any proposal for a movable bridge to provide a comparative analysis of engineering, social, economic and environmental benefit and impacts. Engineering decisions resulting from consultation with the USCG during PD&E are incorporated into the Environmental Document.

According to the **Bridge Administration Manual**, each alternative described in the Environmental Document should summarize the navigational impacts. This should include a description of the bridge alignment in relation to the current flow, the vertical and horizontal clearances, the design vessel length, the beam and draft, the navigation traffic patterns (one-way or two-way vessel traffic), the wind and wave effect, the current speed and the direction, visibility, and quality and spacing of aids to navigation near the bridge. The navigational information should be sufficiently complete so that the USCG can take final action without supplementing the Environmental Document.

#### 16.2.1.2.1.2 Documentation

The results of FDOT's navigation analysis and USCG coordination is documented in the Environmental Document. If a **Navigation Impact Report** or **Bridge Project Questionnaire** is prepared it should be saved in the SWEPT project file. The documentation for each type of Environmental Document is outlined below:

**Type 2 CE** – If the project is not in USCG jurisdiction, “not applicable” is selected for the USCG Bridge Permit in the Permits section of the **Type 2 Categorical Exclusion Determination Form** in SWEPT.

If the project is in USCG jurisdiction, the appropriate status (to be acquired, application submitted, or permit received) is selected for the USCG Bridge Permit in the Permits section of the **Type 2 Categorical Exclusion Determination Form** in SWEPT. Any analysis or coordination to determine USCG jurisdiction should be briefly summarized in the project description. Additional information can also be documented in the comments box in the Permit section. The correspondence, letter for preliminary determination of navigational clearance (if applicable), and other documents developed should be added

to the project file ([Part 1, Chapter 5, Categorical Exclusion](#)) in SWEPT. It is recommended that these documents be placed in the Navigation folder within SWEPT.

**EAs and EISs** –If there is no involvement with navigation, include any relevant coordination documents in the project file and state why there is no involvement. Discuss how this determination was made.

For projects within jurisdiction, and no USCG permit is needed, the Navigation section of the EA or EIS should discuss the navigation analysis and coordination with USCG and/or FHWA (USCG Heartland District).

For projects where a USCG permit is needed, coordination with the USCG and/or FHWA (USCG Heartland District) should be discussed in the Navigation section of the EA or EIS and the permit listed in the Anticipated Permits section.

Coordination emails, letters, letter for preliminary determination of navigational clearance, or other supporting information should be included in the Appendix.

There may be occasions when associated federal agency approvals (e.g., USACE permit, USCG permit) will be received at or around the same time as the final **NEPA** approval. On those occasions, as part of the notice publication discussion, OEM and the District will confer as to whether one combined **Limitations on Claims Notice** should be published for the **NEPA** document and any associated federal agency actions. If other federal agency permits, licenses or approvals will be obtained at a later phase of the project, notice of limitations on claims would be published at that time for the subsequent approval. See [Part 1, Chapter 11, Public Involvement](#) for guidance on preparing a **Limitations on Claims Notice**.

### 16.2.1.3 Design and Permitting

During permitting, the District's role is as an applicant. Coordination with USCG during permitting takes place to determine the requirements for a complete bridge permit application. FDOT submits the application for the USCG bridge permit as early as practicable and ensures that the documentation submitted to USCG with the permit application is complete, addresses navigational impacts, and is in compliance with **NEPA** and other required federal environmental statutes, regulations, and executive orders. This is to assist USCG in processing the permit application as quickly as possible. This should include coordination/concurrence letters from federal and state resource agencies, as appropriate. See [Part 1, Chapter 12, Environmental Permitting](#), and the [Permit Handbook](#) for guidance on preparing a USCG bridge permit application.

### 16.2.2 Florida Department of Transportation State Projects

For FDOT State Projects FDOT prepares a State Environmental Impact Report (SEIR) or Non-Major State Action (NMSA) according to [Part 1, Chapter 10, State, Local, or Privately Funded Project Delivery](#). FDOT ensures that adequate information is included

in the Environmental Document for the USCG to use in preparation of their *NEPA* document. See [Figure 16-](#) for a process flowchart.

### **16.2.2.1 Projects Not Qualifying for Efficient Transportation Decision Making Screening**

If the project does not qualify for screening through the EST, navigation issues and/or coordination with USCG is documented in an NMSA. Minimal documentation on navigational effects is required for NMSAs. The navigation results are recorded on the *Non-Major State Action Checklist*. The question that asks “Will the project cause adverse impacts to navigation requiring a federal permit?” is answered. The answer should be no. If a USCG bridge permit is not needed, the rationale on how this determination was made is documented. If the answer is yes, a SEIR is typically necessary as often these projects have other impacts that will not meet the NMSA criteria. Guidance on preparing the *Non-Major State Action Checklist* is found in [Part 1, Chapter 10, State, Local, or Privately Funded Project Delivery](#).

For these types of projects, if it is uncertain whether the waterway is susceptible to improvement for navigation, is tidal, or is considered navigable, or if the types of vessels using the waterway are unknown, FDOT coordinates directly with the USCG.

### **16.2.2.2 Projects Qualifying for Efficient Transportation Decision Making Screening**

If the project qualifies for screening through the EST, the process discussed in [Section 16.2.1.1](#) is followed for projects located in the USCG Southeast District.

If it has been determined that a USCG permit may be needed for a project in the USCG Heartland District, District 3 prepares a navigation package that includes a completed *Bridge Project Questionnaire* and submits it to the USCG. A sample questionnaire is provided in the [Guidance for Part 1, Chapter 16](#). The questionnaire is prepared for bridge replacements but is not required for bridge repairs. If the project is for bridge repairs, District 3 follows the guidance in the *USCG October 17, 2017 Letter* (see [Guidance for Part 1, Chapter 16](#)). If the USCG Heartland District determines the project is in their jurisdiction and a permit is required, District 3 documents it in the EST and the USCG is automatically added as a Cooperating Agency. If a lighting plan is required, this will also be documented in the EST by District 3.

The results of this input are included in the Navigation section of the planning or programming screen summary report. The designation of USCG as a Cooperating Agency is also documented in the summary report.

### 16.2.2.2.1 Project Development and Environment, Design, and Permitting

During the PD&E phase, coordination with the USCG is continued. FDOT should coordinate with USCG as necessary to resolve issues and avoid unnecessary project delays.

If the USCG requested a **Navigation Impact Report**, coordination with USCG is necessary to obtain preliminary minimum navigation clearances, prior to the development/selection of viable alternatives in order to prevent advancement and study of alternatives which USCG would not be able to permit.

FDOT prepares a SEIR and includes information that is acceptable for adoption by the USCG. FDOT consults with USCG during preparation of the SEIR and prepares necessary environmental documentation based on project analysis. See [Section 16.2.1.2.1.1](#) for guidance on conducting navigation analysis. The SEIR includes discussion of potential bridge impacts to the environment and a discussion of results of ongoing coordination with USCG. In the SEIR, USCG is provided with the documentation of navigational impacts and information they can use to comply with **NEPA** and other applicable federal environmental statutes, regulations, and executive orders, including coordination/consultation letters from federal and state resource and regulatory agencies.

During the preparation of SEIR coastal bridge replacement projects, consideration may be given to using clean material for use as an artificial reef. This should be included in the coordination process with the regulatory and resource agencies as well as other stakeholders once it has been determined that demolition is the preferred alternative. Consideration will include, but will not be limited to, management, testing, storage, cost and/or transport of the material as well as permitting and agreements that may be necessary.

Preliminary environmental documentation is submitted to USCG for review, and as appropriate, FDOT responds to comments received on environmental aspects of highway bridges. To ensure the USCG can use the SEIR for its bridge permit action, the SEIR should adequately address all comments received from the USCG.

The SEIR should include appropriate commitments per [Part 2, Chapter 22, Commitments](#). For historic bridges requiring **Section 106 of the NHPA** compliance, FDOT copies USCG on SHPO concurrence letters or MOAs with SHPO and consulting parties.

FDOT also coordinates with USCG to determine if joint efforts for public notices, meetings and hearings would be appropriate. The USCG will provide comment on the sufficiency of the SEIR (i.e., stating that the document satisfies USCG requirements to process a permit) and will provide preliminary navigation clearance determinations (e.g., stating that minimum navigation clearance for a particular location is XX vertical and XX horizontal) based on information on-hand from a navigation impact study or user input. See [Guidance for Part 1, Chapter 16](#) for a sample letter from the USCG. If a letter is received it should be referenced in the SEIR and uploaded into SWEPT.

Also, during the PD&E phase, FDOT may compile applicable environmental information for the bridge permit application. Permitting may be conducted during the PD&E phase or later during the Design phase.

During permitting, the District's role is an applicant. Coordination with USCG during permitting takes place to determine the requirements for a complete bridge permit application. FDOT submits the application for the USCG bridge permit as early as practicable and ensures that the documentation submitted to USCG with the permit application is complete, addresses navigational impacts, and is in compliance with other required environmental statutes, regulations, and orders. This is to assist USCG in processing the permit application as quickly as possible. This should include coordination/consultation letters from federal and state resource agencies, as appropriate. See [Part 1, Chapter 12, Environmental Permitting](#), and the [Permit Handbook](#) for guidance on preparing a USCG bridge permit application.

#### **16.2.2.2.1.1 Documentation of State Environmental Impact Reports**

If the project is not within USCG's jurisdiction, "Not present" is selected in the Navigation section of the ***State Environmental Impact Report Form***.

If the project is within USCG's jurisdiction (based on the outcome of analysis and coordination) "Present" is selected and it is identified if there will be a substantial impact.

Any analysis or coordination to determine USCG jurisdiction should be briefly summarized and included in the SEIR. The summary box should also include a reference to attachments containing supporting information. The correspondence, letter for preliminary determination of navigational clearance (if applicable), and other applicable documents (e.g., ***Navigation Impact Report, Bridge Project Questionnaire***) should be contained in the project file in SWEPT and referenced in the SEIR. The SEIR should include items needed for permitting, if available, and be prepared so that USCG can use the information to prepare their own ***NEPA*** document.

In the Permits section of the form, the applicable status next to the USCG bridge permit (not applicable, to be acquired, application submitted, permit received) is selected. If needed, this determination can be explained in the Permit Comments box and coordination emails or letters can be included in the project file. See [Part 1, Chapter 10, State, Local, or Privately Funded Project Delivery](#) for more information on preparing a SEIR.

### **16.3 REFERENCES**

Coast Guard Authorization Act, 1982.

FDOT, 2017. Amendment to Agency Operating Agreement for Continuing the Efficient Transportation Decision Making Process in Florida Between U.S. Coast Guard and the Florida Department of Transportation and the Federal Highway Administration dated 6/8/2009.

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<https://www.fhwa.dot.gov/legsregs/directives/notices/n6640-22.cfm>

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[https://www.environment.fhwa.dot.gov/Pubs\\_resources\\_tools/publications/RedBook\\_2015.aspx](https://www.environment.fhwa.dot.gov/Pubs_resources_tools/publications/RedBook_2015.aspx)

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General Bridge Act of 1946

Rivers and Harbors Appropriations Act of 1899

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- Title 23 CFR 650.805, Bridges not requiring a USCG permit. [https://ecfr.io/Title-23/pt23.1.650#se23.1.650\\_1805](https://ecfr.io/Title-23/pt23.1.650#se23.1.650_1805)
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<https://www.transportation.gov/regulations/federal-register-documents/2025-12365>

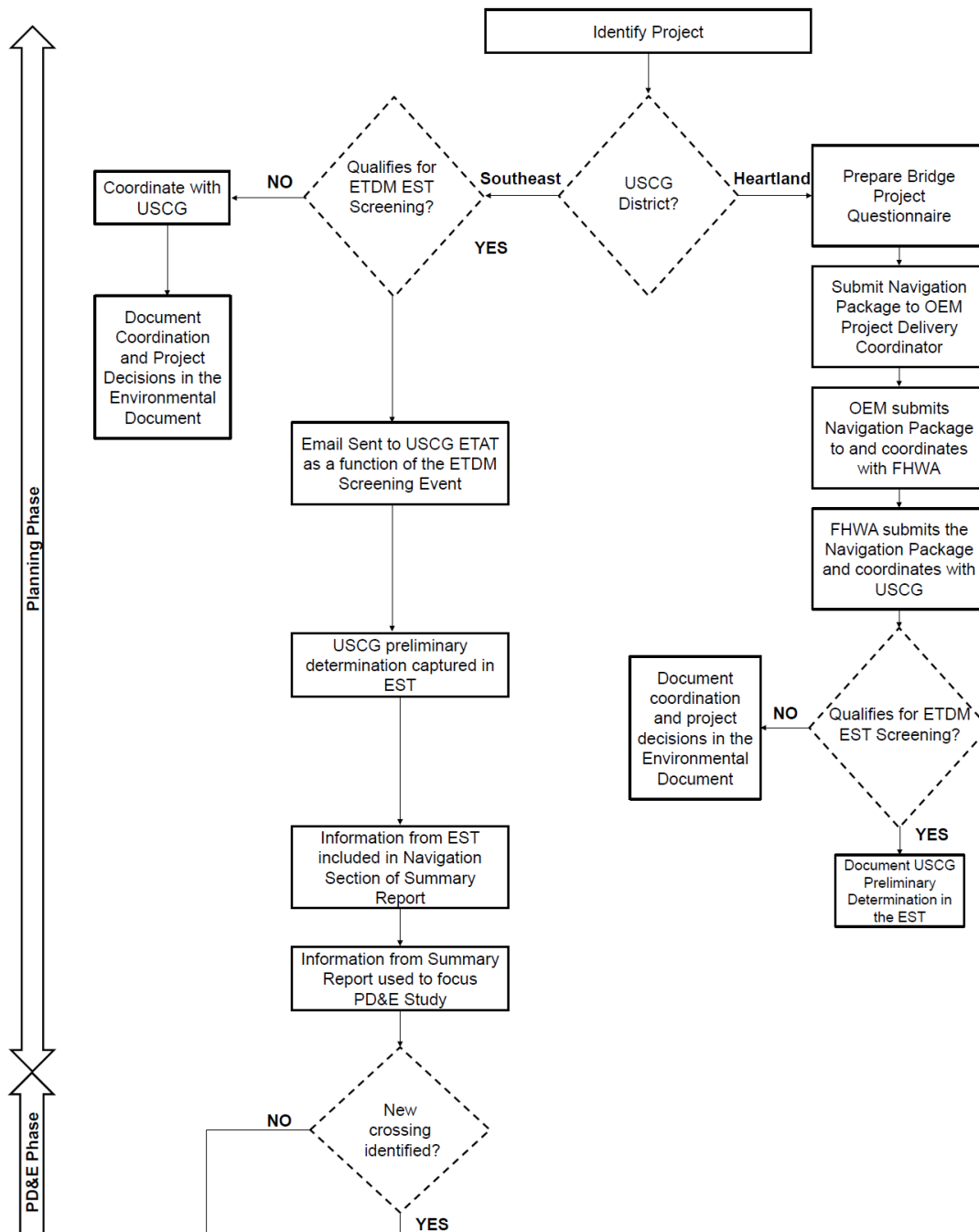


Figure 16-1 FDOT Federal Project Navigation Process

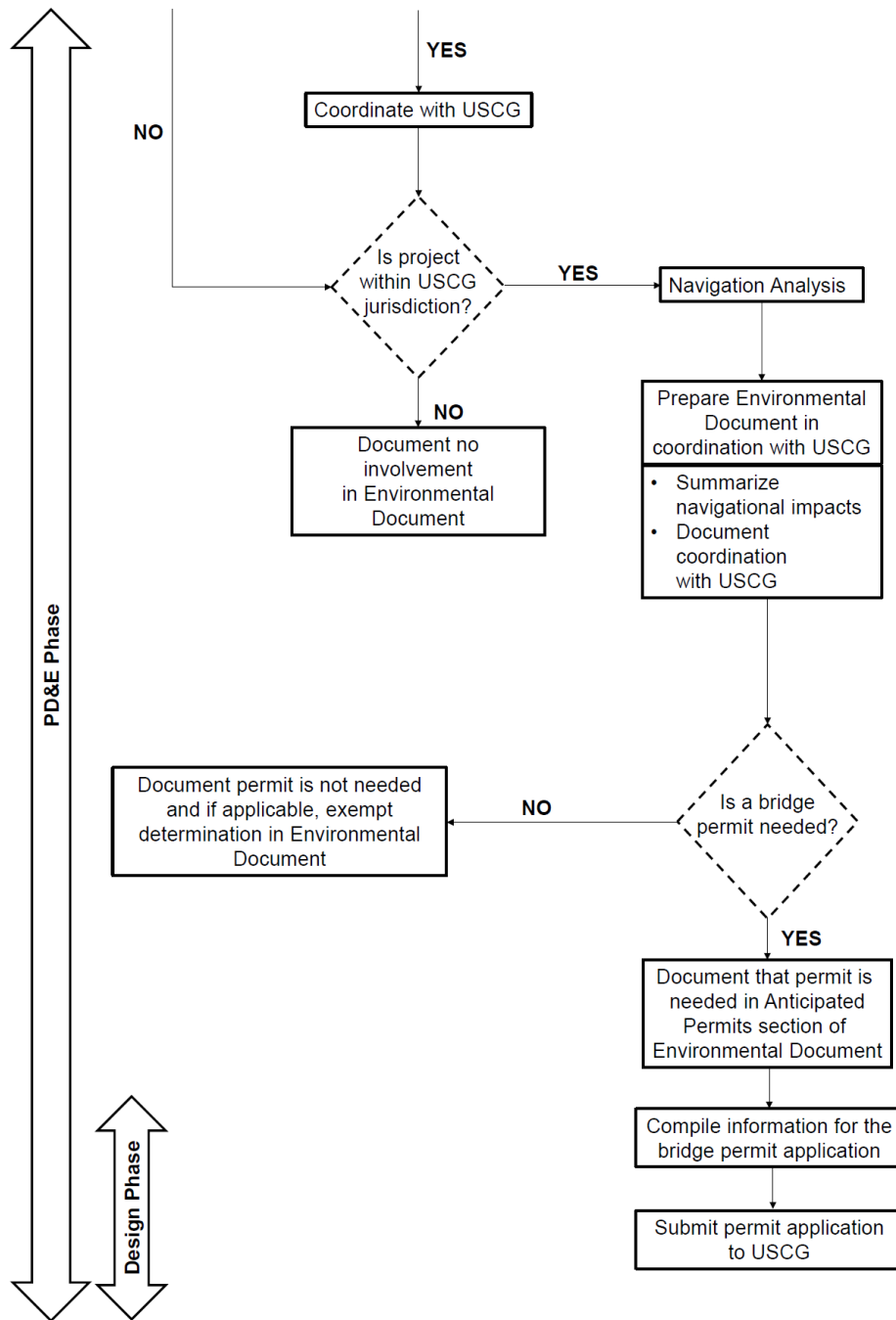
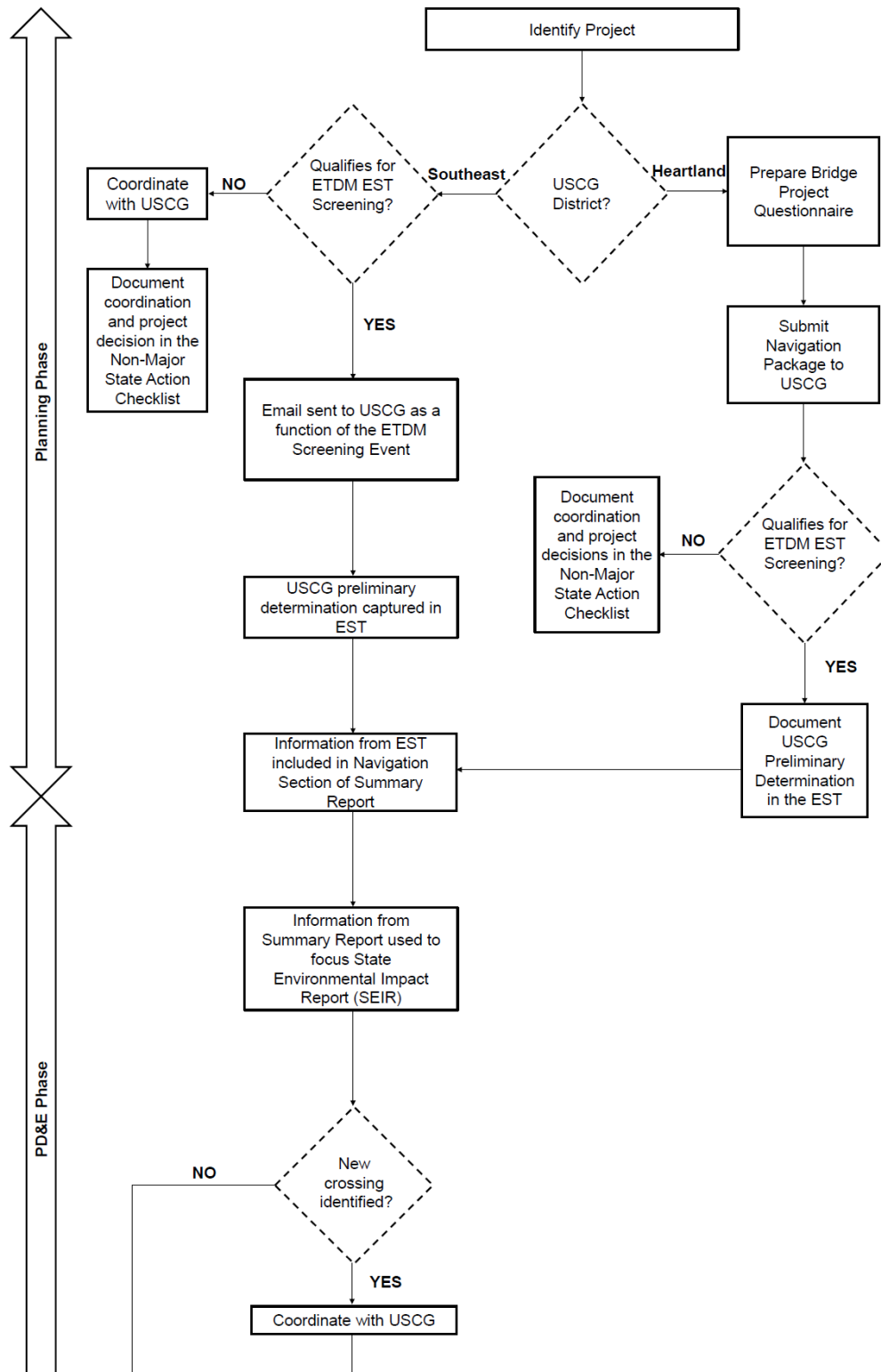


Figure 16-1 FDOT Federal Project Navigation Process (page 2 of 2)



**Figure 16-2 FDOT State Project Navigation Process**

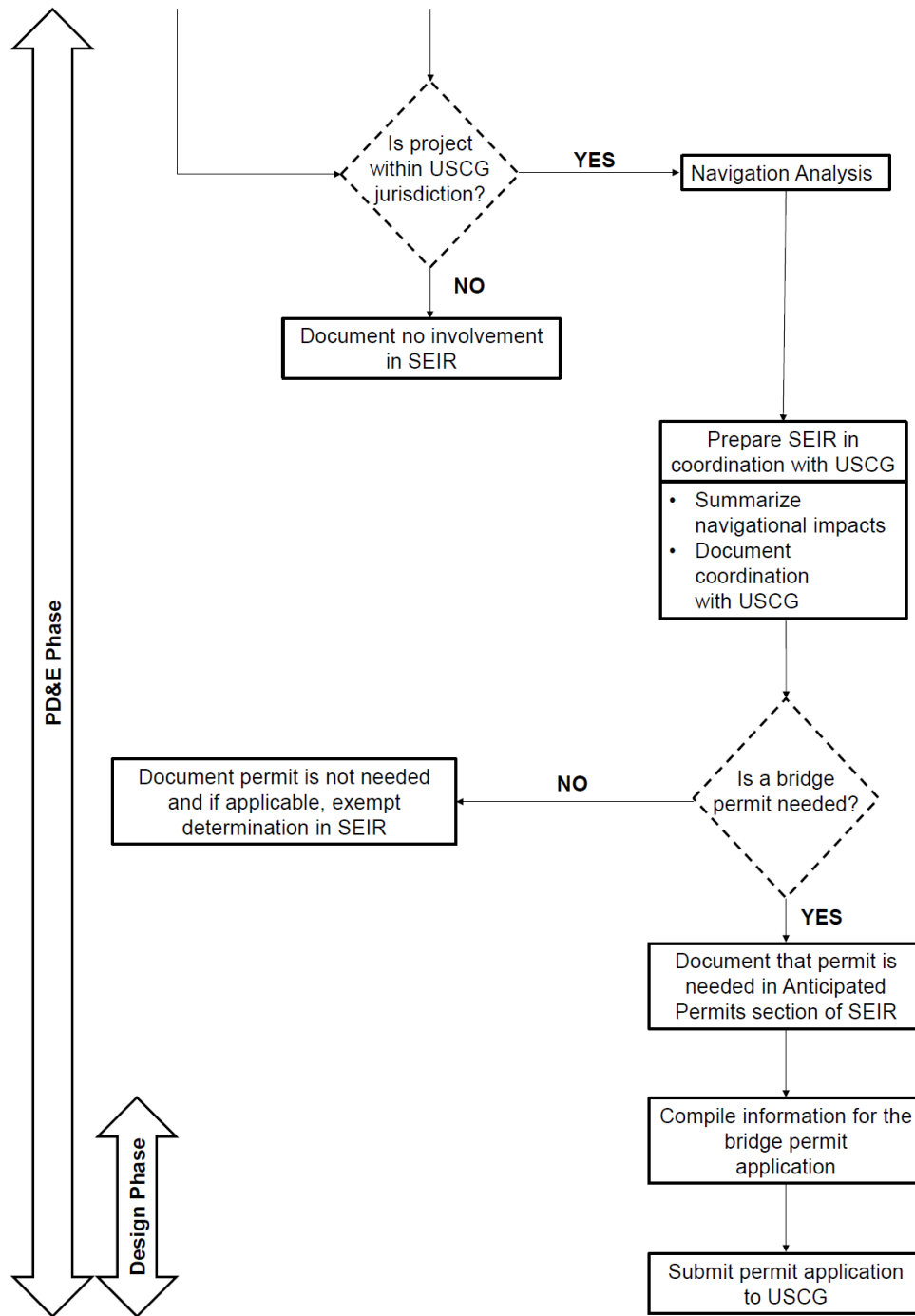


Figure 16-2 FDOT State Project Navigation Process (page 2 of 2)