

Guidance for Native Florida Plant Stakeholders Participating in the Transportation Development Process

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SECTION 1: INTRODUCTION

1.1 Purpose

The purpose of this document is to provide a general outline of each phase of transportation project development that explains to stakeholders interested in native Florida plants how to engage in the process. For each project phase, the guidance explains what actions FDOT is taking and what decisions are being made; what tools are used, or activities conducted when considering native plants; and what role a stakeholder has to provide input on the project. This document should be used in conjunction with the ETDM guidance on how to sign up for notifications and how to add map layers and other resources located on the FDOT Office of Environment Management (OEM) Resources Page [located here](#).

This document is focused on transportation projects that are larger in scope and have a Project Development and Environment phase (PD&E), however, some projects that are smaller in scope may also have a potential for involvement with native Florida plants.

1.2 Background

The FDOT 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 was 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 helped develop this document regarding the role of stakeholders in coordinating with FDOT during each phase of project delivery. In addition, [guidance on using ETDM](#) to ensure stakeholder engagement early in the process was developed. For purposes of this document the term “stakeholder” generally refers to native plant organizations or members of the public interested in plants, not the resource agencies.

1.3 Native Plants Considered on Transportation Projects

There are three categories of native plant species that FDOT will consider on transportation projects when within the project limits:

- 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

- Stakeholder identified non-listed plant species of interest/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 two categories of plants are also well documented through existing data available to FDOT through the Environmental Screening Tool and other resource agency data sources. Listed plant 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. However, through [FS 581.185](#), FDOT is obligated to notify Florida Department of Agriculture and Consumer Services (FDACS) just prior to construction when state-listed plants occur within the right of way (ROW) so that FDACS can alert stakeholders that may want to rescue these plants.

In addition, there are many non-listed plants 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. Information on non-listed species of interest/concern is not easily accessible unless a FDOT environmental practitioner has local knowledge. When FDOT is made aware of these non-listed species of interest/concern by a stakeholder, FDOT can consider effects of the transportation project on these plants and coordinate with the stakeholder regarding possible protection of the plants.

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. In these cases, it is important for stakeholders to be engaged in the project delivery process early to have the best opportunity to coordinate a rescue effort with FDOT. This document outlines the points of engagement for stakeholders through each project phase. For each phase outlined below, the document describes what actions typically occur during that phase, what tools are used, and what the role of the stakeholder should be at that point in the process. It is important to remember that early coordination and on-going communication

between stakeholders and FDOT play a key role in the success of plant conservation activities within transportation projects.

SECTION 2: PLANNING PHASE

What FDOT actions occur and what decisions are made?

- High level initial look at transportation need
- Review at a travel corridor level
- Coordination between Transportation Planning Organization and Metropolitan Planning Organizations

What tools/activities are typically used?

- Public Meetings for the 5 Year Work Program

What is my role as a stakeholder at this stage?

- Attend public meetings and provide comments

SECTION 3: EFFICIENT TRANSPORTATION DECISION MAKING (ETDM) REVIEW

What FDOT actions occur and what decisions are made?

- Desktop review of the project area using Geographic Information System (GIS) layers to identify potential impacts
- Alternatives are compared to select those that meet the purpose and need
- Fatal flaws are identified
- GIS data identifies areas requiring more in-depth investigation and study
- Alternatives are reviewed by the Environmental Technical Advisory Team (ETAT)¹

¹ ETAT members perform multidisciplinary reviews specific to their area of expertise (e.g., wetlands or land use). These reviews help to determine the feasibility of a proposed project and identify the project's potential involvement with the natural, physical, and human environment.

- Comments are provided by the ETAT that assess the potential levels of impact to resources by project alternatives
- ETAT feedback is added to the Preliminary Screening Summary reports

What tools/ activities are typically used?

- ETDM GIS layers
- Existing knowledge of project corridor
- Review by Environmental Technical Advisory Team (ETAT)

What is my role as a stakeholder at this stage?

- Review potential projects through the [ETDM public website](#) and provide feedback regarding non-listed species of interest/concern for consideration. *Tutorials have been developed to help navigate the ETDM public site and [are located here](#).
 - Access the public ETDM site here: <https://etdmpub.florida-etat.org/est/>
 - Early look at proposed project by the public, any known information about listed or non-listed species of interest/concern could be made known to FDOT
 - In general, only listed species will be identified by GIS review, but local knowledge of non-listed species of interest/concern can be offered through the public website

NOTE: typically, ETDM screening is only done on complex projects and not all projects have a PD&E phase. Projects that do not require these phases will generally begin in the design phase and could have a shorter timeframe for requested plant conservation activities.

SECTION 4: PROJECT DEVELOPMENT AND ENVIRONMENT PHASE (PD&E)

What FDOT actions occur and what decisions are made?

- The Natural Resources Evaluation (NRE) is completed
 - The NRE includes the results of field reviews done for listed species and wetland impacts. It will also include a discussion for non-listed species of interest/concern if identified by a stakeholder during ETDM or in a timely manner before the NRE to support the PD&E phase is complete
 - Any species identified during the ETDM screening is verified
 - Efforts to avoid, minimize, or mitigate impacts are outlined
 - If impacts to listed plants have been identified, the NRE is sent to FDACS- Division of Plant Industries
 - The NRE is used in the development of the final Environmental Document
 - Concurrence on the level of impact and methods to offset impacts are received from the resource agencies. Public Involvement opportunities such as Alternative Workshops are held
 - The public provides feedback about resources and concerns
 - This feedback informs the project team about resources important to the community
 - Further consideration is given to conservation measures as project development continues which may become commitments to the public
 - Conservation measures agreed upon between FDOT, regulating agencies, and other commitments to the public are included in the Project Commitment Record (PCR)

- The commitment record stays with the project as it advances.
- Commitments are implemented at the appropriate project phases (i.e., Design, Construction)

What tools/activities are typically used?

- Stakeholder will provide FDOT with current information (maps, recent visual occurrences, Global Positioning System (GPS) location data) regarding non-listed species of interest/concern
- Field biologists perform on-site surveys for listed species and of protected habitats. Surveys can also include non-listed species of interest/concern if identified by a stakeholder during ETDM or in a timely manner before field work to support the PD&E phase is complete. If the stakeholder has recent location data, field work at this time may not be necessary
 - After surveys for non-listed species of interest/concern have been conducted, FDOT will coordinate with the stakeholder group who requested the species be considered in the project
- Correspondence with regulating agencies is conducted to receive concurrence on avoidance, mitigation, and other conservation measures to offset impacts (U.S. Fish and Wildlife Service (USFWS), FDACS)
- Upon review of NRE by FDACS, FDACS or stakeholder group can notify FDOT if interested in plant rescue efforts if avoidance is not feasible
- Public Involvement opportunities (varies by project but these types of meetings generally occur during PD&E Studies)
 - Alternatives Workshop
 - Meetings with interested groups/organizations

- Public Meetings
- Public Hearings
- Development of commitments to include in the final document
 - Commitments are included in the PCR
 - PCR is used to track and carry forward agreed upon conservation efforts in future project phases

What is my role at this stage?

- Participate in Public Involvement opportunities for more complete project information
- Submit comments to FDOT for project related concerns
- If impacts to listed or non-listed species of interest/concern have been identified and the stakeholder is interested in potential rescue activities:
 - Establish a point of contact at the District to determine what action could be taken for conservation and what coordination is required
 - Work with FDOT and within your organization to develop an anticipated schedule for any potential or requested plant rescue efforts. A more specific schedule should be developed during the Design phase
- Any rescue effort is dependent upon the project schedule which is specific to the appropriate project phase
 - Project schedules may be difficult to adjust
 - Early coordination is key to allow for project schedules to accommodate conservation efforts
 - The further the project is in development, the more difficult it is to adjust schedules

SECTION 5: DESIGN AND RIGHT OF WAY PHASE (CONVENTIONAL PROJECTS)

What FDOT actions occur and what decisions are made?

- Complete final project design
- Acquire additional ROW if needed for project
- Additional public meetings are typically held with project updates
- Apply for and obtain permits, where necessary
- Develop construction contract documents

What tools/activities are typically used?

- Review of commitments made during PD&E
- Updated field reviews for listed plants (and non-listed species of interest/concern if identified during PD&E phase, or if identified by a stakeholder in a timely manner before field work to support the Design phase is complete and location data is not available from stakeholder)
- Additional coordination with agencies regarding potential impacts to listed plants (USFWS, FDACS)
- Additional coordination with stakeholder to determine if avoidance is feasible or when it has been determined that a plant rescue effort is anticipated

What is my role at this stage?

- Attend the public meetings for more complete project information
- Continue coordination with FDOT Design Team to finalize plant rescue effort
- Work with FDOT and within your organization to develop a specific schedule for any potential or requested plant rescue efforts
- Discuss with FDOT if any maintenance of traffic support will be requested

- Other important considerations to determine if a rescue is feasible can be found in the [FDOT Native Florida Plant Coordination Guidance](#) in the Right of Way Phase and Pre-Construction section of this document
- Determine if permits will be required from FDACS for the plant rescue activities
 - 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
 - **It is the stakeholder's responsibility to obtain the required FDACS permit**
 - Information needed from FDOT to support the plant rescue (i.e., property owner permission) should be requested by the stakeholder
 - The permit should be issued to the main point of contact for the stakeholder who will be on-site for the rescue event. 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

SECTION 6: CONSTRUCTION PHASE (CONVENTIONAL PROJECTS)

What FDOT actions occur and what decisions are made?

- The project is advertised for construction bids
- FDOT notifies FDACS in accordance with [Chapter 581.185](#)(10) F.S. (If rescue efforts and permitting have already been coordinated with FDACS, this may occur sooner in the process)
- Project is awarded to selected bidder and project schedule is developed
- Project construction begins and runs through completion

What tools/activities are typically used?

- Bid is advertised on public website
- Meetings are held to keep public apprised of project status

What is my role at this stage?

- Continue coordination with FDOT if a plant rescue will be undertaken
 - Finalize the coordination concerning previously agreed upon maintenance of traffic (MOT) support requested for the event
 - Ideally, MOT would have been requested at least 3 months prior to the rescue date
 - Confirm with FDOT that the stakeholder has the appropriate number of volunteers available to conduct the rescue within the agreed upon timeframe
- Continue coordination efforts with FDACS to obtain required permits
- Conduct plant rescue efforts within the specified timeframe

SECTION 7: DESIGN-BUILD PROJECTS

Design-Build projects are those where FDOT contracts with a Firm to complete the final design and construct the project. These projects can differ from conventional projects in the amount of time available during the Design phase to coordinate possible plant rescue activities. In addition, some activities such as final field

surveys, traditionally conducted before a contractor is selected, will be conducted after the contractor is selected.

What actions occur and what decisions are made before FDOT selects the Design-Build Firm?

- Develop concept design plans
- Acquire additional ROW if needed for project
- Additional public meetings are typically held with project updates
- Apply for and obtain permits, where necessary
- Develop construction contract documents

What tools/activities are typically used by FDOT and the Selected Design-Build Firm?

- Review and implement commitments made during PD&E
- Updated field reviews for listed plants (and non-listed species of interest/concern if identified during PD&E phase, or if identified by a stakeholder in a timely manner before field work to support the Design phase is complete and location data is not available from stakeholder)
- Additional coordination with agencies regarding potential impacts to listed plants (USFWS, FDACS)
- Additional coordination with stakeholder when it has been determined that a plant rescue effort is anticipated

What is my role at this stage?

- Attend the public meetings for more complete project information
- Continue coordination with FDOT Project Manager
- Work with FDOT and within your organization to develop a specific schedule for any potential or requested plant rescue efforts

- Discuss with FDOT if any maintenance of traffic support will be requested
- Other important considerations to determine if a rescue is feasible can be found in the [FDOT Native Florida Plant Coordination Guidance](#) in the Right of Way Phase and Pre-Construction section of this document
- Determine if permits will be required for plant rescue activities

SECTION 8: MAINTENANCE PHASE

What FDOT actions occur and what decisions are made?

- Routine maintenance of the right of way

What tools/activities are typically used?

- Mowing contract to maintain right of way

What is my role at this stage?

- Notify primary [FDOT District contact](#) if there are concerns regarding listed/non-listed rare plants

SECTION 9: 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., most 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 the [FDOT Native Florida Plant Coordination Guidance](#). Most of these considerations will not be applicable, but this will be a useful starting point in coordination with FDOT to determine if rescue is feasible. Use the [FDOT contact list](#) to coordinate with the appropriate District for this discussion.