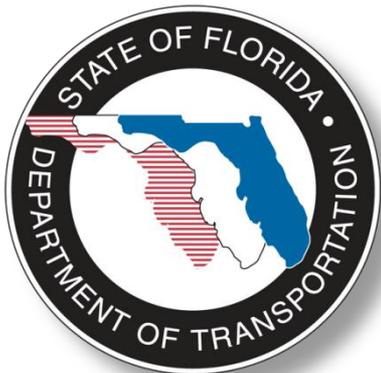


Permitting



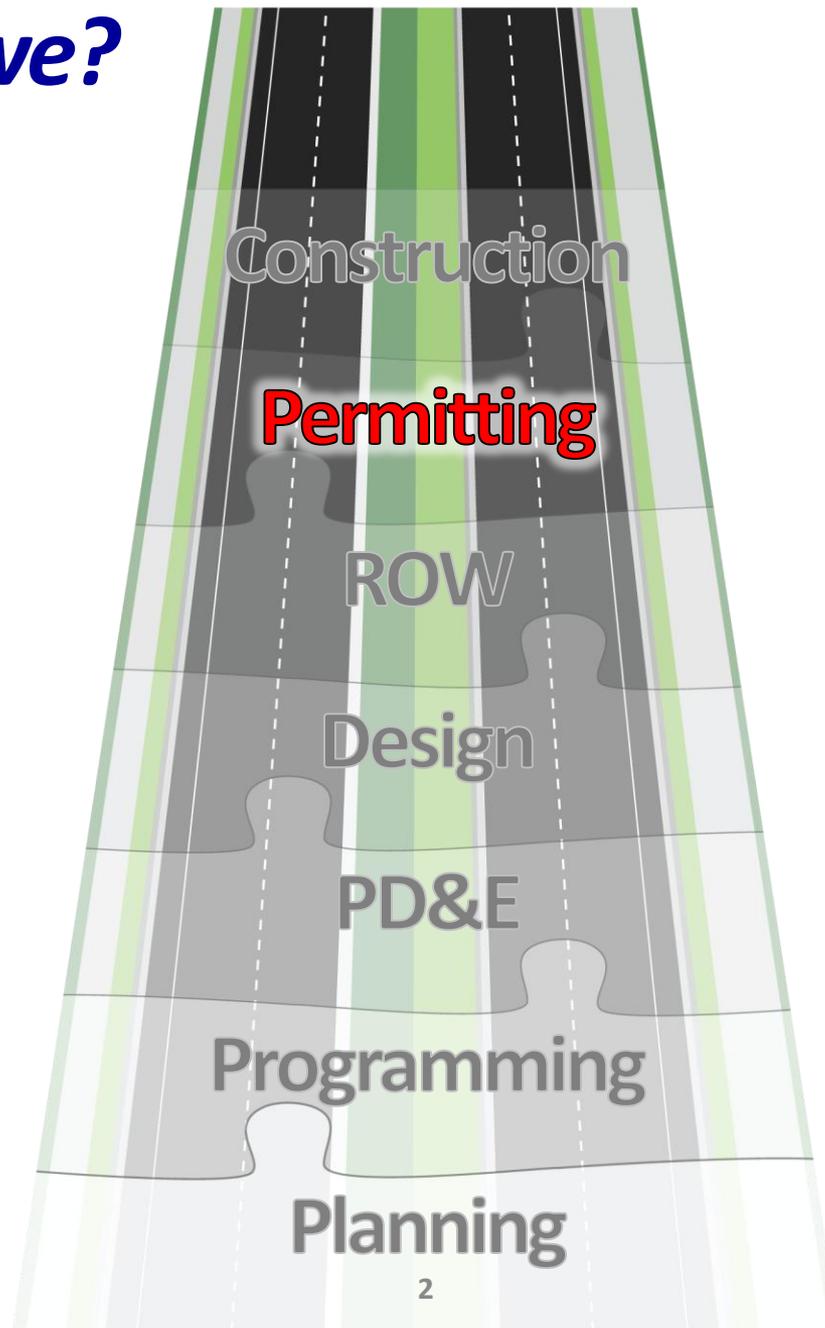
ETAT Workshop 2011



Xavier Pagan
Environmental Specialist

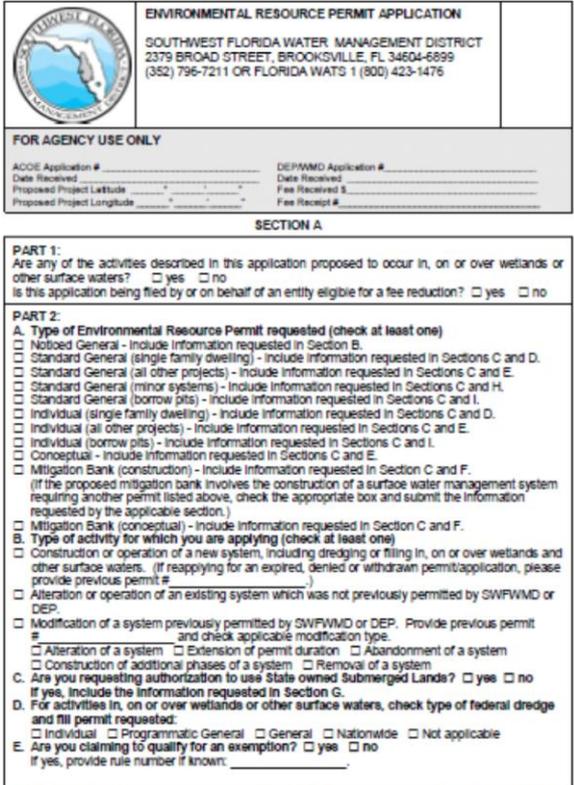


Where are we?



When does permitting happen?

- ◆ Typically during the Final Design Phase
- ◆ In some cases permitting may begin towards the end of the PD&E Phase
- ◆ FDOT projects cannot advance to construction without the completion of permitting



ENVIRONMENTAL RESOURCE PERMIT APPLICATION
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
2379 BROAD STREET, BROOKSVILLE, FL 34604-6899
(352) 796-7211 OR FLORIDA WATS 1 (800) 423-1476

FOR AGENCY USE ONLY

ADCE Application # _____ DEFWMD Application # _____
Date Received _____ Date Received _____
Proposed Project Latitude _____ Fee Received \$ _____
Proposed Project Longitude _____ Fee Receipt # _____

SECTION A

PART 1:
Are any of the activities described in this application proposed to occur in, on or over wetlands or other surface waters? yes no
Is this application being filed by or on behalf of an entity eligible for a fee reduction? yes no

PART 2:
A. Type of Environmental Resource Permit requested (check at least one)
 Noticed General - Include information requested in Section B.
 Standard General (single family dwelling) - Include information requested in Sections C and D.
 Standard General (all other projects) - Include information requested in Sections C and E.
 Standard General (minor systems) - Include information requested in Sections C and H.
 Standard General (borrow pits) - Include information requested in Sections C and I.
 Individual (single family dwelling) - Include information requested in Sections C and D.
 Individual (all other projects) - Include information requested in Sections C and E.
 Individual (borrow pits) - Include information requested in Sections C and I.
 Conceptual - Include information requested in Sections C and E.
 Mitigation Bank (construction) - Include information requested in Section C and F.
(If the proposed mitigation bank involves the construction of a surface water management system requiring another permit listed above, check the appropriate box and submit the information requested by the applicable section.)
 Mitigation Bank (conceptual) - Include information requested in Section C and F.
B. Type of activity for which you are applying (check at least one)
 Construction or operation of a new system, including dredging or filling in, on or over wetlands and other surface waters. (If reapplying for an expired, denied or withdrawn permit/application, please provide previous permit # _____.)
 Alteration or operation of an existing system which was not previously permitted by SWFWMD or DEP.
 Modification of a system previously permitted by SWFWMD or DEP. Provide previous permit # _____ and check applicable modification type.
 Alteration of a system Extension of permit duration Abandonment of a system
 Construction of additional phases of a system Removal of a system
C. Are you requesting authorization to use State owned Submerged Lands? yes no
If yes, include the information requested in Section G.
D. For activities in, on or over wetlands or other surface waters, check type of federal dredge and fill permit requested:
 Individual Programmatic General General Nationwide Not applicable
E. Are you claiming to qualify for an exemption? yes no
If yes, provide rule number if known: _____

FORM 547-27ERP (06/10) Section A - Page 1 of 5 RULE 400-4.101(1)(b), F.A.C.



ETAT role

- ◆ Transfer information internally regarding FDOT projects
 - Early identification of potential permitting issues
 - Continuity
 - Identification of information that may be needed
 - Expediting permitting



EST screenings and permitting

- ◆ Planning - Efficient Transportation Decision Making (ETDM)
 - Starts conversation with permitting agencies
 - Identifies potential effects to resources
 - Identifies potential permits
 - Identifies potential opportunities for mitigation
 - Provides baseline information for Project Development and Environment (PD&E) Study
 - ETAT member informs agency permitting staff of planned projects



PD&E study and permitting

- ◆ Builds upon results of planning activities
- ◆ Develops proposed alternatives to address transportation needs
- ◆ Evaluates impacts to natural, physical, social resources
 - Avoid
 - Minimize
 - Mitigate – conceptual mitigation plan if needed
- ◆ Approval of PD&E documents provides funding authorization, defines project concept, and sets the requirements for permitting
- ◆ ETAT member informs agency permitting staff of upcoming projects



Final Design and permitting

- ◆ Final project construction plans are prepared
- ◆ Permit(s) applied for and continued agency coordination
- ◆ Typically additional avoidance and minimization measures are taken
- ◆ Mitigation plan is refined based on agency coordination and Final plans
- ◆ Permits must be approved prior to construction
- ◆ Reevaluations



Reevaluations

- ◆ Must be prepared for federal projects prior to advancing to the next phase
- ◆ Ensures project compliance with applicable Federal and State laws prior to advancing the project
- ◆ If changes in impacts occur we will coordinate with appropriate agencies
- ◆ Summarizes and updates commitments made by the Department during PD&E
- ◆ Verifies that findings and determinations remain valid
- ◆ Identifies permits required for construction



Navigation

- ◆ Bridge Permit – Coast Guard
 - Construction, reconstruction, or modification of bridges over waters of the United States
 - Ensures appropriate navigational clearances are met (e.g., bridge height and width and also channel width)
- ◆ Navigable Waters – Army Corps of Engineers
 - Any work in, over, or under navigable waters of the United States, or which affects the course, location, condition, or capacity of such waters



Water Quality

- ◆ National Pollutant Discharge Elimination System (NPDES) – Department of Environmental Protection (DEP)
 - Regulates discharges of pollution to surface waters
 - Stormwater Pollution Prevention Plan
 - Obtained prior to construction



Wetlands

- ◆ Environmental Resource Permit (ERP) – State
 - Alteration of surface water flows
 - New activities that generate stormwater runoff
 - Impacts to wetlands and other surface waters
- ◆ Dredge and Fill/Wetlands (Section 404) Permit – Federal
- ◆ These permits require mitigation for unavoidable impacts
 - Extent of mitigation is based on size, type, function, and quality of wetlands impacted



Listed Species

- ◆ Gopher Tortoise Relocation Permit (FWC)
- ◆ Incidental Take Permit (USFWS and FWC)
- ◆ Bald Eagle Permits (USFWS and FWC)
- ◆ Other species issues
 - Standard Specifications for Road and Bridge Construction
 - Included as permit conditions
 - Special construction conditions



Documentation during Final Design

- ◆ Typically the permit application(s)
- ◆ Wetlands and water quality
 - Drainage report
 - Stormwater Pollution Prevention Plan
 - Jurisdictional determinations are finalized
 - Mitigation plan
- ◆ Bridges
 - Design clearances



Mitigation

- ◆ Opportunities for mitigation are identified during planning based on potential effects
- ◆ Conceptual mitigation is developed during the PD&E study based on unavoidable impacts
- ◆ During Design mitigation is reconciled with the actual impacts based on the final design of the project
- ◆ FDOT mitigates using various options



Statutory Mitigation Program (Sec. 373.4137, F.S.)

- ◆ Provides a mechanism for DOT to mitigate for wetland impacts of transportation projects
- ◆ DOT provides funds to DEP or WMDs for mitigation
- ◆ Regional mitigation approach
- ◆ During final design mitigation requirements are finalized



Other mitigation options

- ◆ Mitigation Banks
 - Can be purchased in advance
 - Not an option for all projects due to location and credit availability
- ◆ FDOT constructed
 - Typically used when no other option is available
 - Typically least cost effective option



Permitting Process

- ◆ Applications can be done electronically
- ◆ Information from reevaluations
 - Update environmental impacts
 - Update coordination with agencies, as appropriate
 - Update commitments
- ◆ Plans and other supporting technical information is submitted to permitting agencies
- ◆ Mitigation is finalized
- ◆ Permit issuance authorizes a project for advancement to construction



Construction

- ◆ Commitments are addressed
 - Construction Engineering and Inspection (CEI)
 - Environmental compliance inspections
 - Permit conditions are met
 - Erosion control
 - Mitigation
- ◆ Upon final acceptance of the construction FDOT closes the project



