

Appendix I
Florida State Historic Preservation Officer (SHPO)
and Advisory Council on Historic Preservation (ACHP)
Agency Operating Agreement (AOA)
August 15, 2003

José Abreu, P.E. Secretary Florida Department of Transportation	Date
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Glenda E. Hood. Secretary Florida Department of State	Date
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James E. St. John Florida Division Administrator Federal Highway Administration	Date
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Introduction

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

Planning Screen

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

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

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ETDM Database (MPO, FDOT, FGDL)	FHWA/FDOT Responsibilities	SHPO Responsibilities
<ul style="list-style-type: none"> <input type="checkbox"/> Purpose and Need <input type="checkbox"/> Project limits and logical termini <input type="checkbox"/> Mobility Alternatives <input type="checkbox"/> SHPO and ACHP plans and programs <input type="checkbox"/> Demographics (Community Impact Assessment) <input type="checkbox"/> Example GIS Data Sets: <ul style="list-style-type: none"> – SHPO Preservation Areas – National Register Listed and National Register Eligible sites – Historical & Archeological Surveys – National Historic Landmarks – FNAI Element Occurrence – CARL Projects – National Wetlands Inventory polygons – 100 Year Flood Plains – TNC Ecological Resource Conservation Areas – Potential habitat for species – Species locations (FNAI and WILDOBS) – Ecosystem Management Areas – Streams with 303(d) impaired waters – Wetlands – Areas targeted for habitat conservation – Historical/Archaeological District and Sites – Areas within coastal barrier resource area – FDEP Watershed Planning & Coordination Water Quality Data – US Census Bureau, Census Block Groups, 1990 – Coastal Zone Construction Control Line (per FDEP) – Best available Aerial Photos or DOQQs 	<ul style="list-style-type: none"> <input type="checkbox"/> In MPO areas, assist in developing the Purpose and Need Statement and establishing logical termini <input type="checkbox"/> In non-MPO areas, FDOT in consultation with FHWA establishes Purpose and Need Statement and logical termini. <input type="checkbox"/> In MPO and non-MPO areas, establishes Purpose and Need for FIHS projects <input type="checkbox"/> Ensure project information is available for ETAT review <input type="checkbox"/> ETDM Coordinator will consult and resolve project issues, where feasible <input type="checkbox"/> Produce the Planning Summary Report which will comprise the following key components: <ul style="list-style-type: none"> – Project Description – Purpose and Need statement – Agency comments, issues and recommendations for potential direct impacts – System-wide GIS mapping depicting social, cultural, and natural resources – Potential secondary and cumulative impact issues and recommendations – Summary of public involvement comments 	<ul style="list-style-type: none"> <input type="checkbox"/> Review and comment on Purpose and Need for project <input type="checkbox"/> Review and comment on logical termini <input type="checkbox"/> Review and comment on mode choice and mobility alternatives (demand management, transit, highways) <input type="checkbox"/> Review and comment on order of magnitude of impact <input type="checkbox"/> Identify significant archeological and historical issues <input type="checkbox"/> Input agency plans and programs that affect the project area <input type="checkbox"/> Identify need for future agency involvement and anticipated agency coordination and consultation <input type="checkbox"/> Identify resource management policies, goals and objectives <input type="checkbox"/> Recommend course of action to preserve and protect resources <input type="checkbox"/> Evaluate potential secondary and cumulative impacts <input type="checkbox"/> Provide Project Recommendations <input type="checkbox"/> Submit comments electronically within 45 calendar days of notification <input type="checkbox"/> The Planning Summary Report will be made available to the ETAT representatives through the ETDM Web site.

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<input type="checkbox"/> Example Secondary and Cumulative Impact GIS Data Sets: <ul style="list-style-type: none"> - Existing Land Use Map - Future Land Use Map - Maps of approved population and employment projections by TAZ or Census Tract data – Density and growth maps - Location and type of approved developments, including DRIs (Regional Planning Council or Local Governments) - Delineated urban service area boundaries (MPO or Local Planning Agency) - Existing and future roadway network, Needs Plan (MPO or FDOT) - Location of existing and proposed public lands and conservation easements (WMDs or RPC) - Existing and proposed Mitigation Areas (Resource Agencies) - Defined neighborhoods (MPO or Local Government) 		

A. MINOR PROJECT ACTIVITIES WITH NO EFFECT ON HISTORICAL PROPERTIES AND ARE EXEMPT FROM CONSULTATION WITH DIVISION OF HISTORICAL RESOURCES (DHR)

The following project types due to their nature and definition are exempt by this agreement from DHR review and are found in compliance with Section 106 provided the following conditions are met:

- The activity is a stand alone project; and
 - The activity does not include and is not located in or adjacent to any historic/archeological resources of 50 years of age or older; nor listed on the NRHP; nor is it a National Historic Landmark
 - The project must be limited to one of the activities specified below.
1. Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur
 2. In kind replacement or ordinary repair of existing lighting, guardrails, traffic signals, curbs, and sidewalks
 3. Activities included in the State’s highway safety plan under 23 USC 402

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4. Preventive maintenance activities such as joint repair, pavement patching, shoulder repair and the removal and replacement of old pavement structure
5. Restore, rehabilitate, and/or resurface existing pavement
6. Restoring and rehabilitating existing bridge (including painting, crack sealing, joint repair, scour repair, scour counter measures, fender repair, bridge rail or bearing pad replacement, seismic retrofit, etc.)

B. MINOR PROJECT ACTIVITIES REQUIRING SECTION 106 DESK TOP AND FIELD REVIEW

The following project types due to their nature and definition are unlikely to affect historic or archeological properties and are subject to a desk top evaluation and field review by FDOT prior to advancing the project to the next phase of development

FDOT coordination and consultation with SHPO or ACHP is not required for these types of project improvements, provided:

1. FDOT bases its decisions concerning historic site evaluations and effect determinations according to the requirements of the National Historic Preservation Act and 36 C.F.R. Part 800 and these decisions are made by individuals meeting the minimum professional qualifications established by the Secretary of the Interior's Standards and Guidelines for historians, archaeologists, architectural historians, and other professionals.
2. FDOT makes no evaluation of eligibility of properties for the National Register of Historic Places without consulting with the FHWA (or any lead federal agency) and SHPO pursuant to 36 CFR 800. For non- federally funded projects FDOT will consult with the Florida Division of Historic Resources (DHR) pursuant to Chapter 267 and 872 of Florida Statutes.
3. FDOT finds that there are no properties affected by the undertaking or that the undertaking will have no effect on historic resources, hence no consultation with SHPO is required.
4. If FDOT finds a potential for effect on historic resources, FDOT will consult with SHPO

Minor highway project types requiring Section 106 Desktop and/or Field Review are:

1. Activities which do not involve or lead directly to construction, such as planning and technical studies; grants for training and research programs; research activities, as defined in 23 United States Code (USC) 307; approval of a unified work program and any findings required in the planning process pursuant to 23 USC 134; approval of statewide programs under 23 CFR 630; approval of project concepts under 23 CFR, Part 476; engineering to define the elements of a proposed action or alternatives so that social, economic, and environmental effects can be assessed; and Federal-aid system revisions which establish classes of highways on the Federal-aid highway system.
2. Approval of utility installations along or across a transportation facility.
3. Construction of bicycle and pedestrian lanes, paths, and facilities
4. Transfer of Federal lands pursuant to 23 USC 317 when subsequent action is not an FHWA action.
5. The installation of noise barriers, or alterations, to existing publicly-owned buildings to provide for noise reduction.
6. Landscaping.
7. Emergency repairs under 23 USC 125.
8. Acquisition of scenic easements.

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9. Determination of payback under 23 CFR, Part 480 for property previously acquired with Federal-aid participation.
10. Improvements to existing rest areas and truck weigh stations.
11. Ride-sharing activities.
12. Bus and rail car rehabilitation.
13. Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
14. Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
15. The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.
16. Track and rail-bed maintenance and improvements when carried out within the existing right-of-way.
17. Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.
18. Promulgation of rules, regulations, and directives.
19. Adding or lengthening turning lanes (including continuous turn lanes), intersection improvements, channelization of traffic, dualizing lanes at intersection and inter-changes, auxiliary lanes, and reversible lanes.
20. Flattening slopes; improving vertical and horizontal alignments.
21. Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting.
22. Restore, replace and rehabilitate culverts, inlets, drainage pipes, and systems including safety treatments.
23. Widening, adding roadway width and and/or roadway reconstruction shoulders without adding through traffic lanes.
24. Roadway skid hazard treatment.
25. Upgrade, removal, or addition of guardrail.
26. Upgrade median barrier.
27. Install or replace impact attenuators.
28. Upgrade bridge end approaches/guardrail transition.
29. Upgrade railroad track circuitry.
30. Improve railroad crossing surface.
31. Improve vertical and horizontal alignment of railroad crossing.
32. Improve sight distance at railroad crossing.
33. Railroad crossing elimination by closure, and railroad overpass removal within right-of-way.

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34. Clear zone safety improvements, such as fixed object removal or relocation.
35. Screening unsightly areas.
36. Freeway traffic surveillance and control systems.
37. Motorist aid systems.
38. Highway information systems.
39. Preventive maintenance activities such as joint repair, pavement patching, shoulder repair and the removal and replacement of old pavement structure.
40. Restore, rehabilitate, and/or resurface existing pavement.
41. Computerized traffic signalization systems.
42. Widening of substandard bridge to provide safety shoulders without adding through lanes.
43. Replacement of existing bridge (in same location) by present criteria.
44. Transportation enhancement projects involving acquisition of historical sites and easements, or historical preservation.
45. Preservation of abandoned railway corridors, including the conversion and use for pedestrian, equestrian, or bicycle trails.
46. Rehabilitation and operation of historic transportation buildings, structures, or facilities, including railroad facilities and canals.
47. Mitigation of water pollution due to highway runoff.
48. Bridge removal.
49. Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts.
50. Rehabilitation or reconstruction of existing rail and bus transit buildings and ancillary buildings where only minor amounts of additional land are required, and there is not a substantial increase in the number of users.
51. Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks, and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.
52. Acquisition of land for hardship or protective purposes for a particular parcel or a limited number of parcels; advance land acquisition loans under section 3(b) of the Urban Mass Transportation Act.
53. Mitigation Projects.
54. Animal crossings
55. Changes in access controls.
56. Minor right-of-way acquisition for roadway and bridge projects without the addition of through traffic lanes.
57. Recreational Trails

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C. FDOT REVIEW PROCESS for MINOR PROJECTS

1. Internal Review: For these minor project types listed in B, FDOT qualified cultural resource staff/consultants, including an archeologist and architectural historian/historian, meeting the Secretary of Interior's Standards for Professional Qualifications will employ a multi disciplinary approach to implement the following internal review process, as appropriate to the project:
 - a. Determine if the project constitutes an undertaking as defined in 36 CFR, Part 800.
 - b. Determine the project's area of potential effects
 - c. Review existing information (including the Florida Master Site File) on recorded properties in the area of potential effects
 - d. Assess the likelihood that unidentified properties exist in the area of potential effects
 - e. Determine the degree of existing disturbance within the area of potential effects, performing a field inspection where warranted
 - f. Conduct a field survey in conformance with the applicable standards in Stipulation C, where warranted
 - g. Determine whether there are historic properties in the area of potential effects
 - h. Assess the project's effects on any historic properties, by applying the Criteria of Effect and Adverse Effect (36 CFR 800.9)
2. Eligibility Evaluations: FDOT will make no determination of eligibility of properties for the National Register without consulting with the FHWA and the SHPO pursuant to 36 CFR 800.4(c).
3. Notification and Coordination: For projects that do not include properties within the area of potential effects or that by their nature will have no effect on historic properties, FDOT shall document and file the finding in accordance with procedures. FDOT will notify the SHPO of its finding no historic properties affected within 30 calendar days of completing its review accompanied by a map showing the project description, location and area of potential effect. Unless the SHPO objects within 15 days of receiving the notification, FDOT is not required to take any further action in the Section 106 process, unless there is a dispute.

Programming Screen

The Programming Screen will be performed annually on all bridge projects contained in the Annual Bridge Repair and Replacement Report and on major capacity improvement projects contained in the MPO's list of priority projects prior to inclusion into FDOT's Five-Year Work Program with the exception of the FIHS facilities. The FIHS facilities for MPO and non-MPO areas will be screened during FDOT's development of the FIHS Ten-Year Plan. FDOT staff will be responsible for uploading the FIHS project information into the ETDM database. Major capacity improvements and bridge projects located on the State Highway System in rural areas will also undergo review prior to inclusion into FDOT's Five-Year Work Program.

The Programming Screen begins the Intergovernmental Coordination and Review (ICAR) process, which begins what was formerly the Advance Notification (AN) process. The ICAR process applies only to major transportation capacity improvement projects (as described in Section 3 of the Master Agreement) that are subject to the EDTM process. The ICAR process is initiated by the FDOT District Office by notifying all ETAT members that the Programming Screen has been uploaded with project related information and is ready for ETAT review. Distribution of the Programming Screen ICAR notice is accomplished by FDOT utilizing the Environmental Screening Tool (EST). Once all ETAT members, including central units of State government, which may have plans, programs or projects affected by the proposed transportation action have received the electronic notice, they begin their review of the proposed transportation action by viewing the Programming Screen and providing technical advice, assistance and comment.

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

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Project Development Documentation

During project development, the SHPO and ACHP will assist the FDOT in compliance with National Historic Preservation Act and 36 CFR 800 to satisfy NEPA and permit issues and concerns so that the resultant approvals are acceptable to all parties and received concurrently. The table below identifies the reports and coordination responsibilities for FDOT, FHWA and the SHPO and ACHP ETAT representative. Project development studies or environmental documents may require the development and maintenance of a project Web site. The ETDM interactive database will have links to the project development Web sites for agencies to continue their electronic reviews.

For federally funded major transportation capacity improvement projects, which do not individually or cumulatively have a significant environmental effect on the human and natural environment a Categorical Exclusion (CE) will be prepared. The CE level of conceptual engineering, environmental analysis and public involvement will be documented in technical support studies and be of sufficient detail to support the CE determination. For those major transportation capacity improvement projects that do not qualify for a Categorical Exclusion, an Environmental Assessment or Environmental Impact Statement will be completed, in compliance with the CEQ regulations implementing NEPA and 23 CFR 771. For non-federally funded major transportation capacity improvement projects requiring a State Environmental Impact Report (SEIR) will follow the same process used for federal documents.

FDOT	FHWA	SHPO and ACHP ETAT Reviews
Preliminary Alternatives Analyses		
<ul style="list-style-type: none"> <input type="checkbox"/> Develop and analyze alternatives <input type="checkbox"/> Assess major impacts of all alternatives <input type="checkbox"/> Consult with SHPO regarding potential impacts and Best Management Practices (BMPs) for mitigation 	<ul style="list-style-type: none"> <input type="checkbox"/> Participate in development of alternatives 	<ul style="list-style-type: none"> <input type="checkbox"/> Review and comment on preliminary alternatives and analysis
Technical Reports		
<ul style="list-style-type: none"> <input type="checkbox"/> Complete technical studies as defined by ETAT and scope of services, such as: <ul style="list-style-type: none"> – Cultural Resource Assessment (CRA) – Wetland Evaluation Report (WER) – Endangered Species Biological Assessment (ESBA) 	<ul style="list-style-type: none"> <input type="checkbox"/> Review and comment on technical reports 	<ul style="list-style-type: none"> <input type="checkbox"/> Within 30 calendar days of notification, review and comment on technical reports <input type="checkbox"/> Provide technical assistance, as needed. <input type="checkbox"/> For projects determined to be CEs, permits will be issued upon completion and acceptance of technical studies and issuance of Location and Design Concept Acceptance (LDCA)

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FDOT	FHWA	SHPO and ACHP ETAT Reviews
EA/DEIS		
<ul style="list-style-type: none"> <input type="checkbox"/> Incorporate WER, CRA, ESBA and other technical reports into Environmental Document <input type="checkbox"/> Complete EA/DEIS and submit to SHPO and ACHP for review <input type="checkbox"/> Apply for project permits after the public hearing. 	<ul style="list-style-type: none"> <input type="checkbox"/> Review and approve EA/DEIS with comments incorporated (30 calendar days) <input type="checkbox"/> Publish Notice of availability of DEIS in Federal Register 	<ul style="list-style-type: none"> <input type="checkbox"/> Review and comment on EA/ DEIS within 30 calendar days of notification
Public Hearing		
<ul style="list-style-type: none"> <input type="checkbox"/> Identify opportunities, constraints and feasibility of Joint Public Notice and Hearing, if appropriate <input type="checkbox"/> Hold Public Hearing <input type="checkbox"/> Prepare transcript and certification 	<ul style="list-style-type: none"> <input type="checkbox"/> Attend hearing and participate as necessary 	<ul style="list-style-type: none"> <input type="checkbox"/> Attend joint public hearing and participate as necessary <input type="checkbox"/> Provide technical assistance on public hearing topics to satisfy Section 106, NEPA and permitting requirements
FONSI/FEIS		
<ul style="list-style-type: none"> <input type="checkbox"/> Document decisions in FONSI and FEIS <input type="checkbox"/> Complete FONSI/FEIS and submit to SHPO and ACHP for review <input type="checkbox"/> Respond to comments <input type="checkbox"/> Obtain project permits concurrent with NEPA approval 	<ul style="list-style-type: none"> <input type="checkbox"/> Review FEIS or FONSI <input type="checkbox"/> Approve FONSI or FEIS <input type="checkbox"/> Publish notice of FEIS availability in FR <input type="checkbox"/> Issue Record of Decision 	<ul style="list-style-type: none"> <input type="checkbox"/> Review FONSI or FEIS and concur within 30 calendar days on NEPA and permit compliance
Final Design		
<ul style="list-style-type: none"> <input type="checkbox"/> Environmental reevaluation and consultation with SHPO and ACHP and FHWA on any major design modifications 	<ul style="list-style-type: none"> <input type="checkbox"/> Approve Environmental Reevaluation <input type="checkbox"/> Participate in reviews to monitor implementation of EA or FEIS commitments 	<ul style="list-style-type: none"> <input type="checkbox"/> Consult with FDOT on design modification and project mitigation measures to assure commitment compliance with EA/FONSI or FEIS
Construction and Maintenance		
<p>For those projects not subject to 373.4137, F.S., the following applies:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Monitor implementation of mitigation measures as required by permit <input type="checkbox"/> Correct deficiencies found as required by permit <input type="checkbox"/> Prepare periodic reports on mitigation activities and provide to resource agencies <input type="checkbox"/> Monitor implementation of mitigation measures under Section 106 by agreement and submit to SHPO as appropriate. 	<ul style="list-style-type: none"> <input type="checkbox"/> Monitor implementation and status of mitigation efforts and sites 	<ul style="list-style-type: none"> <input type="checkbox"/> Review periodic reports, field reviews and consult with FDOT on mitigation success, as necessary

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ACHP Involvement

The Advisory Council on Historic Preservation will be consulted only when the project activity involves a National Historic Landmark or when there is a dispute between review agencies. The ACHP has delegated all other responsibilities to the Florida SHPO. However the SHPO may request the participation of the ACHP. This agreement may not be construed to prohibit the right of any party to request the participation of the ACHP as set forth in 36 CFR, Part 800 regulations implementing section 106 of the National Historic Preservation Act (NHPA)

Engineering Information

The level of engineering detail required to obtain permits during the NEPA process is a critical element in the new ETDM Process. In the new ETDM process both NEPA documents and permit applications will be developed using conceptual engineering information supported by required technical studies. An important efficiency of the ETDM process is the development, through interagency coordination and consultation, of one set of engineering and environmental data to satisfy both the NEPA process and the Federal and State regulatory environmental permitting process, concurrently; thereby, eliminating duplication and delay and maintaining production schedules. Utilizing one set of engineering and environmental data and concurrent processing, and with the specified information provided below, permits will be issued by the permitting agencies which provide special conditions outlining the estimated water quality, water quantity, and floodplain encroachment volumes required to meet agency technical review requirements.

Permits Obtained during Project Development

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

Environmental Reevaluation and Permits

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