

TRANSPORTATION SYMPOSIUM

2019

Project Commitments and Environmental Permits

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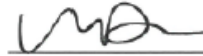


Project Commitments

FDOT Project Commitment Tracking Procedure

Approved:

Effective: 03/16/2018
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Office: Environmental Management
Topic No.: 650-000-003-b



Department of Transportation

PROJECT COMMITMENT TRACKING

AUTHORITY:

Sections 20.23(3)(a) and 334.048(3), Florida Statutes (F.S.)

REFERENCES:

Title 42 U.S.C. Sections 4321-4347, National Environmental Policy Act (NEPA)

FDOT, Project Development and Environment (PD&E) Manual, Topic No. 650-000-001

STATEMENT OF POLICY:

It is the policy of the Florida Department of Transportation to document how the Department's project Commitments will be tracked and updated throughout the transportation project phases: Project Development & Environment (PD&E), Right of Way, Design, and Construction.

SCOPE:

This procedure applies to Central Office, District staff, and consultants involved in the project development process. The principal offices affected by this procedure will be Environmental Management, Project Management, Design, Right of Way, and Construction. The principal users will be Project Managers or Administrators during the PD&E, Design, Right of Way, and Construction phases of a project.

DEFINITIONS:

Commitment: An obligation to an external stakeholder to provide a feature or perform an action related to a project that will be implemented in a future project phase. Commitments are tracked in the Project Commitment Record (PCR).

FDOT Project Commitment Tracking Procedure

It is the policy of the Florida Department of Transportation to document how the Department's project Commitments will be tracked and updated throughout the transportation project phases: PD&E, Right of Way, Design, and Construction.

Definitions

Commitment: An obligation to an external stakeholder to provide a feature or perform an action related to a project that will be implemented in a future project phase.

Environmental Commitment: A subset of commitments which are identified in the PD&E phase and included in the Environmental Document.

Environmental Document: The results of a PD&E study which include the following types: Environmental Impact Statement/Record of Decision, Finding of No Significant Impact, Categorical Exclusion, State Environmental Impact Report or Non-Major State Action.

Project Suite (PSEE) Commitment Module

The Department's standard system for documenting, transmitting, and tracking project Commitments and distinguishes Environmental Commitments from other Commitments made for the project. PSEE generates the *Form No. 650-000-01, Project Commitments Record (PCR)*.

Who is responsible for project commitments?

The ***Project Manager*** at each phase:

- Is the primary point of contact for project commitments
- When warranted, must obtain approvals within the department prior to making commitments
- Identify, document, and coordinate

PD&E Project Manager

- Coordinates potential Environmental Commitments with the other Department Offices prior to making an Environmental Commitment to a stakeholder.
- Documents Environmental Commitments in the Environmental Document; ***Part 2, Chapter 22, Commitments*** of the ***PD&E Manual***;
- Enters Environmental Commitments in the Commitment Module in PSEE; and transmitting them to Design Office using PSEE.

Design Project Manager

- Reviews the Environmental Commitments in PSEE
- Coordinates with the District Environmental Management Office to ensure existing Environmental Commitments are understood and implemented.
- Coordinates potential new commitments and adds them to PSEE once made
- Updates commitment status in PSEE during Design Phase
- After Construction Phase once documentation of fulfillment has been received from Construction Project Administrator creates the final Project Commitment Record (PCR) in PSEE and uploads the form into EDMS

Right of Way Project Manager

- Coordinates with Design PM for potential new commitments identified during Right of Way Phase.
- Enters commitments in the Right of Way Management System (RWMS)
 - Commitments in RWMS are accessible in PSEE

Design Phase to Construction Phase

Design PM creates the PCR for
the segment(s) being constructed



Construction Project Manager

Reviews the **PCR** for Construction phase commitments and ensures commitments are fulfilled during the Construction phase.

Provides documentation of commitment fulfillment or status to the Design Project Manager prior to final acceptance.

Examples of Environmental Commitments

Construct wildlife crossing

Follow agency construction provisions or standard protection measures for species

No construction staging on park property

Monitoring of archaeological sites during construction

No night time pile driving

Further evaluation of Noise Barriers

Commitments from a PD&E study

Commitments

The FDOT will incorporate the *Construction Special Provisions Gulf Sturgeon Protection Guidelines* (NMFS/USFWS).

The FDOT will incorporate the *Standard Protection Measures for the Eastern Indigo Snake* (USFWS) during construction.

The FDOT will incorporate the *Standard Manatee Conditions for In-Water Work* (FWC) during construction.

The FDOT will incorporate the *Sea Turtle and Smalltooth Sawfish Construction Conditions* (NMFS) during construction.

No nighttime in-water work will be performed. In-water work can be conducted from official sunrise until official sunset times.

Special conditions for manatees will be addressed during construction and include the following:

- Two dedicated (minimum one primary), experienced manatee observers will be present when in-water work is performed. Primary observers should have experience observing manatees in the wild on construction projects similar to this one.
- All siltation barriers or coffer dams should be checked at least twice a day, in the morning and in the evening, for manatees that may become entangled or entrapped at the site.
- Barges will be equipped with fender systems that provide a minimum standoff distance of four feet between wharves, bulkheads and vessels moored together to prevent crushing manatees. All existing slow speed or no wake zones will apply to all work boats and barges associated with construction.
- Although culverts are unlikely for this project, culverts larger than eight inches and less than eight feet in diameter in areas potentially accessible by manatees will be grated to prevent manatee entrapment.

Project Commitment Record (PCR)

Includes project commitments and their status

Required for re-evaluations

Generated for the entire PD&E study or for individual Design Segments

Provided directly to Construction Office for their use

Project Commitments Record

FM: 240200-1 **FAP#:** TCSP-024-U
Project Name: SR 46 FROM LAKE CO LINE TO I-4
Environmental Document Type: EA/FONSI - Environmental Assessment **Environmental Document Approval Date:** 5/11/2012

Commitment Title:	Wekiva Park Drive Intersection		
Commitment Made To:	Seminole County	Environmental Commitment:	Yes
Status:	Commitment Added	Affects Any Other Environmental Commitment:	No
Implementation Discipline:		Commitment Approval Date:	5/11/2012
Transmittal Date:			
Commitment Description:	As requested by the Seminole County Engineer, the design concept for the intersection of Wekiva Park Drive with the service and frontage roads just east of the Wekiva River will be reevaluated during the final design phase of the project. The Proposed Build Alternative proposes a roundabout intersection concept at that location. FDOT has committed to reassess projected traffic operations and further evaluate other design concepts for that intersection.		

Comments/Notes:
(Most Recent Comment Shown)

Projects Linked to the Commitment

Project Segment #	Implementation Discipline	Status
238275-7	Construction	Commitment In Progress
Comments/Notes: 9/4/2018 11:10:17 AM - This commitment applied to Section 7A originally. After coordination with Seminole County, the roundabout was relocated east of Wekiva Park Drive to Osprey Hammock Trail and is depicted in the 100% design plans. The roundabout at Osprey Hammock Trail now has been incorporated into Section 6's design plans due to the project limits change.		

Commitments for Design- Build vs Design-Bid- Build

Design-Build

- List of Commitments are in the contract package
- Changes to design impacting commitments must be coordinated and/or approved with FDOT

Design-Bid-Build

- Commitments are in the contract package
 - Incorporated into the Design Plans, specs package, or permit

Resources

[Project Commitment Tracking Procedure](#)

[Project Suite Enterprise Edition](#)

[Commitments, Part 2, Chapter 22 of the PD&E Manual](#)

PSEE Help Documents

Environmental Permitting



What activities require environmental permits?

For any activity which is expected to be a source of air, ground, or surface water pollution, including the discharge of untreated rainfall moving over and through the ground; for dredging or filling in, on, or over waters of the State or the United States, including wetlands;

For activities, including bridges occurring in navigable waters of the United States;

For activities where protected species and/or their habitats may be impacted; and

For activities associated with archaeological testing and research occurring on State-owned or controlled lands, including sovereign submerged lands.

Federal Permitting Authority

Clean Water Act

Rivers and Harbors Act

Endangered Species Act

National Historic Preservation Act

National Environmental Policy Act

Federal Agencies



USACE Regulations

[33 CFR Part 320](#) -
General Regulatory
Policies

[33 CFR Part 322](#) -
Permits for Structures in
or Affecting Navigable
Waters of the U.S.

[33 CFR Part 323](#) -
Permits for Discharges
of Dredged or Fill
Material Into Waters of
the U.S.

[33 CFR Part 325](#) -
Processing of
Department of the Army
Permits

[33 CFR Part 330](#) -
Nationwide Permit
Program

[33 CFR Part 332](#) -
Compensatory
Mitigation for Losses of
Aquatic Resources

33 USC 408 – Permission
to alter USACE Civil
works projects

USACE Nationwide Permits

- For projects that have no more than minimal individual and cumulative adverse environmental effects
- Valid from March 19, 2017 to March 18, 2022 – only issued for 5 years and cannot be extended
- Require adherence to general permit conditions
- pre-construction notification to the USACE where the USACE has 45 days to notify the applicant if the NWP is authorized
- http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/permitting/nationwide_permit/20170106-Federal-Register-NWPs.pdf?ver=2017-03-17-083957-430

USACE Nationwide Permit

NWP 3: Maintenance - replacement of bridge pilings; replacement of fender systems; repairs to roads damaged by storms; etc.

NWP 5: Scientific Measurement Devices - rain gauges in mitigation areas.

NWP 6: Survey activities - geotechnical borings in wetlands

NWP 7: Outfall Structures and Associated Intake Structures - stormwater outfall structures that discharge into WOUS

NWP 12: Utility Line Activities - fiber optic cable for operation of road signs.

NWP 13: Bank stabilization - stabilizing canal banks or to place riprap in front of (waterward) of seawalls.

NWP 14: Linear Transportation Projects - road projects.

NWP 15: U.S. Coast Guard Approved Bridges

NWP 18: Minor Discharges - for small projects involving the discharge of less than 25 cubic yards of fill into jurisdictional areas

NWP 23: Approved Categorical Exclusions - NWP for FHWA approved Categorical Exclusions

NWP 19: Minor Dredging - for small projects involving the dredging of less than 25 cubic yards of fill from jurisdictional areas

NWP 41: Reshaping Existing Drainage Ditches

USACE
Regional
General
Permit SAJ-92

- Can be used on projects that have a PD&E study
- Capacity projects, but not new alignments
- Up to 5 acres of *non-tidal* wetland impacts per 1 mile segment, up to 50 acres
- Excludes Monroe County
- Requires adherence to general conditions
- Valid until April 8, 2020
http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/permitting/general_permits/RGP/20150408_SAJ-92_FINAL.pdf

USACE Standard or Individual Permit

Does not meet
criteria of a
General Permit
(NWP or RGP)

Requires
public
notice

Requires
evaluation
of
alternatives

Typically requires
60 to 120 days
for the USACE to
process a
complete
application

USCG Regulations

[33 CFR 114](#)- General

[33 CFR 115](#) - Bridge Location and Clearances, Administrative Procedures

[33 CFR 117](#)- Drawbridge Operation Regulations

[33 CFR 118](#)- Bridge Lighting and Other Signals

USCG Bridge Permit

A bridge permit is necessary if a bridge project includes any of the following:

1. The construction of a new bridge over navigable waters;
2. The modification of an existing bridge that increases the travel capacity of the bridge (i.e., adding a travel lane); or
3. The modification of an existing bridge that would result in changes to navigation (i.e., changes to the horizontal or vertical clearances, fender systems).

USFWS Regulations

50 CFR Part 13 – General Permit Procedures

50 CFR Part 17 - Endangered and
Threatened Wildlife and Plants

50 CFR Part 18 – Marine Mammals

50 CFR Part 21 – Migratory Bird Permits

50 CFR Part 22 – Eagle Permits

NMFS Regulations

50 CFR 600 – Federal agency consultation with the Secretary

- Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, federal agencies must consult with NMFS regarding any of their actions that may adversely affect Essential Fish Habitat
- EFH – “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity”

Advisory Council on Historic Resources

- The reviewing agency on permit applications where any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register Of Historic Places may be affected.
- They must be notified for projects that may have an adverse affect.
- Coordinate with the State Historic Preservation Officer or the Tribal Historic Preservation Officer

See Part 2, Chapter 8 – Archaeological and Historical Resources

http://www.fdot.gov/environment/pubs/pdeman/current/Pt2Ch8_061417-current.pdf

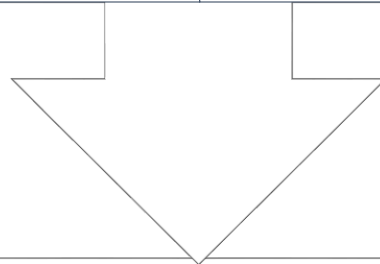
State Agencies



Florida Statutes

Chapter 373, F.S. – Water Resources

Chapter 403, F.S. – Pollution Control



Florida Administrative Code

62-330, F.A.C. –
Environmental
Resource Permitting

62-340, F.A.C. –
Delineation of the
Landward Extent of
Wetlands and Surface
Waters

62-345, F.A.C. –
Uniform Mitigation
Assessment Method

62-624, F.A.C. –
Municipal Separate
Storm Sewer Systems

18-21, F.A.C. –
Sovereignty
Submerged Lands
Management

State Permits

Environmental Resource Permits

State-owned Submerged Lands Authorizations

Right of Way Occupancy Permit

Coastal Construction Control Line Permit

Consumptive Water Use Permits

Class V Stormwater Well Permits

State species regulations

Chapter 379.2291, F.S. - Endangered and Threatened Species Act

“...it is the policy of this state to conserve and wisely manage these resources, with particular attention to those species defined by the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, or the United States Department of Interior, or successor agencies, as being endangered or threatened.”

68A-27, F.A.C. - Rules relating to endangered or threatened species
Florida's Imperiled Species Management Plan

Florida's Endangered and Threatened Species List

The Florida Fish and Wildlife Conservation Commission maintains the state list of animals designated as Federally-designated Endangered or Threatened, State-designated Threatened, or State-designated Species of Special Concern.

<http://myfwc.com/media/1515251/threatened-endangered-species.pdf>

When is all of
this done?

Permitting is typically handled in Design, but it can be completed earlier if detailed information is available

- FDOT Project Managers should involve Permit Coordinators early in project development
- FDOT Project Managers should coordinate with District Environmental Management Office
- Information gathered in PD&E should be used in project permitting

Permit Coordinator

Review
and sign

Review and sign permit applications

Obtain

Obtain permits and modifications, as appropriate

Ensure

Ensure mitigation is addressed and credits purchased, as applicable

Certify

Certify Permits Clear

Track

Permit Status and Expiration Dates

Transmit

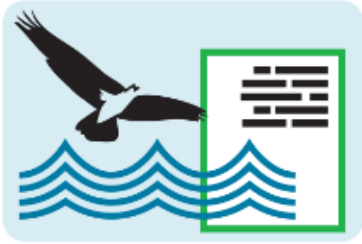
Transmit permits to construction

Project Manager's tips for success

- Know your Permit Coordinators and Environmental Management Team
- Understand Permit regulations and time frames
- Participate in regulatory agency coordination meetings
- Understand issues that may add time to your project (Species consultation, Cultural Resource issues, Design Changes)
- Participate in hand-off meetings

Tracking Permits





Project Permit Tracking

10TH & 11TH AVE S AT BOOKER CREEK BRIDGE #157235 AND #157111

436056-1 Switch Project :

PROJECT & PERMIT OVERVIEW

General Project Information

FM Numbers 436056-1
Related FM Numbers
District FDOT District 7
County PINELLAS
Total Status of Permits
Work Mix BRIDGE REPLACEMENT
NPDES Permit Required Yes No
Permit Required Yes No

DOT PM PRD-DFG

Design Firm

Construction Project Admin

First Mail Date [226] 12/13/2019

Permit Clear Date [222] 06/19/2019

Production Date [204] 09/16/2019

Letting Date [280 or 283] 03/25/2020

Permits

Agency	Type	Short Description	Application#	Permit#	Status	Issue Date	Exp Date	Mitigation	Special Conditions
FWC		Bats are roosting in the box culvert being replaced.		N/A	Needed				
SWFWMD	EXEMPT	Box Culvert Replacement	779901	N/A	Obtained	03/18/2019		N	
USACE	NWP	Box Culvert Replacement	SAJ-2019-00687-CSH	SAJ 2019-00687 (NW-CSH)	Obtained	04/16/2019	03/18/2022	N	Y

Reports

[Permit Transmittal](#)

Generate the transmittal memorandum from the District Permit Coordinator to the District Construction Engineer

[Production Report](#)

View status of permits sorted by FM Number and production date

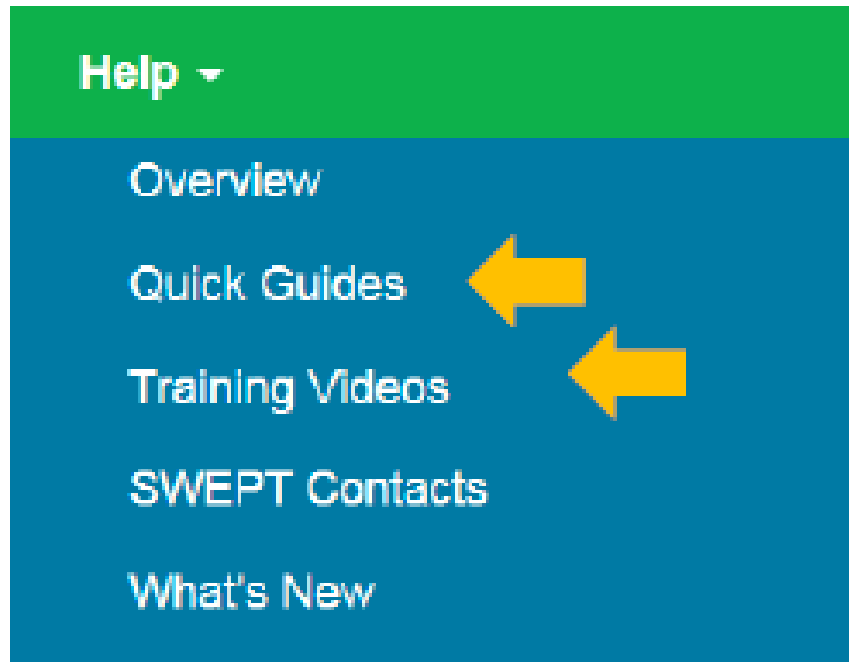
[Expiring Permits](#)

Identify permits in production that require action

[Issued Permits](#)

Find permits issued within a specified date range

Additional Help for Permitting Module



For information on general site navigation, check out the [Help Overview](#).

More details about using SWEPT can be found in the quick guides and videos, available on the left menu under **Help**.

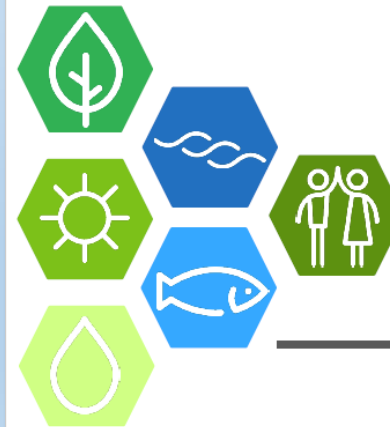
FDOT OEM Help Desk (850) 414-5334 or swept@fla-etat.org

Permitting Resources

PART 1, CHAPTER 12 ENVIRONMENTAL PERMITS

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PERMIT HANDBOOK