

FDOT Native Florida Plant Coordination Guidance

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The purpose of this guidance is to provide best practices to FDOT environmental practitioners and Project Managers for coordinating with stakeholders regarding native plants on transportation projects.

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SECTION 1: INTRODUCTION

1.1 BACKGROUND

The Office of Environment Management (OEM) partnered with the Florida Wildflower Foundation (FWF) and the Florida Native Plant Society (FNPS) to form the Native Florida Plants FDOT Working Group. The goal of this working group is to develop best practices of how and when native plants are considered during the project delivery process, ensure two-way communication, and share success stories.

Through the working group, the FWF and FNPS were [provided information](#) regarding their role in coordinating with FDOT during each phase of project delivery. Specifically, FWF and FNPS were provided [guidance on using ETDM](#) to ensure that they can engage and review projects early in the process so that their comments regarding potential plants of concern can be considered by FDOT. The working group also included representatives from Florida Department of Agriculture and Consumer Services (FDACS) to ensure the procedures under [581.185](#) Florida Statutes and Chapter [5B-40](#), Florida Administrative Code were understood by the group.

1.2 NATIVE PLANTS TO CONSIDER ON TRANSPORTATION PROJECTS

There are three categories of native plant species that should be considered on transportation projects:

- Federally-listed plants under the Endangered Species Act
- State-listed plants that occur on the Regulated Plant Index [Chapter 5B-40.0055](#), Florida Administrative Code and considered under [581.185](#), Florida Statutes
- Non-listed plants of interest or concern

The first two categories of plants have existing laws and procedures that FDOT follows when these species are encountered to ensure appropriate documentation and coordination with the resource agencies (see [Part 2, Chapter 16 of PD&E Manual](#)). These listed species generally are not afforded the type of protection that listed wildlife are, and so FDOT is often not obligated to protect these species when they occur within transportation right of way (ROW). However, through [FS 581.185\(10\)](#), FDOT is obligated to notify FDACS just prior to construction when state-listed plants occur within the ROW so that FDACS can alert stakeholders that may want to rescue these plants. In addition, there are many non-listed rare plants or species of interest/concern throughout the state that stakeholders consider important. Two [lists of plant genera of special concern](#)

(one for North Florida and one for peninsular Florida) have been developed by the stakeholders and can be referenced during project development. These lists are intended as a tool to help recognize that plants within these genera could be of potential interest to stakeholders. These lists are in no way intended to indicate an additional survey requirement. The lists can be accessed by [clicking this link](#) and may be amended from time to time based on the Stakeholders request. For purposes of this document the term “stakeholder” generally refers to native plant organizations or members of the public interested in plant conservation, not just the resource agencies.

Even though FDOT may not be obligated to protect certain listed plants, and is not obligated to protect non-listed species of interest/concern, stakeholders often want to conduct plant “rescues” (i.e., relocations or seed and/or cuttings collection) to maintain species or population viability if avoidance is not feasible.

The Federally and state listed plants are also well documented through existing data available to FDOT through the Environmental Screening Tool and other resource agency data sources. Information on non-listed species of interest/concern is not easily accessible unless an FDOT environmental practitioner has local knowledge. Therefore, it is important to be watchful for public comments regarding these species throughout the project delivery process. It can be helpful for the Project Manager or environmental practitioners to reach out to the local chapter of the FNPS or to FWF for information if non-listed rare plants are thought to be in the project area (links provided below).

<https://www.fnps.org/chapters/chapters>

<https://flawildflowers.org/>

1.3 PURPOSE

This document provides FDOT environmental practitioners and Project Managers guidance on their role in coordinating with stakeholders to ensure two-way communication for addressing native plants during the various project phases. In addition, this document provides information about complying with FS [581.185](#) and [Chapter 5B-40](#) F.A.C. This document does not directly address the consultation process for federally listed plants protected under the Endangered Species Act, which is included in [Part 2, Chapter 16 of the PD&E Manual](#). This document also does not address plant relocations that may be a result of other coordination efforts with agencies or as required by other processes (i.e. Acquisition and Restoration Council, Part 2, Chapter 23 of the PD&E Manual). However, if through ESA consultation or other required agency review, it has been determined that plant rescue is appropriate, much of the guidance in this document may be helpful to coordinate the rescue efforts.

This document provides guidance at each phase of project delivery and is intended to be used in conjunction with other existing FDOT processes (i.e. ETDM) and procedures (i.e. PD&E Manual) that address environmental resources, stakeholder involvement and the project delivery process. This document is also focused on transportation projects that are larger in scope and have a PD&E phase (i.e. Type 2, EA, EIS, SEIR), however, some projects that are smaller in scope (i.e. Type 1 CE, NMSA) may also encounter requests for plant rescue and the guidance in this document should be used to coordinate those efforts.

SECTION 2: PLANNING PHASE

For purposes of this document, the Planning phase begins when a project is ready to go through an ETDM Screening event (Planning or Programming). The ETDM Coordinator should review the following plant layers to see if there is a potential for federal or state-listed plants within the project corridor.

ETDM layers:

Natural ->Wildlife & Habitat -> Consultation Areas

- Atlantic Coast Plants Consultation Area
- Lake Wales Ridge Plants Consultation Area
- Miami-Dade Keys Plants Consultation Area
- Okeechobee Gourd Consultation Area
- Southwest Plants Consultation Area
- USFWS IPaC (Plants)

Natural ->Wildlife & Habitat -> Habitat

- USFWS Telephus Spurge Current Range

Natural ->Wildlife & Habitat -> Critical Habitat

- Aboriginal Prickly-Apple Critical Habitat
- Florida Semaphore Cactus Critical Habitat
- Florida Brickell Bush Critical Habitat
- Cape Sable Thoroughwort Critical Habitat
- Carter's Small Flowered Flax Critical Habitat

Florida Natural Areas Inventory (FNAI)- Restricted to DOT only

- FNAI Element Occurrence (Documented or Likely)
- FNAI Element Occurrence (Potential)

The ETDM Coordinator should note the potential for these listed plants in the Preliminary Environmental Discussion (PED). Once the screening event is complete, the ETDM coordinator should look for any comments from USFWS and FDACS regarding listed plants. Comments from the public regarding non-listed species of interest/concern should also be taken into consideration as the project moves to the PD&E phase. Specifically, when non-listed species of interest/concern are noted to be in the project area, the ETDM Coordinator or PD&E Project Manager should reach out to the stakeholder prior to scoping the project to obtain additional details regarding location and biology of the species (if not readily available) and to communicate that the species will be considered during PD&E field reviews.

SECTION 3: PD&E PHASE

The Project Manager and environmental practitioners coordinating field work to support the Natural Resources Evaluation (NRE) should review the ETDM screening summary report to confirm which listed plants were identified and if any non-listed species of interest/concern were noted as occurring within the project area. As additional public involvement occurs during the PD&E Phase, the Project Manager may also be contacted directly by stakeholders regarding non-listed species of interest/concern.

Field reviews to support the NRE should be planned with these identified plants species in mind and should be conducted at the appropriate time of year (i.e., when the plant is flowering) to ensure highest likelihood of being able to confirm presence or absence of the species within the project area. Field reviews for other natural resources during the PD&E phase should also note if any of these plants are encountered. Often stakeholders have location data (either general or GPS points) that can be provided. If recent location data for a non-listed species of interest/concern has been provided by a stakeholder, additional survey efforts may not be needed at this time.

If it is determined that state-listed plant species have the potential for adverse effects because of the project, the NRE should be forwarded to FDACS, Division of Plant Industries, for their review. FDACS will review and determine if the information should be forwarded to the Endangered Plant Advisory Council and or any other state agencies, clubs, associations, organizations, or individuals that

may offer support and services for the preservation of plants on the Regulated Plant Index that may be affected. Prior to Construction, FDACS will also work with FDOT and the entity performing the plant conservation activity to issue any necessary permits.

The NRE will be prepared per [Part 2, Chapter 16 of the PD&E Manual](#) and the [NRE Outline and Guidance](#) document. The NRE should include a discussion specifically for the identified plants within the project area including non-listed species of interest/concern that a stakeholder has identified.

The environmental practitioners or Project Manager should coordinate with the stakeholder group who requested the species be considered in the project once the results of the field work for the non-listed species of interest/concern is available. If the plant is present, a discussion with the stakeholder should occur to determine whether avoidance may be feasible or if a rescue by the stakeholder would be requested. The same coordination should also take place if a stakeholder is specifically interested in a listed species. For situations where stakeholders identify that they do want to coordinate further with FDOT regarding a plant rescue prior to Construction, a commitment should be documented in the NRE and in the Environmental Document. The commitment should not require that FDOT rescue the plants from the ROW, as this is typically not the responsibility of the FDOT except in certain situations with federally listed plants. The commitment made should be focused on further coordination with the stakeholder during the Design phase to determine if a plant rescue can be arranged (i.e. is there enough stakeholder support to conduct the rescue and can it be conducted without impacting Construction).

There may be times where the project schedule or other circumstance will not allow for field reviews to be conducted during the optimum time of year to confirm presence of a particular species during the PD&E study. When this is the case, it should be noted in the NRE that further surveys are required. Typically, it is appropriate to also make a commitment that this survey will be conducted during the Design phase.

SECTION 4: DESIGN PHASE

The Project Manager, Environmental Permit Coordinator, and other environmental practitioners responsible for the project during the Design phase should review the NRE and commitments in the Environmental Document to determine which plant species were considered during PD&E and what additional steps need to be taken during Design to address these species. In addition, it is important to confirm whether there are any newly listed plant species since the PD&E study was completed.

When a prior commitment regarding coordination for a potential plant rescue has been made, it is important for the Project Manager or responsible environmental practitioner to reach out to the stakeholder. This will ensure the contact information is still valid and reopen the lines of communication. Topics to review with the stakeholder include the current project schedule; any recent location data the stakeholder can provide; whether the stakeholder is aware of any changes in the plants status (i.e. no longer present); status of the field work to reconfirm that the species is still present (if required or stakeholder location data not available); any design changes that may allow for avoidance if feasible; and confirmation that the stakeholder is still requesting to conduct a plant rescue. Lines of communication should remain open throughout the Design phase when a plant rescue is anticipated.

Similar to the PD&E phase, as additional public involvement occurs during Design, the Project Manager may be contacted by stakeholders regarding non-listed rare plants. The Project Manager should ensure that as additional information from stakeholders regarding non-listed species of interest/concern is received, it is passed to the environmental practitioners for inclusion in their field work (as necessary) and documentation. Coordination with stakeholders regarding results of plants surveys (where they have expressed an interest) should also occur to confirm whether a plant rescue may be requested by the stakeholder.

For Design-Build projects, it is important to ensure that commitments made regarding plant surveys or plant rescues are included in the Request for Proposal and addressed as appropriate during Industry Forums or other meetings with interested contractors.

SECTION 5: RIGHT OF WAY PHASE AND PRE-CONSTRUCTION

Once it has been established that a plant species (whether listed or non-listed species of interest/concern) within existing or proposed ROW is identified for rescue by a stakeholder, the Project Manager or responsible environmental practitioner should begin a concerted coordination effort with the stakeholder, the FDOT Vegetation Manager, and the appropriate FDOT Maintenance Yard to confirm that a rescue is feasible.

Certain precautions (see items in list below) for the traveling public and the rescue volunteers need to be considered. These precautions need to be discussed with the Maintenance Yard in the area where the rescue will occur. Typically, a Maintenance Yard would need at least 3 months lead time to consider workload to support (i.e., provide equipment or personnel) a plant rescue. Items for consideration during this coordination are noted below. Other considerations to prepare for a plant rescue are also provided. An FDOT permit from the

Maintenance Office is not required for stakeholders to conduct plant rescues, but a permit for the rescue activities may be required by FDACS. It is the stakeholder's responsibility to obtain the FDACS permit, if necessary, and FDOT will need to provide permissions as the landowner or legal representative for the property in order for the stakeholder to conduct the plant rescue activity.

Note that requirements in a Biological Opinion issued by USFWS for a project may require plant relocation and some of the items below may not apply and/or may not be optional. For example, the project schedule would have to accommodate plant relocations required in a BO. If maintenance of traffic (MOT) is needed to provide precautions for FDOT representatives conducting the rescue, it would have to be provided by the Maintenance Yard or Construction contractor as determined by the District.

In some case, FDOT may have identified state-listed plants within the project limits but no specific stakeholder has come forward with a request to rescue these plants. In these situations, FDOT will follow the requirement to notify FDACS per [581.185\(10\)](#), Florida Statutes and [Chapter 5B-40](#), Florida Administrative Code. FDACS is then responsible for notifying the Endangered Plant Advisory Council and other stakeholders that may wish to pursue a plant rescue effort. This notification is required no later than the time the project is advertised for construction. However, it is recommended that this notification occur sooner. The considerations listed below should be reviewed if a stakeholder comes forward with a request to rescue plants.

- Project schedule
 - Has the ROW been acquired where the plant rescue is to take place?
 - Are there any easements granted to FDOT where plant rescue may be occurring?
 - If so, additional coordination between FDOT, FDACS and the stakeholder conducting the rescue may be required to ensure the proper permissions from the underlying property owner are in place for any required FDACS permitting.
 - For easements from state-owned upland conservation lands which are managed for conservation, outdoor resource-based recreation, or archaeological or historic preservation, see guidance for use of such lands provided in [Part 2 Chapter](#)

[23 Acquisition and Restoration Council \(ARC\) Coordination.](#)

Note that this process can be lengthy and may require more time than normal easement coordination.

- What time of year does the rescue need to take place, and over what time frame should any seed or cutting collection take place prior to relocation activities?
- How many days are needed to conduct the rescue?
- Is there enough time to conduct the plant rescue prior to Construction (or at least to not interfere with Construction)?
- Is there adequate time to coordinate with FDACS to obtain a permit (when required)? Typically, FDACS can issue a permit in less than 30 days. Permits can be applied for up to a year in advance if desired.
- Will any plants be returned to the ROW after construction is complete? Or will “recipient sites” need to be identified and permission to plant be obtained in writing ahead of time?
- Maintenance of Traffic
 - Is any equipment (i.e. cones, signs) required based on location of the rescue operations to ensure motorist and volunteer safety?
 - Are certified MOT personnel required to be on site during the rescue?
 - If so, can that be fulfilled by the Maintenance Yard, stakeholder, or possibly FDOT Contractor (if it fits within the anticipated construction phasing)?
 - Approval from the District Maintenance Engineer may be required.
 - If plants will be returned to the ROW after construction, will the same requirements for equipment and MOT be needed at that time?
 - What mowing/ maintenance considerations might need to be coordinated with Maintenance personnel and contractors?
- Volunteer Availability

- Does the stakeholder have the appropriate number of volunteers available to conduct the rescue within the agreed upon timeframe?
- FDACS Permit
 - Does the stakeholder need a permit from FDACS to conduct the rescue? Typically, FDOT would not be conducting a rescue and any permit requirements would be the responsibility of the stakeholder conducting the rescue.
 - FDACS only requires permits to rescue state-listed endangered or commercially exploited plants. Use Form # DACS - 08025 available here:
<https://www.templateroller.com/template/2078211/form-fdacs-08025-request-for-permit-to-harvest-endangered-or-commercially-exploited-plant-s-or-plant-part-s-florida.html>
 - A permit is not required to rescue state-listed threatened or non- listed species of interest/concern, only property owner permission is needed for the rescue.
 - Information needed from FDOT to support the plant rescue (i.e., property owner permission) should be provided to the stakeholder.
 - The permit should be issued to a main point of contact for the stakeholder who will be on-site for the rescue period. Note that on the application there is a request for the Name of Person Granted Permission to Harvest – this is the name of the person actually conducting the rescue, not the person/entity giving permission to the stakeholder to conduct the rescue.
 - There are no standard reporting requirements for the permittee back to FDACS, however, on occasion special conditions may require reporting.
- Construction Contract Package (i.e. plans, specifications)

- Ensure that any special areas that may need to be protected (i.e. existing plants to remain on project site) are noted on the plan sheets.
- Ensure that any plant rescue support required of the contractor is reflected in the plans or specifications (early coordination with the District Specifications Office is recommended in these situations).

SECTION 5: CONSTRUCTION

It is strongly encouraged that plant rescues take place prior to construction. When situations arise where that is not feasible, coordination with the District Construction Office should start as early as possible. This coordination should occur prior to the Plans, Specifications, and Estimates (PS&E) package development and include a review of project plans and project specific specifications that include plant rescue details. Direct coordination with the Construction Project Administrator (CPA) should also occur once this person is assigned to the project to ensure continued coordination with the main stakeholder contact has a smooth transition. The Design PM or environmental practitioners coordinating the rescue should plan to attend coordination meetings such as project hand off meetings between Design and Construction, pre-construction meetings with the Contractor or field meetings.

SECTION 6: MAINTENANCE

On occasion, a plant rescue may include returning rescued plants back to the FDOT ROW once the construction project has been completed. In these cases, coordination for this effort should occur during the initial plant rescue discussions with the Maintenance Yard and the **anticipated** provisions for the return of plants should be made at that time. Recognizing that construction can take several months to a few years, it may not be feasible for the Maintenance Yard to commit resources to return plants to the ROW until closer to the completion of construction. In these cases, an FDOT point of contact for the stakeholder should be identified (i.e., Construction PA, Design PM). The FDOT contact and stakeholder contact should establish a plan to communicate regularly about the project progress, including a milestone at which it is agreed that continued coordination with the Maintenance Yard should occur to determine feasibility of returning plants to the ROW.

Also, on occasion, a stakeholder may notify Maintenance staff of native plants within the ROW that they are concerned about. In these situations, if the stakeholder has a concern that Maintenance can address (i.e., avoid mowing during the growing season, illegal parking or dumping in ROW), they will

coordinate directly with the stakeholder to do so. If the stakeholder has a concern regarding a potential road project, the Maintenance office will pass along that concern to the appropriate FDOT staff (i.e., PM or environmental practitioner) for consideration.

SECTION 7: PLANT RESCUE NOT ASSOCIATED WITH AN FDOT PROJECT

On occasion, a development adjacent to FDOT ROW could trigger a request for plant rescue within FDOT ROW (i.e. the majority of the plants are on the development, but a few also occur in the ROW and the stakeholder would like to rescue the entire population). In these cases, refer to the list of considerations in the Right of Way and Pre-construction section of this document. Not all of these considerations will be applicable, but this will be a useful starting point in coordination with the stakeholder to determine if rescue is feasible.