
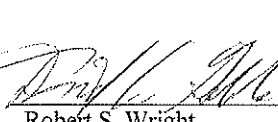
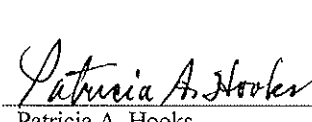


Appendix K
National Park Service (NPS)
Agency Operating Agreement (AOA)
Appendix K of Master Agreement # 501705001
This Agency Operating Agreement is a Cooperative Agreement
between
Federal Highway Administration (FHWA), Florida Department of Transportation (FDOT)
and
The National Park Service (NPS)

 _____ José Abreu, P.E. Secretary Florida Department of Transportation	8/11/05 for	 _____ Robert S. Wright Acting Florida Division Administrator Federal Highway Administration	Date	 _____ Patricia A. Hooks Regional Director, Southeast Region National Park Services	7/1/05 Date
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THIS AGREEMENT is entered into upon signature on July 1, 2005 whichever comes later, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), FEDERAL HIGHWAY ADMINISTRATION (FHWA) and the NATIONAL PARK SERVICE (NPS).

Introduction

The ETDM process is designed to accomplish the environmental streamlining objectives identified in Section 1309 of the Transportation Efficiency Act for the 21st Century, incorporated by reference www.FHWA.dot.gov. The ETDM Process creates linkages between land use, transportation, and environmental resource planning initiatives, through early, interactive agency involvement. In implementing the ETDM process, all ETAT agencies are responsible for reviewing and commenting on transportation improvements consistent with their respective agencies statutory and regulatory authority. Process objectives include effective/timely decision making without comprising environmental quality, full and early public and agency participation, integrating NEPA reviews with issuance of project permitting and implementing meaningful dispute resolution mechanisms. The results of the ETDM process include concurrent actions and approvals, interactive planning, efficiency gained from technology, and ultimately better transportation decisions. The tables below identify the information available from the project's purpose and need, to technical reports and environmental documents. The tables also identify the NPS review responsibilities from project planning through compliance with NEPA and permit approvals, to construction and maintenance. The tables have been divided into three basic phases of a transportation project: planning, programming, and project development. Program and project efficiency is gained by two environmental screening events that occur at the transportation planning and programming phases. The Planning and Programming Screens apply only to major transportation improvement projects, including roadway widenings, new roadways, new rail systems and bridge projects. The National Park Service will participate in the ETDM process as a cooperating agency when NPS resources are to be affected or potentially affected by a proposed major transportation improvement.

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Planning Screen

In Metropolitan Planning Organization (MPO) areas, the Planning Screen will occur on capacity improvements contained in the Long Range Transportation Needs Plan and prior to the development of the MPO Long Range Transportation Plan with the exception of the Florida Intrastate Highway System (FIHS) facilities. FIHS facilities will be screened during the development of the FIHS Cost Feasible Plan for both the MPO and non-MPO areas. FDOT staff are responsible for uploading the FIHS project information into the ETDM Database.

The table below identifies the information available to the NPS during the Planning Screen (via the ETDM database). The table also addresses FHWA/FDOT and the NPS ETAT representative review and coordination responsibilities. The review will take place on the interactive ETDM Web site and all comments will be entered directly into the ETAT review database.

ETDM Database (MPO, FDOT, FGDL)	FHWA/FDOT Responsibilities	NPS Responsibilities
<ul style="list-style-type: none"> ■ Project limits and location ■ Mobility Alternatives ■ NPS plans and programs ■ Demographics (Community Impact Assessment) ■ Example GIS Data Sets: <ul style="list-style-type: none"> – Strategic Habitat Conservation (FDEP) – Critical Wildlife Designations (FWC) – FNAI Element Occurrence – CARL Projects – National Wetlands Inventory polygons – 100 Year Flood Plains – TNC Ecological Resource Conservation Areas – Potential habitat for species – Species locations (FNAI and WILDOBS) – Ecosystem Management Areas – Streams with 303(d) impaired waters – Wetlands – Areas targeted for habitat conservation – Historical/Archaeological Sites – Areas within coastal barrier resource area – FDEP Watershed Planning & Coordination Water Quality Data – US Census Bureau, Census Block Groups, 1990 – Coastal Zone Construction 	<ul style="list-style-type: none"> ■ In MPO areas, assist in developing the Purpose and Need Statement and establishing logical termini ■ In non-MPO areas, FDOT in consultation with FHWA establishes Purpose and Need Statement and logical termini. ■ In MPO and non-MPO areas, establish Purpose and Need for FIHS projects ■ Ensure project information is available for ETAT review ■ ETDM Coordinator will consult and resolve project issues, where feasible ■ Produce the Planning Summary Report which will comprise the following key components: <ul style="list-style-type: none"> – Project Description – Purpose and Need statement – Agency comments, issues and recommendations for potential direct impacts – System-wide GIS mapping depicting social, cultural, and natural resources – Potential secondary and cumulative impact issues and recommendations 	<ul style="list-style-type: none"> ■ Identify the need for specific-use permits and/or easement across National Park Service resources. ■ Review, comment and accept Purpose and Need for project ■ Review and comment on project location ■ Review and comment on mode choice and mobility alternatives (demand management, transit, highways) ■ Review and comment on order of magnitude of impact ■ Identify significant environmental resource issues ■ Identify endangered species habitat or sensitive lands. ■ Input agency plans and programs that affect the project area ■ Identify need for future agency involvement and anticipated agency coordination and consultation ■ Identify resource management policies, goals and objectives ■ Identify recommended course of action to preserve and protect resources ■ Evaluate potential secondary and cumulative impacts ■ Provide Project Recommendations ■ Submit comments electronically within 45 calendar days of notification

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ETDM Database (MPO, FDOT, FGDL)	FHWA/FDOT Responsibilities	NPS Responsibilities
<ul style="list-style-type: none"> Control Line (per FDEP) – Best available Aerial Photos or DOQQs ■ Secondary and Cumulative Impact Example GIS Data Sets: <ul style="list-style-type: none"> – Existing Land Use Map – Future Land Use Map – Maps of approved population and employment projections by TAZ or Census Tract data Density and growth maps – Location and type of approved developments, including DRIs (Regional Planning Council or Local Governments) – Delineated urban service area boundaries (MPO or Local Planning Agency) – Existing and future roadway network, Needs Plan (MPO or FDOT) – Location of existing and proposed public lands and conservation easements (WMDs or RPC) – Existing and proposed Mitigation Areas (Resource Agencies) – Defined neighborhoods (MPO or Local Government) 	<ul style="list-style-type: none"> – Summary of public involvement comments 	

Programming Screen

The Programming Screen will be performed annually on major transportation improvement projects in the MPO's list of priority projects prior to inclusion into the FDOT's Five-Year Work Program with the exception of the FIHS facilities. The FIHS facilities for MPO and non-MPO areas will be screened during FDOT's development of the FIHS Ten-Year Plan. FDOT staff will be responsible for uploading the FIHS project information into the ETDM database.

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The Programming Screen begins the Intergovernmental Coordination and Review (ICAR) process, which begins what was formerly the Advance Notification (AN) process. The ICAR process applies only to major transportation improvement projects (as described in the Master Agreement) that are subject to the EDTM process. The ICAR process is initiated by the FDOT District Office by notifying all ETAT members that the Programming Screen has been uploaded with project related information and is ready for ETAT review. Distribution of the Programming Screen ICAR notice is accomplished by FDOT utilizing the Environmental Screening Tool (EST). Once all ETAT members, including central units of State government, which may have plans, programs or projects affected by the proposed transportation action have received the electronic notice, they begin their review of the proposed transportation action by viewing the Programming Screen and providing technical advice, assistance and comment.

Issuance of the electronic notice for the Programming Screen begins a 45 day comment period, to allow for the distribution, discussion and receipt of agency responses consistent with the Programming Screen and ICAR review. All ETAT representative's comments, advice and recommendations regarding the proposed transportation project and its potential environmental effects are made through the Programming Screen. These comments are used by the FDOT and FHWA to make early NEPA and Permit related decisions regarding project impacts, project alternatives, environmental mitigation and technical study needs.

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ETDM Database (MPO, FDOT,FGDL)	FHWA/FDOT Responsibilities	NPS Responsibilities
<ul style="list-style-type: none"> ■ Intergovernmental Coordination and Review Process ■ Coastal Zone Consistency Determination ■ LGCP Consistency ■ Goals of the State ■ Clean Air Act Conformity Designation ■ NPS plans and programs ■ Demographics (Community Impact Assessment) ■ Example GIS Data Sets: <ul style="list-style-type: none"> — Critical Wildlife Designations (FWC) — Fish and Wildlife Conservation Commission Management Areas — FNAI Element Occurrence — CARL Projects — National Wetlands Inventory polygons — 100 Year Flood Plains — TNC Ecological Resource Conservation Areas — Potential habitat for species — Species locations (FNAI and WILDOBS) — Ecosystem Management Areas — Streams with 303(d) impaired waters — Wetlands — Areas targeted for habitat conservation — Areas within coastal barrier resource area — FDEP Watershed Planning & Coordination Water Quality Data — Best available Aerial Photos or DOQQs 	<ul style="list-style-type: none"> ■ Distribute ICAR to agencies including all ETAT representatives ■ Determine Level of NEPA Environmental Documentation (Class of Action Determination) ■ Publish Notice of Intent for EIS ■ Apply for Special Use Permit as needed ■ Establish an interdisciplinary project team ■ Consult with NPS on Section 7 as necessary ■ Produce Programming Summary Report which will comprise the following key components: <ul style="list-style-type: none"> — Project Description — Purpose and Need statement — Class of Action Determination — System-wide mapping depicting social, cultural, and natural resources — Agency comments, issues, and recommendations for potential direct impacts — Preliminary outline of the Project — Development scope — Dispute resolution issues — Summary of public involvement comments 	<ul style="list-style-type: none"> ■ Review and comment on ICAR ■ NPS assigns project manager ■ NPS becomes Cooperating Agency, as appropriate ■ Agree through formal documentation on adequacy of corridor-wide resource inventory ■ Review and comment on project impacts: quantity and types of wetlands, protected species and cultural resources. ■ Review and comment on Class of Action ■ Review project consistency with NPS goals, objectives and plans. ■ Initiate agency analysis of the project concepts and possible typical sections ■ Identify all permitability issues and general mitigation needed based on the statutory responsibility of the NPS ■ Perform project scoping activities based on review of ETDM databases and project information and identifying required technical studies prior to the beginning of the project development phase ■ Review and comment on summary of community issues, and public concerns ■ Participate in dispute resolution, if necessary, to assist the ETDM Coordinator in identifying solutions to project concerns. Participate in ETAT Review Committee, as needed, to review and resolve conflicts at an informal local level ■ Submit comments electronically within 45 calendar days of notification

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Project Development and Environment Documentation

During project development, the NPS will assist the FDOT in compliance with NPS's proprietary and regulatory laws and for FDOT projects rules cited in Appendix A to satisfy NEPA, and will coordinate resource permitting, as applicable, to state of Florida laws and/or Federal regulations so that projects are acceptable to all parties and receive NEPA approval and permits concurrently.

For federally funded major transportation improvement projects, which do not individually or cumulatively have a significant environmental effect on the human and natural environment, a Categorical Exclusion (CE) will be prepared and made available for review by the NPS ETAT representative. The CE level of conceptual engineering, environmental analysis and public involvement will be documented in technical support studies and be of sufficient detail to support the CE determination. For those major transportation improvement projects that do not qualify for a Categorical Exclusion, an Environmental Assessment or Environmental Impact Statement will be completed, in compliance with the CEQ regulations implementing NEPA and 23 CFR 771. NPS and FHWA, in consultation with FDOT, will agree upon the level of environmental analysis and documentation necessary to satisfy NEPA and Director's Order #12 when a major transportation improvement project has the potential to impact a unit of the NPS system. Non-federally funded major transportation improvement projects requiring a State Environmental Impact Report (SEIR) will follow the same process used for federal documents.

The table below identifies the reports and coordination responsibilities for FDOT, FHWA and the NPS ETAT representative. Project development studies or environmental documents may require the development and maintenance of a project web site. The ETDM interactive database will have links to the project development web sites for agencies to continue their electronic reviews.

FDOT	FHWA	NPS ETAT Reviews
Preliminary Alternatives Analyses		
<ul style="list-style-type: none"> ■ Develop and analyze alternatives ■ Assess major impacts of all alternatives ■ Consult with NPS regarding potential impacts and Best Management Practices (BMPs) for mitigation 	<ul style="list-style-type: none"> ■ Participate in development of alternatives 	<ul style="list-style-type: none"> ■ Review and comment on preliminary alternatives and analysis ■ Accept alternatives under consideration ■ Accepts to update all the easement deeds
Technical Reports		
<ul style="list-style-type: none"> ■ Complete technical studies as defined by ETAT and scope of services, such as: <ul style="list-style-type: none"> — Wetland Evaluation Report (WER) — Cultural Resource Assessment (CRA) — Endangered Species Biological Assessment (ESBA) ■ Consult with NPS on project involvement and Special Use Permit for National Park Service resources 	<ul style="list-style-type: none"> ■ Reviews ESBA and provide to NPS if involved ■ Consult with NPS on CRA ■ Review Technical Reports if involved 	<ul style="list-style-type: none"> ■ Review and comment on ESBA and CRA and Tribal Consultation-as appropriate. ■ Provide technical assistance, as needed ■ Identify and Coordinate on Special Use Permit needed from the National Park Service.

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FDOT	FHWA	NPS ETAT Reviews
EA/DEIS		
<ul style="list-style-type: none"> ■ Incorporate technical reports into Environmental Document ■ Complete EA/DEIS and submit to NPS for review ■ Apply for project permits ■ Apply for Special Use Permit on National Park Service resources. 	<ul style="list-style-type: none"> ■ Review and approve EA/DEIS with comments incorporated (30 calendar days) ■ Publish Notice of availability of DEIS in Federal Register 	<ul style="list-style-type: none"> ■ Review and comment on EA or DEIS ■ Provide reviews within 30 calendar days of receipt of information
Public Hearing		
<ul style="list-style-type: none"> ■ Identify opportunities, constraints and feasibility of Joint Public Notice and Hearing, if appropriate ■ Hold Public Hearing ■ Prepare transcript and certification 	<ul style="list-style-type: none"> ■ Attend hearing and participate as necessary 	<ul style="list-style-type: none"> ■ Attend joint public hearing and participate as necessary or conduct simultaneous public hearing for obtaining concurrent permits/NEPA approval and /or issue formal public notice ■ Provide technical assistance on public hearing topics to satisfy permitting requirements
FONSI/FEIS		
<ul style="list-style-type: none"> ■ Document decisions in FONSI and FEIS ■ Complete FONSI/FEIS and submit to NPS for review ■ Respond to comments ■ Obtain project permits concurrent with NEPA approval 	<ul style="list-style-type: none"> ■ Review FEIS or FONSI ■ Approve FONSI or FEIS ■ Publish notice of FEIS availability in FR ■ Issue Record of Decision 	<ul style="list-style-type: none"> ■ Review FONSI or FEIS and comment within 30 calendar days of notification on NEPA and permit compliance ■ Issue Special Use Permit with stipulations as appropriate Check on the timeframe usually required for a Special Use Permit
Final Design		
<ul style="list-style-type: none"> ■ Environmental reevaluation and consultation with NPS and FHWA on any major design modifications ■ Consult and agree to construction stipulations with NPS ■ Agrees to sign construction stipulations submitted by NPS prior to any construction activities ■ Provide R/W maps and Legal description to NPS for easement deeds to be updated and recorded. 	<ul style="list-style-type: none"> ■ Approve Environmental Reevaluation ■ Participate in reviews to monitor implementation of EA or FEIS commitments 	<ul style="list-style-type: none"> ■ Consult with FDOT on design modification and project mitigation measures to assure commitment compliance with EA/FONSI or FEIS ■ Update and record all easement deeds as part of the special use permit process for FDOT construction projects.
Construction and Maintenance		
<ul style="list-style-type: none"> ■ For those projects not subject to 373.4137, F.S., the following applies: ■ Monitor implementation of mitigation measures as required by permit ■ Correct deficiencies found as required by permit ■ Prepare periodic reports on mitigation activities and provide to resource agencies 	<ul style="list-style-type: none"> ■ Monitor implementation and status of mitigation efforts and sites, as appropriate 	<ul style="list-style-type: none"> ■ Consult with FDOT on mitigation success, as necessary

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Engineering Information

The level of engineering detail required to obtain permits during the NEPA process is a critical element in environmental streamlining in the ETDM process. In the ETDM process both NEPA documents and permit applications will be developed using conceptual engineering information supported by required technical studies. An important efficiency of the ETDM process is the development, through interagency coordination and consultation, of one set of engineering and environmental data to satisfy both the NEPA process and the Federal and State regulatory environmental permitting process, concurrently; thereby, eliminating duplication and delay and maintaining production schedules.

Utilizing one set of engineering and environmental data and concurrent processing, and with the specified information provided below, permits will be issued by the permitting agencies which provide special conditions outlining the estimated water quality, water quantity, and floodplain encroachment volumes required to meet agency technical review requirements.

Permits Obtained during Project Development

The level of conceptual engineering and project information to be supplied during the Project Development phase is sufficient to meet the State Permit Agencies (WMD/FDEP) requirements for “reasonable assurance” that state water resources, and interest criteria are protected. This will be accomplished through early involvement and interagency coordination and consultation. By providing this information to the permit agencies earlier in the project development phase and applying for construction permits during the Project Development phase, FDOT will be able to request and receive the WRP or ERP contained in Chapter 373, Part IV, F.S., Sovereign Submerged Lands contained in Chapter 253, F.S., and Coastal Construction Control Line permits contained in Chapter 62B-33, F.A.C. The issuance of the Water Quality Certification will then allow the Federal permit agencies such as the Corps of Engineers and the U.S. Coast Guard to issue their respective permits concurrent with NEPA. The duration of each permit will be of sufficient length to allow the FDOT to complete the necessary project production phases and begin construction, (i.e. ten years or longer).

Environmental Reevaluation and Permits

Each project is reevaluated, in consultation with FHWA, by FDOT, prior to advancing to the next phase of project development. During the reevaluation phase consultation with permit and resource agencies will occur where major design changes effecting the permit have occurred, or where permits, whose effective date may expire prior to project construction have been identified and a time extension in permit duration is needed that will allow for construction to be completed, or where commitments are being implemented or require change.