

**Seaport Environmental Management
Committee**

Wednesday, February 5, 2020

8:30 a.m. – 11:15 a.m.

Hotel Duval

Tallahassee, Florida

TAB 1
Call to Order

Seaport Environmental Management Committee AGENDA

Wednesday, February 5, 2020

8:30 a.m. – 11:15 a.m.

Hotel Duval

Tallahassee, Florida

1. Call to Order, Welcome
2. Roll Call
3. Approval of August 28, 2019, SEMC Minutes
4. Agency Updates
 - a. Florida Department of Environmental Protection (FDEP)
 - b. Florida Department of Economic Opportunity (DEO)
 - c. U.S. Army Corps of Engineers-Civil Works and Regulatory Division
 - d. Florida Inland Navigation District (FIND)
 - e. Florida Fish & Wildlife Conservation Commission
5. Open Discussion
 - a. FDEP- Turbidity Rule
 - b. Florida Ocean Alliance Strategic Plan
 - c. Diesel Emission Reduction Program (DERA) Grants
 - d. National Environmental Policy Act (NEPA)
 - e. Seaport Resiliency
 - f. Alternative Fuels
 - g. Resilience Office
 - h. Other Issues
6. Adjourn

TAB 2
Roll Call

TAB 3
Approval of August 28, 2019 Meeting
Minutes

MEETING SUMMARY
SEAPORT ENVIRONMENTAL MANAGEMENT COMMITTEE

August 28, 2019
9:00 - 12:00 p.m.
Meeting

The Seaport Environmental Management Committee (SEMC) meeting was called to order at approximately 9:00 a.m. by Chairman Erik Neugaard. Attending in person were the following members and guests:

Eric Neugaard, Chair - Everglades

David Stubbs - JAXPORT

Becky Hope - Miami

Chris Cooley -Tampa

Laura DiBella - Fernandina

Lukas Brummer - Canaveral

John Truitt - Florida Department of Environmental Protection (DEP)

Alex Reed - Florida Department of Environmental Protection (DEP)

John Paul Fraites - Florida Department of Environmental Protection (DEP)

James Stansbury - Florida Department of Economic Opportunity (DEO)

Shawn Zinszer - U.S. Army Corps of Engineers

Eric Summa - U.S. Army Corps of Engineers

Angie Dunn - U.S. Army Corps of Engineers

Dale Aspy - Environmental Protection Agency (EPA)

Fred Aschauer - Lewis Longman & Walker

Alan Powell - Environmental Protection Agency (EPA)

Bob Diffenderfer - Lewis Longman & Walker

Meredith Martino - American Association of Port Authorities (AAPA)

Casey Grigsby – Florida Ports Council

Jeff Littlejohn - LMA, Consultant to FPC

Matt McDonald - LMA, Consultant to FPC

Tab 3, Approval of the Minutes, September 5, 2018:

A motion was made to approve the September 5, 2018 Seaport Environmental Management Committee (SEMC) Meeting Summary by Becky Hope; this was seconded by Chris Cooley. The motion passed without dissent.

Tab 4, Agency Updates:

Florida Department of Environmental Protection (DEP), represented by John Truitt and Alex Reed:

- Mr. Truitt provided an update on 2020 Legislative session and agency budget request. He expects a level budget and continued focus on water quality, including potential legislative request from the Blue Green Algae Task Force. The state's efforts to assume federal wetlands permitting authority under Section 404 of the Clean Water Act will continue. Ms. Reed reinforced that most port activities will likely remain under the regulatory jurisdiction of the Corps of Engineers, due to their connection to interstate waters.

- Ms. Reed provided an update on rulemaking, including 62B-49, which is being revised pursuant to JAPC comments related to application consistency with Inlet Management Plans.
- 62B-36 – cost sharing for beach and inlet management projects. Slightly different reporting requirements, and are not likely to affect ports.
- Ms. Reed provided a brief status of port projects that are in construction or moving through the permitting process. Four projects in construction – Canaveral, Tampa, Manatee, and JAXPORT. Reviewing applications for Everglades, Tampa, and Miami. Planning phase for Everglades and Miami. Interagency working group focused on Everglades project.

Florida Department of Economic Opportunity (DEO) represented by James Stansbury:

- Community Planning Technical Assistance Grants-work with local governments on planning projects for possible funding. E.g. comprehensive plan amendments, port master plan updates.

U.S. Army Corps of Engineers, Corps Regulatory Division represented by Shawn Zinszer:

- The Section 404 Assumption, including working on list of retained waters and associated GIS coverage is missing Navigation Studies for many watersheds. The Corps are trying to lift an order by HQ that suspended ongoing Navigation Studies.
- HQ recently issued a Guidance Letter on Mitigation Banking, which primarily is intended to level the playing field between mitigation banks, in-lieu fee banks, and permittee responsible mitigation.
- The 408 Authorizations and regulatory goal is to get a single document for Regulatory and 408 permits, and Corps is working on an updated Standard Operating Procedure (SOP) to expedite and streamline approval. There is currently no deadline for processing 408 authorizations. Some discussion occurred regarding the need for 408 Authorizations for port berth maintenance. Mr. Zinszer suggested that a categorical exclusion could be added to the SOP.
- Mr. Zinszer mentioned ongoing federal rulemaking for the process for obtaining State Water Quality Certifications. The public comment period is open, and Mr. Zinszer offered to provide a copy of the proposed rulemaking.
- Mr. Zinszer provided an update on the current budget and an ongoing peer review to look at possible rebalancing workload/workforce issues around the South Atlantic Division. He also suggested looking into budgeting for a dedicated Corps reviewer for port projects. In Oregon, they have 4 ports that partnered together to fund one Corps position. Mr. Zinszer also mentioned that a port had partnered with Oregon DOT to share a dedicated position, and he offered to share a copy of the agreement. Meredith Martino offered to assist with the AAPA perspective on port-funded Corps positions.

U.S. Army Corps of Engineers, Civil Works Branch Eric Summa and Angie Dunn:

- The status of current or upcoming projects was provided, including significant effort on Port Everglades to get to construction in 2020 or 2021. The Miami feasibility study ongoing for Phase 4 expansion.
- Two contracts are ongoing at Jax Harbor. Contract B was just awarded the first option. The entire project is about 37% complete.
- Trying to ensure that navigation projects are using innovative methods to ensure environmental compliance. Lots of litigation and public scrutiny with large projects. Example is deflagration, a chemical reaction to fracture rock, used instead of explosives

to fracture rock for deepening projects. Corps will be performing in-water testing in near future and may be performed at Port Everglades.

- Updating SARBO (South Atlantic Regional Biological Opinion), expecting a September/October time frame for approval. New SARBO will include maintenance dredging, beach renourishments, non-federal dredging of berthing areas, and all types of dredge equipment.
- Provided an update on beneficial reuse of dredge material. Corps trying not to use the words “dumping” or “disposal” and switching to concept of dredge material as a resource that must be managed. Corps promoting use of beach disposal or DOT use or any other beneficial reuse. Challenge has been the timing of approvals for beneficial reuse. Corps interested in more coordination with DOT or other potential users of dredge material and getting approvals in place. Examples include filling dredge holes or “thin film” spreading in wetlands to increase elevations as mitigation for sea level rise. Any additional costs can be cost-shared by non-federal sponsor. Mr. Stubbs (JAXPORT) advised that coordination with DOT is in place for beneficial reuse, and discussion ensued about spreading best practices and potentially developing procedures at DOT for standardizing the process. Mr. Summa discussed the “fate of fines” study that predicts larger average grain size of dredged material, which improves its utility in various projects. SEMC staff will follow up with Corps on fines study and DOT on beneficial reuse procedure and report back to SEMC.

American Association of Port Authorities (AAPA) represented by Meredith Martino:

- FAST Act initiative for electrification of port equipment was discussed in response to Congressional support for additional funding for electrification. AAPA perspective is funding is beneficial when electrification results in reduced costs or improved efficiency.
- Environment Committee meeting in San Diego November 6-7. An energy and environment seminar is planned for New Orleans in 2020.

Dale Aspy and Alan Powell from Environmental Protection Agency (EPA) Region 4 provided a presentation on the EPA National Ports Initiative and DERA program:

- Promoting National Ports Initiative and use of DERA program to develop partnerships to improve seaport efficiency and air quality.
- Successful partnership with Port Everglades showcases benefits of Ports Initiative.
- Provided an update on DERA program, including separate funding availability from EPA. Ports are encouraged to apply to EPA Region 4 as additional source of funding for air emissions projects. More information is provided in the meeting packet.

Tab 5, Open Discussion:

- DEP Turbidity Rule revision – Ms. Reed advised that rulemaking is ongoing, not likely to add new requirements for in-water work. Littlejohn tracking, and more information will be provided.
- Florida Oceans Alliance – Grigsby provided an update, including on the appropriation provided to update the economic impact study for coastal Florida. Additional information is provided in meeting packet.
- Stormwater management training – Littlejohn advised that discussions taking place about coordinating SWPPP training events with DEP District offices. More information to be provided, including guidance documents from AAPA and checklists from DEP.
- Seaport Resiliency Report – Grigsby and Littlejohn provided an update on the FPC initiative to generate a resiliency report, and a draft was provided. SEMC asked to

review and comment on the report. Intent is to begin to distribute the report to the public later in the fall.

- Alternative Fuels Report – Grigsby and Littlejohn provided an update on the purpose and scope of the report. A draft will be shared in the near future.
- Chairman Neugaard brought up two issues for discussion, including ballast water discharges and exhaust scrubber wash water discharges. FPC staff to do more research and follow up with SEMC.
- Littlejohn brought up emerging issue with PFAS, shared ongoing efforts at airports to identify environmental impacts and liability, and requested that ports evaluate the historic use and storage of PFAS chemicals. Littlejohn to keep SEMC informed on this issue.

Tab 6, Other Issues:

- **Tab 6a: VW Mitigation Fund** – John Paul Fraites from DEP provided a brief update on the VW Settlement Mitigation Plan. He described the recently issued public draft and next steps. Once the Mitigation Plan is finalized, it still needs to be approved by the VW Settlement Trustee before any projects can be funded. Project funding is not likely to begin until early next year. Additional information about the status of the VW Settlement Fund is in the meeting packet.
- **Tab 6b: FHWA 2019 Environmental Excellence Award Program** – Grigsby provided information about the program and discussed benefits of participation by Florida seaports.
- **Tab 6c: Potential Florida Seaport Environmental Award Program** – Grigsby and Littlejohn discussed potential process to solicit applications for environmental recognition for successful projects. Concept includes using the same criteria as FHWA Award Program, so successful applications can be efficiently submitted for national recognition. FPC staff to provide more information.
- **Tab 6d: Next Meeting** - Chairman Neugaard announced that the next SEMC meeting would be following Committee Meetings so we can discuss any filed legislation of interest to the SEMC. The committee discussed having an in-person meeting in conjunction with the Spring Florida Ports Council Legislative Fly-in in Tallahassee.

The meeting was adjourned at 12:00 pm.

TAB 4
Agency Updates

TAB 5
Open Discussion

TAB 5a
FDEP New Turbidity Rule

JAXPORT	November 22, 2019
Port Canaveral	Daryll Joyner Program Administrator Water Quality Standards Program Florida Department of Environmental Protection
Port Everglades	2600 Blair Stone Road, MS 5500 Tallahassee, FL 32399-2400 Submitted Electronically: Kaitlyn.Sutton@dep.state.fl.us
Port of Fernandina	Re: Triennial Review of State Surface Water Quality Standards – Comments on Chapter 62-302.530(70) Turbidity Criterion
Port of Fort Pierce	The Florida Ports Council has been following the Department’s Triennial Review of the state’s surface water quality standards, particularly the proposed revisions to the Turbidity Criterion under Chapter 62-302.530(70), F.A.C., and had representatives at the recent workshop on November 4, 2019, in Tallahassee. The Ports Council appreciates the Florida Department of Environmental Protection (FDEP) staff communicating the reasoning behind the narrative approach to the proposed criterion revision. However, we have concerns as to the impacts this will have on many of Florida’s seaports. Accordingly, we offer the following comments that we hope will improve the rule while still protecting Florida’s coral reefs.
Port of Key West	
PortMiami	
Port Manatee	<u>The Florida ports are concerned that this proposed revision is being promulgated without first establishing a clear cause and effect relationship.</u> During the November 4, 2019 workshop, FDEP staff indicated that there is currently insufficient data to establish a new numeric standard. As many of the many papers and studies in Florida indicate that 29 NTU is not protective of corals, FDEP has decided instead to move forward with a narrative approach. In order to see a clear correlation of environmental impacts, we strongly urge FDEP to perform an analysis of existing Florida data and issue a report to justify any revisions to the turbidity standards slightly above background. Without such an analysis, this proposal is vulnerable to criticism as arbitrary and capricious. It is concerning that FDEP indicated at the November 4th meeting that most of the research reviewed was based in Australia, rather than evaluating existing data within Florida waters.
Port of Palm Beach	
Port of Panama City	
Port of Pensacola	
Port of Port St. Joe	
Port St. Pete	<u>We are also concerned that this proposal isn’t cost-effective as written.</u> The specific requirements associated with the collection of background turbidity are excessive and unnecessarily narrow. The potential cost implications with the excessive shutdowns of dredging projects will have drastic impacts on Florida’s seaports implicated by this rule change, which would appear to stretch from Brevard to Manatee Counties. Since seaports must compete in a global
Port Tampa Bay	

marketplace, any new requirements that increase costs must be understandable, predictable, defensible, and justified.

On behalf of the Florida Ports Council, we appreciate the opportunity to provide the above comments. If you have any questions or need any assistance from us, please feel free to contact me or Matt McDonald, at matt@littlejohnmann.com or 850-528-3947.

Sincerely,

A handwritten signature in black ink, appearing to read 'Doug Wheeler', with a stylized, cursive script.

Doug Wheeler
President & CEO
Florida Ports Council

Cc: Jeff Littlejohn, P.E., Environmental Consultant, Florida Ports Council
Matt McDonald, J.D., Environmental Consultant, Florida Ports Council

TAB 5b
Florida Ocean Alliance Strategic Plan



FLORIDA'S OCEANS AND COASTS: The Building Blocks of Florida's Economy

EXECUTIVE SUMMARY

- **Coastal counties contributed over \$797 billion to Florida's Economy in 2018.**
- **In 2018, more than 1,000,000 jobs in Florida were directly and indirectly created by activities that used ocean resources.**
- **Florida's ocean economy contributed \$73.9 billion in 2018 to the state's economy from the direct and indirect use of its ocean resources.**

With a coastline of 8,436 miles, Florida has the second longest coastline among the US states and territories, second only to Alaska (National Oceanic and Atmospheric Administration). Shoreline counties are home to more than three-fourths of the state's population of more than 21 million people. Florida's coasts host critical natural and human-built infrastructure, house millions of people, and drive huge economic activity. This report, following analyses in 2008 and 2013, clearly documents that Florida's ocean and coastal assets are a major economic engine for Florida and the nation.

In 2018, Florida's economy exceeded more than 1 trillion dollars, 77 percent of which was contributed by activities in coastal counties. In fact, the GDP of Florida's coastline exceeds the GDP of 45 of the nation's 50 states. Florida's coastal economy is also a major part of the national economy.

Total employment in the state amounted to about 12.5 million jobs in 2018, including 77 percent or 9.6 million in coastal counties.

FLORIDA'S OCEAN ECONOMY

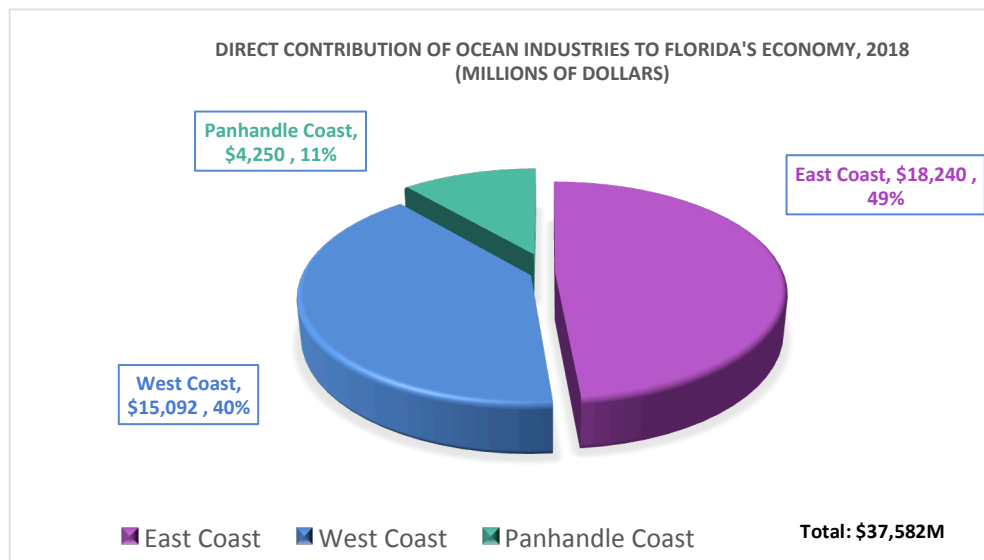
- **Ocean-related industries include ocean tourism, ocean transportation, marine industries, ocean recreation, and living resources.**

This study uses 38 Florida industries to represent the parts of the coastal county economies that make significant use of ocean resources. Collectively, these are called the Ocean Economy and their aggregate gross domestic product is called Ocean GDP.

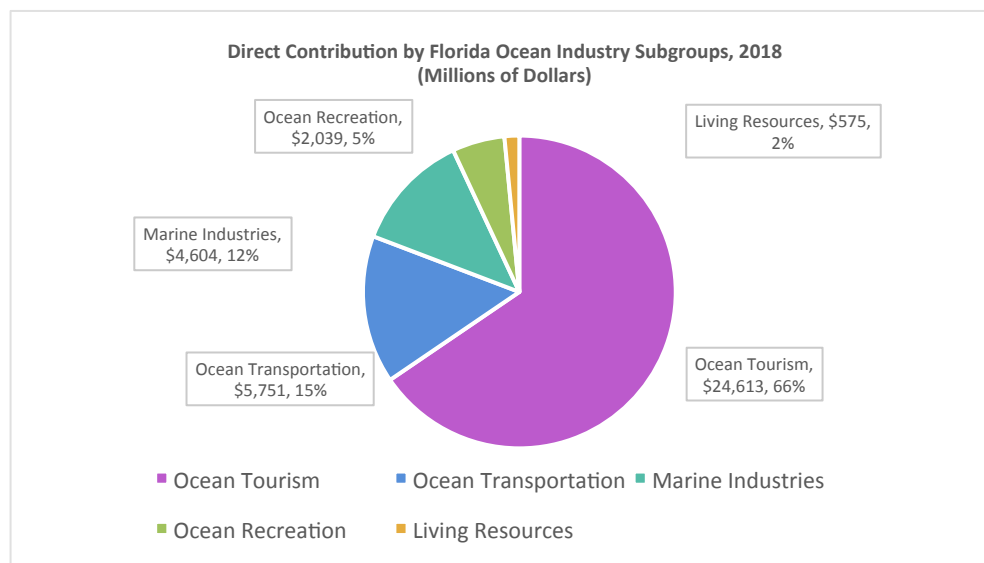
Florida's Ocean GDP was \$37.6 billion in 2018. When indirect impacts are taken into account, this amount nearly doubles to \$73.9 billion. Indirect impacts include the activity of Florida suppliers with regard to ocean-related industries and the production of Florida consumer goods as a result of the consumer expenditures by employees of the directly and indirectly affected industries.

Florida's East Coast accounts for about 49 percent of the Ocean Economy, the West Coast about 40 percent, and the Panhandle Coast about 11 percent of the total.





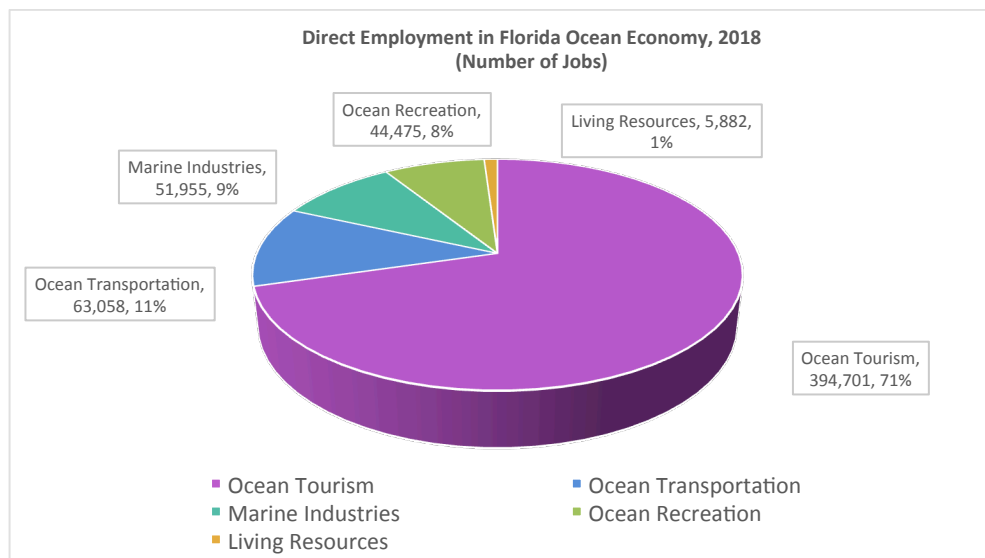
As in the 2013 study by the Florida Ocean Alliance, ocean industries were divided into five sub-groups: ocean tourism, ocean transportation, marine industries, ocean recreation, and living resources (see full text for composition of each group).



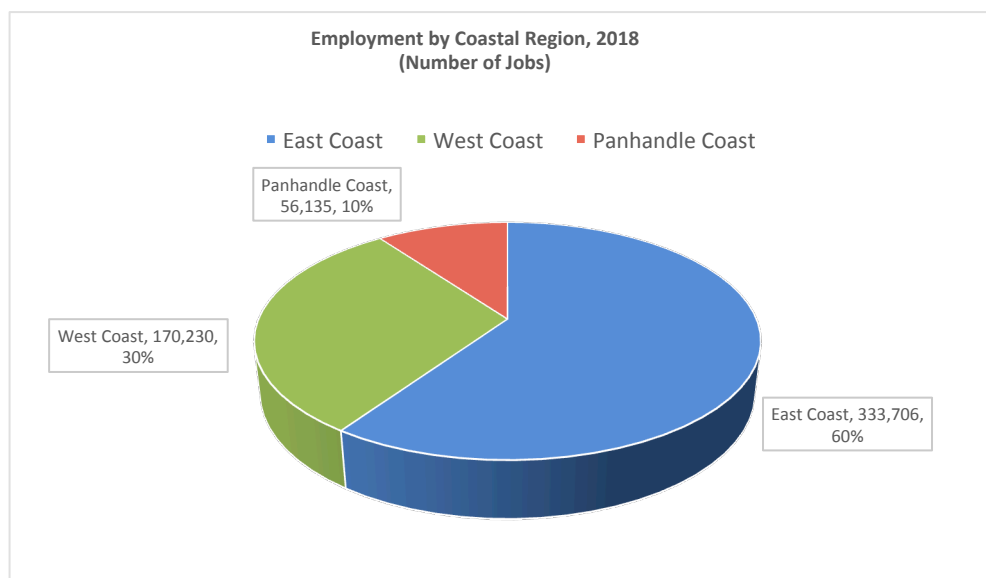
In 2018, Florida's ocean resources directly created economic activity amounting to \$37.6 billion. Of this, \$24.6 billion was created by out-of-state ocean-oriented tourism, \$5.8 billion was created by ocean transportation and its supporting activities, \$4.6 billion was created by the marine industries, \$2.0 billion was created by ocean-oriented recreation, and \$0.6 billion was created by the harvest, processing and distribution of the ocean's living resources. The state's ocean resources also directly provided Floridians approximately 560,071 jobs in 2018.

Florida's port system is thriving. However, because of the rich diversity of Florida's 15 deepwater ports and the limitations of the 2013 study, this analysis could not capture the full extent of the economic impact of Florida's ports. According to the Florida Ports Council, the state's ports generate 900,000 direct and indirect jobs and contribute \$117.7 billion in economic value to the state.

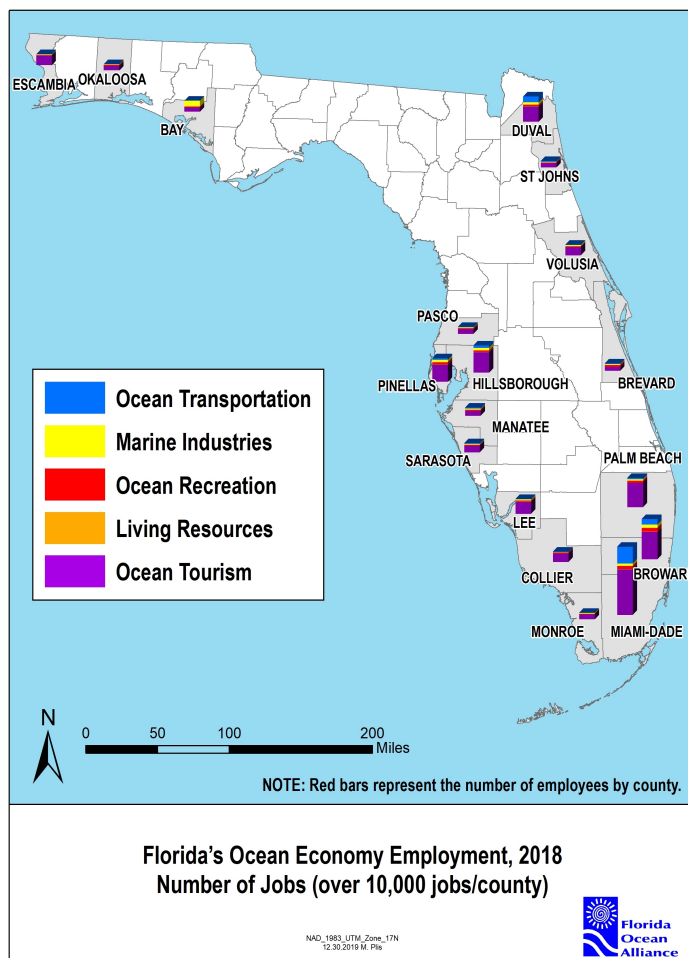
Ocean tourism accounts for a significant amount of the 560,071 jobs directly created by Florida's Ocean Economy, about 71 percent (394,701). This is assuming that 50 percent of the jobs in food services and drinking places and 75 percent of the jobs in accommodations are ocean-related. These assumptions are made to allow for non-ocean tourist use of hotels and restaurants. There are also other expenditures made by ocean tourists beyond hotels and restaurants. Ocean transportation accounts for 11 percent of the jobs in the ocean economy (63,058), the marine industries account for 9 percent (51,955), ocean recreation accounts for 8 percent (44,475), and living resources accounts for 1 percent (5,882).



Of the jobs in Florida's Ocean Economy, about 60 percent (333,706) are in the coastal counties along the East Coast, about 30 percent (170,230) the West Coast, and about 10 percent (56,135) along the Panhandle Coast. Ocean tourism accounts for 73.6 percent of the jobs on the West Coast and for 69.5 percent on the East Coast. It accounts for 66.5 percent on the Panhandle Coast. Coastal transportation is the second largest source of ocean economy jobs along the state's East Coast, which contains the three largest cruise ports in the world. The marine industries are the second largest source of employment on the state's West and Panhandle coasts.



In Florida's 35 coastal counties, 17 have ocean employment of at least 10,000 jobs. The state's metropolitan coastal counties all have substantial ocean employment because of their important tourism industries. The counties with the largest employment have substantial tourism and important ports: Miami-Dade (107,411 jobs), Broward (63,564), Palm Beach (45,913), Hillsborough (42,835), Duval (39,877). Bay County (Panama City) on the Panhandle Coast has the state's largest marine industries because of the large number of jobs in ship building and repairing (8,941). Broward County also has more than 5,000 jobs in its marine industries.



Florida's Ocean Economy provides an important source of individual earning as well. Annual labor earnings from the average job in Florida's Ocean Economy was \$35,171 in 2018 (see full report for how earnings are defined). Labor earnings were relatively high in the marine industries (\$52,540), living resources (\$50,584) and ocean transportation (\$49,621). Earnings in these three industries were similar to average earnings across all industries in the state. Average earnings per job were relatively low in ocean tourism (\$31,808) and ocean recreation (\$21,717) though these industries may have relatively large numbers of part-time and seasonal workers.

As this economic analysis shows, Florida's coastal counties and Ocean Economy are critical to the state's economy and well-being by providing millions of jobs and billions in economic revenue. The full report provides additional data, in depth analyses, definitions, charts, maps, and explanation of the methods used. But the tale being told remains the same, the vitality of Florida's oceans and coasts are inherently linked to its people and economic stability.



SAVING FLORIDA'S OCEANS AND COASTS

Tuesday ~ February 25, 2020

Ocean and Coastal Exhibits

The Capitol Rotunda, 2nd and 3rd floors, 9:00 am – 4:00 pm

Sponsor: Florida Institute of Oceanography

Mote Legislative Reception

The Capitol, 22nd Floor, 5:30 pm – 7:30 pm

Sponsor: Mote Marine Laboratory



TAB 5c
Diesel Emission Reduction Program
(DERA) Grants

Casey Grigsby

From: Casey Grigsby
Sent: Thursday, October 31, 2019 12:00 PM
To: Jessie Werner
Subject: Florida Ports-VW Mitigation Plan Teleconference Follow-up
Attachments: 2019 DERA Program Guide.pdf

Good afternoon,

Thank you for taking the time to participate in the call with the Florida Department of Environmental Protection (DEP) yesterday regarding the Volkswagen (VW) Beneficiary Mitigation Plan. As discussed during the call, has published three (3) Requests for Information (RFI) in conjunction with the submittal of the finalized Volkswagen (VW) Beneficiary Mitigation Plan (Mitigation Plan) to the Trustee of the Volkswagen Settlement's Environmental Mitigation Trust for State Beneficiaries. The purpose of the three RFIs is to receive information from those interested in receiving funding for the project types selected in the Mitigation Plan. responses are due Nov. 7.

The purpose of the three (3) RFIs is to receive information from those interested in receiving funding for the project types selected in the Mitigation Plan. Most ports will have projects that would fit into the DERA category, these funds are restricted to government entities, so please let your tenants know of the availability of the program funds and the Nov. 7 deadline for the RFI response. Please submit your responses even if your projects might not occur during this fiscal year this help will ensure DEP categorizes seaport projects as a priority for the DERA funding category.

For this fiscal year (ends June 30, 2020), FDEP has approximately \$1.9 million in funding it anticipates using on DERA projects (\$1 million state funds and \$900,000 federal funds). We expect DEP to ramp up DERA funding in the following fiscal years to spend down the entire \$25 million available, but they need to see all the RFI responses to prioritize projects across the state, so it is imperative that seaports provide these responses so FDEP can be evaluating funding larger projects such as cranes, switchers, and tugs repower/replacement.

Attached is the EPA 2019 DERA Program Guide, which explains the eligible projects and vehicles/equipment as well as requirements and respective percentages for match from DEP. The Department indicated that they entities can expect a full match, meaning they intend to fund the maximum allowable percentage (i.e., for drayage trucks FDEP will fund the full 50%, etc.).

Please let us know if you have any questions please let us know, the Florida Ports Council or Littlejohn, Mann & Associates staff would be happy to assist.

Casey Grigsby

From: Florida Department of Environmental Protection <FloridaDEP@public.govdelivery.com>
Sent: Thursday, December 12, 2019 9:04 AM
To: Casey Grigsby
Subject: Courtesy Notice from DEP - EPA Administered Clean Diesel National Grants - Now Open

Approximately \$44 Million in Competitive Grant Funding Available

Good morning,

This message is a courtesy notice for a funding opportunity administered by U.S. EPA. The Diesel Emissions Reduction Act (DERA) Clean Diesel National Grants program is soliciting applications nationwide for projects that achieve significant reductions in diesel emissions and exposure, particularly from fleets operating in areas designated as poor air quality areas.

If interested, please visit EPA's website at the link below for eligibility information, instructions for submitting applications, and a full list of important dates.

The deadline for applications is Wednesday, February 26, 2020, at 11:59 p.m. (ET). Eligible U.S. entities are:

- Regional, state, local or tribal agencies/consortia or port authorities with jurisdiction over transportation or air quality; and
- Nonprofit organizations or institutions that represent or provide pollution reduction or educational services to persons or organizations that own or operate diesel fleets or have the promotion of transportation or air quality as their principal purpose.

School districts, municipalities, metropolitan planning organizations (MPOs), cities and counties are all eligible entities to the extent that they fall within the definition above.

[Click Here for More Information](#)



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TAB 5d
National Environmental Policy Act
(NEPA)



EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20503

Fact Sheet: CEQ's Proposal to Modernize its NEPA Implementing Regulations

Today, the Council on Environmental Quality (CEQ) announced a notice of proposed rulemaking (NPRM) titled "Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act." The NPRM will appear in the *Federal Register* on Friday, January 10, 2020, for public comment. A pre-publication version is available [HERE](#).

For the first time in over 40 years, CEQ is proposing to modernize its National Environmental Policy Act (NEPA) regulations. The outdated regulations have slowed and impeded the development of needed infrastructure in communities across the nation. Environmental impact statements (EISs) for Federal highway projects have averaged over 7 years to complete and many reviews have taken a decade or more.

CEQ's proposed rule would modernize and clarify the CEQ regulations to facilitate more efficient, effective, and timely NEPA reviews by simplifying and clarifying regulatory requirements, incorporating key elements of the One Federal Decision policy, codifying certain case law and CEQ guidance, updating the regulations to reflect current technologies and agency practices, eliminating obsolete provisions, and improving the format and readability of the regulations. The proposed rule seeks to reduce unnecessary paperwork and delays, and to promote better decision-making consistent with NEPA's statutory requirements.

Background:

The National Environmental Policy Act (NEPA), signed into law in 1970, is a procedural statute that requires Federal agencies to assess the environmental impacts of proposed major Federal actions. The Council on Environmental Quality (CEQ) issued regulations for Federal agencies to implement NEPA in 1978. CEQ has not comprehensively updated these regulations in over 40 years, and has made only one limited substantive amendment in 1986.

In 2017, President Trump issued [Executive Order 13807](#) establishing a One Federal Decision policy, including a two-year goal for completing environmental reviews for major infrastructure projects, and directing CEQ to consider revisions to modernize its regulations. In 2018, CEQ issued an [Advance Notice of Proposed Rulemaking](#) (ANPRM) requesting comment on potential updates to its regulations. CEQ received over [12,500 comments](#), which informed CEQ's proposed rule.

CEQ has found that the average length of an EIS is over 600 pages, and that the average time for Federal agencies to conduct these NEPA reviews is four and a half years. However, reviews for some projects have taken much longer. NEPA analyses are frequently challenged in the courts, and while Federal agencies ultimately prevail in many cases, litigation can unnecessarily delay and increase costs for important projects such as needed transportation, water, and other infrastructure that benefit States, Tribes, and local communities. The increased

costs and complexity of NEPA reviews and litigation make it very challenging for large and small businesses to plan, finance, and build projects in the United States.

Overview of Key Elements of the Proposed Rule:

- **Modernize, Simplify and Accelerate the NEPA Process**
 - Establish presumptive time limits of two years for completion of environmental impact statements (EISs) and one year for completion of environmental assessments (EAs)
 - Specify presumptive page limits
 - Require joint schedules, a single EIS, and a single record of decision (ROD), where appropriate, for EISs involving multiple agencies
 - Strengthen the role of the lead agency and require senior agency officials to timely resolve disputes to avoid delays
 - Promote use of modern technologies for information sharing and public outreach
- **Clarify Terms, Application and Scope of NEPA Review**
 - Provide direction regarding the threshold consideration of whether NEPA applies to a particular action
 - Require earlier solicitation of input from the public to ensure informed decision-making by Federal agencies
 - Require comments to be specific and timely to ensure appropriate consideration
 - Require agencies to summarize alternatives, analyses, and information submitted by commenters and to certify consideration of submitted information in the ROD
 - Simplify the definition of environmental “effects” and clarify that effects must be reasonably foreseeable and have a reasonably close causal relationship to the proposed action
 - State that analysis of cumulative effects is not required under NEPA
 - Clarify that “major Federal action” does not include non-discretionary decisions and non-Federal projects (those with minimal Federal funding or involvement)
 - Clarify that “reasonable alternatives” requiring consideration must be technically and economically feasible
- **Enhance Coordination with States, Tribes, and Localities**
 - Reduce duplication by facilitating use of documents required by other statutes or prepared by State, Tribal, and local agencies to comply with NEPA
 - Ensure appropriate consultation with affected Tribal governments and agencies
 - Eliminate the provisions in the current regulations that limit Tribal interest to reservations
- **Reduce Unnecessary Burdens, Delays**
 - Facilitate use of efficient reviews (categorical exclusions (CEs), environmental assessments)
 - Allow agencies to establish procedures for adopting other agencies’ CEs

- Allow applicants/contractors to assume a greater role in preparing EISs under the supervision of an agency

Request for Public Comment:

- CEQ requests public comment on the NPRM. Comments should be submitted on or before March 10, 2020.
- You may submit comments via any of the following methods:
 - Go to <https://www.regulations.gov/> and follow the online instructions for submitting comments to Docket ID No. CEQ-2019-0003.
 - By Fax: 202-456-6546
 - By mail:
 - Council on Environmental Quality
730 Jackson Place NW
Washington, DC 20503
Attn: Docket No. CEQ-2019-0003

Public Engagement:

- CEQ will host two public hearings in Denver, CO and Washington, DC.
 - Additional details concerning the hearings and other public engagement may be found [HERE](#).

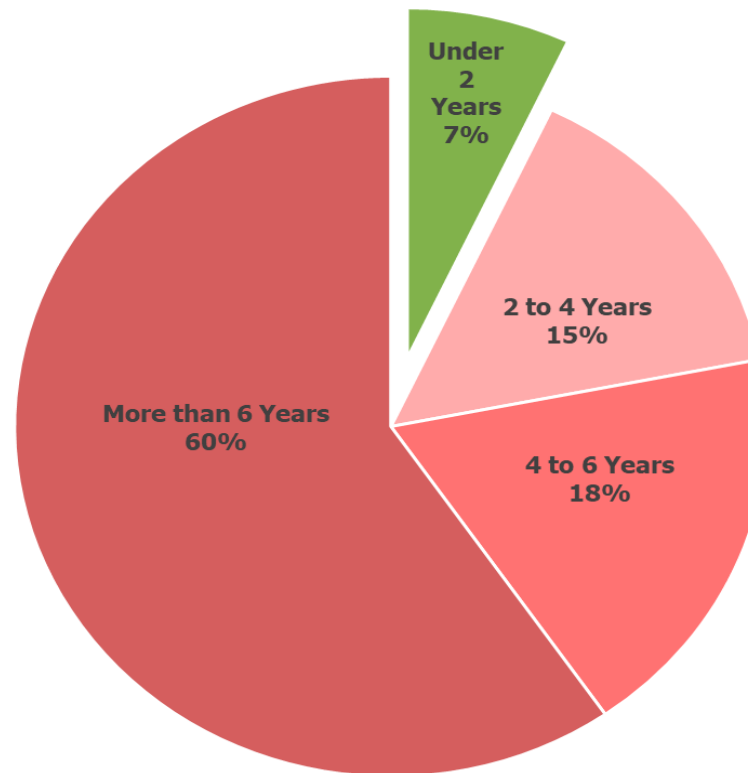
Additional Information:

- NEPA applies to a broad range of Federal actions, including Federally funded construction projects, plans to manage and develop Federal lands, and Federal authorizations of non-Federal activities such as licenses and permits. NEPA encompasses a variety of activities, including projects involving the construction of roads, bridges, highways, and airports, conventional and renewable energy production and distribution, electricity transmission, water infrastructure, and broadband deployment, as well as management activities on public lands. Such management activities include leases and authorizations for energy production, mining, grazing, and other activities; management of national parks and forests; and environmental restoration projects.
- Under the CEQ regulations, there are three levels of environmental review: environmental impact statements (EISs), environmental assessments (EAs), and categorical exclusions (CEs). Annually agencies prepare approximately 170 EISs and 10,000 EAs, and apply categorical exclusions to approximately 100,000 actions.



EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20503

Length of Environmental Review for Federal Highway Projects



Council on Environmental Quality (2018). *EIS Timeline Database*. CEO_EIS_Timelines.xlsx. Available from <https://ceq.doe.gov/nepa-practice/eis-timelines.html>

TAB 5e
Seaport Resiliency

SEAPORTS RESILIENCY REPORT



FLORIDA PORTS COUNCIL

502 EAST JEFFERSON ST
TALLAHASSEE FL 32301
850-888-8028 | FLAPORTS.ORG

PREPARED FOR : Florida Seaport Transportation & Economic
Development Council (FSTED) by Littlejohn, Mann & Associates

TAB 5f
Alternative Fuels

Florida Ports Council and
Florida Natural Gas Association

ALTERNATIVE FUELS STUDY

Prepared for: Florida Seaport Transportation &
Economic Development Council (FSTED) by
Littlejohn, Mann & Associates

FLORIDA
PORTS
COUNCIL

 **fnga** FLORIDA NATURAL
GAS ASSOCIATION

TAB 5g
Resilience
Office

DECEMBER 2019

RESILIENCE REPORT

The latest news and updates from State of Florida Resilience Office



Dear Colleagues,

On behalf of the Governor and our great State, thank you for helping make Florida more resilient! 2019 has been quite a year and we look forward to more great work in 2020.

As we all look toward the new year, let us also reflect back at some of the efforts made this past year.

The creation of the Resilience Office by Governor DeSantis was a huge step in the right direction for Florida this year. There were several important workshops, conferences, and meetings that were key to building a more resilient future. Some examples include: the USF Resilience Workshop, the Steering Committee FL Oceans and Coasts Review, the East Central Florida Compact, and the Southeast Florida Regional Climate Compact. We continue to advocate and meet with state agencies and legislators in Florida. FDEP, FDOT, FDEM, FWC, and FDEO have allocated a total of \$3 billion toward resilience projects across the state. After I chaired our interagency meeting with all our Secretaries and Directors, each also took the time to meet with our office and highlighted upcoming projects.

As we approach 2020, there is much to do to keep us afloat! Florida Legislature begins in just two weeks, and we are going to be meeting with several senators and congressional representatives from across the state to obtain further support and resources. We are keeping an eye on Proposed Senate Bill 7016 which was introduced by the Committee on Infrastructure and Security, chaired by Senator Tom Lee. This bill recommends a Sea Level Rise Task Force as well as \$500,000 in funding and also codifying the Statewide Office of Resilience within the Executive Office of the Governor. The first few steps in 2020 include visiting MacDill Air Force Base as well as participating in the Resilience Leadership Summit in Tampa/St.Pete. I will be addressing a Climate Youth Summit in Fort Lauderdale. We hope to support more efforts to educate our youth on climate issues. We will also be examining future shoreline restoration sites in Volusia county. There are several other stops to be made across Florida including Jacksonville and Pelican Bay in January. We are truly excited to meet all those who are helping to shape the future of Florida. For everyone's reference, enclosed is an initial inventory of funding available for resilience projects as well as a working list of resilience contacts for the state of Florida.

Happy New Year!

Dr. Julia Nesheiwat

NEW RESILIENCE TEAM MEMBERS

We have some new team members in our office. Alex Boswell has recently joined the team as our new Chief of Staff. Alex comes from the Florida Division of Emergency Management where she worked as a Hazard Mitigation Grant Program Project Manager. She has multiple degrees in from the University of Georgia in forest resources with an emphasis in wildlife and the other in broadcast journalism. She also has a master's degree in Forest Resources and Conservation from the University of Florida. Feel free to contact her via email at alex.boswell@eog.myflorida.com and welcome her to the team!

We also have a great new intern, Olivia Surdel from Florida State University who will resume on Jan 6th, and finally Shadasia Jackson is assisting our office for all scheduling matters. She can be reached at Olivia.Surdel@eog.myflorida.com.

All are excited to join the team and working with each of you to help create a more resilient Florida.

Here is to a more resilient 2020 for Floridians across the state. Let's continue to create the home that we want to give to future generations together.



CALENDAR OF EVENTS FOR JANUARY 2020

January 6 - 9

Tampa Bay Area for the Resilience Leadership Summit. Visit MacDill Air Force Base. Meeting with Pinellas County Leaders to discuss mitigation efforts in the county.

January 10

Youth Climate Summit in Fort Lauderdale Florida

January 15

Visit and examine future shoreline restoration sites in Volusia County provided by the Riverside Conservancy

January 27

Pelican Bay Speaker Series and meeting with local officials

January 28

City of Jacksonville Resiliency Committee

To add an event or meeting to Dr. Nesheiwat's calendar, please email Alex Boswell at alex.boswell@eog.myflorida.com.



Inventory of Flood-Related Federal Funding Available for Florida



FEMA

Pre-Disaster Mitigation
Building Resilient Infrastructure and Communities*
Flood Mitigation Assistance
Hazard Mitigation Grant Program
Public Assistance
Individual Assistance



US Army Corps of Engineers (USACE)

Feasibility studies and Construction Projects
Continuing Authorities Program
Silver Jackets
Planning Assistance to states
FEMA support and PL 84-99



US Department of Housing and Urban Development

Community Development Block Grant (CDBG)
CDBG Section 108 Loan Guarantees
CDBG-DR



US Department of Agriculture

Emergency Watershed Protection Program, Floodplain Easements
Emergency Watershed Protection Program, Recovery Assistance
Watershed and Flood Prevention Operations Program



US Small Business Administration

Disaster Assistance



US Environmental Protection Agency

Clean Water State Revolving Loan Fund
Water Infrastructure Finance and Innovation Act Program



US Department of Transportation

BUILD Grant Program
FHWA Emergency Relief Program
Resilience and Durability to Extreme Weather Pilot Program*



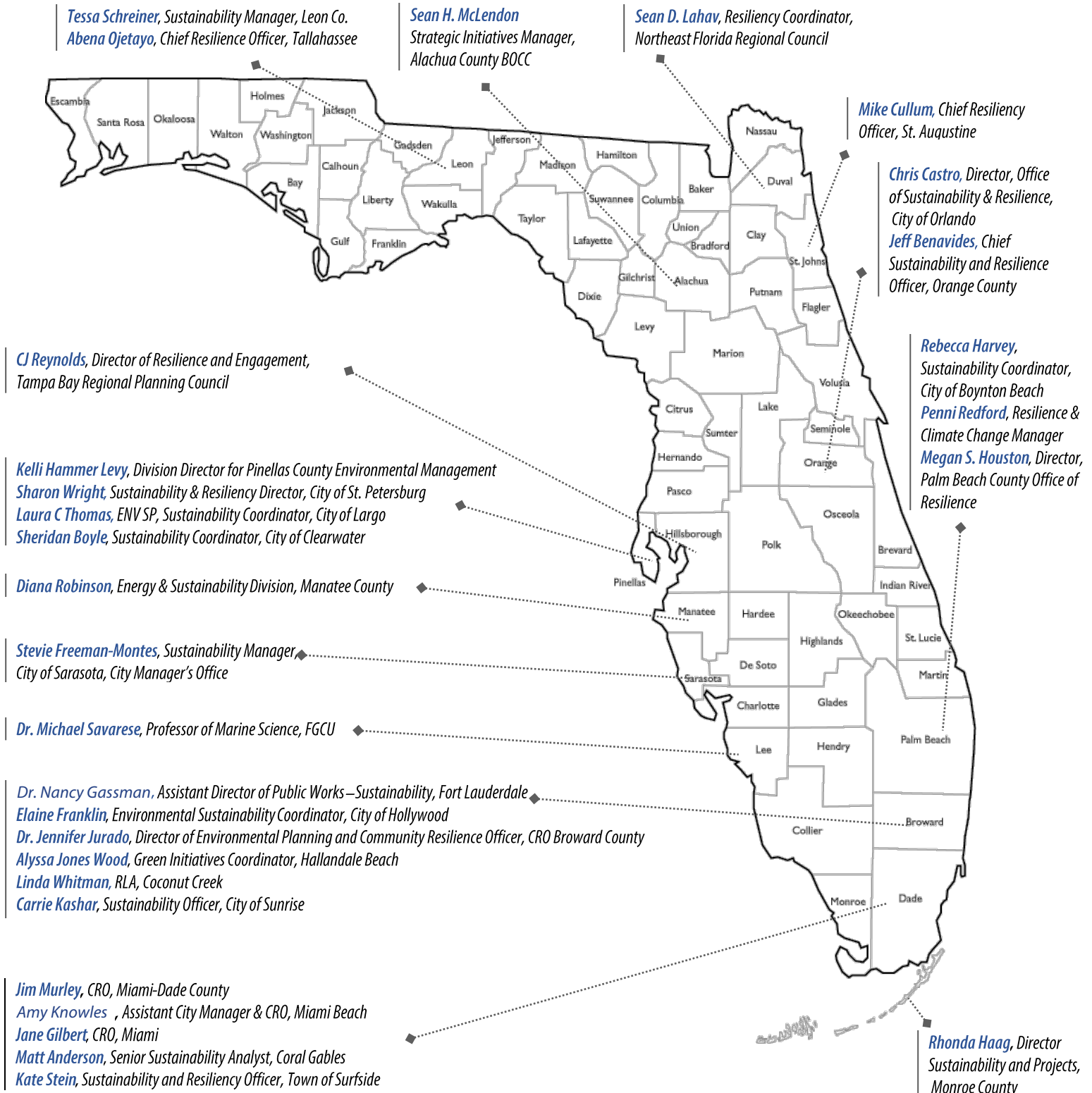
National Oceanic and Atmospheric Administration

National Coastal Resilience Fund*

*Next cycle of program has not been announced

Grey text denotes that individuals, businesses or states are primary recipients of funds

LOCAL RESILIENCE CONTACTS



TAB 5h

Other Issues

Littlejohn, Mann & Associates **Environmental & Governmental Solutions**

DECEMBER 2019 UPDATE ON PFAS IN THE STATE OF FLORIDA

SUMMARY

For decades, the aviation industry, city and county-owned airports throughout Florida have relied on a mandate from the Federal Aviation Administration (FAA) to use PFAS-containing substances in Aqueous Film Forming Foam (AFFF) in fire suppression systems, as a component of fire-fighting training on airport-located fire training areas or have fire stations located inside airport grounds. In Florida, the contamination from PFAS has emerged as a serious concern, and the Florida Department of Environmental Protection (FDEP) has implemented policies to gain a better understanding of how these substances may be affecting Floridians and the environment. To date, the FDEP has issued what it calls “62-780 assessment letters” to one Florida airport and many cities and counties that operate certified firefighting academies. It is anticipated that FDEP’s initial efforts will soon expand to many more airports. Considering the very rapid evolution of this issue in Florida and the complex interaction of regulations, policies and growing concern, Florida’s airports, cities, and counties need to be aware of the latest developments on this issue and take the appropriate steps to prepare and respond to inquiries from regulators or the public.

LATEST UPDATES

- FDEP has requested in the Governor’s Budget \$1M for Fiscal Year 2020-2021 to continue addressing PFAS impacts throughout Florida. It is anticipated that this amount will be approved by the Legislature.
- It is very likely that these funds will be used to determine additional sources of PFAS in groundwater, sediments, and soil throughout Florida or to determine the extent of recently discovered PFAS sources.
- Additional sources that FDEP may investigate in 2020-2021 are airports, landfills, seaports with fuel terminals, publicly owned wastewater treatment plants outfalls and sludges, as well as cities’ firefighting stations that have fire training units on the property
- Several pieces of draft legislation are being evaluated by the Legislature.
- The Florida Senate Environment and Natural Resources Committee has scheduled a presentation by DEP on PFAS for Monday, December 9th between 4PM and 6PM. It will also be broadcast on the Florida Channel website <https://thefloridachannel.org/>
- Littlejohn, Mann staff are currently involved with other stakeholders to push legislation that would direct the FDEP to halt its current practice of issuing “62-780 assessment letters” and initiate a comprehensive study of the effects of PFAS in Florida, along with recommendations for the Legislature to consider in 2021.
- The above recommendation to the Legislature would serve to develop a science-based and State-wide approach to managing PFAS contamination that would include input from affected stakeholders, including cities, counties, airports and seaports.

TAB 6
Adjourn