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**Welcome to District Five's
Local Agency Programs
(LAP) Online
Informational Forum**

Thursday
February 6th, 2020

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Agenda


- State of District 5
- Work Program Cycle Expectations
- Environmental checklist requirements and NEPA
- District 5 LAP Guidelines
- Q & A

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Loreen Bobo, P.E.
Director of Transportation Development

- Secretary Status
- Vital Few Focus
- Work Program Development Cycle



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Kathy Alexander
Program Management Administrator

**Work Program Development
Cycle Expectations**

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Development Cycle and Programming Expectations

Activity	Start/End	Frequency	Responsible Party	Notes
Project Intake Meeting	Early August	Once	Agency	Project Intake Meeting with each Agency - Early August
Applications to the District	July 1st	Once	Agency	Applications to the District deadline - July 1st
SU and Grant requests	August 15th	Once	Agency	SU and Grant requests Deadline - August 15th
Final coordination	Mid-August to September	Once	Agency	Final coordination, close out of pending project information requests, and SU funds balances - Mid-August to September
District Work Program Requests	September 30th	Once	Agency	District Work Program Requests Deadline - September 30th

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Heather Chasez
Project Compliance Coordinator

**Environmental checklist requirements and
NEPA training**


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National Environmental Policy Act (NEPA) for minor projects

Pursuant to 23 United States Code (U.S.C.) § 327 and the implementing Memorandum of Understanding (MOU) executed on December 14, 2016, the Florida Department of Transportation (FDOT) has assumed and Federal Highway Administration (FHWA) has assigned its responsibilities under the National Environmental Policy Act (NEPA) for highway projects on the State Highway System (SHS) and Local Agency Program (LAP) projects off the SHS (NEPA Assignment). In general, FDOT's assumption includes all highway projects in Florida which source of federal funding comes from FHWA or which constitute a federal action through FHWA. NEPA Assignment includes responsibility for environmental review, interagency consultation and other activities pertaining to the review or approval of NEPA actions. Consistent with law and the MOU, FDOT will be the Lead Federal Agency for highway projects with approval authority resting in the Office of Environmental Management (OEM).


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LAP and NEPA Compliance

- Federal funds require an environmental document be produced
- The Department must ensure Local Agencies comply with all applicable Federal statutes, rules, and regulations.
- FDOT's role is to administer the program and provide oversight, but **the local entity is responsible** for all requirements to satisfy NEPA and meet the environmental document, as per Chapter 11 of the LAP Manual.

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Classes of Action

Major projects (new alignments, widening for capacity, new interchanges, etc.)
Environmental Impact Statement (EIS): projects with significant impacts
Environmental Assessment (EA): projects where it is unknown if there are significant impacts
Type II Categorical Exclusion (Type II CE): projects without significant impacts

Minor projects (as defined by the c- and d- lists)
Type II Categorical Exclusion (Type II CE): minor projects that cannot meet the constraints of the Type I CE
Type I Categorical Exclusion (Type I CE): minor projects that meet the checklist requirements

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Example

- This project consists of adding sidewalks within the existing right of way. Since this is a pedestrian facility within a previously modified right of way it will not induce significant impacts to planned growth or land use for the area; travel patterns; involve significant air or water quality impacts; or cause substantial controversy on environmental grounds.
- This project consists of adding a left turn lane. There are no interchanges along the project limits and no construction of temporary access or closure of existing road, bridge, or ramp will occur.

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Right of way

1. **Right of Way (ROW):** (Pop-up will appear- if situation changes document in the project file)

- Within existing ROW
- Minor acquisition without relocation and/or displacement
- Any acquisitions with relocations and/or displacements (Contact the Office of Environmental Management (OEM) and add date of consultation) (If chosen warning label will appear if it is c26, c27, c28, or (d): **This project has been identified as a c26, c27, c28 or (d) list project. By checking this box, the project does not meet the criteria of (e) and cannot proceed as a Type 1**)
- Are there state conservation lands being acquired in the project area subject to review and approval by the Acquisition and Restoration Council? Yes No (If yes is selected, a pop up will state, "Advise OEM of involvement with state conservation lands")

Comments:

If minor right of way acquisition is required, please provide brief description of the acquisition. An image showing the area to be acquired is also helpful

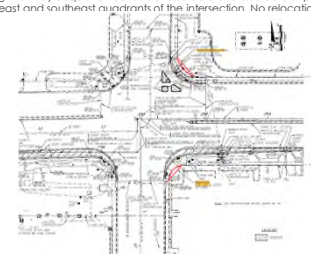
If acquisitions require displacement or relocation or involve ARC properties- Contact the Environmental Management Office (EMO), as this may affect the class of action

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Example

- The right of way acquisition consists of 0.05 acre and 0.06 acre strips of land in the northeast and southeast quadrants of the intersection. No relocations will be necessary.



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Wetland Impacts

2. Wetland impacts that would require a permit from the U.S. Army Corps of Engineers (USACE) under the Clean Water Act, Section 404, 33 U.S.C. § 1344 and/or section 10 of the Rivers and Harbors Act.

- No Wetland(s) Present/ No Impacts
- Nationwide permit
- General Permit (SAJ 92)
- Standard Permit [Contact OEM and add date of consultation] (If chosen warning label will appear if it is c26, c27, c28 or d); This project has been identified as a c26, c27, c28 or (d) list project. By checking this box, the project does not meet the criteria of (e) and cannot proceed as a Type 1

Comments:

If a Standard/Individual Permit from the U.S. Army Corps. of Engineers is required - Contact the Environmental Management Office (EMO)

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Example

A wetland is present along the project limits, but all work is being performed within the median; therefore, there are no wetland impacts.

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Example

There are no wetlands along the project limits; therefore, no impacts.

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Bridge Permit from the U.S. Coast Guard

3. Bridge permits required from the United States Coast Guard (USCG):

- No Waterway Crossing
- No USCG Bridge permit required
- USCG Bridge permit [Contact OEM and add date of consultation] (If chosen warning label will appear if it is c26, c27, c28, or (d): This project has been identified as a c26, c27, c28 or (d) list project. By checking this box, the project does not meet the criteria of (e) and cannot proceed as a Type 1)

Comments:

If a USCG Bridge Permit is required - Contact the Environmental Management Office (EMO)

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Floodplains

4. The project involves a floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreational trails, bicycle and pedestrian paths):

- No Floodplain Present/No Floodplain Impact
- Functionally Dependent Use or Facilitate Open Space Use
- Other Encroachment [Contact OEM and add the date of consultation] (If chosen warning label will appear if it is c26, c27, c28, or (d): This project has been identified as a c26, c27, c28 or (d) list project. By checking this box, the project does not meet the criteria of (e) and cannot proceed as a Type 1)

Comments:

If there is other encroachment - Contact the Environmental Management Office (EMO)


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Example

- FEMA Flood Map Service Center: <https://msc.fema.gov/portal/home>

The project consists of milling and resurfacing along SR 535. Although there are floodplains adjacent, the work will be confined to the existing, paved facility and will have no impact on the floodplain.



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Wild and Scenic and Study Rivers

5a Does the project involve a Wild and Scenic River or Study River?
[There is involvement with a Wild and Scenic River or Study River if project activities are located within the river corridor (within one-quarter mile of the banks), across, or adjacent to (upstream, downstream, or on a tributary) the designated river segment.]

No, the project does not involve a river designated as a Wild and Scenic or Study River

Yes, Northwest Fork of the Loxahatchee River in D4 (See PD&E Manual Chapter for limits) (Automatically populated if applicable) [Contact OEM and add the date of consultation.]

Yes, Wakiva River in D5 (See PD&E Manual Chapter for limits) [Contact OEM and add the date of consultation.]

Yes, St. Marks River in D2 (See PD&E Manual Chapter for limits) [Contact OEM and add the date of consultation.]

Yes, Myakka River in D1, located in Manatee, Sarasota, and Charlotte Counties [Contact OEM and add the date of consultation] (If box 2, 3, or 4 is chosen a warning label will appear if it is c26, c27, c28, or (d). This project has been identified as a c26, c27, c28 or (d) list project. By checking this box, the project does not meet the criteria of (e) and cannot proceed as a Type 1.) (If yes is selected, in the comment box summarize the results of coordination with OEM and NPS (or FDEP if the Myakka River). Identify that there will be no direct or adverse effects on the values for which the river was designated. If the project will adversely affect a federally designated Wild and Scenic or Study River, the project cannot be a Type 1 CE. Any correspondence should be added to the project file in SWEPT.)


If the project is within 0.25miles of any of these resources - Contact the Environmental Management Office (EMO)

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Example

- NPS Wild and Scenic Rivers:
<https://www.nps.gov/orgs/1912/plan-your-visit.htm>
- <https://www.rivers.gov/river-app/index.html?state=FL>



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Nationwide Rivers Inventory (NRI)

5b. Will the action involve a river on the Nationwide Rivers Inventory (NRI)? [This information can be found in the Environmental Screening Tool or the NRI interactive map]

No, the project will not involve a river on the NRI

Yes, the project will involve, but will not affect a river segment on the NRI. (Include details to support this determination. Any correspondence with NPS should be added to the project file in SWEPT.)

Yes, the project will affect a river segment on the NRI, but will not have an adverse effect on the natural, cultural, or recreational values of the NRI River segment [See Part 2, Chapter 12 of the PD&E Manual to determine if there is an adverse effect] (Include details to support this determination. Any correspondence with NPS should be added to the project file in SWEPT. If yes is selected, add the name of river and any details in the comment box. If the project will have an adverse effect on the natural, cultural, or recreational values of the NRI River segment, coordination with the NPS is required, and the project cannot be processed as a Type 1 CE.)

Comments:

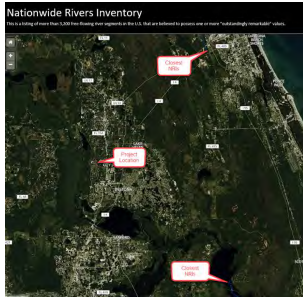
If the project is within 0.25miles of any of these resources - Contact the Environmental Management Office (EMO)

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Example

- Nationwide Rivers Inventory:
<https://www.nps.gov/mags/full.html?mapId=8acbe798-0d7e-40fb-bcd48-225513d64977>



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Example



Google Earth

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Protected Species

8. Section 7 of the Endangered Species Act (ESA) of 1973, as amended, and/or Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA):

- No ESA listed species and/or Essential Fish Habitat (EFH) present
- ESA listed species and/or Essential Fish Habitat (EFH) present (If selected, the following will appear)
 - Determination of No Effect **Identify species in text box.**
 - Used key, no consultation required **Identify species in text box.**
 - Consultation with the US Fish and Wildlife Service or National Marine Fisheries Service, results in: (If selected, the following will appear)
 - May Affect, Not Likely to Adversely Affect (attach concurrence letter)
 - May Affect, Likely to Adversely Affect (Contact OEM and add the date of consultation) (If chosen warning label will appear if it is c26, c27, c28, or (d): This project has been identified as a c26, c27, c28 or (d) list project. By checking this box, the project does not meet the criteria of (a) and cannot proceed as a Type 1)

Comments:

If the project is found to Adversely Affect protected species, their critical habitat, or essential fish habitat - Contact the Environmental Management Office (EMO)

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4(f) Resources

7. Will the action impact any properties protected by Section 4(f) pursuant to 23 CFR § 774?

- No potential Section 4(f) properties present
- Section 4(f) resource(s) present or adjacent, but there is "no use" within the meaning of Section 4(f). List resource(s) and describe how "no use" determination was made in text box.
- Exception or Exemption (attach description of type and Official with Jurisdiction (OWJ) concurrence) (See 23 CFR 774.13) (If selected a pop up will state, "Consult with OEM and record date of consultation" Fill in date in order to proceed.) List resource(s) in text box.
- de minimize (attach determination and OWJ concurrence) (If selected a pop up will state, "Consult with OEM and record date of consultation" Fill date in order to proceed.) List resource(s) in text box.
- Programmatic or Individual Section 4(f) Evaluation required (Contact OEM and add the date of consultation) (By checking this box, the project does not meet the criteria of (e) and cannot proceed as a Type 1) Comments.

If a project enters into or has any effect on a resource- Contact the Environmental Management Office (EMO)

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Example

There are no potential 4(f) resources along the project area.

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Example

This project consists of adding sidewalks along the north side of SR 414. Lake Lotus Park is located along the project limits. As the project will occur within the existing right of way and have no impacts to the attributes, activities, or features from which the park derives its value, there will be "no use" of the resource.

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Cultural Resources

8. **Historic and/or Archaeological Resources protected under Section 106 of the National Historic Preservation Act:**

- No Historic or Archeological resources present within the APE Pursuant to Section 106 Programmatic Agreement (include appropriate documentation);
- Determination of No Involvement
- Determination of "No Effect"
- Determination of "No Adverse Effect"
- Determination of "Adverse Effect" [Contact OEM and add the date of consultation] **(if chosen warning label will appear if it is c26, c27, c28, or (d): This project has been identified as a c26, c27, c28 or (d) list project. By checking this box, the project does not meet the criteria of (e) and cannot proceed as a Type 1)**

Comments:

If a project has an adverse effect on a resource- Contact the Environmental Management Office (EMO)

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Noise Considerations

9. **Noise considerations:**

- The project does not require a Noise Analysis
- The project does require Noise Analysis (provide appropriate documentation):
 - Noise abatement is not warranted
 - Noise abatement is warranted (Provide decision)

Comments:

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Contamination Considerations

10. **Contamination considerations:**

- The project was evaluated (Provide brief summary in text box and attach appropriate documentation.)

Comments:

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Example

Narrative: The project was reviewed for potential to interact with known contamination sites. There are no known contamination sites along the project limits, per the Florida Department of Environmental Protection's database.

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Example

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Planning Consistency

11. Planning Consistency
 This Project was reviewed for fiscal constraint and determined to have committed, available or reasonably available funds for the implementation of all the phase(s) of the Project within the time period anticipated for completion of the Project. [23 CFR Part 450]. Upload LRTP/TIP/S TIP pages.

Planning consistency is required for all projects

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Closing thought

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Contact Information

- Please feel free to contact me with any questions or need for additional information.

Heather Chosez
386-943-5393
Heather.chosez@dot.state.fl.us

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Questions?

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Lisa Buscher
Local Agency Programs Administrator

**Local Agency Programs (LAP)
Guidelines**

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<p>Pre-2018: Informalized efforts across different functions to improve process and agency participation</p> <p>Spring '18: Core team to look at what we can do to formalize improvements to D5-LAP <i>Internal workshop held to gather Department pain points</i> <i>Data gathering and efforts for D5 'Policy' begins</i></p> <p>Fall '18: Statewide survey to all Districts to gather insight, best practices and lessons learned</p> <p>Winter '18: Draft Policy presented at Partnering Meetings <i>Request for further collaboration</i></p>	<p>Spring '19: Published Draft Policy for public review and comments <i>150+ comments received</i></p> <p>Fall '19: Workshop with all locals and MPOs/TPOs <i>Training, expectations, and Guidance</i></p> <p>Winter '19: Finalize document <i>Changed to D5 LAP Guidelines</i> <i>Put out for final public review</i></p> <p>Spring '20: Implement and adopt D5 LAP Guidelines <i>Outreach and compliance</i></p>
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FDOT .D5 **GUIDELINE COMPONENTS**

[Part 1 Local Agency Program Certification and Performance Management](#)
[Part 2 Training](#)
[Part 3 Compliance](#)
[Part 4 Programming](#)
[Part 5 Exceptions](#)
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FDOT.D5 APPENDICES AND REFERENCES


- Department's Work Program Development Cycle
- Work Program Cycle Expectations
- Application Intake Workflow and Project Programming
- LAP Certification
- Establishing Lockdown
- Right Of Way (R/W) Top Ten
- Environmental Activities
- LAP Agreement
- Project Schedule Template
- Sample Project Finance Plan

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FDOT.D5 CLOSING

District Five's LAP Guidelines:
<https://www.fdot.gov/construction/districtoffices/d5web/divisions/special-projects/index.shtm>

Comments Due: Monday 2/17/2020 via email to:
D5LAPApps@dot.state.fl.us




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Q & A



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**Thank You for attending today's Informational
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