

# Environmental Program Performance Management

## Southwest Florida Water Management District (SWFWMD)/ FDOT Central Environmental Management Office (CEMO) Annual ETDM Program Review Meeting Notes



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<b><i>Meeting Date and Location</i></b>	<b><i>Meeting Attendees</i></b>
February 14, 2006 9 AM at URS Tampa 7650 W. Courtney Campbell Causeway Tampa Florida, 33607-1462	Buddy Cunill - FDOT Carl McMurray - FDOT Mary Harger - FDOT  Lynn Miller - SWFWMD Paul O'Neil - SWFWMD Bruce Barrett - URS Roosevelt Petithomme - URS

### □ Purpose and Overview of the Annual Review Meeting

The purpose of the meeting was to discuss the relationship and coordination efforts between the Southwest Florida Water Management District (SWFWMD), Federal Highway Administration (FHWA) and the Florida Department of Transportation (FDOT) before and after the implementation of the Efficient Transportation Decision Making (ETDM) process.

### □ Business Relations and Processes Before ETDM

The meeting opened with Mr. Cunill summarizing the agenda (see Attached). Mr. Cunill and Mr. O'Neil then discussed the importance of early coordination between the SWFWMD and FDOT on permitting issues. SWFWMD received project information through a number of sources including Advance Notifications (AN) and pre-application meetings prior to ETDM. The ANs were typically the first point of contact for the projects. Mr. O'Neil stated that only 10 percent of projects have pre-application meetings, but emphasized that the pre-application process can save 25 to 30 percent of the time waiting for permits. He encouraged use of pre-application meetings and recommended FDOT use the pre-application prospectus which is available on the web for meeting preparation. However; outside of the pre-application meetings, SWFWMD was not involved in the planning stage of a project. Mr. O'Neil stated that historically, there has been little up front communication with FDOT and that the FDOT did not talk to SWFWMD usually until the Project Development and Environment (PD&E) phase of a project or later. He also mentioned that historically, there has not been a single point of contact for FDOT projects within SWFWMD.

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Communication and coordination efforts between the two agencies were further fragmented because the SWFWMD regulatory and planning groups naturally do not always communicate. He observed that this is a problem which exists in all of the State's Water Management Districts.

Some discussion followed on internal coordination between the planning and regulatory groups and on-going attempts to fix this issue. Mr. Miller and Mr. O'Neil discussed permit issuance, the Request for Additional Information (RAI) process and the work flow through the Executive Director's Office often resulting from State clearinghouse letters. Mr. Miller commented that not having a pre-application process where SWFWMD makes comments upfront makes the RAI process for FDOT and its consultants very cumbersome. Having upfront comments from SWFWMD prevents consultants from having to write multiple reports.

Section 1.5 of the agenda was discussed as it relates to regular meetings between FDOT and the SWFWMD and the fact that there had not been a process in place prior to ETDM where regular meetings were held. Prior to ETDM, the meetings that occurred between FDOT and SWFWMD were infrequent and casual. There was no focal point for contact or information sharing at SWFWMD.

During a discussion of section 1.6 of the annual report it was mentioned that the SWFWMD may receive applications for between 30 and 50 Environmental Resource Permits (ERP's) a year and between 10 and 20 Advance Notifications (AN's). Mr. Miller mentioned that the numbers provided above were not concrete since the SWFWMD did not have a single point of contact for this information. The other sections of the Annual Report were reviewed with the major points emphasized being the need for early involvement so that transportation concepts can be "shaped" by the regulatory agency's concerns, (i.e., a sharing of ideas at the early stages of conceptual development.). Other points made were hours expended in reviewing projects for the permitting process and the critical need for staffing and financial resources so that SWFWMD can participate in the review of FDOT projects.

The need to expand the coordination of TIP and MPO projects was briefly discussed as well as various tax methodologies related to specific water basins and the Governing Board. Mr. Cunill stated that eventually all FDOT major transportation projects would be placed on the Environmental Screening Tool (EST).

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#### □ Business Relations and Processes After ETDM

During the discussion of sections 2.1 through 2.15 Mr. O’Neil mentioned that all reviews are looked at twice before “official” comments are sent. He also informed the attendees that new criteria in floodplain mitigation and water quality will be the next area that must be addressed. This particular area of the WMD’s business will require new levels of cooperation between all agencies working through the permitting process. There was discussion on the use of language and the cultural difference between SWFWMD and FDOT. When SWFWMD uses the term “substantial”, the term is used in regards to meeting the agencies rule criteria for permitting and not the National Environmental Policy Act (NEPA) process. SWFWMD comments on projects are focused on meeting rule criteria that is consistent with SWFWMD’s rules and policies. Mr. Miller and Mr. O’Neil also indicated that they were experiencing difficulties with Design consultants seeking permit information without design data. They stated that SWFWMD can not issue a pre-judgment without design information. SWFWMD reference Rule 40D-4.301 which is the rule that establishes the Conditions of Issuance.

Mr. O’Neil expressed his view that, for the most part, wetland mitigation criteria and compliance has been resolved and the new emphasis today is on floodplains, drainage and water quality.

Mr. O’Neil, and Mr. Miller also expressed the view that the original language describing the ETAT position may be too broad. They also stated that having the right personnel with the right blend of knowledge and management skills was highly essential to the success of the ETDM program, meaning that the right people make the difference. Mr. O’Neil emphasized the importance of having regular dialogue between agencies and to discuss projects that may become part of the FDOT Work Program beginning at the conceptual stage, continuing through the design and construction phases.

Mr. Miller described the division of labor and team approach used to evaluate projects and provide comments. Mr. Miller serves as a focal point and catalyst for information sharing and reviews. Perseverance has been a major quality of Mr. Miller in getting things done internally. Having a “solution oriented” person is essential to the program. Mr. Miller and Mr. O’Neil stated that they always lean towards safety and flag issues conservatively. The review file contains comments by experts on issues. However the, one “official” comment is always the result of ETDM. Mr. O’Neil mentioned they do not get “feedback” from the FDOT Districts based on

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their comments. Mr. O'Neil stated that feedback should be provided at least twice a year.

Roosevelt Petithomme mentioned that streamlining the notification process is an excellent way to assist with work load management. An addition tool that is available to the ETAT agencies to assist with work load management is having the Districts provide the ETAT agencies with a schedule of upcoming projects. Mr. Miller stated that it would be excellent if the Districts could release the projects in a manner that would facilitate work load management. About 70% of the SWFWMD efforts are in the EST, 25% are in the AN process and 5% are in mitigation (The District's FDOT MIT program coordinator works full time on the FDOT MIT MIT program and contributes about 5% to the ETDM effort).

Mr. Cunill, Mr. O'Neil and Mr. Miller briefly talked about the summary reports; SWFWMD said that they were not receiving any of them. A lengthy roundtable followed wherein efforts to use the "Conceptual Permit" process and the "Site Conditions Assessment Permit" as part of the process that could lead to time and resource savings in the future. Mr. Cunill discussed historically, the Permit Coordination Package process and previous efforts by FDOT to develop a "model" permit.

Mr. Cunill brought up new ideas in funding, primarily the desire to fund year-to-year with lump sum advances, quarterly progress reports and a three-year (the agreements will be five-year terms) timeframe on the Master Agreement, Agency Operating Agreement and the Funding Agreement. The SWFWMD budget for the next three year (five year) term was discussed and will be developed at \$700,000 due to potential increases in transportation projects. Both Mr. O'Neil and Mr. Miller stated that enhanced funding was a great element to the ETDM program. SWFWMD has lost 22 staff members within the past 12 months and could not continue participation in streamlining without the funding provided by the ETDM program.

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#### □ Discussion of Performance Measures in EST

Mr. Cunill led the discussion on performance measures. Mr. Cunill presented the performance measures information included in the SWFWMD review packet. The packet provides a sample of the forms that will be used to evaluate Environmental Transportation Advisory Team (ETAT) agencies during Phase II of the Performance Management System. The following form was presented for sample purposes:

- **ETAT Agency Surveys** are qualitative assessments of an ETAT agency's comments. This survey considers the value added by the ETAT comments and the comprehensiveness of the comments. Additional considerations are an ETAT agencies level of responsiveness and recommendations to address identified impacts, such as technical reports or mitigation and or elimination strategies.

Mr. Cunill discussed the sample comments and degrees of effect that were included in the performance measures packet. Both Mr. Miller and O'Neil stated that they were not receiving notices of the planning and programming summary reports. Mr. Miller

stated that he would rate the agencies efforts as an "A" in a self assessment. They have put together a great team and have always provided good, quality comments. Thus far they have not submitted any late comments or requested an extension for a Project. Each of the projects assigned have been reviewed within 44 days. Mr.

Cunill discussed moving to an on-line system for reporting and performance.

#### □ Contract Management Discussion

SWFWMD indicated they want to continue their involvement in the ETDM program but this is contingent upon funding. Roosevelt Petithomme explained how we will develop the next generation agreements (MA, AOA, and FA) using a web site. Mr. Miller and O'Neil stated that they would have the SWFWMD attorneys review the new agreements. Mr. O'Neil recommended that all changes from the original funding agreement to the new funding agreement will have to be identified with a strike and add format which is the standard established within the legal profession.

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### □ Recommendations

- The Districts should provide feedback to the ETAT agencies periodically at least twice a year.
- FDOT should provide a schedule of projects to the ETAT agencies.
- Projects should be released in a manner to facilitate work load management for ETAT.
- FDOT and SWFWMD should coordinate as early as possible in the concept phase to help “shape” projects.
- FDOT should participate in technical committee rewriting Stormwater rules and rewriting water quality standards.
- FDOT should explore use of Conceptual Permits and Site Conditions Assessment as part of process (Bob Crim and Larry Barfield).

### □ Benefits of ETDM

- Early involvement in FDOT projects
- Early permit issue identification
- Enhanced funding to participate
- Increased communication and coordination with FDOT
- The establishment of a single point of contact

### □ Annual Report Additions and Expansions

- Mr. Miller will expand the annual report based on minutes.

### □ Conclusion

Overall, SWFWMD has enjoyed their involvement in the ETDM process and views the process as beneficial for all parties. The agency is looking forward to continuing their involvement in the ETDM process and will establish a tentative budget for the second generation funding agreement. FDOT is pleased with the efforts of SWFWMD and looks forward to the agency’s continuance in the ETDM program. The ETDM program has significantly increased the level of communication and involvement between the two agencies. Among the many benefits of the program, SWFWMD cites enhanced funding to be of critical importance, the agency states that without funding it would not be able to continue on in the program. All parties

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engaged in a roundtable discussion of the benefits of the ETDM program to date and the need to continue with efforts to streamline the environmental review and permitting process. The meeting adjourned at approximately 12:45pm.