

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

AGENDA
ENVIRONMENTAL STEWARDSHIP COMMITTEE MEETING
June 17, 2021
10:00 a.m.

Meeting location: Central Florida Expressway Authority
4974 ORL Tower Road
Orlando, FL 32807
Boardroom

A. CALL TO ORDER

B. PUBLIC COMMENT

Pursuant to Section 286.0114, Florida Statutes and CFX Rule 1-1.011, the Environmental Stewardship Committee provides for an opportunity for public comment at the beginning of each regular meeting. The Public may address the Committee on any matter of public interest under the Committee's authority and jurisdiction, regardless of whether the matter is on the Committee's agenda but excluding pending procurement issues. Each speaker shall be limited to 3 minutes. The Public may also submit written comments in advance of the meeting to be read into the record except that if the comments exceed 3 minutes in length, when read, they will only be attached as part of the minutes.

C. APPROVAL OF MEETING MINUTES (action item)

1. OCTOBER 22, 2020 MINUTES
2. FEBRUARY 18, 2021 MINUTES

D. AGENDA ITEMS

1. **SR 414 PROJECT DEVELOPMENT & ENVIRONMENT (PD&E) STUDY** – *Carnot Evans, GEC Project Manager, Dewberry (info item)*
2. **NORTHEAST CONNECTOR EXPRESSWAY PHASE 1 PROJECT DEVELOPMENT AND ENVIRONMENT (PD&E) STUDY** – *Dan Kristoff, Project Manager, RS&H (info item)*
3. **PROJECT PERMITTING UPDATE** – *Nicole Gough, Senior Environmental Specialist, Dewberry (info item)*

E. OTHER BUSINESS

F. ADJOURNMENT

(CONTINUED ON PAGE 2)

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

This meeting is open to the public.

Section 286.0105, Florida Statutes states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, they will need a record of the proceedings, and that, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Persons who require translation services, which are provided at no cost, should contact CFX at (407) 690-5000 x5316 or by email at Iranetta.Dennis@cfxway.com at least three (3) business days prior to the event.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodations to participate in this proceeding, then they should contact the Central Florida Expressway Authority at (407) 690-5000 no later than two (2) business days prior to the proceeding.

Please note that participants attending meetings held at the CFX Headquarters Building are subject to certain limitations and restrictions in order to adhere to the CDC guidelines and to ensure the safety and welfare of the public.

C.

**APPROVAL OF
MEETING
MINUTES**

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

DRAFT MINUTES

CENTRAL FLORIDA EXPRESSWAY AUTHORITY ENVIRONMENTAL STEWARDSHIP COMMITTEE MEETING October 22, 2020

Location: Virtual

Zoom Webinar by calling the toll-free number (877) 853-5257 and entering the webinar ID:
917 2353 2091 or viewed by using the link,
[https://cfxway.zoom.us/Environmental Stewardship Committee/10.22.20](https://cfxway.zoom.us/Environmental%20Stewardship%20Committee/10.22.20)
and entering the passcode: 714412

Committee Members Appearing Virtually:

Robert Mindick, Osceola County Representative, Committee Chairman
Jim Barfield, Brevard County Representative
Richard Durr, Seminole County Representative
Beth Jackson, Orange County Representative
Charles Lee, Citizen Representative
Brittany Sellers, City of Orlando Representative

Committee Member Not Present:

Timothee Sallin, Lake County Representative

Also Appearing Virtually:

Laura Kelley, Executive Director
Glenn Pressimone, Chief of Infrastructure
Michelle Maikisch, Chief of Staff/Public Affairs Officer
Diego "Woody" Rodriguez, General Counsel
Rita Moore, Recording Secretary/Executive Assistant
Jim Wood, Kimley-Horn and Associates
Sunserea Dalton, Jacobs Engineering Group
Jason Lauritsen, Florida Wildlife Corridor

A. CALL TO ORDER

The meeting was called to order at approximately 10:01 am by Chairman Mindick.

Recording Secretary, Rita Moore called the roll and announced there was a quorum with six (6) Committee Members present.

B. PUBLIC COMMENT

Mr. Woody Rodriguez, General Counsel announced there were no public comments.

C. APPROVAL OF THE AUGUST 20, 2020 MINUTES

A motion was made by Ms. Jackson and seconded by Mr. Lee to approve the August 20, 2020 minutes with a correction to page 5, paragraph 2, 'AJ' was corrected to read 'Ajay'. The motion carried unanimously with all six (6) members in attendance voting AYE by voice vote. Mr. Sallin was not present.

D. EAST CENTRAL FLORIDA CORRIDORS TASK FORCE SUMMARY

Mr. Jim Wood of Kimley-Horn and Associates presented the East Central Florida Corridors Task Force Summary. He described the background of the East Central Florida corridors task force, provided an overview of the planning approach & schedule, and the recommendations of the task force.

The Committee Members asked questions which were answered by Mr. Wood.

(This item was presented for information only. No committee action was taken.)

E. SR 414 PROJECT DEVELOPMENT & ENVIRONMENT (PD&E) STUDY

Ms. Sunsera Dalton of Jacobs Engineering Group presented the SR 414 Project Development & Environment PD&E Study. She described the location of the SR 414 project and the objectives of the Project Development & Environment (PD&E) study as well as the evaluation criteria.

The Committee Members asked questions which were answered by Ms. Dalton.

(This item was presented for information only. No committee action was taken.)

F. WILDLIFE CORRIDORS

Mr. Jason Lauritsen of Florida Wildlife Corridor presented on Wildlife Corridors. He defined what a wildlife corridor is and summarized the functions as well as the habitat patches and connectivity.

The Committee Members asked questions which were answered by Mr. Lauritsen.

(This item was presented for information only. No committee action was taken.)

G. CFX SUSTAINABILITY PROGRAM

Mr. Bryan Homayouni presented the CFX Sustainability Program. He described the steps that CFX is taking to commit to sustainability including deployment of photovoltaic power solutions, energy efficient buildings, and readiness for vehicle electrification.

The Committee Members asked questions which were answered by Mr. Homayouni.

(This item was presented for information only. No committee action was taken.)

H. OTHER BUSINESS

No other business was discussed.

I. ADJOURNMENT

Chairman Mindick adjourned the meeting at approximately 12:10 p.m.

Minutes approved on _____, 2021.

Pursuant to the Florida Public Records Law and CFX Records Management Policy, audio tapes of all Board and applicable Committee meetings are maintained and available upon request to the Records Management Liaison Officer at publicrecords@CFXway.com or 4974 ORL Tower Road, Orlando, FL 32807.

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

DRAFT MINUTES

CENTRAL FLORIDA EXPRESSWAY AUTHORITY ENVIRONMENTAL STEWARDSHIP COMMITTEE MEETING February 18, 2021

Location: Virtual

Zoom Webinar by calling the toll-free number (877) 853-5257 and entering the webinar ID:
917 2353 2091 or viewed by using the link,

[https://cfxway.zoom.us/Environmental Stewardship Committee/02.18.21](https://cfxway.zoom.us/Environmental%20Stewardship%20Committee/02.18.21)

and entering the passcode: 714412

Committee Members Appearing Virtually:

Robert Mindick, Osceola County Representative, Committee Chairman
Jim Barfield, Brevard County Representative
Richard Durr, Seminole County Representative
Beth Jackson, Orange County Representative
Charles Lee, Citizen Representative
Brittany Sellers, City of Orlando Representative

Committee Member Not Present:

Timothee Sallin, Lake County Representative

Others Appearing Virtually:

Laura Kelley, Executive Director
Michelle Maikisch, Chief of Staff/Public Affairs Officer
Rita Moore, Recording Secretary/Executive Assistant
Laura Newlin Kelly, Associate General Counsel
Glenn Pressimone, Chief of Infrastructure
Ralph Bove, Volkert, Inc.
Dan Kristoff, RS&H, Inc.
Clif Tate, Kimley-Horn and Associates

A. CALL TO ORDER

The meeting was called to order at approximately 10:01 am by Chairman Mindick.

Recording Secretary, Rita Moore called the roll and announced there was a quorum with six (6) Committee Members present.

B. PUBLIC COMMENT

Ms. Rita Moore, Recording Secretary announced there were no public comments.

C. REVIEW OF THE OCTOBER 22, 2020 MINUTES

Discussion ensued regarding the detail level of the minutes.

Ms. Laura Kelley, Executive Director explained that the Board approved the motion-based style of minutes.

A recommendation was made to include a link to the recording of the meeting for anyone requiring more detail around the agenda items.

D. AGENDA ITEMS

1. OSCEOLA/BREVARD COUNTY CONNECTOR CONCEPT, FEASIBILITY AND MOBILITY (CF&M) STUDY

Mr. Clif Tate of Kimley-Horn and Associates presented the Osceola/Brevard County Connector Concept, Feasibility and Mobility (CF&M) Study. He described the study objective & methodology as well as the previous Environmental Stewardship Committee (ESC), Environmental Advisory Group (EAG) & Project Advisory Group (PAG) input and the alternatives identified based on the input.

The Committee Members asked questions which were answered by Mr. Wood.

(This item was presented for information only. No committee action was taken.)

2. NORTHEAST CONNECTOR EXPRESSWAY PHASE 1 PROJECT DEVELOPMENT AND ENVIRONMENT (PD&E) STUDY

Mr. Dan Kristoff of RS&H, Inc. presented the Northeast Connector Expressway Phase 1 Project Development and Environment (PD&E) Study. He described the projects goals & objectives. He outlined the advisory groups input and how the input was being utilized as well as the study area & corridor revisions.

The Committee Members asked questions which were answered by Mr. Kristoff.

(This item was presented for information only. No committee action was taken.)

3. SOUTHPORT CONNECTOR PROJECT DEVELOPMENT AND ENVIRONMENT (PD&E) STUDY

Mr. Ralph Bove of Volkert, Inc. presented the Southport Connector Project Development and Environment (PD&E) Study. He described the projects goals & objectives. He outlined the advisory groups input and how the input was being utilized as well as the study area & corridor revisions.

The Committee Members asked questions which were answered by Mr. Bove.

(This item was presented for information only. No committee action was taken.)

4. WILDLIFE CORRIDOR DISCUSSION

Chairman Mindick discussed the importance of wildlife corridors for the future of road design and construction. He recommended several books to the Committee Members on the topic of Wildlife Corridors.

(This item was presented for information only. No committee action was taken.)

E. OTHER BUSINESS

Chairman Mindick stated, per the charter, today's meeting would be his last as the Environmental Stewardship Committee Chairman and the new Environmental Stewardship Committee Chairman would be Timothee Sallin (Lake County Representative).

F. ADJOURNMENT

Chairman Mindick adjourned the meeting at approximately 12:10 p.m.

Minutes approved on _____, 2021.

Pursuant to the Florida Public Records Law and CFX Records Management Policy, audio tapes of all Board and applicable Committee meetings are maintained and available upon request to the Records Management Liaison Officer at publicrecords@CFXway.com or 4974 ORL Tower Road, Orlando, FL 32807.

D.1

SR 414 PROJECT DEVELOPMENT & ENVIRONMENT (PD&E) STUDY

**THE BACKUP FOR
THIS ITEM WILL BE
PROVIDED AT A
LATER DATE**

D.2
NORTHEAST
CONNECTOR
EXPRESSWAY
PHASE 1 PROJECT
DEVELOPMENT AND
ENVIRONMENT
(PD&E) STUDY

**THE BACKUP FOR
THIS ITEM WILL BE
PROVIDED AT A
LATER DATE**

D.3
PROJECT
PERMITTING
UPDATE



State and Federal Permitting Updates

Nicole Gough
Dewberry Engineers Inc.
General Engineering Consultant

June 17, 2021

Presented to:

**CENTRAL
FLORIDA
EXPRESSWAY
AUTHORITY**

Permitting Process

Regulatory Agency jurisdiction is defined by authorizing legislation and interagency delegation agreements.

- Federal

- Section 404(g) of the Clean Water Act (CWA), 33 U.S.C. § 1344(g)
 - Dredge or Fill in Waters of The US (WOTUS)
 - Joint EPA administration
 - NMFS and USFWS Advisory Roles
- Section 10 Rivers and Harbors Act
- Tribal Lands

- State

- Section 373 Florida Statutes
 - Permitting Responsibility
- Chapter 62-113 F.A.C (Delegations)
- Chapter 62-330 F.A.C.
 - (Statewide ERP) process for ERP

Regulatory Updates

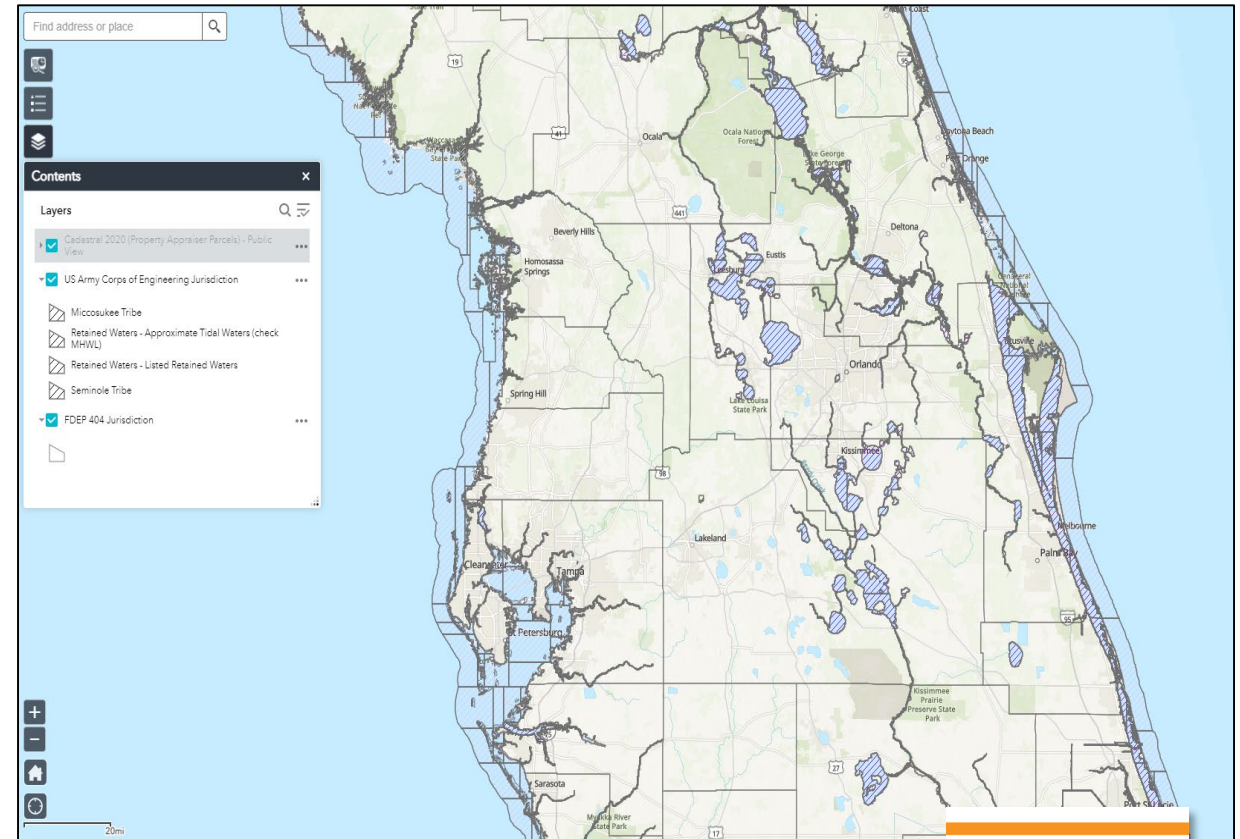
- FDEP and WMD undergo frequent Rulemaking
 - Updates to A.H. and forms
 - Regulatory Plan updates focus on Water Quality and Water Supply
 - Some delegation agreement refinements to align with program changes and technology
 - Updates to Interagency regulatory processing
 - Example:
 - As of October 1, 2017, Applicants must apply directly to the Corps using the Corps application Form ENG 4345



State 404 Assumption - *December 22, 2020*

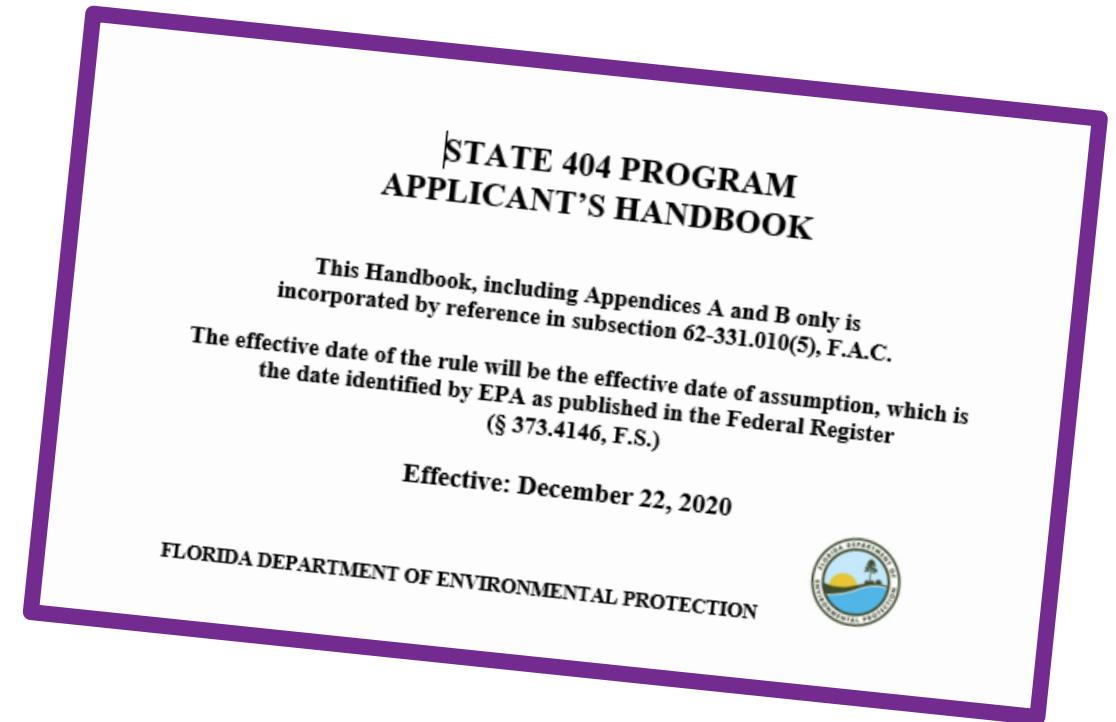
Section 373.4146 F.S.

- Authorizes the State to assume Section 404 CWA program
 - State assumes jurisdiction of all “Assumed Waters”
 - USACE retained jurisdiction of “Retained Waters”, Section 10 waters and Tribal Lands



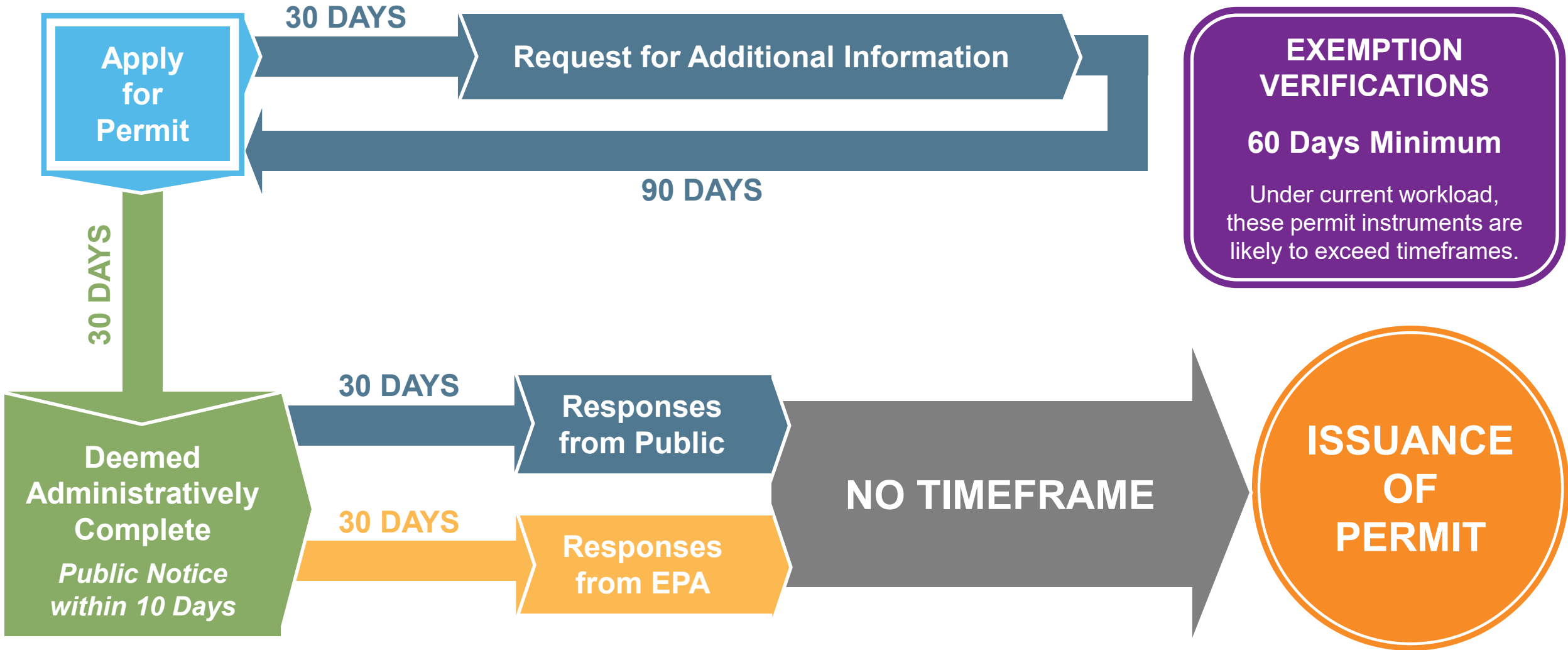
Basics of Assumed 404

- No Fees for 404 Review or Applications
- Applications are on a Joint Application Form and forwarded by the WMD to the FDEP for 404 review
- Permits are issued for 5 year durations only
 - Requires phasing of longer-range projects
- 404 General Permits take on the role of USACE
 - Nationwide Permits
 - Regional General Permits
 - Statewide Programmatic General Permits
- State FWC provides initial review on species concerns
 - USFWS can be consulted by FWC during review
 - USFWS has opportunity to comment during Public Notice (PN)



Timeframes

The default issuance provisions in Chapter 120, F.S., do not apply to the State 404 Program because permits under Section 404 of the Clean Water Act cannot be issued by default.



Wetland and Surface Waters

- Under 62-331
 - The State asserts all waters are “jurisdictional”

FDEP considers “any wetlands or other surface waters delineated in accordance with Chapter 62-340, F.A.C., that are regulated under Part IV of Chapter 373, F.S., could be considered Waters of the United States (WOTUS), and will treat them as if they are, unless the applicant clearly demonstrates otherwise.”



CHALLENGES



Evolving Solutions

- Stay in communication with reviewers
- Keep abreast of policy changes within the agencies
- When appropriate, assist in providing data, forms and documents
- Coordinate between agencies to ensure all information is available to reviewers
- Early technical assistance with FWC and USFWS
- Coordinate with the FDEP 404 leadership in the State and local offices
- Adapt application reports and documents to 404 Handbook compliance

