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# ETDM Annual Report

## Southwest Florida Water Management District

January 2006

### Introduction

This ETDM Annual Report covers the Southwest Florida Water Management District's (District) participation in the Florida Department of Transportation's (Department) Efficient Transportation Decision Making (ETDM) process during the period from 1 October 2004 to 30 September 2005.

Participation in the ETDM program has enhanced the ability of the District staff to identify the:

- Scope and extent of major, regional, transportation projects
- Possible resource implications in the context of:
  - Regional watersheds
  - Previous District decisions (permit actions)
  - Anticipated Environmental Resource Permit applications
- Wetland impacts and future mitigation needs
- Possible impact to District
  - Planning initiatives
  - Project initiatives
  - Lands

Participation has also enhanced previous communications with the Department regarding their transportation planning processes and interrelated resource issues in a cooperative and comprehensive manner.

The District's responsibilities with respect to major transportation projects include:

- Initial project reviews
- Coordination with watershed planning studies
- Regional mitigation planning
- Environmental Resource Permit (ERP) and Water Use Permit (WUP) application processing
- Meeting with Department staff to discuss projects and project reviews

The District anticipates that continued participation in the ETDM process will result in enhanced awareness on the part of the Department and District in terms of regional transportation planning and design, and regional resource management. The District believes that their responsibilities under the ETDM program will continue to be enhanced due to their participation.

The following sections respond to the Department's ETDM Performance Measures & Annual Report Questions format.

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## Section 1 – Before ETDM Implementation

### **1.1 Describe how your agency was organized in Florida?**

The District's Governing Board is the agency head. As set forth in Section 373.073, F.S., the Governor appoints the Board members, subject to confirmation by the Florida Senate. The Governing Board's duties include directing a wide-range of programs, initiatives, and actions, to carry out the District's duties and responsibilities under Chapter 373, F.S. and several delegated portions of Chapter 403, F.S. The Governing Board employs an Executive Director who is charged with overseeing the day-to-day activities of the District.

The Governing Board has designated Basin Boards within the District as described in Section 40D-1.107, Florida Administrative Code. The Governor appoints Basin Board members, subject to confirmation by the Florida Senate. Basin Boards are responsible for identifying water resource concerns and problems within their respective areas and adopting budgets to address and fund the resolution of such concerns

The District's day-to-day duties and responsibilities, under Chapter 373, F.S. and the delegated portions of Chapter 403, F.S., are accomplished through the following functional units:

- Office of Executive Director
- Division of Resource Regulation
- Division of Resource Management and Development
- Division of Management Services

The mission of the District is to manage the water and water-related resources within its boundaries. Central to the mission is maintaining the balance between the water needs of current and future users while protecting and maintaining the natural systems that provide the District with its existing and future water supply. The District achieves their mission through several programs. These programs include, but are not limited to, flood control, regulatory programs, water conservation, education, and supportive data collection and analysis efforts.

### **1.2 How did project information enter your organization?**

Information on the Department's transportation projects was typically introduced to the District through one of the following mechanisms:

- Inclusion on the Department's Project Inventory pursuant to 373.4137, F.S.
- Circulation through the Florida State Clearinghouse process
- Participation in a pre-application meeting with regulatory staff
- Submission of an Environmental Resource Permit application or notice
- Review of a local government proposed comprehensive plan amendment, development of regional impact (DRI) statement, or other local government documentation
- Receipt of an Advance Notification letter directly from the Department or supporting organization
- Newspaper and mailed meeting notices

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### **1.3 How many staff were involved and how were they allocated?**

Staff assignments and involvement were generally handled on an ad hoc basis. For example, planning documents were assessed by staff in the District's Planning Department, pre-application meetings and permit applications by staff in the District's regional, regulatory service offices, and general staff assignments through contacts with the Office of Executive Director. Staff resources were seldom available and abbreviated responses, such as stating that a project may be an activity requiring a permit and that the Department should consult with the appropriate regulatory service office, or no participation (such as at public meetings) were typical.

The notable exception is that one staff is assigned full-time to coordinate the Department's mitigation program under 373.4137 F.S., and assisted by others on an ad hoc basis. The Department financially reimburses the District for this position through the mitigation program and not through ETDM.

### **1.4 How were projects assigned?**

Either the Office of Executive Director or service office regulatory directors assigned review and comment assignments to District staff on the basis of staff availability. Mitigation program contacts are typically handled directly with the dedicated District staff.

### **1.5 How frequently did staff consult or coordinate with FDOT on projects?**

Under 373.4137, the District staff communicated with Department staff as needed or when wetland impacts were listed on the mitigation inventory. For clearinghouse and similar notices, District staff generally did not consult directly with Department staff and, based on available time and resources, responded with comments to the agency coordinating the review. Contact between District regulatory staff, while believed to be frequent, is often casual and happened whenever approached by the Department staff or consultants.

### **1.6 How many FDOT projects were reviewed and coordinated with FDOT each year?**

The FDOT Mitigation Program (Chapter 373.4137) commenced in 1996 as a method to conduct ecologically beneficial yet more economical alternatives to traditional mitigation projects constructed by FDOT. The District implements the program in this region and collaborates with many state and local resource agencies to conduct habitat restoration on existing public lands as the primary means to provide cost-effective mitigation for the anticipated wetland impacts. Other mitigation alternatives the District pursues include land acquisition with associated habitat preservation and enhancement; as well as the purchase of mitigation bank credits. The District funds these mitigation projects and is reimbursed for direct costs by the Department during the permitting period of the roadway projects.

From 1996-2000, FDOT annually submitted an average of five new roadway projects for inclusion in the mitigation program. Due to accelerated roadway construction schedules and available FDOT funds, there was an increase of 30-40 new roadway projects annually submitted from 2001-2005. These primarily include roadway projects that have already

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proceeded through the PD&E process and are already in the design phase. The District has been able to locate and designate 35 mitigation projects to provide compensation for 95% of the 196 roadway projects submitted to the wetland impact inventory since inception of the program. The potential mitigation options are located and nominated by the District to a multi-agency review group for review and concurrence, followed by review and approval for funding by the District's Governing Board. In addition to the 30-40 new roadway projects annually submitted to the program, the District is also responsible for review of the ETDM projects (28 submitted in the first year) to evaluate where and what type of habitat restoration needs and opportunities to consider pursuing for possible nomination as future mitigation projects.

The FDOT, directly or through their planning and design consultants, applies for Environmental Resource Permitting permits at a rate that varies from year to year. In addition to direct applications, they often schedule pre-application meetings. The following summarizes approximately, the average number of contacts for the previous year: 58 ERP applications, and 73 ERP pre-application meetings.

In addition, the FDOT, directly or through their planning consultants, will provide the District with Advanced Notification letters. The District's processing and responses to those notices have been abbreviated. It is estimated that the District, in the previous year, responded to approximately 10-20 such notices.

**1.7 Describe your typical involvement with FDOT projects and at what phase that involvement usually occurred: planning, PD&E, permitting, etc...**

District staff closely coordinated with the Department on projects provided on the Department's inventory through the 373.4137, F.S. process. This involvement is typically after the project planning stages and generally in the Department's Project Development & Environment (PD&E) process or permit application process when impacts had been established.

District regulatory staff responds to permit applications from the Department; however, those typically come during the PD&E or project development (construction documentation preparation) phases of the Department projects.

**1.8 How many staff hours per month were typically devoted to working on FDOT projects? Planning Phase? PD&E phase? Permitting?**

The District staff working on the 373.4137, F.S. program average about 200 hours per month. District staff working on planning projects average about 10 hours a month. District staff's work on permitting roadway improvement projects is not specifically documented as being on a particular phase or by the Department (roadway projects are also permitted by local governments). It is estimated that permitting contacts average about 500 hours a month.

**1.9 What were the major barriers to coordination and involvement with FDOT projects: Budget? Staff? Other Resources? Time? Communication? Meetings? Field Reviews?**

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Resource limitations (number of staff, budgets, etc.) require that District staff have a priority focus on the District's mission and the programs and initiatives as directed by the Governing Board.

Field reviews were typically handled as a part of the pre-application meeting or ERP application review process (a District program).

**1.10 Describe your involvement with the MPO's planning process?**

On a time-available basis, District staff would occasionally and informally review MPO plans as provided to the District.

**1.11 When did your agency typically provide review on DOT transportation projects?**

At the planning stage, the District would respond to Department notices and Florida State Clearinghouse notices on a time-available basis. The District would respond as required during the permit application review process; however, this is generally during the project development phase.

**1.12 How often have you published joint notices with FDOT?**

The District has not published joint notices with the Department.

Section 2 – After ETDM Implementation

**2.1 Describe how your agency is organized in Florida?**

The agency organization is unchanged after ETDM implementation. To respond specifically to the ETDM program and to the extent that the Department funds the District's initiatives, the District has created a Virtual Project Team comprised of the following:

- A District senior staff member assigned as the ETDM Project Manager and who is responsible for directing the activities of the project team members, for reviewing all review commentary before submission to the Department, and for providing for other, official communication between the District and the Department
- An out-sourced, consultant provides a senior staff member who serves as the District's Environmental Technical Advisory Team (ETAT) Representative, who coordinates the day-to-day review and comment activities by the out-sourced, technical support consultants and District staff, and who handles routine communication with the Department as directed by the ETDM Project Manager
- District staff, from across Division lines, as available and as needed, participate at the invitation of the ETAT Representative to respond to specific, directed questions or to provide review and comment on project reviews before they are reviewed by the ETDM Project Manager and forwarded to the Department
- Out-sourced, technical support consultants who provide for the initial review of the Department's projects.

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## **2.2 How does project information enter your organization?**

Project information enters the District generally through the following mechanisms:

- Letters, such as Advance Notification letters and public meeting notices, that are directed to the Office of Executive Director are assigned to appropriate staff for action or response
- ERP permit applications
- Environmental Screening Tool (EST) postings by the Department's ETDM Coordinator

The Department's mitigation program under 373.4137, F.S. continues to be handled in the same manner as before ETDM; however, the District staff assigned to the mitigation program is also a commenter to the Department's project reviews.

## **2.3 How many staff are involved and how are they allocated?**

An average of 12 District staff and 16 consultant staff work part-time on ETDM reviews each month as part of a virtual project team. They are generally assigned as follows:

- 1 District staff as ETDM Project Manager
- 1 consultant staff as ETAT Representative
- 2 District staff as administrative support to the ETDM Project Manager to prepare letters, monitor budget allocation and expenditures
- 9 District staff to review and comment on documents prepared by the technical reviewers
- 15 consultant staff as technical reviewers to research and prepare initial drafts of the review documents

It is important to know that only the ETDM Project Manager, ETAT Representative, and 2 administrative support personnel are fixed assignments. Some of the other staff that works on this project work on each and every review; other staff work on only some reviews or portions of reviews. Some have specific knowledge and experience and only review for possible impacts in their area of expertise. Others have geographic focus such as senior regulatory staff in each of the service offices. The ETAT Representative coordinates with the reviewers to ensure that appropriate staff is assigned to each project review.

## **2.4 Describe how Section 1309 funds have been used to streamline process?**

Funding provided by the Department is utilized to fund additional personnel resources necessary to provide the enhanced level of detail in the review of Department projects as described in the District's reports to the Department and in accordance with the Agreements between the District and the Department. The in-depth assessments of the proposed projects, well in advance of permit application, clearly identifies possible proprietary, environmental and permit issues far enough in advance to allow the FDOT to anticipate analysis and design questions in advance of permitting. Traditional approaches, where the first contact with the District was at either the pre-application meeting (typically at the 30% design point) or permit application submittal (typically at the 60% design point), resulted in issues and questions being raised that were seen as surprises and cause for delay in project delivery. The ETDM procedures implemented by the District now establish a pre-application file for each project,

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provide a mechanism for identification of important issues through productive coordination, and garner useful feedback from District staff. The end result is that a single report containing information relevant to District ERP processing is transmitted to FDOT within a 45-day period.

## **2.5 How are projects assigned?**

The ETAT Representative, ETDM Project Manager and consultant technical staff receives EST notices. The ETAT Representative and project managers with the consultant technical staff assign the reviews to appropriate staff.

The ETAT Representative circulates draft and final review documents to District staff as deemed necessary (for example, according to geographic area or expertise).

Certain other Department contact, such as PD&E project notices, advance notice, and clearinghouse review letters, typically go to the ETDM Project Manager who coordinates with the ETAT Representative to either respond to the Department or to handle a review under similar protocols to the EST project reviews.

## **2.6 How frequently does staff consult or coordinate with FDOT on projects?**

Coordination happens an average of 10 times a month, primarily through EST participation, electronic mail, and telephone contact. Infrequently, the ETAT Representative attends meetings with the Department's ETDM Coordinator or other designated staff, or attends an agency or public meeting called by the Department or their consultant.

## **2.7 How many FDOT projects have been reviewed or coordinated with FDOT over the past year? How does this differ from prior business practice?**

Not including Department mitigation projects or ERP permit applications, which continue to be handled under programs funded separately from ETDM, the District has reviewed and commented on 28 projects, which would not have otherwise been reviewed, as follows:

<b>I.D. or Number</b>	<b>Description</b>	<b>County</b>
3127	SR 48 West of I-75 to CR 475	Sumter
3150	US 98	Highlands
3204	US 41 Add Lanes	Charlotte
3204	US 41 Add Lanes	Sarasota
3860	US 41 Add Lanes	Sarasota
3866	US 301 Add Lanes	Manatee
3869	US 27 Add Lanes	Polk
4131	UCFP SR-70	Hillsborough
4148	UCFP I-75	Hillsborough
4263	UCFP I-75	Hillsborough
4433	SR 52 from US 41 to I-75	Pasco
4791	I-75 Add Lanes (Sarasota County)	Sarasota
4792	I-75 Add Lanes (Manatee County)	Manatee
4851	SR 54 (Morris Bridge Rd.-US 301)	Pasco
4852	SR 54 (Trinity Blvd.-Suncoast Parkway)	Pasco

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4853	SR 54/SR 56 (Suncoast Parkway-SR 581)	Pasco
4854	SR 581/CR 581 (Pasco/Hillsborough County Line-SR 54)	Pasco
5051	US 41 Frontage Road	Sarasota
5171	SR 50 (Kettering Rd. to McKethan Rd.)	Hernando
5172	US 41 (SR 50A to CR 476)	Hernando
5173	SR 50 A (west of one-way pairs)	Hernando
5174	SR 50 A (east of one-way pairs)	Hernando
5178	M L KING BLVD	Hillsborough
5179	US HWY 301	Hillsborough
5180	US HWY 41	Hillsborough
5191	Causeway Blvd	Hillsborough
5193	DALE MABRY HWY	Hillsborough
5351	Harborview Blvd Add Lanes	Charlotte
0751-120-I	I-75 North of SR 54 to South of CR 476B	Pasco, Hernando, Sumter
0751-125-I to -128-I	I-75 Add North of SR 78 to River Road	Lee, Charlotte, Sarasota
no number	SR 542 1st St. in Winter Haven to US 27	Polk
no number	Veterans Expressway, Memorial Hwy to Van Dyke Rd	Hillsborough

**2.8 Describe your typical involvement with FDOT projects and at what phase that involvement occurs: Planning, PD&E, Permitting, etc...**

The District typically participates in the Department’s ETDM process through project reviews as made known to the District through one of the following mechanisms:

- EST postings
- Advance Notification letters
- Florida State Clearinghouse letters and notices
- Direct contact by the Department or their consultant

Reviews have generally been at the Planning and Programming screens with some project reviews at the PD&E stage (which has replaced the Project Development screen).

Contacts with the Department, for the mitigation program under 373.4137, F.S. and for ERP permit application and processing, remain unaffected by the ETDM program.

**2.9 How many staff hours per month are typically devoted working on FDOT projects? Planning Phase? PD&E phase? Permitting?**

For the District staff, an average of 33 hours a month are devoted to working on reviewing Department projects. For the out-sourced, consultant staff, an average of 750 hours a month are devoted to working on reviewing Department projects. In terms of full time equivalent employees, this is a staffing level that averages 4.9 positions a month.

Work on the Department’s mitigation program under 373.4137, F.S. continues unchanged and is, except for a few hours as mentioned in the previous paragraph, not funded by the ETDM program.

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Work on the Departments permit submittals continues as normal and in response to permit applications, except for a few hours as mentioned in the first paragraph, and is not funded by the ETDM program.

## **2.10 Describe your involvement with MPO's planning process?**

Direct involvement with MPOs has not changed since the implementation of ETDM, except for that through the EST.

## **2.11 Describe instances of where early collaborative decision-making with FDOT has occurred to eliminate duplication or resolve issues?**

In the past, there were few early opportunities for collaborative decision-making with the Department; except for pre-application meetings, which typically happen during the end of the PD&E process or during project development (design). Another opportunity for collaborative decision-making is in the mitigation program; however, that process continues unchanged under ETDM.

The ETDM participation has encouraged early collaborative decision-making in the mitigation program by alerting the District's mitigation program manager to the possibility of projects happening that are not yet on the mitigation program list. Also, learning of projects that span District boundaries has allowed inter-district coordination with regards to the mitigation program.

ETDM participation has encouraged early collaborative decision-making in the regulatory program by identifying linear projects that span two water management district jurisdictions. This allows this District, other water management districts, and Department to establish a protocol for permit processing well in advance of permit application preparation and submission.

ETDM participation has encouraged the District to propose possible joint and compatible uses of District property such as for storm water pond sites where no opportunities exist within existing or adjacent right-of-way.

## **2.12 When did your agency become aware of and receive public input on a transportation project? Planning? Programming? Project development?**

At the staff level, this is happens during the EST reviews. Generally, the District may receive public input during their planning process for wetland mitigation projects and when processing ERP permit applications. In the latter case, the involvement is unpredictable.

## **2.13 How often have you published joint notices with FDOT?**

This has not occurred to date.

## **2.14 What are the major barriers to coordination and involvement with FDOT projects: Issues to consider Budget? Staff? Other Resources? Time? Communication? Meetings? Field Reviews? Environmental Screening Tool?**

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There is an institutional barrier that is required by District policy, rules and regulations, and the agreements between the District and Department. ERP permits will be submitted, processed, and approved following existing legal authority. The Department continues to seek to “pre-negotiate” the conditions for the permit when there is no construction detail to work with or to contact and involve regulatory staff in the details of planning and PD&E projects outside of the ETDM program.

The District files each official project review and response in a pre-application meeting file. In this way, continuity is ensured between the District’s ETDM participation and the regulatory process, without prejudicing the District’s permitting process. Participation in the ETDM program ensures that the Department and District regulatory staff are “on the same page” with regards to identified issues.

The District and Department have cultural differences with regards to the interpretation of degree of effect. The District considers an issue to be “Moderate” if they consider an adverse impact to be a likely outcome, without effort made during final design, or the permitting phase, to deal effectively and efficiently with the issue. The District considers an issue to be “Substantial” when there do exist issues or problems in the project area and they consider an adverse impact to be a likely outcome (in other words, a poor situation may be made worse). The Department has advised the District that the overuse of the “Substantial” degree of effect could be interpreted as a basis for requiring more elaborate NEPA document preparation. The District does not intend to create problems for the Department with regards to NEPA. They do want to make certain that the Department understands the seriousness of certain issues to the ERP permitting process so that the Department will be well prepared to address such issues during permitting. That should greatly improve the project delivery through the receipt of permit with as little delay as feasible.

The highly variable project review scheduling by the Department, in terms of the number of EST project reviews, Advance Notice letters, and PD&E solicitation for participation, makes resource scheduling and management difficult.

**2.15 What are some of the findings or results you have discovered related to your agencies operations, FDOT operations or the environmental process in general since participation in the MOU and agreements?**

Participation in ETDM has greatly enhanced the communication between the District and Department with regards to the extent and types of issues that could affect permit application and processing on future projects. Regulatory issues that may have otherwise gone unnoticed or unresolved are now being considered well in advance of project design.

**2.16 What recommendations would you make to improve the environmental streamlining of the process?**

The District has requested that the Department provide specific feedback on the District’s performance under ETDM (primarily for the EST reviews). It appears that will happen yearly. The District suggests that the Department consider feedback at least twice a year so that the District can consider the comments in the District’s effort to improve internal processes.

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It would be very helpful to resource allocation and demand leveling if the Department could provide monthly updates on the number of EST project reviews, Advance Notice letters, and PD&E solicitation for participation that the Department anticipates in the District's geographic area.

### Section 3 – Agency Specific Performance Measures (PM) Questions

#### **3.1 If your agency has established Performance Measures, describe your Performance Measures and how participation in ETDM process and streamlining has contributed to meeting these measures?**

The District has not established specific Performance Measures. The District's ETDM Project Manager, in coordination with the ETAT Representative, does track budget commitment, expenditures, staff numbers and staff hours on a monthly basis. The information is used to make predictions regarding resource levels and utilization.

The ETAT Representative maintains a milestone table for each, assigned project review that is used to track internal review performance. A "typical" schedule, in terms of calendar days from the release date, has been coordinated within the project team. This information ultimately affects the Department's performance measures (such as when reviews are uploaded). An example follows:

Milestone	Scheduled	Actual
EST #4433 (SR 52 from US 41 to I-75)		
Release Date	5/10/2005	5/10/2005
Draft Document & Initial Review	5/27/2005	5/27/2005
Document Coordination & Publication	5/31/2005	6/6/2005
Staff & Consultant Team Review	6/14/2005	6/15/2005
Final Document Coordination & Publication	6/18/2005	6/17/2005
Final Document Reviewed w/Paul O'Neil	6/23/2005	6/21/2005
Upload Comments to EST or Send Letter	6/24/2005	6/23/2005
Due date	6/24/2005	

#### **3.2 Using EST reports, discuss how your agency has met the performance measures established in the ETDM Agreements.**

Complete Planning and Programming Screens within 45 days – Typical response has been in 44 days (from notice of review starting to date of upload of comments to the EST). The District had to request time extensions to respond to PD&E Advance Notification letters, as their internal process for handling such letters needed adjusting (i.e., it took too long for an Advance Notification letter to get to the ETAT Representative for action). No time extension request was refused and responses were mailed within the agreed time periods.

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Review environmental documentation within 30 or 45 days – No such documents were presented to the District

Complete Conflict Management Process within 120 calendar days – No Conflict Management Process was initiated with the District

## Conclusion

Participation in the Efficient Transportation Decision Making process has improved and enhanced the thoroughness of District reviews, in particular with respect to secondary and cumulative impacts and the public interest test. Many of the points that the District has raised are considered to be minor and, with greater project detail (such as whether additional lanes are constructed inside or outside existing lanes, the availability of pond siting reports, etc.), are anticipated to become unimportant at permit processing. The benefit to the Department is that these issues are nonetheless on the table so that the Department may consider them and respond appropriately.

The District staff had determined that the available Department budget could only support four FTE positions, if they were available. As they were not available, the District has tried a novel approach to out-sourcing that is resulting in a nearly five full-time position (FTE) equivalent of effort for the original budget for four. So far, the Department's opinion of the value of one-year's participation in ETDM (present funding level) appears to be very close to the actual experience.

Even with reliance on out-sourced consultant services to assist with the majority (approximately 95%) of the review effort, the District has made their internal oversight process both efficient and highly effective and been able to keep the effort within their resource availability. Before a report (or comments) is passed along to the Department, there have been no less than two consultant reviews and two District reviews of the comments. ETDM project status is periodically reviewed with the Governing Board. The District's staff's supervisory oversight and control appears to be more than adequate to ensure that comments are reflective of the District's proprietary and regulatory interests.