

**Master Agreement for
Continuing the Efficient Transportation Decision Making Process in Florida**

**Between
U.S. Fish and Wildlife Service
and Florida Department of Transportation
and the Federal Highway Administration**

October 1, 2008

Master Agreement
Continuing the Efficient Transportation Decision Making Process in Florida
U.S. Fish and Wildlife Service

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Section 1: Purpose

On December 14, 2001 the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service, Natural Resources Conservation Service, U.S. Environmental Protection Agency, U.S. Coast Guard, Federal Transit Administration, Advisory Council on Historic Preservation, National Park Service, U.S. Forest Service, Florida Department of Environmental Protection, Northwest Florida Water Management District (WMD), Suwannee River WMD, St. Johns River WMD, Southwest Florida WMD, South Florida WMD, Florida Fish and Wildlife Conservation Commission, State Historic Preservation Officer, Metropolitan Planning Organization Advisory Council, Florida Department of Community Affairs, Florida Department of Agriculture and Consumer Services, the Florida Department of Transportation (FDOT) and the Federal Highway Administration (FHWA), collectively referred to as Environmental Technical Advisory Team (ETAT), signed a Memorandum of Understanding agreeing to develop an Efficient Transportation Decision Making (ETDM) Process in Florida. The agencies endorsed the ETDM concept and agreed to support, establish and implement the ETDM Process within their respective agency to the extent feasible, within existing legal authority, staffing capabilities and budget.

Section 2: Agreement Framework and Regulatory Authority

This Master Agreement (MA) is entered into voluntarily by all parties and has been designed to outline how transportation projects in the state of Florida will be planned, programmed and developed using the ETDM Process, pursuant to the laws and regulations cited in Appendix A. This MA describes the ETDM Process, the interactive ETDM database and Environmental Screening Tool (EST), the creation of an Environmental Technical Advisory Team (ETAT) for each FDOT geographic District, the Planning and Programming Screens and automated summary reports, agency resource requirements, the ETDM Dispute Resolution Process, the training and educational components, the ETDM performance measures, and the calendar of milestones. It also includes language for agreement modifications and termination.

In addition to this MA, individual agency agreements will be developed with each respective agency as listed below. The purpose of the individual agency agreements is to identify, in greater detail, the Metropolitan Planning Organization (MPO) and FDOT deliverables and the specific agency reviews and responsibilities during the Planning and Programming Screens and Project Development phase. The individual agency agreements list, in a table format, the information to be uploaded into the ETDM database, the necessary Geographic Information Systems (GIS) data sets, the deliverables and review responsibilities of the MPO and FDOT, and the review responsibilities of the ETAT representatives.

- | | |
|--|---|
| • Advisory Council on Historic Preservation | • Natural Resources Conservation Service |
| • Federal Highway Administration | • Northwest Florida Water Management District |
| • Federal Transit Administration | • South Florida Water Management District |
| • Florida Department of Agriculture and Consumer Services | • Southwest Florida Water Management District |
| • Florida Department of Community Affairs | • St. Johns River Water Management District |
| • Florida Department of Environmental Protection | • Suwannee River Water Management District |
| • Florida Department of State, State Historic Preservation Officer | • U.S. Army Corps of Engineers |
| • Florida Fish and Wildlife Conservation Commission | • U.S. Coast Guard |
| • Metropolitan Planning Organization Advisory Council | • U.S. Environmental Protection Agency |
| • National Marine Fisheries Service | • U.S. Fish and Wildlife Service |
| • National Park Service | • U.S. Forest Service |

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Section 3: ETDM Process

All major capacity transportation projects that are required by law to be contained in a Long Range Transportation Plan, MPO Transportation Improvement Program (TIP) or State TIP, or FDOT's Five-Year Work Program will be subject to the ETDM screening process, regardless of funding source.

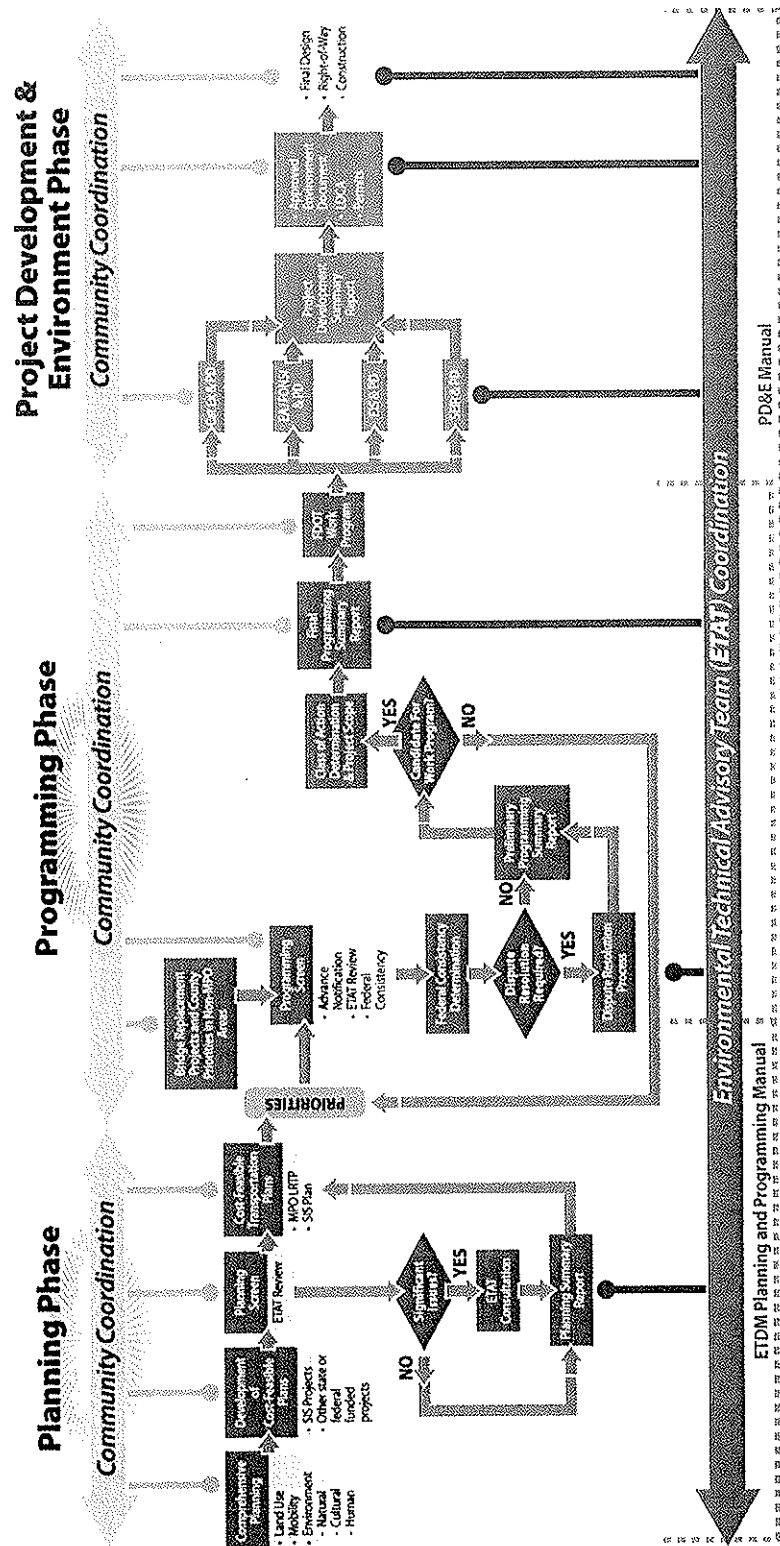
The ETDM Process creates linkages between land use, transportation, and environmental resource planning initiatives through early, interactive agency involvement, which is expected to improve transportation decisions and reduce the time, effort, and cost to implement transportation improvements. Program and project efficiency is gained by two environmental screening events that occur at the transportation planning and programming phases. In MPO areas, the Planning Screen will occur during the development of the MPO's Long Range Transportation Needs Plan with the exception of the Florida Intrastate Highway System (FIHS) facilities. In MPO areas and non-MPO areas, the Planning Screen will occur during the development of the FIHS Cost Feasible Plan.

The Programming Screen within MPO and non-MPO areas will be performed annually on the MPOs' lists of priority projects for inclusion into the FDOT Five-Year Work Program, with the exception of the FIHS facilities. The FIHS facilities will be screened annually during the development of the FIHS Ten-Year Plan. The Programming Screen in the non-MPO areas will be performed on priority projects before they enter FDOT's Tentative Five-Year Work Program, which includes projects from the Statewide Bridge Replacement and Repair program and the FIHS Ten-Year Plan.

An ETAT performs these screenings. Each ETAT consists of representatives from planning agencies, consultation agencies, and regulatory agencies that will be created for each of the seven FDOT geographic Districts and Florida's Turnpike Enterprise. The ETAT representatives provide early agency comments on proposed transportation improvements. Their response or comments will be advisory during the early phases of transportation planning. The screenings allow for concurrent review of National Environmental Policy Act (NEPA) and permit issues as a part of the planning and project development process. As the projects move into the Work Program and the project development and environment documentation phase, the ETAT representatives' role transitions to one of coordination within their respective agency to ensure expeditious agency response during both the NEPA and permit application processes. The ETDM GIS database or Environmental Screening Tool shall be used by the MPOs and the FDOT in developing, evaluating and prioritizing transportation plans and projects. The ETDM Process diagram is shown below.

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Figure 1: ETDM Process Diagram



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Section 4: Public Involvement and Interagency Coordination

Public involvement will be a continuous effort throughout the ETDM Process. The ETDM database at the GeoPlan Center will be the resource for providing information to agency ETAT representatives and for collecting ETAT responses about project impacts, avoidance or minimization strategies, and scopes of technical studies required to address a specific issue of concern. The system provides access to all concerned parties about project needs, issues of concern to agencies, and suggested alternatives, as well as agency decisions. The public will have read-only access to key project information allowing the general public and non-government organizations (NGOs) to view project data. Public comments to the MPO or FDOT will be submitted using existing public involvement channels during the LRTP and FDOT Five-Year Work Program development phases.

The project information available to the public and NGOs will include the project description, summarized GIS analysis graphics, summarized results of the ETAT project impact analyses, previously submitted public comments, and other information to assist in the formulation of comments on the project.

The ETDM Process also includes the opportunity to combine agency public noticing and public involvement activities whenever possible. This relates to both the federal and state agencies involved in the NEPA process and issuing of project permits. The individual Agency Operating Agreements (AOAs) identify opportunities and constraints for combining public noticing requirements and holding joint public hearings.

Section 5: Cooperating Agency

During the programming and project development phases the USFWS may elect to become a cooperating agency and partner with FHWA and FDOT on all major capacity improvement projects. Responsibilities of the USFWS will include responding to requests for technical assistance, attending scoping and coordination meetings, attending joint field reviews, providing substantive and early input on issues of concern, scoping agreements for issues and required technical studies, reviewing draft/final environmental documents, and others as determined.

Section 6: Environmental Screening Tool

The State of Florida has developed a comprehensive digital information database, the Florida Geographic Data Library (FGDL), which is housed at the GeoPlan Center at the University of Florida. FDOT has developed an environmental screening application (the Environmental Screening Tool) that utilizes the FGDL and provides for an interactive review of proposed transportation projects by ETAT representatives. This Environmental Screening Tool (EST) will be accessed through the Internet and will perform standardized GIS analyses and queries using information (data) contained in the FGDL along with the transportation planning and project information provided by MPOs and FDOT. The EST will be used to:

- Integrate data pertinent to land use, human and environmental resources, and transportation programs from multiple sources into standard format
- Analyze the effects of proposed projects on the environment
- Disseminate information among ETAT representatives and to the public
- Store and report results of the ETAT review
- FGDL will provide an automated electronic notice whenever new data or analyses are available and when agreed upon review time frames have been exceeded
- A User's Guide and training syllabus for using the EST have been developed by the FDOT and continue to be provided to all ETAT representatives on a regular basis.

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Section 7: ETAT Representative

An agency ETAT representative will be responsible for coordinating and performing all agency actions to satisfy the statutory obligations of the representative's agency with respect to the planning and implementation of transportation projects. This responsibility will require diverse and excellent communication skills, and especially the ability to function effectively within the agency and to coordinate with other agencies in the ETAT. ETAT representatives will be involved with the full spectrum of agency actions related to transportation projects. The person selected as ETAT representative should be:

- Well-versed in the statutory authority and obligations of the agency
- Knowledgeable of the agency actions required at each phase of agency involvement (e.g., planning, NEPA process, permitting, construction, post-construction, monitoring)
- Able to perform and understand comprehensive environmental impact analyses
- Respected within the agency; accorded access to key decision makers; able to achieve informed consent internally within the agency and entrusted to present an opinion or recommendations on behalf of the agency
- Cognizant of the different, yet related, perspectives of other agencies and able to create solutions and function as a problem solver
- Effective in dispute resolution functions within the ETAT
- Proficient in computer usage, including the Internet
- An effective verbal and written communicator
- Able to anticipate agency actions required as projects proceed through phases and to prepare those responsible for a prompt, efficient participation in the project to minimize delays.

Persons possessing these attributes will be dynamic and motivated within the agency. Through their previous agency successes they will have achieved a level of recognition, trust, and effectiveness that will ensure their success as an ETAT representative. Appointment as an ETAT representative is considered an acknowledgement by agency leadership of their successful contribution to the agency's mission. Their subsequent actions as the agency ETAT representative should receive high visibility and endorsement by agency leaders to ensure that this position is highly sought after in the future.

If an agency ETAT representative is unable to perform their duties, the agency will identify an alternate ETAT representative to complete the agency's regulatory or resource review responsibilities in the agreed upon time frames.

Section 8: ETDM Coordinator

Each FDOT District has identified an "ETDM Coordinator" who will be responsible for implementation of Florida's ETDM Process. The ETDM Coordinator duties include the following:

- Coordinates with District management, MPOs, project management teams and individual project managers to ensure appropriate development of the ETAT screens at both the Planning and Programming phases. Submits the ETAT screens to the interagency ETAT representatives for integrated planning, early consultation and coordination, environmental review, and interagency technical assistance in satisfying and complying with NEPA and all environmental permitting requirements.
- Coordinates internally with project managers and partners externally with ETAT representatives, MPOs, and FHWA during project development to ensure transportation projects and technical studies are developed in full compliance with NEPA and all environmental permit requirements as established in the ETDM Planning and Programming Manual and prescribed in this MA.
- Coordinates and consults internally with District offices and externally with ETAT representatives in the review of federal and state legislation, federal and state regulations, environmental ordinances, rules, executive orders and internal agency procedures which affect the ETDM Process.

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- Conducts ETDM training and provides technical assistance to support ETAT representatives, the MPOs, and FDOT District Planning, FDOT Environmental Management and other offices, where appropriate. If the ETDM Coordinator is unable to perform their duties, the relevant FDOT District Office will identify an alternate ETDM Coordinator to complete the FDOT responsibilities in the agreed upon time frames.

Section 9: Planning Screen

The Planning Screen occurs every three to five years during the development of the MPO's Long Range Transportation Needs Plan (LRTP) in urbanized areas, with the exception of the FIHS facilities. In MPO and non-MPO areas, the Planning Screen occurs on the FIHS Cost Feasible Plan. FDOT staff will be responsible for uploading the FIHS project information into the ETDM GIS database in both rural and urban areas. This review allows the ETAT to comment on the impact of projects very early in the planning process. It also allows the ETAT to provide plans, programs, and technical reports that are not contained in existing databases, but are an important part of an agency's resource management and protection initiatives and may affect a proposed project. This will enable planners to adjust project concepts to avoid or minimize adverse impacts and to identify mitigation alternatives and costs. Indirect and cumulative effects will be evaluated on a system-wide and project basis in connection with the Planning Screen. The LRTPs are updated by the MPOs every three to five years, depending on the air quality designation by the U.S. Environmental Protection Agency. The FIHS Cost Feasible Plan is updated by FDOT every five years depending on funding and legislative issues. The Planning Screen table contained in the respective AOAs identifies the information available to the ETAT during the Planning Screen (via the EST). This table also addresses FHWA/FDOT and the ETAT's review and coordination responsibilities. The review will take place through the Internet, and all comments will be entered directly into the EST comment section and saved for subsequent review and use.

Section 10: Planning Summary Report

After the Planning Screen is completed, a Planning Summary Report will be assembled by the MPO, in concert with the ETDM Coordinator, or by the ETDM Coordinator in non-MPO areas. The ETDM Coordinator will resolve any problems that arise at this stage. This report will be automatically generated, to the extent feasible, and will summarize key information and recommendations on a system-wide basis for the LRTPs and Cost Feasible FIHS Plan. This summary report will also address indirect and cumulative effects analysis.

Section 11: Programming Screen

In MPO and non-MPO areas, the Programming Screen occurs annually on project priorities before they are adopted into the FDOT Five-Year Work Program, with the exception of the FIHS facilities. FIHS facilities will be screened during the development of the FIHS Ten-Year Plan. FDOT staff will be responsible for uploading the FIHS project information into the ETDM GIS database in both rural and urban areas. The ETAT representatives will provide technical assistance and assist FDOT in scoping technical studies necessary to satisfy NEPA and assist in expediting project permits. The programming table in the respective AOAs identifies the information available to the ETAT during the Programming Screen (via the EST). The review will once again take place through the Internet, and all comments will be entered directly into the EST comment section and saved for subsequent review and use.

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Section 12: Programming Summary Report

A Programming Summary Report will be produced by the ETDM Coordinator after the screening is completed. This report will be automatically generated, to the extent feasible, and will include an outline of the project's scope of work based on the ETAT reviews and available project information. The project's Class of Action Determination, (i.e., Environmental Assessment or Environmental Impact Statement), degree of effect, summary of public comments, and dispute resolution issues will also be addressed in this report.

Section 13: Project Development and Environment Documentation

During the project development and environment documentation of project impacts, the ETAT will continue to provide input and assist the FDOT in compliance with their respective legal and regulatory requirements contained in Appendix A of this MA. The objective is to satisfy NEPA requirements and permitting issues and concerns so that all reviews consider every issue, and approvals of related agency actions are received concurrently. During this phase, FDOT shall prepare the applications for state and federal permits and state lands authorization. Permit applications shall be submitted to the appropriate agencies for ETAT review. The project development table in the respective AOAs identifies the reports and coordination responsibilities for FDOT, FHWA and the ETAT representatives. Project development and environment (PD&E) studies may include a project Web site for use in the coordination of project reviews and comments. The NEPA documents and permit applications will be developed using engineering information supported by technical studies such as the Preliminary Engineering Report, Pond Siting Report, Endangered Species Biological Assessment, and Wetland Evaluation Report.

Section 14: Project Development Summary Report

A Project Development Summary Report will be produced by the FDOT Project Manager at the conclusion of the NEPA phase. This report will be a collection and summary of pertinent information and documentation, including the preferred alternative for construction, a summation of all environmental impacts and inclusion of pertinent technical reports, a list of all commitments and recommendations if applicable, and a summary of all project permitting stipulations and project mitigation. This report will be provided to and discussed with the FDOT Design Project Manager for their use in project scoping, contractual services and plans preparation.

Section 15: Agency Resource Requirements

ETAT resource needs, including personnel, equipment, review responsibility and agency funding requirements will be determined based on each office's existing resources and specific needs. The success of the ETDM Process will in part be based on the quality of the interactive ETDM database information, agency coordination and consultation, timeliness and regulatory nature of review comments, and technical assistance provided to satisfy NEPA and subsequent permitting issues.

Each agency's ETAT representative will be a single point of contact and is responsible for obtaining digital information about the resources their agency protects (e.g., wetlands, endangered and threatened species, and critical habitat) and for ensuring that this information is available to the University of Florida GeoPlan Center for use with the ETDM Process and projects. Also, new resource information obtained from agency plans, initiatives, biological assessments, research projects, and field reviews should be made available to FGD within 90 calendar days of completion. Digital information will be provided to the University of Florida GeoPlan Center at no cost. The information will include documentation that describes the format, intent, and source material used to develop and maintain the information. ETAT representatives will coordinate with the GeoPlan Center to ensure that new data meet the quality and format protocols of the ETDM database. ETAT representatives shall have access to a desktop computer with the following minimum requirements:

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Operating System

- Microsoft Windows XP Professional or Home, Windows 2000 (NT, 95, 98, will also work)

Hardware

- 700 MHz, Intel Pentium III or equivalent AMD Processor
- 1024 X 768 video card resolution
- 3-Gigabytes free disk space
- 256 MB RAM (348 MB RAM recommended)
- 17-inch color monitor (19-inch recommended)
- Minimum of 128 KB Internet connection (T-1 recommended)
- Access to color printer recommended, but not required

Software

- Microsoft Internet Explorer, version 7.0 or higher
- Adobe Acrobat Reader, version 7.0 or higher

Section 16: ETAT Performance Standards

ETAT agency performance standards include cooperating agency role and level of involvement, quality of submittals, number of revisions, time frame for processing of NEPA documents and expediting environmental permits, number of requests for substantive additional information, interagency communication and coordination, and review delays. Review guidelines include responding to FDOT submittals within 30 calendar days, providing specific information about data needs to bring about compliance with the respective legal and regulatory requirements contained in Appendix A, documentation of consultation process, documentation of all formal/informal commitments to protect resources and mitigate impacts, and documentation of all actions designed to expedite NEPA and permit approvals.

Performance standards shall include:

- ETAT review of Planning and Programming Screens within 45 days.
- FDOT response to comments and inquiries within 30 calendar days.
- FDOT response to request for additional information within 30 calendar days.
- Number of Requests for Additional Information (RAIs).
- Establishment of quality assurance protocols for digital information. Quality checks on system performed within 90 calendar days of completing field reviews and technical reports.
- Completion of Dispute Resolution Process within 120 calendar days.
- Review of all environmental documents, technical reports, and permit pre-applications within 30 calendar days.

Section 17: ETDM Dispute Resolution Process

The intent of the ETDM Dispute Resolution Process is to resolve conflicts at the agency ETAT level with as many opportunities for resolution as possible. The ETDM Dispute Resolution Process is shown in the flowchart following this section. The ETDM Dispute Resolution Process is specific to the Programming Screen that occurs on MPO and FDOT project priorities before they enter the FDOT Five-Year Work Program.

If conflicts are identified during the early Planning Screen, the ETAT representatives and ETDM Coordinator shall consult and resolve, where feasible, project conflicts and concerns before the approval of the relevant cost-feasible Long Range Transportation Plan. However, if a conflict cannot be resolved and the project is added to the transportation plan, the project will be “flagged” as having unresolved agency conflict(s) and will be so identified if the project becomes a priority for inclusion in FDOT's Five-Year Work Program.

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The Dispute Resolution Process begins with the ETDM Coordinator, who is responsible to work with the appropriate ETAT representatives to address all known conflicts or issues at the agency staff level. The following is a list “triggers” for initiating the ETDM Dispute Resolution Process:

- Project is non-permittable
- Project is contrary to a state or federal resource agency’s program, plan or initiative
- Project has significant environmental cost (apply a broad interpretation of the term cost) such as funding, environmental impacts, or quality of life
- Project Purpose and Need is disputable

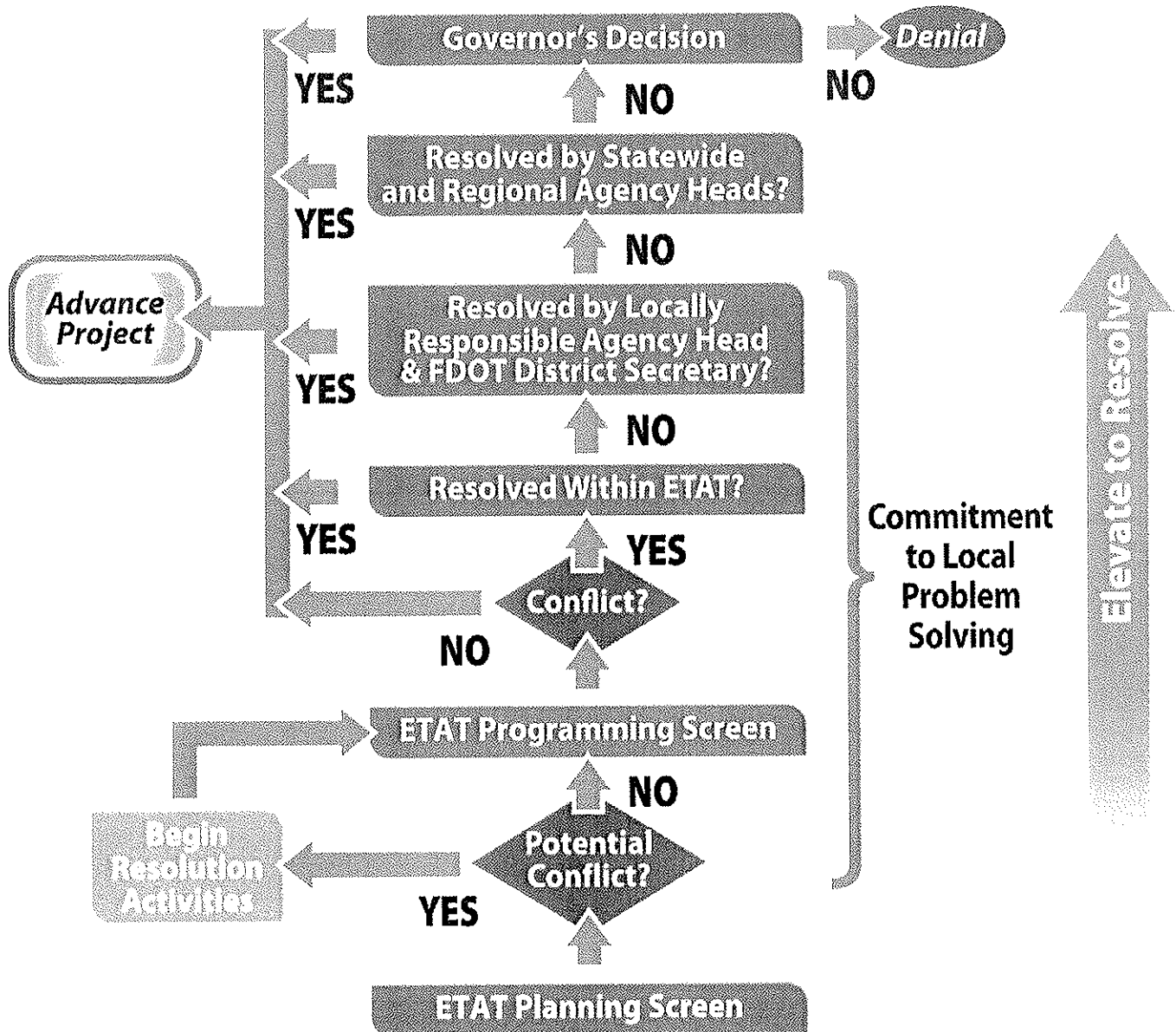
The ETDM Coordinator will have the authority to make agency-requested commitments on behalf of FDOT, such as requiring specific technical studies, evaluating certain types of alternatives or evaluating specific mitigation options during the project development phase. If the conflict cannot be resolved by the ETDM Coordinator, then the issue moves into the Informal Dispute Resolution Process.

The Informal Dispute Resolution Process involves a subteam or subunit of the ETAT that will be responsible for reviewing dispute issues. FDOT will invite other agencies that have similar concerns and jurisdictional responsibilities. Participation in a subteam is at the discretion of each agency depending on level of interest or concern, but the subteam shall include those agencies that identified the concerns for a given project. The ETAT subteam will undertake a course of action to address identified conflicts and issues, which may include the following: 1) resolve the issue or conflict through consultation and document the resolution; 2) complete a feasibility or technical study for ETAT representative to review; 3) Advance project into TIP/Five-Year Work Program with specific “flags” and/or recommendations to be addressed during the PD&E phase. Any agreements, understandings and/or recommendations resulting from these proceedings shall be incorporated into the descriptive materials that accompany the project as it moves through the work program. If the conflict remains unresolved, it will then enter the Formal ETDM Dispute Resolution Process.

The Formal ETDM Dispute Resolution Process involves the development of an “Issue Paper/Position Paper” to be reviewed by locally responsible ETAT member agency heads and the FDOT District Secretary. A Position Paper will be completed by the affected FDOT District Office, and the Issue Paper will be completed by the Agency(s) that has raised the issue or dispute.

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Figure 2: Dispute Resolution Process



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If the dispute cannot be resolved by the local agency heads, (District management serving as lead for FDOT management purposes), then the dispute moves to the statewide or regional agency heads. The statewide and regional agency heads will review all relevant project information, including any technical reports and studies before rendering a decision. The agency heads will make the final decision in consultation with the Governor. The course of action may include the following:

- Modify project concept to resolve environmental concerns and issues
- Advance project into next phase
- Reject project

If the conflict is not resolved by the statewide and regional agency heads, the Governor will then be asked to render a final decision.

Nothing in this MA affects the statutorily prescribed duties and obligations of any party to the agreement or any party's responsibility or ability to discharge fully such duties and obligations under all applicable laws and regulations. The Dispute Resolution Process will seek to fulfill all statutory obligations in seeking solutions to complex issues among agencies.

Section 18: Regulatory and Statutory Changes

The ETAT agencies will work with FHWA and FDOT to identify any mutually agreed upon changes in federal or state laws, rules, or regulations that are needed as a result of the implementation of the ETDM Process. The federal agencies in the ETAT and FHWA will also act as joint lead federal agencies to promote regulatory or statutory changes to federal laws. All parties to this MA will support the proposed changes, as necessary.

Section 19: Training and Educational Programs

A training program has been jointly developed by FDOT and the University of Florida GeoPlan Center with the participation of ETAT representatives from each respective agency that explains the ETDM Process, NEPA and permit documentation and the use of the EST. An educational component has also been developed to inform non-governmental organizations, local governments, and citizens of the new ETDM Process and how they can participate and affect the transportation decision-making process.

Section 20: Master Agreement Modification

This MA is between FDOT, FHWA and USFWS. Any changes, amendments, corrections, or additions to this MA, shall be executed and approved by the same officials (or their designees) who executed and approved the original agreement and applicable AOAs in accordance with applicable laws. This MA shall become effective upon signing the agreement. Any party may terminate its participation in this MA upon sixty (60) days written notice to the FDOT, provided that the party requesting termination has provided sufficient notice and opportunity for remedy of issues and dispute resolution.

Section 21: Period of Performance

This MA shall not expire unless specifically requested by the USFWS or FDOT; however, the Funding Agreement (FA) shall govern with regard to the period of performance and be renewable subject to all parties agreeing to renewal. The parties to this MA have consulted and agreed to continue participation in the ETDM Process as signatories to the MA, AOA and FA, with the FA's termination date serving as the controlling date.

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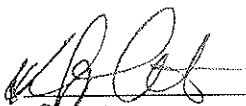
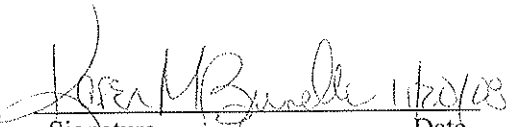
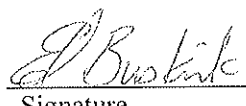
The period of performance for this MA shall be reviewed at least every five (5) years beginning from the date of the final signatures. In the event of a conflict between any provision of the MA and the AOA, the latter shall govern. The FA shall govern with regard to the period of performance.

Section 22: Calendar of Milestones

It is anticipated that the ETAT representatives will meet annually with the FDOT to review program issues and concerns. The ETDM Coordinators will be responsible for informal and formal communication and program monitoring of the ETDM Process. The ETAT representatives are also responsible for identifying program deficiencies or concerns they may have with the ETDM Process and communicating those issues to the ETDM Coordinators.

Section 23: Signatures


In witness thereof, the parties hereto have caused this MA to be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

 _____ Signature Secretary Florida Department of Transportation	 _____ Signature Karen M. Brunelle Florida Division Administrator Federal Highway Administration	 _____ Signature ED BUSKIRK, Acting ARD, B&A U.S. Fish and Wildlife Service
11/24/08	11/20/08	11/18/08
Date	Date	Date

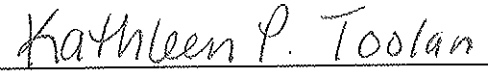
Printed Name
Secretary
Florida Department of
Transportation

Printed Name
Karen M. Brunelle
Florida Division Administrator
Federal Highway Administration

Printed Name
ED BUSKIRK, Acting ARD, B&A
U.S. Fish and Wildlife
Service



Signature
Office General Counsel
Florida Department of
Transportation



Print Name
Office of General Counsel
Florida Department of
Transportation

Appendix A
U.S. Fish and Wildlife Service - Agency Statutory Authority

It is the intent of this MA to implement the ETDM Process for all transportation projects in the State of Florida that require coordination, consultation, and compliance with the following agency's laws, regulations, orders, and statutes.

Agency	Citation
Florida Department of Transportation and Federal Highway Administration	<ul style="list-style-type: none"> • National Environmental Policy Act (NEPA) of 1969 • 40 CFR 1500-1508 • Section 334.044(2) Florida Statutes • USDOT Order 5610.1C • USDOT Order 5650.2 • Executive Order (EO) 11990/USDOT Order 5660.1A • Technical Advisory 6640.8A • Title 6, 7 of the US Civil Rights Act of 1964 and ADA Compliance • Title 23, CFR 771 • Federal Aid Policy Guide • Section 4(f) of the USDOT Act of 1966 • 16 USC 470(f), Public Laws 89-665, 91-243, 93-54, 94-422, 94-458, 96-515 National Historic Preservation Act • EO 11990 • EO 11988 • 23 CFR 650A • Section 6001 and Section 6002 SAFETEA-LU • 23 USC 39(j)
U.S. Army Corps of Engineers	<p>Regulatory Authority</p> <ul style="list-style-type: none"> • Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) • Section 404 of the Clean Water Act (33 USC 1344) <p>Related Laws</p> <ul style="list-style-type: none"> • Section 401 of the Clean Water Act (33 USC 1341) • Section 307 (c) of the Coastal Zone Management Act of 1972 (16 USC 1456(c)) • The National Environmental Policy Act of 1969 (42 USC 4321-4347)
U.S. Fish and Wildlife Service	<ul style="list-style-type: none"> • 16 USC 661, Fish and Wildlife Coordination Act of 1956 • 16 USC 742f(a)(4), Fish and Wildlife Act of 1956 • 16 USC 662, Section 2 Fish and Wildlife Coordination Act • 16 USC 1531, Coastal Zone Management Act of 1972 • 16 USC 1536, Section 7, 9 & 10 Endangered Species Act of 1973, as amended • 16 USC 1536, (a)-(d) Endangered Species Act, as amended • Federal Coastal Barriers Resource Act (COBRA) • 16 USC 703-711, Migratory Bird Treaty Act
National Marine Fisheries Service	<ul style="list-style-type: none"> • 16 USC 1536, (a)-(d) Endangered Species Act, as amended • 16 USC 1531, Coastal Zone Management Act of 1972 • 16 USC 1855 (b), Magnuson-Stevens Fishery Conservation and Management Act • Marine Mammal Protection Act of 1972
Natural Resources Conservation Service	<ul style="list-style-type: none"> • Farmlands Protection Policy Act of 1981 (7 USC 4201)

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U.S. Fish and Wildlife Service - Agency Statutory Authority

Agency	Citation
U.S. Environmental Protection Agency	<ul style="list-style-type: none"> • 36 Code of Federal Regulations Parts 60 and 63 • 40 Code of Federal Regulations 81 • 40 Code of Federal Regulations 93, Subpart T • 40 Code of Federal Regulations Part 93, Title 1 • EPA NPDES Permit for Stormwater from Construction Activities • NPDES General Permit for Stormwater Discharge from Construction Sites • Safe Drinking Water Act • Resource Conservation and Recovery Act (RCRA) • Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) • Clean Water Act of 1977 (33 USC 1251)
U.S. Coast Guard	<ul style="list-style-type: none"> • Section 9 of the Rivers and Harbors Act of 1899 • General Bridge Act of 1946: Delegation of Authority (49 CFR 1.46) • National Environmental Policy Act of 1969
Federal Transit Administration	<ul style="list-style-type: none"> • National Environmental Policy Act of 1969 • FTA Section 5309 New Starts Funding • 23 CFR • Section 4(f) of the USDOT Act of 1966 • National Historic Preservation Act of 1966 (36 CFR Part 800) • Council on Environmental Quality (CEQ) Regulations
Advisory Council on Historic Preservation	<ul style="list-style-type: none"> • National Historic Preservation Act of 1966 • 36 Code of Federal Regulations Part 800
National Park Service	<ul style="list-style-type: none"> • Wild and Scenic Rivers and National Trails Presidential Directive (8/2/79) • Section 6(f) • Director's Order #12
U.S. Forest Service	<ul style="list-style-type: none"> • Organic Administrative Act of 1897 • Forest Highway Act of 1958 • Multiple Use-Sustained Yield Act of 1960 • Wilderness Act of 1964 • National Forest Roads and Trails Act of 1964 • National Historic Preservation Act of 1966 • Wild and Scenic Rivers Act of 1968 • National Environmental Policy Act of 1969 • Endangered Species Act of 1973 as amended • Forest and Rangeland Renewable Resources Planning Act of 1974 • National Forest Management Act of 1976 • Clean Air Act of 1977 • Clean Water Act of 1977 • 36 Code of Federal Regulations Part 200
Florida Department of Environmental Protection	<p>Statutes Common to All Water Management Districts and FDOT</p> <ul style="list-style-type: none"> • Chapter 120, F.S., Administrative Procedure Act • Chapter 253, F.S., 1 State Lands • Chapter 258, F.S., 1 State Parks and Preserves • Chapter 373, F.S., Water Resources • Chapter 403, F.S., Environmental Control

Appendix A
U.S. Fish and Wildlife Service - Agency Statutory Authority

Agency	Citation
Florida Department of Environmental Protection, Continued	<p>Rules Common to All Water Management Districts and FDOT</p> <p><i>Procedural</i></p> <ul style="list-style-type: none"> • Chapter 28, F.S., Uniform Rules <p>Statutes Common to All Water Management Districts and FDOT</p> <ul style="list-style-type: none"> • Chapter 120, F.S., Administrative Procedure Act • Chapter 253, F.S., 1 State Lands • Chapter 258, F.S., 1 State Parks and Preserves • Chapter 373, F.S., Water Resources • Chapter 403, F.S., Environmental Control <p>Rules Common to All Water Management Districts and FDOT</p> <p><i>Procedural</i></p> <ul style="list-style-type: none"> • Chapter 28, F.S., Uniform Rules <p><i>Wetland Delineation</i></p> <ul style="list-style-type: none"> • Chapter 62-340, F.A.C., Delineation of the Landward Extent of Wetlands and Surface Waters Water Quality • Sections 62-4.242 and .244 (sections dealing with Outstanding Florida Waters, anti-degradation and mixing zones) • Chapter 62-302, Surface Water Quality Standards • Chapter 62-312, Dredge and Fill Activities (regarding dredging and filling within the Northwest Florida Water Management District, grandfathered activities under Part IV of Chapter 373, and activities in the Florida Keys) • Chapter 62-520, Groundwater Classes, Standards, and Exemptions • Chapter 62-522, Groundwater Permitting and Monitoring Requirements • Chapter 62-550, Drinking Water Standards, Monitoring, and Reporting <p><i>Delegations</i></p> <ul style="list-style-type: none"> • Chapter 62-344, Delegation of the Environmental Resource Permit Program to Local Governments <p><i>Sovereign Submerged Lands</i></p> <ul style="list-style-type: none"> • Chapter 18-14, Administrative Fines for Damaging State Lands or Products Thereof • Chapter 18-18, Biscayne Bay Aquatic Preserve • Chapter 18-20, Florida Aquatic Preserves • Chapter 18-21, Sovereignty Submerged Lands Management

Appendix A
U.S. Fish and Wildlife Service - Agency Statutory Authority

Agency	Citation
Florida Department of Environmental Protection, Continued	<p><i>Application and Notice Forms</i></p> <ul style="list-style-type: none"> • Joint Application for: Environmental Resource Permit, Authorization to Use State Owned Submerged Lands, Federal Dredge and Fill Permit (Form No. varies by District and Department) • Petition for a Formal Wetland and Surface Water Determination (Form No. varies by District and Department) • Construction Commencement Notice (Form No. varies by District and Department) • Annual Status Report for Surface Water Management Systems Construction (Form No. varies by District and Department) • Mitigation Bank Performance Bond (Form No. varies by District and Department) • Mitigation Bank Irrevocable Letter of Credit (Form No. varies by District and Department) • Mitigation Bank Standby Trust Fund Agreement (Construction and Implementation) (Form No. varies by District and Department)
Water Management Districts	<p>Rules Applicable to Specific Water Management Districts</p> <p><i>Northwest Florida Water Management District</i></p> <ul style="list-style-type: none"> • Chapter 40A-1, General and Procedural • Chapter 40A-4, Management and Storage of Surface Water • Chapter 40A-6, Works of the District <p><i>Suwannee River Water Management District(UPDATE)</i></p> <ul style="list-style-type: none"> • Chapter 40B-1, General and Procedural Rules • Chapter 40B-4, Regulations • Chapter 40B-400, Environmental Resource Permits • Applicant's Handbook: Environmental Resource Permits <p><i>St. Johns River Water Management District</i></p> <ul style="list-style-type: none"> • Chapter 40C-1, Organization and Procedures • Chapter 40C-4: Environmental Resource Permits: Surface Water Management Systems • Chapter 40C-8: Minimum Flows and Levels • Chapter 40C-40: Standard Environmental Resource Permits • Chapter 40C-41: Environmental Resource Permits: Surface Water Management Basin Criteria • Chapter 40C-42: Environmental Resource Permits: Regulation of Stormwater Management Systems • Chapter 40C-400: Noticed General Environmental Resource Permits • Applicant's Handbook: Management and Storage of Surface Waters • Applicant's Handbook: Regulation of Stormwater Management Systems <p><i>Southwest Florida Water Management District</i></p> <ul style="list-style-type: none"> • Chapter 40D-4, Individual Environmental Resource Permits • Chapter 40D-6, Works of the District • Chapter 40D-40, Standard General Environmental Resource Permits • Chapter 40D-400, Environmental Resource Permit • Basis of Review for Environmental Resource Permits

Appendix A
U.S. Fish and Wildlife Service - Agency Statutory Authority

Agency	Citation
Water Management Districts, Continued	<p><i>South Florida Water Management District</i></p> <ul style="list-style-type: none"> • Chapter 40D-1, Procedural • Chapter 40D-4, Individual Environmental Resource Permits • Chapter 40E-0, Exceptions to the Uniform Rules of Procedure • Chapter 40E-1, General and Procedural • Chapter 40E-4, Surface Water Management • Chapter 40E-40, General Surface Water Management Permits • Chapter 40E-41, Surface Water Management Basin and Related Criteria • Chapter 40E-400, No Notice and Noticed General Environmental Resource Permits • Basis of Review for Environmental Resource Permit Applications
Florida Fish and Wildlife Conservation Commission	<ul style="list-style-type: none"> • Article IV, Section 9, Florida Constitution • Chapter 379, F.S. • Coastal Zone Management Act • Fish and Wildlife Coordination Act • State Endangered and Threatened Species Act, Chapter 372.072, Florida Statutes • Chapter 68, Rules Pertaining to Florida Fish and Wildlife Conservation Commission • Chapter 68A-27, Rules Pertaining to Endangered and Threatened Species
Florida Department of State, State Historic Preservation Officer	<ul style="list-style-type: none"> • National Historic Preservation Act of 1966 • 36 Code of Federal Regulations Part 800 • Section 106 of the NHPA (Florida Statutes, Chapters 253 and 267) • Section 110(f)
Metropolitan Planning Organizations	<ul style="list-style-type: none"> • Florida Statutes, Chapter 339 • 23 USC 134 and citation for Clean Air Act
Florida Department of Community Affairs	<ul style="list-style-type: none"> • Organization, Powers, Duties and Functions (Section 20.18, F.S.) • Growth Policy, County and Municipal Planning, Land Development Regulations (Chapter 163, Part II, F.S.) • Community Redevelopment (Chapter 163, Part III, F.S.) • Emergency Management (Chapter 252, F.S.) • Energy Resources (Chapter 377, F.S.) • Land and Water Management (Chapter 380, F.S.) • Housing (Chapter 420, F.S.) • Flood Insurance (National Flood Insurance Reform Act) • Growth Management (Chapter 187) • Rule 9J-5 F.A.C.
Florida Department of Agriculture and Consumer Services	<ul style="list-style-type: none"> • Florida Constitution, Article 10, Section 18 Disposition of Conservation Lands (Division of Forestry) • Florida Statutes, Chapter 253 State Lands, Chapter 259 Land Acquisitions for Conservation or Recreation, Chapter 589 Forestry (Division of Forestry) • Board of Trustees Linear Facilities Policy (Division of Forestry) • Florida Statute Chapter 597 Florida Aquaculture Policy Act (Division of Aquaculture) • Florida Statute Chapter 581.185 and 581.186 Preservation of Native Flora of Florida (Division of Plant Industry)



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

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STEPHANIE C. KOPELOUSOS
SECRETARY

DELEGATION OF AUTHORITY

I, Stephanie C. Kopelousos, Secretary of the Florida Department of Transportation, delegate to Kevin J. Thibault, as the Assistant Secretary for Engineering and Operations, Deborah L. Hunt, as the Assistant Secretary for Intermodal Systems Development, and William F. Thorp, as the Interim Assistant Secretary for Finance and Administration, the authority and responsibility to take action on my behalf at anytime during my absence from the Department headquarters in Tallahassee. I also rescind any prior delegations to the contrary.

Stephanie C. Kopelousos, Secretary
Florida Department of Transportation

Date