

**INTERAGENCY COORDINATION AGREEMENT
FOR CIVIL WORKS PROJECTS
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
UNITED STATES ARMY CORPS OF ENGINEERS JACKSONVILLE DISTRICT
UNITED STATES ARMY CORPS OF ENGINEERS MOBILE DISTRICT**

III. Early Project Coordination

A. General

1. It is the intent of the parties to coordinate with all involved federal and state agencies to determine if there are mutually acceptable alternatives that would avoid an irreconcilable conflict between the State's view of Federal and state requirements and the Corps' view of its federal responsibilities. The goal of including all project requirements into the planning documents and plans and specifications is critical to the success of the parties' respective missions.
2. The parties agree that early participation by, and close coordination among the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS), and the Florida Fish and Wildlife Conservation Commission (FFWCC) on listed species protection measures recommended for proposed projects is critical to the success of the parties' respective missions. The parties agree to promote and facilitate such participation and coordination in order to avoid conflicts between federal and state requirements, to the extent possible within the responsibilities and capabilities of the parties. It is the intent of the parties to coordinate with all federal and state agencies to determine if there are mutually acceptable alternatives that would avoid an irreconcilable conflict.
3. As previously stated in II D., the Corps complies with Federal law with regard to protected species and agrees to consider input from and to comply with reasonable requirements of the Florida Fish and Wildlife Conservation Commission for consistency with the FCMP to the maximum extent practicable to the extent that to do so would not create an irreconcilable conflict with the Corps' view of its federal responsibilities.
4. The parties agree to work to identify other agencies that are a part of Florida's Coastal Management Program that may have a heightened interest in a particular project (such as Department of Agriculture and Consumer Services with respect to CERPRA and LOPA projects) early in project development and to promote and facilitate coordination and participation of such agencies to the extent possible within the responsibilities and capabilities of the parties.
5. The parties, within their respective authorities and funding allocations, shall ensure that, for Joint Coastal Permits, beach compatible dredged material is disposed on Florida's beaches to the extent economically feasible consistent with Florida's beach management plan adopted pursuant to Chapter 161 F.S. and other beneficial uses criteria as may be specified by the FDEP and applicable federal standards. To further the parties' goals for sediment management, the Corps shall provide the FDEP with geotechnical information characterizing the sediments to be dredged and alternative disposal options with projected costs to allow the FDEP to participate in funding alternative disposal options over the least costly method.

6. The goal for obtaining required permits from the State is one year prior to the expected start of the work.

B. New Work

This category of work includes any new project being considered for Federal Involvement. The process normally begins with a series of studies, including reconnaissance and feasibility studies, to determine if Federal involvement is warranted. Project design can begin after the Federal interest is determined. Each project with a Federal interest is also authorized in public law. Construction can begin after the project is authorized (and needed permits are obtained). Project operation and maintenance (O&M) commences when construction is completed. The responsibility for O&M varies from Federal to local depending upon the project type. Navigation projects are typically federally maintained while flood control projects are typically locally maintained.

1. Reconnaissance Phase (Applies to ERP, WRP, and JCP)

Under this phase, there is a reconnaissance study which includes tasks to determine if a proposed project has sufficient merit to warrant moving into more detailed studies prior to authorization of the project. The study includes reconnaissance and assembly of the Project Management Plan (PMP). Reconnaissance is designed to compile the best input in the shortest amount of time. At its conclusion, all potential issues that may derail a project should be identified. Participation by the State is critical to help identify these issues.

- a) At the initiation of the reconnaissance phase the Corps will contact appropriate persons on the contact list (Appendix A) for initial input on the proposed activity. The State will identify any critical issues over which the state has authority to the Corps project manager.
- b) The Corps will include all comments in the Draft Reconnaissance (905b) Report.
- c) A copy of the draft report will be sent to all contacts to ensure their issues are accurately captured.
- d) A copy of the draft report will be provided to the state clearinghouse for interagency review

2. Project Management Plan

The Project Management Plan (PMP) lists all the activities which are required to complete the feasibility phase. Examples of activities are cultural resource surveys, endangered species reports, and seagrass surveys. The PMP has cost estimates, time estimates and identifies who performs the activities. It is critical for the State to participate in its formulation to ensure its issues are fully explored and that any requirements are included prior to funding.

- a) The Corps will include the issues raised by the State in the “issue gathering” phase when planning activities under the PMP.
- b) A template of a typical PMP is included under Appendix B.
- c) The Corps will provide a copy of the current PMP to the contact person at FDEP.

3. Feasibility Phase

The feasibility phase continues the study process to determine Federal Interest in construction of a project. The study efforts include gathering a significant amount of information for engineering, environmental, and economic analysis. The National Environmental Policy Act (NEPA) document is prepared during this phase and is normally incorporated as part of the feasibility report. The entire report is coordinated with the public and numerous Federal, State, and Local agencies. The Project Implementation Report (PIR) phase serves the same function for CERP projects as the feasibility phase.

The State has three mechanisms under which they may participate in this early coordination including the Feasibility Study scoping letter, serving as a Project Delivery Team (PDT) member(s) and serving as a cooperating agency under NEPA.

- a) The Corps will send a Feasibility Study scoping letter to the State Clearinghouse. The State Clearinghouse will provide comments upon receipt of the letter. The Corps will include a copy of the reconnaissance study in the scoping letter when possible.
- b) The State agrees to designate a member to serve on the PDT. Members will be encouraged to attend team meetings when possible, comment on interim products when possible, and express any concerns on resource or regulatory issues. At a minimum State PDT members agree to participate in Feasibility Scoping Meetings (FSM) and the Alternative Formulation Briefings (AFB).
- c) As an additional option the state may elect to be a cooperating agency under NEPA. This will entail attendance at the scoping meeting, in progress reviews on portion(s) of the NEPA document (Environmental Assessment (EA)/Environmental Impact Statement (EIS)), input into project descriptions and alternatives, comments on draft EIS, comments on a response matrix and on the draft EIS and final EIS.

It is the goal of the Corps to submit the permit application when the Draft NEPA document is completed. The draft NEPA document will contain the preferred alternative which will form the basis of the permit application. At the conclusion of the feasibility phase the final NEPA document is approved and a decision document is written (Finding of No Significant Impact/Record of Decision).

It is the ultimate goal to obtain the State authorizations which constitute Water Quality Certification and Coastal Zone Management concurrence when the decision document is completed at the Corps District level. It is recognized that receipt of a

permit during this part of the Federal process may result in the need to apply for a permit modification at a later date due to changes to the project.

4. Design Phase

This phase focuses on preparation of plans and specifications which take into account all pertinent issues identified in the feasibility phase and permitting requirements, and will contain more detailed information on geotechnical data and various required surveys. Occasionally additional studies will need to be done at the request of sponsors, due to the discovery of unknown site conditions, or reevaluations that occur due to new technology.

Plans and specifications will be provided to all state PDT members. Differences between plans and specifications and a permitted project will be identified by the Corps and the Corps will notify FDEP when there are changes in:

- a) Plans for operation of facilities such as water control structures
- b) Dimensions, size or location of proposed work
- c) Ability to adhere to permit conditions
- d) Project Description included in the permit
- e) Monitoring plans
- f) Environmental impacts

If the FDEP determines that a modification to the permit is required, then the Corps shall apply for and obtain the modification. FDEP approval of the modification shall be obtained prior to implementing the change, unless the change is determined by the FDEP to reduce the scope of work from that authorized under the original permit, and will not affect compliance with permit conditions or monitoring requirements.

If the FDEP determines that a modification would affect the consistency concurrence of a partner FCMP agency, the partner agency's concurrence with the modification will be required.

Communication between the Corps and FDEP will occur during the design phase through participation in the PDT, and plans and specifications sent to PDT members via electronic means such as CDs, email, phone, or letters when appropriate.

5. Construction Phase

During the construction phase unforeseen site conditions or other environmental conditions may require that modifications to permits be obtained. The parties recognize that there are significant costs whenever the Corps requests a modification during the construction phase. The FDEP and the Corps will expedite the processing of modifications to the extent possible.

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- b) Dimensions, size or location of proposed work
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C. Operations and Maintenance Projects

Projects included under this category include, for example, maintenance dredging of federal channels and revision of regulation schedules for lakes, canals, and structures. Procedures similar to those described above in Section III.B.5. Construction Phase will apply for renewal of state permits (water quality certification and certification of consistency with the State CZMP) for existing Operations and Maintenance projects with no new project features or significant changes in operation and maintenance activities. Application for renewal of the state permit for a routine Operations and Maintenance project would be submitted one year prior to expiration of the current State permit, with the goal to obtain the renewal permit prior to expiration of the current State permit.

Procedures similar to those described above in Sections III.B.3, Feasibility Phase and III.B. 5. Construction Phase would apply to Operations and Maintenance projects with new project features or significant changes in project operations and maintenance activities. The level of reporting documentation, e.g. Post Authorization Change Report with Congressional approval, PAC with higher level Corps approval, revision to a Dredged Material Management Plan, revision to an Operational Manual, modification of the permit, etc., would be determined depending on the specifics of the change. Regardless of the level of reporting documentation, the Corps will involve the FDEP at the earliest stage of planning to define the issues of concern as described in Section III.B.3.