

**PROGRAMMATIC AGREEMENT
AMONG THE FEDERAL HIGHWAY ADMINISTRATION,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE FLORIDA DIVISION OF HISTORICAL RESOURCES, STATE HISTORIC
PRESERVATION OFFICER, AND THE FLORIDA DEPARTMENT OF
TRANSPORTATION REGARDING IMPLEMENTATION OF
THE FEDERAL-AID HIGHWAY PROGRAM IN FLORIDA**

WHEREAS, the Federal Highway Administration (FHWA) implements the Federal-Aid Highway Program (Program) in the State of Florida authorized by Title 23 U.S.C. §§ 101 *et seq.*, by funding and approving State and locally sponsored transportation projects; and

WHEREAS, the Florida Division Administrator (Administrator) for FHWA is the “Agency Official” responsible for compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, 54 U.S.C. § 300101 *et seq.*, and implementing regulations under 36 C.F.R. Part 800; and

WHEREAS, the State of Florida, Department of Transportation (FDOT) administers Federal aid highway projects throughout Florida as authorized by Title 23 U.S.C. §§ 101 *et seq.*; and

WHEREAS, the Director of the Florida Division of Historical Resources (FDHR) serves as the Florida State Historic Preservation Officer (SHPO) and is responsible under Chapter 267, Florida Statutes (F.S.) (Florida Historical Resources Act), Sections 106 and 110 of the NHPA, and 36 C.F.R. Part 800 to advise, assist, review, and consult with State and Federal agencies as they carry out their historic preservation responsibilities; and

WHEREAS, FHWA has determined that certain transportation projects constitute “undertakings” as defined in 36 C.F.R. § 800.16(y) which may have an effect upon properties included in or eligible for inclusion in the National Register of Historic Places (NRHP), hereafter referred to as historic properties, and has consulted with the Florida SHPO and the Advisory Council on Historic Preservation (ACHP) pursuant to 36 C.F.R. § 800.14(b); and

WHEREAS, FHWA provided the Federally recognized Indian tribes (Tribes) that may ascribe traditional cultural and religious significance to historic properties in Florida a draft copy of this Programmatic Agreement (Agreement) for their review and comment, and has taken any comments received into account prior to finalizing this Agreement; and

WHEREAS, consultations for undertakings on tribal lands will be carried out in accordance with 36 C.F.R. Part 800 and not under the terms of this Agreement; and

WHEREAS, FHWA has notified the public and other interested parties of this Agreement, has requested their comments, and has taken any comments received into account; and

WHEREAS, Title 36 C.F.R. § 800.14(b) permits Federal Agencies to fulfill their obligations under Section 106 of the NHPA through the development and implementation of programmatic agreements; and

WHEREAS, the FHWA, FDOT, and SHPO have executed a *Funding Agreement Continuing the Efficient Transportation Decision Making Process in Florida*, hereafter referred to as the Funding Agreement (FA) to ensure streamlined reviews and consultation processes for the inclusion of historic preservation considerations in the development of transportation undertakings in Florida by providing assistance from personnel at the FDHR to support FHWA and FDOT in the review process; and

WHEREAS, the project review specialists at the FDHR provided for under the FA meet or exceed the *Secretary of the Interior's Professional Qualifications Standards* (36 C.F.R. Part 61, Appendix A and 48 FR 44716, September 29, 1983) and possess an understanding of Florida's historic preservation programs and processes; and

WHEREAS, the FHWA, FDOT, SHPO, and ACHP executed the *Florida State Historic Preservation Officer (SHPO) and Advisory Council on Historic Preservation (ACHP) Agency Operating Agreement (AOA) August 15, 2003*, hereafter referred to as the AOA (**Exhibit 1**), which provides programmatic provisions establishing flexible levels of historic resources survey and evaluation as well as consultation and coordination efforts; and

WHEREAS, the programmatic provisions contained in the AOA have been incorporated into this Agreement and will no longer be included in the AOA once this Agreement takes effect; and

WHEREAS, FDOT has participated in the consultation and has been invited to be a signatory to this Agreement;

NOW, THEREFORE, the FHWA, ACHP, SHPO, and FDOT hereby agree that the Program in the State of Florida will be administered according to the following stipulations in order to satisfy FHWA's Section 106 responsibilities set forth in 36 C.F.R. Part 800 and to integrate historic resources protection responsibilities with other responsibilities under Federal and State statutes, regulations, Executive Orders, policies, and procedures.

STIPULATIONS

FHWA, in partnership with FDOT, shall ensure that the following measures are carried out:

I. Definitions

For purposes of this Agreement, the definitions for terms appearing in 36 C.F.R. §§ 800.16 (a) through (y) shall apply, as well as the definition for "historic resource" set forth in Chapter 267.021(3), F.S., as follows:

"Any prehistoric or historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value, and folk life resources. These properties or resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, treasure trove, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of the state."

II. Applicability

This Agreement shall apply to all FHWA undertakings administered under the Federal-Aid Highway Program in Florida. The objective of this Agreement is to increase the efficiency of the FHWA and FDOT reviews of individual undertakings that may affect historic properties and to establish the process by which FDOT, FHWA, the ACHP, the SHPO, and other consulting parties will be involved in any such review.

III. Responsibilities and General Requirements of the FDOT

A. Delegation of Authority. Through the execution of this Agreement, FHWA delegates to FDOT certain decision-making tasks under the Section 106 process for the Federal-Aid Highway Program in Florida. In compliance with its responsibilities under the NHPA for all Program undertakings, FHWA will ensure that FDOT observes the general requirements outlined in this Agreement. Delegation of these responsibilities may not be transferred to any other party or agency by FDOT. FDOT will inform FHWA of all official correspondences, consultations, and findings related to the delegated tasks by copying FHWA on these formal correspondences and decisions carried out on FHWA's behalf by FDOT. FHWA retains the ultimate responsibility for ensuring compliance with Section 106 of the NHPA. FHWA delegates the following tasks to FDOT and authorizes FDOT to consult with the SHPO and other consulting parties on their behalf for the following:

1. Establish whether there is an undertaking with the potential to affect historic properties;
2. Identify the consulting parties for each undertaking;
3. Inform FHWA when there are historic resources that may be of cultural or historical interest to the Tribes;
4. Seek public comment for individual project actions, and conduct public involvement activities;
5. Establish the Area of Potential Effect (APE) of an undertaking;
6. Determine the appropriate level of effort through the project internal review and screening process, and in accordance with the AOA and the provisions of this Agreement;
7. Identify historic resources located within the project APE;
8. Evaluate the NRHP eligibility of all historic resources identified within the project APE;
9. Apply the Criteria of Adverse Effect on historic properties;
10. Initiate consultation on the resolution of adverse effects as per 36 C.F.R. § 800.6 with FHWA and appropriate consulting parties, exclusive of the Tribes;
11. Consult, as appropriate, regarding the determination of the project APE, the evaluation of NRHP eligibility, and the effects of a Program undertaking on historic properties;
12. Coordinate Section 106 review with other relevant project reviews; and
13. Document individual undertakings and maintain a record of all project reviews carried out pursuant to this Agreement.

- B. Professional Qualification Standards.** All actions prescribed in this Agreement that involve the identification, evaluation, assessment of effects, treatment, monitoring, or disposition of historic properties, or that involve the reporting or documentation of such actions, shall be carried out by or under the direct supervision of a person or persons meeting the *Secretary of the Interior's Professional Qualifications Standards* (36 C.F.R. Part 61, Appendix A and 48 FR 44716) in the fields of History, Archaeology, and Architectural History. Consultants working on projects on behalf of FHWA and FDOT must also meet these standards.
- C. FDOT Organization.** FDOT's State Environmental Management Office (SEMO) establishes and oversees overall policy and procedures. The FDOT Districts implement these policies and procedures and ensure that individual undertakings and associated documentation meet applicable Federal and State laws, regulations, and standards. When utilizing professional cultural resources consultants, FDOT District environmental staff shall oversee the services performed by the consultants pursuant to this Agreement, including the official consultations with the professional staff at the FDHR. SEMO shall retain professional staff to:
1. Oversee the implementation of this Agreement;
 2. Coordinate and consult with the SHPO and FHWA to manage the state-wide training program for FDOT, FHWA, SHPO, and others, as appropriate, in the areas of cultural and historic resources management associated with FDOT programs and projects; and
 3. Assist FHWA, FDOT Districts, SHPO, and other consulting parties in fulfilling the requirements of historic preservation law pursuant to this Agreement.
- D. Training.** To ensure the consistent quality and successful delivery of the terms of this Agreement, within one (1) year of the implementation of this Agreement, and every second year thereafter, SEMO shall coordinate with SHPO and FHWA to provide Section 106/Cultural Resources Management (CRM) training opportunities. This training opportunity will be provided to select staff members of FDOT, FHWA, and other agencies, entities, and individuals, as appropriate.
- E. FDOT Procedures and Guidance.** FDOT shall maintain Part 2, Chapter 12 (Archaeological and Historical Resources) of the Agency's *Project Development and Environment (PD&E) Manual* and the *CRM Handbook*. Within one (1) year of the implementation of this Agreement, FDOT shall revise Part 2, Chapter 12 of the *PD&E Manual* and the *CRM Handbook* to be consistent with the stipulations in this Agreement. The Florida SHPO and ACHP will be given the opportunity to review these documents prior to document finalization. FDOT will provide copies to the ACHP and the Florida SHPO and the documents will be available to the public and all other interested parties on the FDOT website or by request. All work carried out under this Agreement will be conducted in accordance with the procedures, policies, and standards set forth in Part 2, Chapter 12 of the *PD&E Manual* and 36 C.F.R. Part 800.
- F. Performance Evaluation.** Pursuant to this Agreement, FDOT, in consultation with FHWA and the SHPO, will establish performance measures for evaluating the

effectiveness and efficiency of the FDOT's CRM program and Section 106 compliance efforts in association with this Agreement. SEMO will assist the FDOT Districts in establishing Quality Control (QC) programs for Section 106 compliance and will complete periodic Quality Assurance (QA) reviews of the state-wide program per established schedule. The findings of these QA reviews will be utilized to identify program improvements, areas of high risk, and best practices.

- G. Identification of Consulting Parties.** For individual undertakings, as early as possible in the Section 106 process and in accordance with 36 C.F.R. § 800.2(c) and 800.3(f), FDOT shall identify local governments and other parties with a demonstrated interest in the project's effects on historic properties to participate in consultation. FDOT shall send to all potential consulting parties a letter that includes the project description, a discussion of efforts to identify historic properties, and an invitation to participate in the Section 106 process. Parties who provide a written response indicating a demonstrated interest in the project shall be included as official consulting parties. Initiation of consultation with federally recognized Tribes will be undertaken by FHWA, as provided in Stipulations IV.A.3 and IV.B of this Agreement.
- H. Public Involvement.** On behalf of FHWA, FDOT shall seek and consider the views of the public in a manner that remains consistent with 36 C.F.R. § 800.8 through opportunities afforded by the normal FDOT project development process and under the National Environmental Policy Act (NEPA) of 1969, as amended. FDOT, in consultation with the SHPO, will identify any additional public involvement opportunities which may be warranted to identify and resolve project effects on historic properties, as set forth in the *PD&E Manual*, Part 1, Chapter 11 (Public Involvement) and Part 2, Chapter 12 (Archaeological and Historical Resources).
- I. Documentation.** All findings and determinations made under this Agreement will be documented in accordance with 36 C.F.R. § 800.11, and will conform to the standards and guidelines outlined in Part 2, Chapter 12 of FDOT's *PD&E Manual*, FDOT's *CRM Handbook*, the FDHR's *Cultural Resource Management Standards and Operational Manual* (2003), and the specifications set forth in Chapter 1A-46, *Florida Administrative Code (FAC)*. The level of documentation will be determined by the nature and complexity of the undertaking and the magnitude of effects to historic properties. FDOT and its consultants shall complete the appropriate Florida Master Site File (FMSF) forms to record historic resources. Documents prepared by consultants in support of FDOT shall be submitted to FDOT for review and approval. FDOT shall submit all documentation to FHWA, SHPO and the consulting parties, as appropriate; consultants shall not transmit findings directly to FHWA or SHPO. All documents prepared under this Agreement shall be kept on file at FDOT.
- J. Coordination with SHPO.** All FHWA and FDOT requests requiring a response from SHPO shall be submitted in writing. Pursuant to 36 C.F.R. § 800.4, SHPO has thirty (30) calendar days from receipt of the complete submittal to review all requests. If the SHPO does not respond within thirty (30) calendar days, FDOT may assume the SHPO has no comments and proceed to the next step in the process. Depending on the scale

of the project(s), FDOT and SHPO may negotiate an extended time frame for the SHPO review. When SHPO requests additional information that will assist in completing review of eligibility and effects, and FDOT has provided that information in a timely manner, SHPO shall complete their review within the original thirty (30) day period. When this is not possible, FDOT and SHPO may negotiate a revised review time frame.

K. Coordination with Other Federal Agencies. FDOT will notify FHWA when other Federal agencies are involved in the undertaking. FDOT, on behalf of FHWA, will consult and coordinate its Section 106 activities with other Federal agencies that have regulatory or land management interest in the undertaking. If FDOT coordination cannot establish FHWA as the lead Federal agency for the undertaking, FDOT will inform FHWA and request their assistance in resolving the issue.

IV. Responsibilities of FHWA

A. FHWA retains its responsibility for complying with Section 106 of the NHPA and 36 C.F.R. Part 800, and will continue to directly administer the following actions which **are not delegated** to FDOT. As requested by FHWA, FDOT may assist FHWA with these tasks:

1. Consultations to develop phased identification methodologies for projects in accordance with 36 C.F.R. § 800.4(b)(2);
2. Determinations to undertake archaeological research and fieldwork beyond standard Phase 1 survey testing and surface examination;
3. Initiation of consultation with Federally recognized Tribes in accordance with the Federal requirements for government-to-government consultation and Stipulation IV.B;
4. Consultations with the ACHP;
5. Consultations with, and notifications to the National Park Service (NPS) for projects involving National Historic Landmarks (NHLs), in accordance with 36 C.F.R. § 800.10;
6. Consultations to resolve disputes related to compliance with 36 C.F.R. Part 800 regardless of the nature of the dispute; for example, designation of the APE, identification of appropriate consulting parties, determinations of eligibility, and effects determinations;
7. Consultations to resolve adverse effects under 36 C.F.R. § 800.6;
8. Development of Memoranda of Agreement (MOAs) and Programmatic Agreements (PAs); and
9. Consultations and findings under Section 4(f) of the U.S. Department of Transportation Act of 1966, as amended, and any other concurrent Federal laws applicable to the project and/or the properties involved.

B. FHWA remains responsible for all consultations with the Federally recognized Tribes, and specifically retains its government-to-government relationship with the Tribes, in accordance with ACHP guidance, *Limitations on the delegation of Authority by Federal Agencies to Initiate Tribal Consultation Under Section 106 of the National Historic Preservation Act* (July 1, 2011), and pursuant to Executive Orders,

Presidential Memoranda, and other authorities. FHWA will initiate consultation with the Tribes, and, as appropriate, will inform FDOT of tribal concerns and opinions in order to ensure the opportunity to consider these concerns in the project development and Section 106 compliance processes.

- C. Retraction of Delegation of Authority.** FHWA may rescind the delegated authorities provided by this Agreement in whole or in part on either a state-wide or district basis if FHWA determines it needs to resume direct FHWA participation in order to assure meeting its obligations under Sections 106 and 110 of the NHPA. In such cases, FHWA will notify SEMO, the appropriate FDOT District(s), and the SHPO that it intends to resume direct FHWA authority of the tasks set forth in Stipulation III.A as well as other delegated responsibilities outlined in this Agreement. This notification shall consist of an official letter, signed by the FHWA Division Administrator.

V. Review of Minor Projects with No Potential to Affect Historic Properties

- A.** In accordance with the AOA, due to their nature and definition, the minor project types listed in **Exhibit 2** have no potential to cause effects to historic properties, provided that the following conditions are met:

1. The activity is a stand-alone project;
2. The activity does not occur on tribal lands;
3. The activity does not include and is not located in or adjacent to any historic/archaeological resources of 50 years of age or older; nor listed on the NRHP; nor is it a NHL;
4. The project must be limited to one of the activities specified in **Exhibit 2**; and
5. The SHPO and FHWA have been notified of the finding of no potential to affect historic properties and the rationale for the finding, and have not objected to the finding within thirty (30) days of its receipt of this notification.

- B.** FDOT will conduct an internal review to identify the minor project activities with no potential to cause effects, and will document each in the respective project file referencing this stipulation of the Agreement. These minor projects will be listed in the Annual Report, pursuant to Stipulation XII.D of this Agreement.

- C.** Any signatory to this Agreement may request a revision to **Exhibit 2**. This request must be submitted in writing to all signatories of this Agreement. Revisions to **Exhibit 2** will go into effect upon the written agreement of the signatories to this Agreement. Such revisions do not require that this Agreement be formally amended but will be incorporated into the guidance and direction provided in Part 2, Chapter 12 of the *PD&E Manual* and the *CRM Handbook*.

VI. Review of Minor Projects Considered Unlikely to Affect Historic Properties

- A.** In accordance with the AOA, due to their nature and definition, certain minor project activities are unlikely to cause effects to historic properties. These activities, listed in **Exhibit 3**, will be subject to an internal review process comprised of a desktop

evaluation and/or field review by FDOT District Environmental staff and their consultants. These minor projects will have no potential to affect historic properties provided the following conditions are met:

1. The activity is a stand-alone project;
 2. The activity does not occur on tribal lands;
 3. The activity is limited to one of the activities specified in **Exhibits 2 and 3**;
 4. The desktop analysis and/or field review efforts discussed below result in the identification of no historic resources within the project APE; and
 5. The SHPO and FHWA have been notified of the finding of No Historic Properties Affected and the rationale for the finding, and have not objected to the finding within thirty (30) days of its receipt of this notification.
- B.** The review of minor project types considered unlikely to affect historic properties will be made by FDOT staff and/or their consultants meeting the *Secretary of the Interior's Professional Qualifications Standards* for historians, archaeologists, architectural historians and other professionals.
- C.** In conducting their desktop review, FDOT staff and/or their consultants will use, to the extent possible and as appropriate, the FDHR's digital database of survey and site file records; the Florida Geographic Data Library (FGDL) available through the Efficient Transportation Decision Making (ETDM) Environmental Screening Tool (EST) or other Geographic Information System (GIS) tools; county property appraiser records; and other relevant research materials specified in the FDOT's *CRM Handbook*, and in accordance with Part 2, Chapter 12 of the *PD&E Manual*.
- D.** The field review will conform to the standards for a reconnaissance-level survey specified in the *CRM Handbook*. The objective of the field review will be to assess the likelihood for the occurrence of previously unidentified historic resources within the project APE.
- E.** A list of the minor projects reviewed under Stipulation VI of this Agreement, along with the findings for these projects, shall be included in the Annual Report.
- F.** If historic resources are located within the project APE, the project must be reviewed in accordance with Stipulation VII.
- G.** In the future, the signatories may identify other mutually agreed classes of activities that do not require historical significance evaluations and effects consultations with the SHPO. Revision to **Exhibit 3** will go into effect upon the written agreement of the signatories to this Agreement. Such revisions do not require that this Agreement be formally amended, but will be incorporated into the guidance and direction provided in Part 2, Chapter 12 of the *PD&E Manual* and the *CRM Handbook*.

VII. Standard Review for Program Undertakings

A. General Requirements. For FHWA Program undertakings that are not reviewed pursuant to Stipulations V and VI of this Agreement, FDOT will carry out the following Section 106 requirements in accordance with 36 C.F.R. §§ 800.3 through 800.6, and in conformity with Part 2, Chapter 12 of the *PD&E Manual* and the *CRM Handbook*. FDOT will ensure that all findings, determinations and agreements are documented in accordance with 36 C.F.R. §§ 800.11, and consistent with all applicable standards and guidelines promulgated by the FDOT and the FDHR. If at any point in the Section 106 process an objection or dispute arises, dispute resolution will proceed according to Stipulation XII.A of this Agreement.

B. Programmatic Exemptions to Section 106 Review. Under the terms of Stipulation VII of this Agreement, two programmatic exemptions apply to all Program undertakings:

1. Interstate Highway Exemption. The ACHP’s “Exemption Regarding Historic Preservation Review Process for Effects to the Interstate Highway System” (effective March 10, 2005) relieves FHWA from the Section 106 requirement of taking into account the effects of their undertakings on the Interstate Highway System. The Section 106 exemption removed the majority of the Interstate Highway System from being considered as a historic property under Section 106 of the NHPA.

a. In the State of Florida, four (4) exceptionally significant elements of the Interstate Highway System are excluded from the Exemption (“Final List of Nationally and Exceptionally Significant Features of the Federal Interstate Highway System,” *Federal Register*, December 19, 2006). When Program undertakings have the potential to affect these properties, the Section 106 review process is required. The exclusions to the exemption are:

Bob Graham/Sunshine Skyway Bridge
Alligator Alley
I-75 Snake Wall
Myrtle Avenue Overpass

b. For all other elements of the Interstate Highway System, FHWA will not carry out Section 106 consultation.

c. Any non-Interstate System historic properties that may be affected by an undertaking will still be considered under Section 106.

2. Common Post-1945 Concrete and Steel Bridges. The ACHP’s Program Comment (issued November 2, 2012) relieves FHWA from the requirement under Section 106 of the NHPA to consider the effects of its undertakings on common bridges and culverts constructed of concrete or steel after 1945. Under the Program

Comment, with limited exceptions, FDOT will not individually consider the effects of undertakings on common post-1945 bridges and culverts.

- a. In the State of Florida, nineteen (19) exceptional post-1945 bridges are excluded from the Program Comment. These bridges, listed in **Exhibit 4**, will require review pursuant to Section 106.
- b. Other than for the common bridge(s) itself, FHWA will complete Section 106 review for its undertakings, including the identification of historic properties and consideration of effects of such undertakings, on historic properties.

C. Initiating the Section 106 Process. During the earliest stages of project development, FDOT will carry out the requirements of 36 C.F.R. §§ 800.3 consisting of the following activities:

1. Establish that the action is an undertaking as defined in 36 C.F.R. §§ 800.3(a) and 800.16(y);
2. Identify, invite and document all consulting parties including the SHPO, Federally recognized Tribes, and members of the public, as appropriate. Initiation of consultation with Federally recognized Tribes will be undertaken by FHWA, in accordance with Stipulation IV.A and IV.B; and
3. As appropriate, FDOT will use the NEPA process to involve the public, pursuant to 36 C.F.R. §§ 800.8 and in accordance with Part 1, Chapter 11 of FDOT's *PD&E Manual*.

D. Identification and Evaluation. FDOT, in consultation with SHPO and with the assistance of the consulting parties, will carry out and document the following activities, in accordance with 36 CFR 800.4 and in conformity with Chapters 5 and 6 of the *CRM Handbook*:

1. Establish the project APE, as defined in 36 C.F.R. §§ 800.16(d). In conformity with the standards and guidelines contained in the *CRM Handbook*, different APEs may be established for archaeological and historical (built) resources, since the latter are more likely to be subject to indirect as well as direct effects. Whenever an undertaking is revised, FDOT will determine if the changes require modifying the APE.
2. Determine the scope of identification efforts. For large or complex projects, a phased approach may be appropriate, in accordance with Part 2, Chapter 12 of the *PD&E Manual* and consistent with *Guidance for Conducting Phased Cultural Resources Assessment Surveys for Transportation Projects in Florida Under the Provision of 36 C.F.R. Part 800.4(b)(2)*, promulgated by FHWA and FDOT (February 23, 2009).
3. Conduct the appropriate level of research and field survey to determine the presence or absence of historic properties within the APE. This work will be completed under the direction and supervision of individuals that meet the

Secretary of the Interior's Professional Qualifications Standards (36 C.F.R. Part 61, Appendix A and 48 FR 44716).

4. Evaluate the significance of all identified historic resources in accordance with the National Register Criteria for Evaluation, as found in 36 C.F.R. Part 60.4, and in consultation with the SHPO.
5. If either no historic properties are present or there are historic properties present but the undertaking will have no effect upon them, FDOT will provide the supporting documentation and notification requirements for a finding of No Historic Properties Affected to FHWA, the SHPO and the other consulting parties, as set forth in 36 C.F.R. § 800.11(d). FDOT will request SHPO concurrence on the findings and request comments from the consulting parties. A record of these findings shall be included in the Annual Report prepared pursuant to Stipulation XII.D of this Agreement.
6. If there are historic resources which may be of religious or cultural importance to the Federally recognized Tribes present in the APE, FDOT will provide sufficient copies of the Cultural Resources Assessment Survey (CRAS) and other appropriate supporting documents to FHWA for transmittal to these Tribes.
7. If the SHPO or, if participating, the ACHP, or the other appropriate consulting parties, does not object within thirty (30) days of receiving an adequately documented finding, in accordance with 36 C.F.R. § 800.11, FDOT's consultation responsibilities under Section 106 are fulfilled and the project may proceed.
8. If the SHPO, or if participating, the ACHP, or any of the other consulting parties objects within thirty (30) days of receiving an adequately documented finding, in accordance with 36 C.F.R. § 800.11, FDOT will consult with the objecting party to resolve the disagreement. If FDOT cannot resolve the objection, FDOT will provide the materials related to the objection to FHWA for further action in accordance with Stipulation XII.A.
9. FDOT, in consultation with FHWA, will reevaluate each project in accordance with Part 1, Chapter 13 (Reevaluation) of the FDOT's *PD&E Manual*. Where reevaluation identifies project changes which result in new or modified project "footprints," where additional ground disturbing activities are included or identified beyond what had been initially reviewed, and/or where the significance of historic resources may have changed due to the passage of time, FDOT will review the project and determine if a CRAS update is required to reevaluate the project's potential effects on historic properties. If such work is required, FDOT will conduct the appropriate level of additional survey and effects analysis as set forth in this stipulation for Standard Reviews.

E. Findings of Effect. If historic properties are identified within the project APE that may be affected by the undertaking, FDOT, in consultation with SHPO and other consulting parties, will assess adverse effects in accordance with 36 C.F.R. § 800.5, and in conformity with Part 2, Chapter 12 of the *PD&E Manual* and Chapter 8 of the *CRM Handbook*.

1. When FDOT determines that the Criteria of Adverse Effect set forth in 36 C.F.R. § 800.5 do not apply to the historic properties within the project APE, FDOT will make a formal finding of No Adverse Effect to Historic Properties and will submit to SHPO and the consulting parties this finding along with the appropriate supporting documentation, in accordance with the requirements specified in 36 C.F.R. § 800.11(e), and in conformity with Part 2, Chapter 12 of the FDOT's *PD&E Manual*, and Chapter 7 of the *CRM Handbook*. FDOT will request SHPO concurrence as well as comments from the consulting parties on these findings. A record of these findings will be included in the Annual Report prepared pursuant to Stipulation XII.D.
2. When FDOT determines that the Criteria of Adverse Effect apply to one or more historic properties within the project APE, FDOT will make a formal finding of Adverse Effect and will submit this finding along with the appropriate supporting documentation, in accordance with the requirements specified in 36 C.F.R. § 800.11(e) to: SHPO, FHWA (with enough copies for distribution to the appropriate Federally recognized Tribes when necessary), the other consulting parties, and, if participating, the ACHP. FDOT will request SHPO concurrence as well as comments from the consulting parties on these findings. A record of these findings will be included in the Annual Report prepared pursuant to Stipulation XII.D.
3. If SHPO or, if participating, the ACHP, FHWA (based upon tribal comments), or other appropriate consulting party object to a finding of No Adverse Effect within thirty (30) days of the receipt of an adequately documented finding, in accordance with 36 C.F.R. § 800.11, FDOT will consult with the objecting party to resolve the disagreement. If FDOT cannot resolve the objection, FDOT will provide the materials related to the objection to FHWA for further action in accordance with Stipulation XII.A.

F. Effects to National Historic Landmarks. Pursuant to 36 C.F.R. § 800.10, and in conformity with Stipulation IV of this Agreement, FHWA will notify and consult with the NPS for undertakings that may adversely affect an NHL. FHWA shall request the ACHP to participate in any consultation to resolve adverse effects, and shall notify the Secretary of the Interior of any consultation involving a NHL and invite the Secretary to participate in the consultation where there may be an adverse effect, in accordance with 36 C.F.R. § 800.10(c).

G. Resolution of Adverse Effects. FDOT, on behalf of FHWA, will coordinate consultation among FHWA, the SHPO, consulting parties, and the ACHP (when participating in the consultation) to develop effective and appropriate measures to avoid, minimize or mitigate the adverse effects of the proposed undertaking on historic properties, in accordance with 36 C.F.R. § 800.6 and in conformity with Part 2, Chapter 12 of the *PD&E Manual* and Chapter 8 of the *CRM Handbook*. FDOT will ensure that the appropriate public involvement procedures are followed so that a good faith effort is made to receive public input.

1. If FHWA, FDOT, SHPO and the ACHP (if participating) agree on measures to resolve the adverse effect, they shall execute a Memorandum of Agreement (MOA) in accordance with 36 C.F.R. § 800.6(c). When the ACHP elects not to participate, FDOT shall provide a copy of the executed MOA to the ACHP pursuant to 36 C.F.R. § 800.6(c).
2. If there is a failure to resolve the adverse effect, or if FHWA is unable to execute the MOA, FHWA will request the ACHP comment in accordance with 36 C.F.R. § 800.7.

VIII. *De minimis* Impact Finding under Section 4(f).

For the purposes of reaching a *de minimis* finding under Section 4(f) of the U.S. Department of Transportation Act of 1966, as amended, in accordance with 23 C.F.R. §§ 774.3(b) and 774.5(b)(1), if the SHPO and, if participating, the ACHP, concur with a FDOT or, as appropriate, a FHWA finding of No Historic Properties Affected for a project as a whole in accordance with 36 C.F.R. § 800.4(d) or to No Adverse Effect on a specific historic property as per 36 C.F.R. § 800.5(d), SHPO shall presume that FHWA will proceed with a *de minimis* Section 4(f) finding at its discretion for the use of land from the historic property. In these cases, no additional notification or coordination with the SHPO regarding this finding will be required unless there is a change to the undertaking or status of the historic property or its evaluation.

IX. Emergency Situations.

Pursuant to 36 C.F.R. § 800.12, FDOT, on behalf of FHWA, will implement the following procedures to address historic properties if a disaster or emergency situation arises. This stipulation applies only to undertakings that will be implemented within thirty (30) days after a disaster or emergency is declared by the President of the United States and/or the Governor of Florida. In accordance with 36 C.F.R. § 800.12, immediate rescue and salvage operations conducted to preserve life or property are exempt from the provisions of Section 106, except as otherwise stated in this Agreement.

- A.** In most cases, emergency repairs will not have a significant impact on the human and natural environment as defined in 40 C.F.R. § 1508.27, and can be processed as categorical exclusions pursuant to 23 C.F.R. § 771.117. In cases where emergency repairs will cause significant impacts, the FHWA Florida Division Office will contact the FHWA Headquarters Office to determine appropriate procedures as required by 23 C.F.R. § 771.131 and 36 C.F.R. § 800.12.
- B.** In those situations where unanticipated and sudden events, including but not limited to, floods, fires, and hurricanes that result in or that cause or effect an immediate health and safety hazard, FDOT will take the necessary steps to make the historic property safe and secure. Within forty-eight (48) hours of the initial declaration or identification of the emergency, or as soon as practicable, FDOT will notify the SHPO of such activities, providing a brief description of the nature of the emergency and proposed corrective work.

- C. For repairs initiated within the first thirty (30) days of the declaration and which have the potential to affect historic properties, the processing of environmental documentation will happen concurrently or after the emergency work is completed. In all cases, FDOT shall comply to the extent possible with the stipulations of this Agreement.
- D. Any work beyond the scope of the emergency operation will comply with the standard Section 106 procedures outlined in Stipulation VII of this Agreement. In these situations, FDOT may request an expedited review by SHPO and other consulting parties.
- E. When the proposed emergency undertaking may affect any historic property that a Federally recognized Tribe attaches religious and cultural significance to, FDOT will inform FHWA and FHWA will consult with the appropriate Tribe on a government-to-government basis.

X. Post-Review Discoveries.

In accordance with 36 C.F.R. § 800.13, FDOT on behalf of FHWA will take the following actions if a post-review discovery is made:

- A. If previously unidentified historic properties are discovered after FHWA has approved the undertaking, but before construction has started, the consultation process outlined in Stipulation VII will be followed.
- B. If previously unidentified historic properties are discovered during construction, or if unanticipated impacts to known historic properties occur during construction, the following procedures shall be followed:
 1. All construction-related activity in the vicinity of the discovery shall stop immediately and the contractor shall notify FDOT of the discovery. Necessary security measures will be taken to protect the discovery as appropriate.
 2. FDOT will notify the SHPO and FHWA of the discovery and invite them to accompany FDOT staff (or consultants) to the location within forty-eight (48) hours of the discovery.
 3. FHWA will notify any Indian tribe that might attach religious and cultural significance to the affected property and inform FDOT of any tribal concerns related to the discovery.
 4. FDOT shall consult with the SHPO/THPO and appropriate consulting parties to document and evaluate the project effects and the need, if any, for further investigation.
 5. If FDOT determines that the discovery does not warrant further investigation, they will provide written notification to the SHPO and FHWA outlining FDOT's reasons and requesting their concurrence within two (2) business days of the visit to the discovery location. The SHPO/THPO and Indian tribes will have two (2) business days after receipt to respond. If no comments are received

within this period, concurrence will be assumed, and project construction may resume.

6. If FDOT determines that the site warrants further investigation, a scope of work will be developed within forty-eight (48) hours of the visit to the site. The scope of work will be submitted to the SHPO and FHWA. The SHPO/THPO and Tribes will have two (2) business days after receipt to review and comment. If no comments are received within this period, concurrence will be assumed and work implemented in accordance with the scope. If comments are received, FDOT on behalf of FHWA and, as appropriate, in consultation with FHWA, shall take them into account and carry out the scope of work. Upon completion and acceptance of the work, construction may proceed as planned. A report of the investigations will be completed within the time frame established by the scope of work and copies provided to all consulting parties. Should any party object to the proposed work plan or results, FDOT and FHWA will proceed in accordance with Stipulation XII.A.
7. When the discovery consists of human remains, graves, or grave-associated artifacts or other properties that Federally recognized Tribes with ancestral ties to Florida may ascribe traditional cultural and religious significance to, FHWA will notify the Tribes. FDOT will comply with Section 1.6 of the FDOT *Standard Specifications for Road and Bridge Construction* and the procedures for inadvertent discovery of human remains contained in Chapter 872.05, F.S.
8. For newly discovered properties of religious or cultural significance to Federally recognized Tribes which occur on Federal or tribal lands, FHWA remains the lead agency for the purposes of compliance with Section 106 and the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 (PL 101-601).

XI. Treatment of Human Remains

Historic and prehistoric human remains are protected under Chapter 872, F.S. The treatment of human remains encountered during project construction or any other FDOT project-related activities will conform to Chapter 872, F.S. and in conformity with Chapter 3 of the *CRM Handbook* and Section 7-1.6 of the FDOT *Standard Specifications for Road and Bridge Construction*. All work shall cease in the area of the human burial and, as appropriate, the District Medical Examiner or the State Archaeologist will be contacted and the applicable process followed based upon the nature and age of the burial. The FDOT and FHWA Native American Coordinators will be consulted to assure that the Tribes receive the proper information and are included in the determination of effects, if applicable. For Native American human remains discovered on Federal lands, the Federal land managing agency will be responsible for consultation under NAGPRA.

XII. Administrative Provisions

- A. Dispute Resolution.** Should any signatory to this Agreement object in writing regarding any undertaking or finding covered by this Agreement, FDOT on behalf of FHWA shall consult with the objecting party to try to resolve the objection. If FDOT determines that it cannot resolve the objection, it shall request FHWA's assistance in

resolving the objection. If the objection cannot be resolved, FHWA will complete the review of the undertaking in accordance with 36 C.F.R. §§ 800.4 through 800.6, and will:

1. Forward all documentation relevant to the dispute to the ACHP in accordance with 36 C.F.R. § 800.2(b)(2). Upon receipt of adequate documentation, the ACHP shall review and advise FHWA on the resolution of the objection within thirty (30) days. Any comment provided by the ACHP, and all comments from the parties to this Agreement, will be taken into account by FHWA in reaching a final decision regarding the dispute.
2. If the ACHP does not provide comments regarding the dispute within thirty (30) days after receipt of adequate documentation, FHWA may render a decision regarding the dispute. In reaching its decision, FHWA will take into account all comments regarding the dispute from the parties to this Agreement.
3. FHWA's and FDOT's responsibility to carry out all other actions subject to the terms of this Agreement that are not subject of the dispute remain unchanged. FHWA will notify all parties of its decision in writing before implementing that portion of the undertaking subject to dispute under this stipulation. FHWA's decision will be final.

B. Coordination of Project Review with the FDOT Districts. FDOT-SEMO will direct the District Environmental and cultural resources staff to follow the procedures established with this Agreement. All documentation prepared pursuant to this Agreement will be submitted to the appropriate FDOT District staff for review, submittal, and archival filing, and to ensure consistency and quality control. All consultations with SHPO, the Federally recognized Tribes, as received from FHWA, and other consulting parties will be conducted by FDOT District cultural or environmental staff, or their consultants, and all documentation will be kept on file in the District

C. FDOT District Non-Participation. Should any FDOT District choose to not assume direct authority over the tasks set forth in Stipulation III.A as well as the other delegated responsibilities outlined in this Agreement, it may do so by informing FDOT-SEMO of its intent along with the reason(s) it does not want to assume this authority. FDOT-SEMO will notify SHPO and FHWA Division in a letter signed by the appropriate District Secretary. Upon receipt of this notification, FHWA will maintain direct authority over the CRM compliance program in the appropriate FDOT District(s) for all FHWA funded or approved projects.

D. Annual Reports. FDOT-SEMO will provide to FHWA and SHPO an Annual Report within three (3) months of the first complete calendar year following the execution of this Agreement and every subsequent year thereafter covering the Section 106 activities completed pursuant to this Agreement for the calendar year. The Annual Report will include a list of projects and findings made by FDOT on behalf of FHWA, mitigation efforts undertaken in compliance with Section 106 of the NHPA, and a summary of actions taken under the terms of this Agreement since the previous

calendar year. FDOT will notify the ACHP and the Tribes of the availability of the Annual Report. The timing and the subject matter of these reports are as follows:

1. Thirty (30) days prior to SEMO's Annual Report submittal, the FDOT District Environmental staff and the SHPO transportation compliance staff shall submit summary reports of the previous year's activities carried out under this Agreement to SEMO.
2. The Annual Report prepared by SEMO and FDOT Districts shall include, but not be limited to, summaries in table form identifying all undertakings processed and reviewed under Stipulation VII, the locations of these undertakings along with the project name and identification numbers, and all findings pursuant to 36 C.F.R. Part 800 that were processed by FDOT for the year under review. A list of minor projects reviewed under Stipulations V and VI of this Agreement shall also be included in separate tables and shall identify the project type as listed in **Exhibits 2 or 3**. The Annual Report may also contain a narrative description of particularly successful avoidance, minimization, and mitigation efforts as well as discussion items and recommendations regarding any aspect of this Agreement, including best management practices. As available, a record of costs directly related to the identification and evaluation of historic properties as well as for mitigation and minimization of adverse effects efforts shall be included, also in separate tables.

E. Agreement Evaluation. FDOT, FHWA, and the SHPO shall evaluate the effectiveness of this Agreement within three (3) months after the completion of the first Annual Report, or as necessary, to suggest revisions to its provisions, and to assess the quality of the historic property identification, evaluation and consultation efforts, and any other activities carried out under this Agreement.

F. Amendment. This Agreement may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP. All parties must signify their acceptance of the proposed changes to the Agreement in writing within thirty (30) days of their receipt. Where no consensus can be reached, the Agreement will not be amended.

G. Termination. Any signatory to this Agreement may terminate it by providing thirty (30) days notice in writing to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments and other actions that would avoid termination. In the event of termination, the FHWA will comply with the requirements of 36 C.F.R. §§ 800.3 through 800.6 with regard to individual undertakings covered by this Agreement.

H. Duration. This Agreement will be reviewed every five (5) years from the date of execution for modifications or termination. If no changes are proposed and no signatory objects, the term of the Agreement will be extended automatically for another five (5) years without re-execution. Acknowledgement of such a review will be documented in the Annual Report.

- I. Effective Date.** This Agreement will take effect following execution by FHWA, SHPO, ACHP, and FDOT. Additional attachments or amendments to this Agreement shall take effect on the dates that are fully executed by the signatories.

Execution and implementation of this Agreement is evidence that FHWA has satisfied its Section 106 responsibilities for all individual undertakings of the Federal-aid Highway Program in Florida and has afforded the ACHP, the public, and interested parties a reasonable opportunity to comment on the Program and its undertakings.

FEDERAL HIGHWAY ADMINISTRATION

James Christian, Division Administrator	Date
Florida Division of the Federal Highway Administration	

FLORIDA HISTORIC PRESERVATION OFFICER

Robert F. Bendus, State Historic Preservation Officer and Director, Florida Division of Historical Resources	Date
---	------

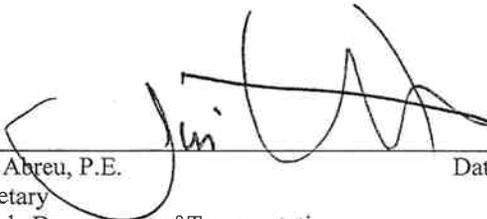
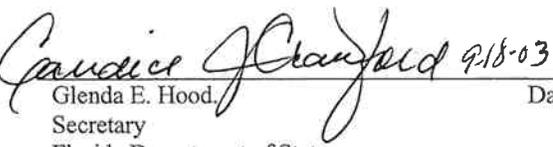
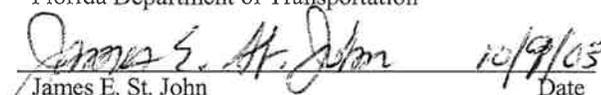
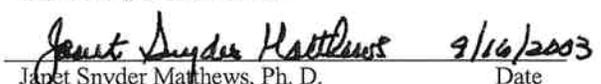
FLORIDA DEPARTMENT OF TRANSPORTATION

Jim Boxold, Secretary	Date
Florida Department of Transportation	

ADVISORY COUNCIL ON HISTORIC PRESERVATION

John M. Fowler, Executive Director	Date
Advisory Council on Historic Preservation	

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 <u>10-20-03</u>	 _____ Glenda E. Hood, Secretary Florida Department of State Date <u>9/18/03</u>
 _____ James E. St. John Florida Division Administrator Federal Highway Administration Date <u>10/9/03</u>	 _____ Janet Snyder Matthews, Ph. D. State Historic Preservation Officer Florida Department of State Date <u>9/16/2003</u>
 _____ John Fowler Executive Director Advisory Council on Historic Preservation Date <u>10/1/03</u>	

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.

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

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.

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

ETDM Database (MPO, FDOT, FGDL)	FHWA/FDOT Responsibilities	SHPO Responsibilities
<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

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

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.

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

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.

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

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

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

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.

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

ETDM Database (MPO, FDOT,FGDL)	FHWA/FDOT Responsibilities	SHPO and ACHP Responsibilities
<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.

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

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		
<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	<input type="checkbox"/> Participate in development of alternatives	<input type="checkbox"/> Review and comment on preliminary alternatives and analysis
Technical Reports		
<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) 	<input type="checkbox"/> Review and comment on technical reports	<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)

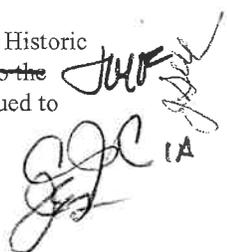
Appendix I
Florida State Historic Preservation Officer (SHPO)
and Advisory Council on Historic Preservation (ACHP)
Agency Operating Agreement, Continued
August 15, 2003

FDOT	FHWA	SHPO and ACHP ETAT Reviews
EA/DEIS		
<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.	<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	<input type="checkbox"/> Review and comment on EA/ DEIS within 30 calendar days of notification
Public Hearing		
<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	<input type="checkbox"/> Attend hearing and participate as necessary	<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		
<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	<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	<input type="checkbox"/> Review FONSI or FEIS and concur within 30 calendar days on NEPA and permit compliance
Final Design		
<input type="checkbox"/> Environmental reevaluation and consultation with SHPO and ACHP and FHWA on any major design modifications	<input type="checkbox"/> Approve Environmental Reevaluation <input type="checkbox"/> Participate in reviews to monitor implementation of EA or FEIS commitments	<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		
For those projects not subject to 373.4137, F.S., the following applies: <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.	<input type="checkbox"/> Monitor implementation and status of mitigation efforts and sites	<input type="checkbox"/> Review periodic reports, field reviews and consult with FDOT on mitigation success, as necessary

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

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 Natural 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.

EXHIBIT 2**Minor Project Activities with No Potential to Affect Historic Properties**

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

EXHIBIT 3**Minor Project Activities Considered Unlikely to Affect Historic Properties**

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.
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 interchanges, 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.
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

EXHIBIT 4**Florida Post-1945 Bridges Excluded from the Exemption as per the ACHP's Program Comment**

Bridge Number	Name	Location	Bridge Type	Year Built	Brief Description Of Significance
054015	CR-721A/ Harney Pond Canal	Glades County	Prestressed Concrete slab	1958	Very early or particularly important example of its type in the State or the nation
910001	SR-70/ Kissimmee River	Okeechobee/ Highlands Counties	Steel girder	1966	Has distinctive engineering or architectural features that depart from standard bridge designs
910009	SR-78/ Kissimmee River	Okeechobee County	Steel girder	1964	Has distinctive engineering or architectural features that depart from standard bridge designs
720075	SR-109/ SR-10A	Duval County	Concrete Tee beam	1952	Has distinctive engineering or architectural features that depart from standard bridge designs
720087	US-1/ Miami Road	Duval County	Continuous Steel girder	1968	Has distinctive engineering or architectural features that depart from standard bridge designs
720100	SR-115A Flyover/ SR-10A	Duval County	Concrete Box beam	1961	Very early or particularly important example of its type in the State or the nation
760002	SR-19/Proposed Cross Florida Barge Canal	Putnam County	Continuous Steel girder	1967	Associated with an event or individual. Features spans of exceptional length or complexity. Displays other elements that were engineered to respond to a unique environmental context.
580951	SR-399/ICWW	Santa Rosa County	Steel girder	1960	Features spans of exceptional length or complexity. Displays other elements that were engineered to respond to a unique environmental context.
460019	US-98 (SR-30)/ ICWW	Bay County	Concrete girder	1965	Features spans of exceptional length or complexity. Displays other elements that were engineered to respond to a unique environmental context.
570034	US-98 (SR-30)/ ICWW	Okaloosa County	Steel girder	1964	Features spans of exceptional length or complexity. Displays other elements that were engineered to respond to a unique environmental context.
880005	James H. Pruitt Memorial/ SR-A1A over Sebastian Inlet	Indian River County	Prestressed concrete girder	1964	Very early or particularly important example of its type in the State or the nation
364040	CR-316/Proposed Cross Florida Barge Canal	Marion County	Continuous steel girder	1969	Associated with an event or individual. Features spans of exceptional length or complexity.

Bridge Number	Name	Location	Bridge Type	Year Built	Brief Description Of Significance
					Displays other elements that were engineered to respond to a unique environmental context.
360055	SR-40/Ocklawaha River	Marion County	Continuous steel girder	1972	Associated with an event or individual. Features spans of exceptional length or complexity. Displays other elements that were engineered to respond to a unique environmental context.
904603	Bimini Drive/ Sam's Canal	Monroe County	Prestressed concrete channel beam	1955/ 1982	Associated with an event or individual. Has distinctive engineering or architectural features that depart from standard bridge designs
904604	Harbour Drive/ Joe's Canal	Monroe County	Prestressed concrete channel beam	1955/ 1982	Associated with an event or individual. Has distinctive engineering or architectural features that depart from standard bridge designs
904606	Seaview Drive/ Un-Named Canal	Monroe	Prestressed concrete channel beam	1955/ 1982	Associated with an event or individual. Has distinctive engineering or architectural features that depart from standard bridge designs
870078	SR-826 SB Flyover to SR-836	Miami-Dade County	Prestressed concrete box beam	1967	Very early or particularly important example of its type in the State or the nation
None	Florida Kennels Rock Bridge/ driveway over Red Canal	Miami-Dade County	Concrete and rock culvert	1947	Has distinctive engineering or architectural features that depart from standard bridge designs
None	Rock Bridge over Red Road Canal	Miami-Dade County	Concrete and rock culvert	1947	Has distinctive engineering or architectural features that depart from standard bridge designs