

**Northwest Florida Water Management District
81 Water Management Drive
Havana, Florida 32333-4712**

Approval of Regional Mitigation Plan Modifications

February 29, 2016

Section 373.4137(4), Florida Statutes (F.S.), requires the Northwest Florida Water Management District (NFWFMD or District), in consultation with the Florida Department of Environmental Protection (FDEP); the United States Army Corps of Engineers (USACE); the Florida Department of Transportation (FDOT); other appropriate federal, state, and local governments; and other interested parties, to develop and approve an annual regional mitigation plan each year for the mitigation needs of FDOT that are submitted to the District.¹

Since the March 16, 2015, District approval of modifications to the Regional Mitigation Plan (a.k.a. Umbrella Plan), approved by FDEP on April 1, 2015, FDOT has added nine projects to the FDOT District-Three Environmental Impact Inventory (Inventory) which may require mitigation through the District. The total wetland impact associated with these projects is estimated by FDOT as 20.34 acres. Wetland acreage impact requiring mitigation may be modified as permitting proceeds. These impacts and possible mitigation are summarized below. Additional information is posted at www.nwfwmdwetlands.com.

Seven of the nine FDOT projects added to the Inventory which may require mitigation through the District occur outside the service area of any private mitigation bank. One project (SR 87; FPID 416748-2) is partially located within the service area of a private mitigation bank. Another project (US 98 Pensacola Bay Bridge; FPID 409334-1), although within a private mitigation bank service area, may require estuarine credits which are unavailable from the bank. If acceptable to federal and/or state permittees, mitigation for these projects will consist of FDOT purchase of private credits outside of the District program. However, the District may develop mitigation for these impacts if necessary for FDOT to proceed.

Pursuant to sections 373.4137(4) and (6), F.S., the District hereby approves modifications to the Umbrella Plan for FDOT impacts identified in the FDOT District-Three Inventory and submitted to the District since March 2015. The Umbrella Plan includes the Sand Hill Lakes Mitigation Bank (owned and operated by the District), the District's In-Lieu Fee (ILF) Program, and other mitigation projects implemented by the District.

Modifications to the District-approved Umbrella Plan may not be implemented before approval by FDEP. Through consultation with the aforementioned entities, the District's Umbrella Plan has been designed and evaluated to meet state and federal mitigation requirements (section 373.4137, F.S., and 33 United State Code section 1344); however, it is the responsibility of FDOT to propose offsetting mitigation to state and federal permittees.

¹ FDOT is not required to participate in this mitigation program (section 373.4137(2)(a), F.S.) and may opt to implement mitigation for any or all of its projects independent of the District.

FDOT Transportation Projects Submitted to NFWFMD since March 2015

Projects Outside of Private Mitigation Bank Service Areas

- **SR 300 Multiuse Path (from St. George Island Bridge to US 98), FDOT FPID 433568-1.** This project consists of constructing a multiuse pedestrian/bicycle path in southern Franklin County adjacent to SR 300 extending from the north side of the St. George Island Bridge to US 98. Impact is to an estimated 0.26 acres of tidal marsh wetlands. This impact is not within the service area of any private mitigation bank or NFWFMD ILF project. Federal permittees are requiring offset of 0.16 Uniform Mitigation Assessment Method (UMAM) functional loss. No mitigation is required by state permits. Proposed mitigation, already permitted by the USACE, is hydrologic enhancement of tidal marsh wetlands at St. Joseph Bay State Buffer Preserve (Southgate Project Site) via construction of a low-water-crossing. Additional information on this impact and proposed mitigation is posted at http://nfwfmdwetlands.com/Site.php?site_id=260.
- **US 90A (from I-10 to SR 297), FDOT FPID 218605-7.** This project consists of road improvements in southern Escambia County. Impact is to an estimated 1.00 acres of wetlands. An estimated UMAM functional loss has not been provided to NFWFMD. This impact is not within the service area of any private mitigation bank. Proposed mitigation is use of credits from the NFWFMD Dutex ILF Mitigation Area. A total of 63.30 credits have been released by the US Army Corps of Engineers (USACE) at the Dutex site, of which 41.67 credits are currently available for use. Additional information on this impact and proposed mitigation is posted at http://nfwfmdwetlands.com/Site.php?site_id=258.
- **Patricia Drive at Bayou Marcus Creek, FDOT FPID 430472-1.** This project consists of replacement of a minor bridge in southern Escambia County. Impact is to an estimated 1.13 acres of wetlands. An estimated UMAM functional loss has not been provided to NFWFMD. This impact is not within the service area of any private mitigation bank. Proposed mitigation is use of credits from the NFWFMD Dutex ILF Mitigation Area. A total of 63.30 credits have been released by the US Army Corps of Engineers (USACE) at the Dutex site, of which 41.67 credits are currently available for use. Additional information on this impact and proposed mitigation is posted at http://nfwfmdwetlands.com/Site.php?site_id=258.
- **CR 159 Attapulcus Creek Bridge, FDOT FPID 428624-1.** This project consists of replacement of a minor bridge in northern Gadsden County. Impact is to an estimated 0.82 acres of wetlands. Estimated UMAM functional loss has not been provided to NFWFMD. This impact is not within the service area of any private mitigation bank. Proposed mitigation is use of credits from the NFWFMD Shuler ILF Mitigation Area. To date, 33.95 credits have been released by the USACE at the Shuler site, of which 27.90 are available for use. Additional information on this impact and proposed mitigation is posted at http://nfwfmdwetlands.com/Site.php?site_id=262.

- **SR 87 (from CR 178 to SR 4); FDOT FPID 416748-6.** This project consists of road improvements in northern Santa Rosa County. Impact is to an estimated 2.71 acres of wetlands. Estimated UMAM functional loss has not been provided to NFWWMD. This impact is not within the service area of any private mitigation bank or NWFMD ILF project. Potential mitigation has not been identified; options in the Blackwater River watershed are being investigated. NFWWMD will obtain FDEP approval before proceeding with any proposed mitigation. Additional information on this impact and potential mitigation is posted at http://nwfwmdwetlands.com/Site.php?site_id=259.
- **SR 4 Blackwater River Bridge; FDOT FPID 432828-1.** This project consists of replacement of a highway bridge in northern Okaloosa County. Impact is to an estimated 2.05 acre of wetlands. Estimated UMAM functional loss has not been provided to NFWWMD. This impact is not within the service area of any private mitigation bank or NWFMD ILF project. Potential mitigation has not been identified; options in the Blackwater River watershed are being investigated. NFWWMD will obtain FDEP approval before proceeding with any proposed mitigation. Additional information on this impact and potential mitigation is posted at http://nwfwmdwetlands.com/Site.php?site_id=259.
- **CR 99 Pine Barren Creek Bridge; FDOT FPID 430466-1.** This project consists of replacement of a bridge in northern Escambia County. Impact is to an estimated 1.23 acres of wetlands. Estimated UMAM functional loss has not been provided to NFWWMD. This impact is not within the service area of any private mitigation bank or NWFMD ILF project. Potential mitigation has not been identified; options in the Blackwater River watershed are being investigated. NFWWMD will obtain FDEP approval before proceeding with any proposed mitigation. Additional information on this impact and potential mitigation is posted at http://nwfwmdwetlands.com/Site.php?site_id=259.

Projects Within or Partially Within Private Mitigation Bank Service Areas but Potentially Lacking Sufficient Acceptable Private Mitigation Bank Credits

- **US 98 Pensacola Bay Bridge; FDOT FPID 409334-1.** Impact is to an estimated 0.25 acres of wetlands. Estimated UMAM functional loss has not been provided to NFWWMD at this time. This impact is within the service areas of the Pensacola Bay Mitigation Bank and the Garcon Peninsula Mitigation Bank. Mitigation is expected to consist of FDOT purchase of credits from one of these banks outside of the District mitigation program. However, because the impacted wetlands are estuarine, and neither bank has estuarine credits, use of these banks is dependent upon approval by state and/or federal permittees. If use of either of these banks is not allowed by permittees, the District may assist FDOT in developing mitigation alternatives. If the District develops mitigation options for this impact, the District will obtain FDEP approval before proceeding with implementation. Additional information on this impact and potential mitigation is posted at http://nwfwmdwetlands.com/Site.php?site_id=265.

- **SR 87 (from end of Four-Lane section to Coldwater Creek); FDOT FPID 416748-2).**
This project consists of road improvements in central Santa Rosa County. Impact is to an estimated 10.89 acres of wetlands. Estimated UMAM functional loss has not been provided to NFWWMD. This impact is partially within the Pensacola Bay Mitigation Bank service area. If acceptable to state and/or federal permittees, mitigation is expected to consist of FDOT purchase of credits from the Pensacola Bay Mitigation Bank. However, FDOT may request the District to develop mitigation for impacts that do not occur within the Pensacola Bay Mitigation Bank service area if necessary for this project to move forward. If NFWWMD develops mitigation options for this impact, NFWWMD will obtain FDEP approval before proceeding with implementation (no mitigation options for impacts outside the Pensacola Bay Mitigation Bank service area have been identified). This impact does not occur within the service area of any NFWWMD ILF project. Additional information on this impact and potential mitigation is posted at http://nfwfmdwetlands.com/Site.php?site_id=263.

Discussion of Consideration Given to Use of Private Mitigation Banks

Per section 373.4137(2)(c), F.S., FDOT must investigate use of a mitigation bank before including a project on the Inventory submitted to the District. If the District identifies use of a mitigation bank to offset an FDOT impact included on the Inventory, the District shall exclude that project from the mitigation plan and FDOT shall be responsible for purchase of bank credits (section 373.4137(3)(d), F.S.). The District does not compete with private mitigation banks and will develop or provide mitigation to FDOT only when use of a private mitigation bank is not feasible. Use of a mitigation bank as offsetting mitigation for an FDOT impact is dependent upon approval by state and federal permitting authorities.


Conclusion

The District concludes that the Umbrella Plan complies with the mitigation requirements of section 373.4137, F.S., and 33 USC Section 344, subject to approval by FDEP.

In accordance with section 373.4137(7), F.S., upon approval by the governing board of the water management district or its designee and FDEP, the mitigation plan shall be deemed to satisfy the mitigation requirements of section 373.4137, F.S., for impacts specifically in the FDOT Inventory and any other mitigation requirements imposed by local, regional, and state agencies for these same impacts. Approval of the governing board of the water management district or its designee shall authorize the activities proposed in the mitigation plan, and no other state, regional or local permit or approval shall be necessary. Per section 373.4137(5), the District, upon notice and coordination with FDOT, may deviate from the approved mitigation plan to comply with federal permitting requirements.

A copy of all Umbrella Plan documents may be accessed online at <http://nwfwmdwetlands.com> (or any successor website), or may be obtained from the Resource Management Division, Northwest Florida Water Management District, 81 Water Management Drive, Havana, FL 32333-4712.

APPROVED this 12th day of February, 2016



Brett J. Cyphers, Executive Director
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Table 1. Mitigation and Impact Project Overview - February, 2016¹

Mitigation Name	Impact Project	Impact Location		Habitat / Community Type Impact	Type Acres Impact	Total Impact Acres	T/E Species
		County	Drainage Basin				
St. Joseph Bay State Buffer Preserve (Southgate Hydrologic Enhancement)	SR 300 Multiuse Path (from St. George Island Bridge to US 98); FDOT FPID 433568-1	Franklin	Apalachicola Watershed	Tidal Marsh (Palustrine and Estuarine)	0.26	0.26	None Reported
Dutex In-Lieu Fee Mitigation Area	US 90A (from I-10 to SR 297); FPID 218605-7	Escambia	Perdido Watershed	Palustrine	1.00	1.00	None Reported
	Patricia Drive at Bayou Marcus Creek; FDOT FPID 430472-1	Escambia	Perdido Watershed	Palustrine	1.13	1.13	None Reported
Shuler In-Lieu Fee Mitigation Area	CR 159 Attapulcus Creek Bridge; FDOT FPID 428624-1	Gadsden	Ochlockonee Watershed	Palustrine	0.82	0.82	None Reported
TBD ²	SR 87 (from CR 178 to SR 4); FDOT FPID 416748-6 ³	Santa Rosa	Pensacola Bay System Watershed	Palustrine	2.71	2.71	None Reported
	SR 87 (from end of 4-Lane section to Coldwater Creek); FDOT FPID 416748-2 ⁴	Santa Rosa	Pensacola Bay System Watershed	Palustrine	10.89	10.89	None Reported
	SR 4 Blackwater River Bridge; FDOT FPID 432828-1 ⁵	Okaloosa	Pensacola Bay System Watershed	Palustrine	2.05	2.05	None Reported
	CR 99 Pine Barren Creek Bridge; FDOT FPID 430466-1 ⁶	Escambia	Pensacola Bay System Watershed	Palustrine	1.23	1.23	None Reported
	US 98 Pensacola Bay Bridge; FDOT FPID 409334-1 ⁷	Escambia	Pensacola Bay System Watershed	Estuarine	0.25	0.25	None Reported

Notes to Table 1 - Mitigation and Impact Project Overview:

¹Impact projects listed on this table were submitted from FDOT to NFWFMD from March 2015 to February 2016; per section 373.4137, FS, NFWFMD may provide mitigation for FDOT impacts only when FDOT is unable to purchase credits from a mitigation bank to meet federal and/or state permit conditions. The NFWFMD mitigation program, established under section 373.4137, FS, does not compete with private mitigation banks.

²Mitigation options have not been identified, developed, or clarified for these FDOT impacts submitted to NFWFMD; if or when mitigation options are identified, developed, or clarified, NFWFMD will seek FDEP approvals before proceeding with implementation; NFWFMD will provide mitigation for these impacts only if FDOT is unable to mitigate through private mitigation banks.

³This road project (SR 87; FPID 416748-6) is not located within the service area of any private mitigation bank or in-lieu fee mitigation project service area. Mitigation options within the Blackwater River basin of the Pensacola Bay System Watershed are being investigated.

⁴This road project (SR 87; FPID 416478-2) is partially within the Pensacola Bay Mitigation Bank service area. If acceptable to state and/or federal permittees, mitigation is expected to consist of FDOT purchase of credits from the Pensacola Bay Mitigation Bank. However, NFWFMD may develop mitigation for those impacts that do not occur within the Pensacola Bay Mitigation Bank service area if necessary for FDOT to move forward with this project. This impact is not within the service area of any NFWFMD In-Lieu Fee project.

⁵This road project (SR 4; FPID 432828-1) is not located within any private mitigation bank or in-lieu fee service area. Mitigation options within the Blackwater River basin of the Pensacola Bay System Watershed are being investigated.

⁶This road project (CR 99; FPID 430466-1) is not located within any private mitigation bank or in-lieu fee service area. Mitigation options within the Escambia River basin of the Pensacola Bay System Watershed are being investigated.

⁷Although this road project (US 98; FPID 409334-1) is located within a private mitigation bank service area, estuarine credits are not available. If acceptable to permitting authorities, mitigation is expected to consist of FDOT purchase of out-of-kind credits from a private bank. However, NFWFMD may develop

Table 2. Mitigation Plan Overview - February, 2016

Mitigation Name	Location		Habitat / Community Type	Mitigation Type	Acres/Type or # Credits	Total Acres or # Credits ¹	Land Acquisition
	County	SWIM Drainage Basin					
St. Joseph Bay State Buffer Preserve (Southgate Hydrologic Enhancement)	Gulf	Apalachicola River and Bay	Palustrine Wetlands	Wetland Enhancement	6 ac. (Palustrine)	6 ac.	No
Dutex In-Lieu Fee Mitigation Area	Escambia	Perdido River and Bay	Palustrine Wetlands	In-Lieu Fee Program	# of Palustrine Credits TBD	# of Credits TBD (est. 2±)	No
Shuler In-Lieu Fee Mitigation Area	Liberty	Ochlockonee River and Bay	Palustrine Wetlands	In-Lieu Fee Program	# of Palustrine Credits TBD	# of Credits TBD (est. 2-3±)	No
TBD (Pensacola Bay Watershed) ²	TBD	Pensacola Bay System	TBD	TBD	TBD	TBD	TBD

Note to Table 2 - Mitigation Plan Overview:

¹Number of credits will be determined when federal and/or state permits are issued.

²Mitigation options are being investigated in the Pensacola Bay System watershed for FDOT projects not occurring within either a private mitigation bank service area or a NFWFMD ILF project service area, or where private banks lack appropriate in-kind mitigation credits. NFWFMD will seek

Table 3. Cost of Mitigation Plan - February, 2016

Mitigation Name	Planning / Design Cost	Construction Cost	Acquisition or Credit Purchase Cost	Management Cost	Total Cost ¹	Mitigation Cost per Acre of Impact ²
St. Joseph Bay State Buffer Preserve (Southgate Hydrologic Enhancement) ³	\$4,568	\$18,000	\$0	\$6,853	\$29,421	\$113,156
Dutex In-Lieu Fee Mitigation Area ⁴	\$0	\$0	\$240,457	\$0	\$240,457	\$113,156
Shuler In-Lieu Fee Mitigation Area ⁵	\$0	\$0	\$92,788	\$0	\$92,788	\$113,156
TBD ⁶	TBD	TBD	TBD	TBD	TBD	TBD

Notes to Table 3:

¹Estimated total mitigation cost is based on impact acreage reported by FDOT, and is subject to modification if actual impact acreage changes during permitting.

²The current FDOT per-acre funding for wetland impacts associated with transportation projects, per section 373.4137, FS, is \$113,156 (through 6/30/2016).

³Mitigation for SR 300 Multiuse Path (FPID 433568-1), a 0.26-acre impact ($0.26 \times \$113,156 = \$29,421$).

⁴Mitigation for Patricia Drive at Bayou Marcus Creek (FPID 430472-1), a 1.125-acre impact ($1.125 \times \$113,156 = \$127,301$); and mitigation for US 90A (FPID 218605-7), a 1.00-acre impact ($1.00 \times \$113,156 = \$113,156$).

⁵Mitigation for CR 159 Attapulgus Creek Bridge (FPID 428624-1), a 0.82-acre impact ($0.82 \times \$113,156 = \$92,788$).

⁶NFWFMD is investigating mitigation options for FDOT in the Pensacola Bay System watershed for SR 87 (FPID 416748-1; 2.71-acre impact; $2.71 \times \$113,156 = \$306,653$), SR 87 (FPID 416748-2; 10.89-acre impact--partially within Pensacola Bay Mitigation Bank service area; $10.89 \times \$113,156 = \$1,232,269$), SR 4 (FPID 432828-1; 2.05-acre impact; $2.05 \times \$113,156 = \$231,970$), CR 99 (FPID 430466-1; 1.23-acre impact; $1.23 \times \$113,156 = \$139,182$), and US 98 (FPID 409334-1; 0.25 x \$113,156 = \$28,289). None of these impacts have an identified private mitigation bank option (excepting SR 87 / FPID 416748-2 which partially occurs within the Pensacola Bank Mitigation Bank service area, and US 98 / FPID 409334-1 which occurs within the Pensacola Bay Mitigation Bank and Garcon Peninsula Mitigation Bank service areas), nor occur within an In-Lieu Fee program service area. The total cost for developing new mitigation for these impacts is estimated as \$1,938,363. If mitigation options are developed by NFWFMD for these impacts, NFWFMD will first obtain approvals from FDEP before implementation.

Northwest Florida Water Management District Regional Mitigation Plan Modification (FDOT Projects Added to Inventory - March 2015 through February 2016)

