

Environmental Program Performance Management



United States Environmental Protection Agency (USEPA)/ FDOT Central Environmental Management Office (CEMO) Annual ETDM Program Review Meeting Notes

Meeting Date and Location

July 20, 2005
URS Corporation Southern
Tallahassee, Florida

Meeting Attendees

Buddy Cunill – FDOT
Larry Barfield – FDOT
Mary Harger – FDOT
Cathy Kendall – FHWA
Heinz Mueller – USEPA
Maher Budeir – USEPA
Madolyn Dominy – USEPA
Ted Bisterfeld – USEPA
Gary Phillips – URS
Roosevelt Petithomme – URS

□ Purpose and Overview of the Annual Review Meeting

- The purpose of United States Environmental Protection Agency's (USEPA) initial review meeting was to discuss and document the before and after Efficient Transportation Decision Making (ETDM) Process relationship and coordination efforts between USEPA, Federal Highway Administration (FHWA) and Florida Department of Transportation (FDOT). The review information is intended for the USEPA, FHWA and FDOT to share with their respective management teams and other stakeholders in the ETDM Process. USEPA has been an active participant in the ETDM Process and as a resource agency has reviewed 98% of all projects loaded into the Environmental Screening Tool (EST). USEPA submitted a draft of the agency's Annual Report in advance of the meeting, which detailed their activities associated with transportation projects before and after the implementation of ETDM and enumerated concerns the agency has experienced since its involvement in the ETDM Process.

□ Business Relations and Processes Before ETDM

- The USEPA consists of a national headquarters office located in Washington, D.C. and ten regional offices throughout the United States. USEPA Region 4 is located in Atlanta, Georgia and regulates the eight southeastern states – Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee. Region 4 is divided into seven divisions/offices, including the Office of Policy Management and Office of Environmental

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Accountability. The National Environmental Policy Act (NEPA) program was previously located in the Office of Environmental Accountability, but has recently been relocated to the Office of Policy and Management. The NEPA Program Office has the responsibility of reviewing FDOT projects for consistency with a variety of environmental laws, regulations and policies. The mission of USEPA Region 4 is to ensure that all actions that fall under NEPA are in compliance with the provisions set forth in NEPA. Prior to the implementation of ETDM, Ted Bisterfeld was assigned to work part-time on FDOT projects, while also maintaining responsibility for other NEPA-related projects in the Region 4 states. Additionally, USEPA has a West Palm Beach sub-office whose focus is exclusively Everglades Restoration. Consequently, USEPA's involvement with roadway projects was based upon the context of the project and a determination of whether potentially significant environmental impacts might occur. There was no early involvement in planning; the agency typically became involved with a project during the Project Development and Environment (PD&E) phase. The USEPA's involvement varied by FDOT District prior to ETDM. USEPA stated that this level of involvement was characterized as reactive and ad hoc.

□ Business Relations and Processes After ETDM

USEPA notes the following changes in the relationship between FDOT and other ETAT agencies after the implementation of ETDM:

- An increase in USEPA staff (two Full Time Equivalent) involved with FDOT projects
- Notable improvements in interagency communication and coordination efforts
- 100% dedication of two full-time equivalent (FTE) staff members (Ms. Madolyn Dominy and Mr. Mahier Budeir) to FDOT projects is a major improvement from the part-time NEPA involvement that existed prior to ETDM
- The EST is a very useful tool in reviewing projects
- USEPA is using a team approach to reviewing and commenting on projects
- USEPA has a good working relationship with FDOT
- The process enhances communication among agencies and facilities; getting to know other ETAT agencies is very helpful
- USEPA has been attending ETAT training and participating in conferences and workshops related to ETDM

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- USEPA indicated that learning the FDOT system has been very helpful
- USEPA describes their first two years of involvement with the ETDM Process as primarily transitioning to the new process and learning the Environmental Screening Tool (EST). ETDM has greatly assisted USEPA in meeting their goal of early involvement and has assisted the agency in managing its workload. USEPA is now able to comment on the majority of projects submitted by FDOT throughout the various phases of the projects. Prior to ETDM this was not possible. Coordination with other agencies has also benefited from ETDM. Mr. Mueller stated that in addition to the Environmental Screening Tool (EST), USEPA is getting direct contact from FDOT and the other ETAT agencies. The improvement in coordination facilitates the project review process and builds trust between the agencies and FDOT. Trust is regarded as a key component to the success of the ETDM Process.

□ Discussion of Performance Measures

- Mr. Mueller stated that USEPA is tracking success stories with their agency's early involvement and recommends that this success be shared with other state and federal agencies. Ms. Dominy recommended developing a tracking system to monitor ETDM successes. She stated that it would be good to know how many acres of wetlands were either saved/lost and the status of any minimization efforts. New forms and surveys that will be part of the Performance Management System were shared with USEPA and were briefly explained by Mr. Cunill. USEPA is to provide performance measures for FDOT review and consideration. Ms. Dominy likes the EST review at the Project Development and Environment (PD&E) phase and would like the ability to comment on social issues.

□ Contract Management Discussion

- Buddy Cunill led the discussion on the new three-year Funding Agreement with USEPA. The new three-year agreement is currently being drafted. He stated that the new agreement was scheduled to begin on October 1, 2005; however, Mr. Mueller stated that October was not a good month to begin the new agreement. It was decided that USEPA's current agreement would be extended to March 2006 to allow for further negotiations with the new agreement. The additional language in the new Funding Agreement is the result of the FDOT Comptroller's Office new lump sum payment requirements. USEPA and FDOT have agreed to draft new language for the new agreement that would better address the travel and training needs of USEPA.

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❑ Concerns presented by USEPA

Throughout this past year USEPA has encountered a number of issues:

- USEPA's communication and coordination with District 3 has been limited. One issue mentioned was that USEPA was not clear as to the role of District 3 or local governments and their areas of responsibilities regarding LAP (Local Area Program) and locally funded projects.
- USEPA is unclear on the "lead" role with Bay County, Lee County and FDOT. There needs to be further communication with FDOT regarding the public/private partnerships that are present in these two counties.
- There needs to be more information in the project description portion in the EST (especially for Turnpike Enterprise projects).
- USEPA is not notified of "Summary Degrees of Effects" when they are completed.
- FDOT District 3 summaries reviewed by USEPA tend to lack information (completion of comments, responses and meeting details which were not part of the summary).
- The Metropolitan Planning Organization (MPO) presentations at the District ETAT meetings are very helpful in understanding the project history and nature.
- USEPA is also concerned with the expectations of comments for the Planning and Programming Screens. It was suggested by Mr. Budier that the Planning and Programming Screens should have a different appearance and that the expectation of comments for each screen should be clarified. Currently, the same information is provided by ETAT agencies in both screens.
- Concerns were raised by USEPA about the appropriateness of commenting on Cumulative Effects in the Planning Screen. Larry Barfield of CEMO assured USEPA that commenting on Cumulative Effects in the Planning Screen is appropriate.
- USEPA stated that it would be helpful if they had more DRI information to better understand the regional implications of a particular project. Gary Phillips explained that development is primarily a local government issue, and the Florida Department of Community Affairs comments can assist USEPA with issues and questions related to development.
- USEPA is concerned that they could assign a "Minimal to None" degree of effect and then have a permitting agency deny a permit for the project.

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- USEPA requested that they would like their resource agency technical staff to have access to the EST. As of July 1, 2005 the “Guest Accounts” assigned to USEPA were no longer available. The accounts should be reestablished to allow greater expertise to assist ETATs in reviews and comments. USEPA also needs access to the EST for Turnpike Enterprise projects. Mr. Cunill said he was not aware of these issues and will coordinate with Pete McGilvray and the Technology Group to address them.
- Madolyn Dominy would like for there to be more site visits and blended trips where the agency would travel for a site visit but would also meet with other ETAT staff and ETDM participants.
- Due to the scarcity of funds, travel provisions were a major concern for USEPA. They stated that funds for travel were scarce and USEPA would use some of its regional travel funds so as not to rely solely on FDOT travel funds. USEPA is willing to attend any critical meeting if asked. It was suggested by USEPA that provisions be made within the Funding Agreement to have travel funds set aside for resource experts other than Ms. Dominy and Mr. Budier. An example of such an individual would be Ted Bisterfeld or a topical area expert. Heinz Mueller and Buddy Cunill agreed that there should be a level of flexibility with regards to travel. However, Mr. Mueller cautioned that the level of flexibility should not be too great. Mr. Cunill echoed the same sentiments and stated that FDOT would work with USEPA and FHWA to draft the appropriate language to address the travel issue. Mr. Cunill made references to the Funded Positions Manual that contains additional clarification regarding travel procedures and guidelines.
- USEPA expressed concerns about training since many of the training opportunities that exist require travel. USEPA commented that attending different meetings and workshops helps them become familiar with other ETAT agency personnel and assists in learning the ETDM Process.
- Statewide and District ETAT meetings are very helpful. USEPA would like to attend the meetings on Wetland Mitigation Plans.
- USEPA stated that the data contained in the EST on water quality was not always useful. In addition, USEPA commented that data in the EST related to economic and social issues could not be understood. Mr. Cunill asked Ms. Dominy to discuss this issue with George Ballo to research how the data presentation could be improved.

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□ Recommendations

Recommendation 1: CEMO to discuss with District Coordinators ways to resolve the degree of effect variations in the utilization of the EST.

Recommendation 2: CEMO will discuss with Districts the expectations of ETAT comments for the Planning vs. Programming Screens.

Recommendation 3: USEPA, FDOT and FHWA will work cooperatively to draft new language that will meet the flexibility in travel funding expressed by USEPA to allow experts to assist FDOT in the ETDM Process.

Recommendation 4: CEMO will discuss reestablishing “Guest Accounts” with Peter McGilvray to allow experts to assist in comments and reviews.

Recommendation 5: CEMO will communicate with District Coordinators to ensure continual ETAT coordination throughout the PD&E process, specifically for categorical exclusions (CEs).

Recommendation 6: CEMO will coordinate with Pete McGilvray, George Ballo and Florida Geographic Library Database group to discuss methods of improving the presentation of data on the EST.

Recommendation 7: CEMO is currently developing the Phase II Performance Measures Plan that will track ETDM efforts.

Recommendation 8: USEPA will provide FDOT and FHWA with a list of performance measures with the finalized version of the agency’s Annual Report.

Recommendation 9: District project schedules should be routinely published once or twice a year.

□ Benefits of ETDM

- Maximum level of USEPA involvement (team approach)
- One-on-one working together and coordination to set priorities
- Level of comfort with ETDM is very high
- USEPA staff mentor each other to improve expertise
- Trust and relationship building via EST/ information sharing/ connectivity is very high; all information, comments and data are recorded and preserved
- Trust at the interpersonal level is very good – all participants are on the same page

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□ Conclusion

USEPA is very pleased with the ETDM Process. The agency's involvement and participation in the ETDM Process have been positive. USEPA has a much better understanding of the ETDM Process since becoming a participating resource agency and has significantly increased its level of involvement in the Planning and Project Development Phases in the past year. USEPA Region 4 has reviewed 98% of all projects loaded into the EST. The EST has proven to be a valuable tool and has given the resource agency an efficient and effective way of evaluating potential environmental issues and concerns as they relate to proposed transportation projects. It is anticipated that USEPA's involvement in the ETDM Process will continue under the current Funding Agreement until March 2006. USEPA, FHWA and FDOT are currently negotiating a contract extension for the current Funding Agreement, which expires October 20, 2005. The extension will be for six months. Additionally, a new three-year Funding Agreement is presently being drafted. USEPA stated that they will continuously strive to be active participants in the ETDM Process by coordinating with FDOT and other ETAT resource agencies during review of ETDM projects, PD&E scoping projects, EISs and other projects of interest.