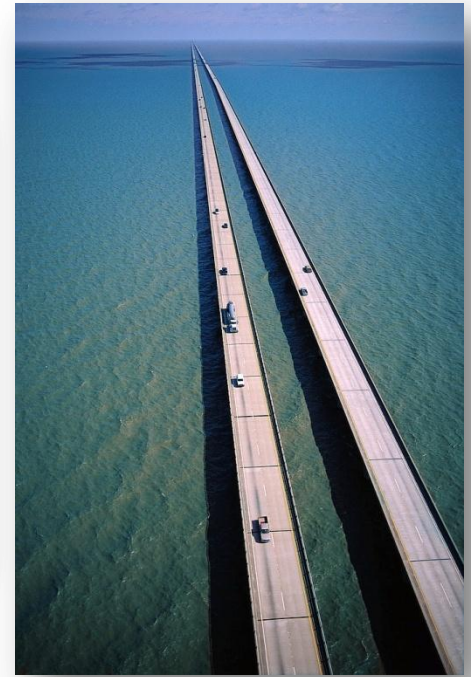
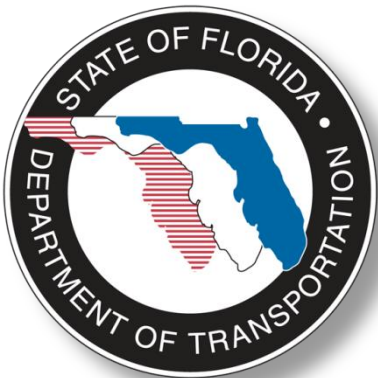


Permitting



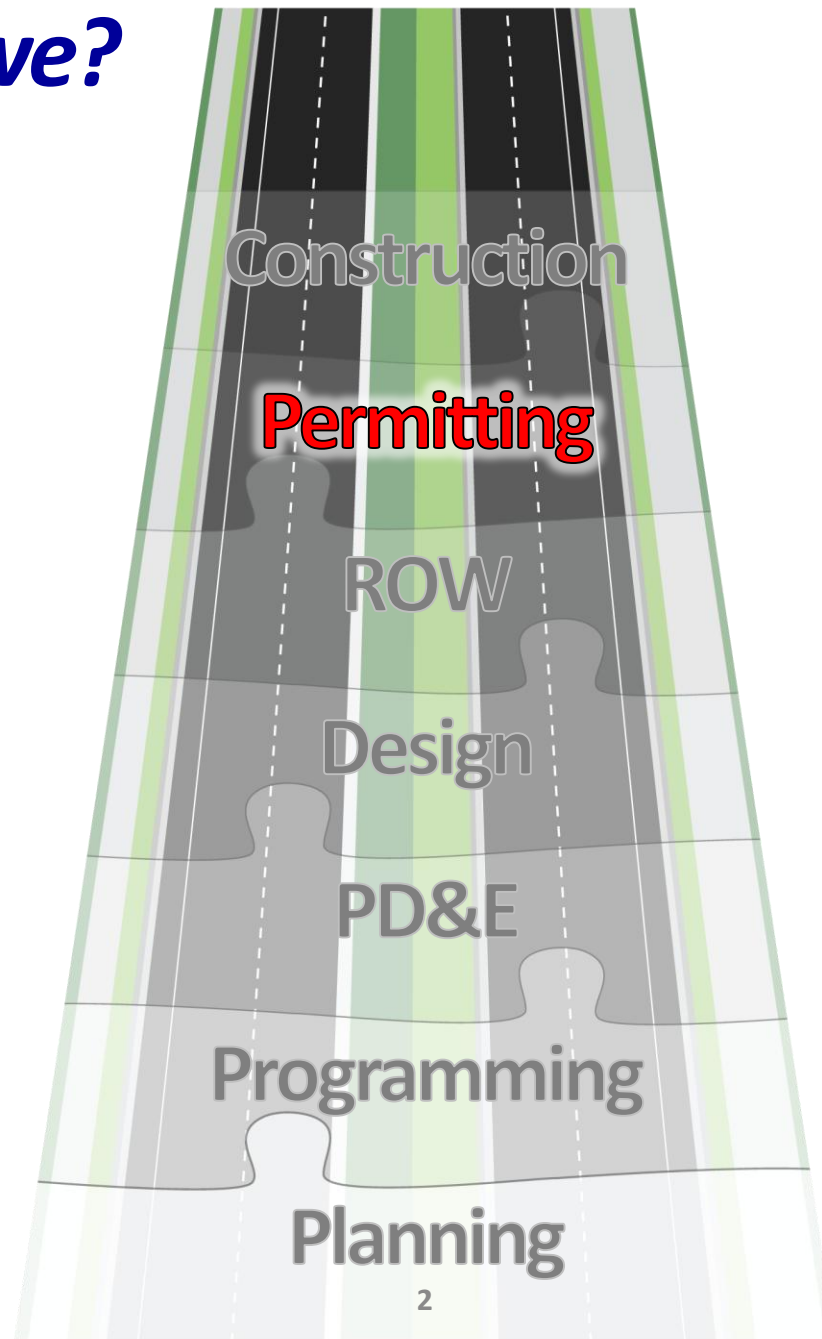
ETAT Workshop 2011



Xavier Pagan
Environmental Specialist

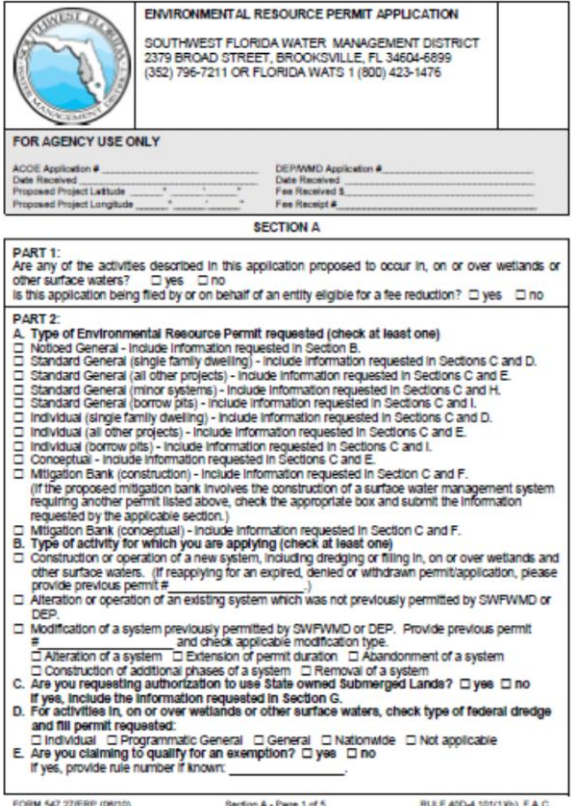


Where are we?



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 # _____ Date Received _____
Proposed Project Latitude _____ Proposed Project Longitude _____
DEFWMD Application # _____ Date Received _____
Fee Received \$ _____ 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)
☐ Notified 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 40D-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



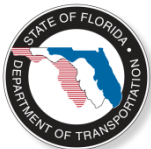
EST screenings and permitting

- ◆ 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



