

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

**Approval of Regional Mitigation Plan Modifications**

**2018**

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 before March 1<sup>st</sup> of each year for the mitigation needs of FDOT that are submitted to the District.<sup>1</sup>

This Regional Mitigation Plan update addresses the wetland mitigation needs of five FDOT District-Three road projects. Since approval of the 2017 Regional Mitigation Plan update (approved by NFWFMD 2/27/2017; approved by FDEP 4/6/2017), FDOT has added four projects to the FDOT District-Three Environmental Impact Inventory (Inventory) which may require mitigation through the District. Additionally, proposed mitigation for one FDOT project included in the 2016 and 2017 Regional Mitigation Plan updates has changed from land acquisition to use of the NFWFMD In-Lieu Fee mitigation program. The total direct wetland impact associated with these projects that may be mitigated in whole or part through the NFWFMD program is estimated by FDOT as 57.00 acres. Wetland impact acreage requiring mitigation may be modified as permitting proceeds. These impacts and possible mitigation are summarized below. Additional information is posted at [www.nwfwmdwetlands.com](http://www.nwfwmdwetlands.com).

Four of the FDOT projects included in this Regional Mitigation Plan update (US 98 Brooks Bridge, FPID 451474-2; SR 65 Graham Creek Bridge, FPID 218764-2; SR 4 Blackwater River Bridge, FPID 432828-1; CR 159 Swamp Creek Bridge, FPID 439374-1) occur outside the service area of any private mitigation bank. One project (SR 173; FPID 421012-1) is partially located within the service area of a private mitigation bank. If acceptable to federal and state permittees, mitigation for SR 173 (FPID 421012-1) will consist solely of FDOT purchase of credits from a private bank outside of the District program. However, if necessary for FDOT to proceed with this road project, the District may provide mitigation for those portions of the impact occurring outside a private bank service area.

Pursuant to sections 373.4137(4) and (6), F.S., the District hereby approves modifications to the Regional Mitigation Plan for five FDOT impacts identified in the FDOT District-Three Inventory (four submitted to the District from March 2017 through February 2018; one submitted 2015). The Regional Mitigation 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.

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<sup>1</sup> 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.

Modifications to the District-approved Regional Mitigation Plan may not be implemented before approval by FDEP. Through consultation with the aforementioned entities, the District's Regional Mitigation 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.

## **FDOT Transportation Projects**

### *Projects Outside of Private Mitigation Bank Service Areas*

- **US 98 Brooks Bridge; FDOT FPID 415474-2.** This project consists of replacement of a major highway bridge in Okaloosa County proximate to the confluence of Choctawhatchee Bay and Santa Rosa Sound. Impact is to an estimated 0.90 acres of jurisdictional wetlands. At this time, estimated UMAM functional loss has not been provided. This impact is not within the service area of any mitigation bank. Proposed mitigation is creation of a living shoreline at the NFWFMD Live Oak Peninsula mitigation area via oyster shell breakwater construction and planting of appropriate saltmarsh species.<sup>2</sup> Additional information on this impact and potential mitigation is posted at <http://www.nfwmdwetlands.com/Umbrella-Plan/FDOT-Impacts/Pensacola-Watershed-Impacts/US-98-Brooks-Bridge>.
- **SR 65 Graham Creek Bridge; FDOT FPID 218764-2.** This project consists of replacement of a highway bridge in Franklin County in the Apalachicola River and Bay watershed. Impact is to an estimated 1.37 acres of jurisdictional wetlands. Estimated UMAM functional loss has not been provided at this time to the NFWFMD. This impact is not within the service area of any mitigation bank. Proposed mitigation is use of the NFWFMD Tates Hell In-Lieu Fee mitigation area (35.21 federal/state credits currently available for use). Additional information on this impact and potential mitigation is posted at <https://www.nfwmdwetlands.com/Umbrella-Plan/FDOT-Impacts/Apalachicola-Watershed-Impacts/SR-65-Graham-Creek-Bridge>.
- **SR 4 Blackwater River Bridge; FDOT FPID 432828-1.** This project consists of replacement of a highway bridge in northern Okaloosa County in the Pensacola Bay System (Blackwater River) watershed. Impact is to an estimated 1.73 acre of wetlands. Estimated UMAM functional loss is 1.09 functional units. This impact is not within the service area of any private mitigation bank or NFWFMD ILF project. Included in the 2016 and 2017 Regional Mitigation Plan updates, proposed mitigation is use of the NFWFMD Yellow River Ranch In-Lieu Fee mitigation area (9.27 federal / 1.29 state credits currently available for use). Additional information on this impact and potential mitigation is posted at <http://www.nfwmdwetlands.com/Umbrella-Plan/FDOT-Impacts/Pensacola-Watershed-Impacts/SR-4-Blackwater-River-Bridge>.

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<sup>2</sup> The District owns and manages approximately 513.7 acres at the Live Oak Peninsula mitigation area (80 acres are within the NFWFMD In-Lieu Fee mitigation program).

- **CR 159 Swamp Creek Bridge; FDOT FPID 439374-1.** This project consists of replacement of a highway bridge in Gadsden County in the Ochlockonee River and Bay watershed. At this time, no estimates of impact acreage or wetland functional loss have been provided. This impact is not within the service area of any private mitigation bank. Proposed mitigation is use of the NFWFMD Shuler In-Lieu Fee mitigation area (27.90 federal/state credits currently available for use). Additional information on this impact and potential mitigation is posted at <https://www.nwfwmdwetlands.com/Umbrella-Plan/FDOT-Impacts/Ochlockonee-Watershed-Impacts/CR-159-Swamp-Creek-Bridge>.

*Project Partially Within Private Mitigation Bank Service Areas*

- **SR 173 (Blue Angel Parkway from SR 292 to US 98); FDOT FPID 421012-1.** This project consists of road improvements in Escambia County. Impacts to jurisdictional wetlands (estimated at 53 acres) occur in both the Pensacola Bay System watershed and the Perdido River and Bay watershed. Estimated UMAM functional loss has not been provided to NFWFMD. If acceptable to state and federal permittees, mitigation is expected to consist of FDOT purchase of credits from a private bank in the Pensacola Bay System watershed. However, because this road project occurs within two watersheds and the impacts are substantial, federal permittees may require that mitigation be split between the Pensacola and Perdido watersheds. If so, and if necessary for FDOT to move forward with this road project, the NFWFMD is ready to provide mitigation credits from the Dutex In-Lieu Fee mitigation area (Perdido watershed) for those impacts occurring within the Perdido watershed. Impacts occurring within the Pensacola watershed would be offset through FDOT purchase of use of private mitigation credits. Additional information on this impact and potential mitigation is posted at <http://www.nwfwmdwetlands.com/Umbrella-Plan/FDOT-Impacts/Pensacola-Watershed-Impacts/SR-173-Blue-Angel-Pkwy.-from-SR-292-Sorrento-Road-to-US-98>.

### **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.

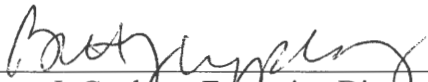
### **Conclusion**

The District concludes that the Regional Mitigation 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 by 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 Regional Mitigation Plan documents may be accessed online at <http://www.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.

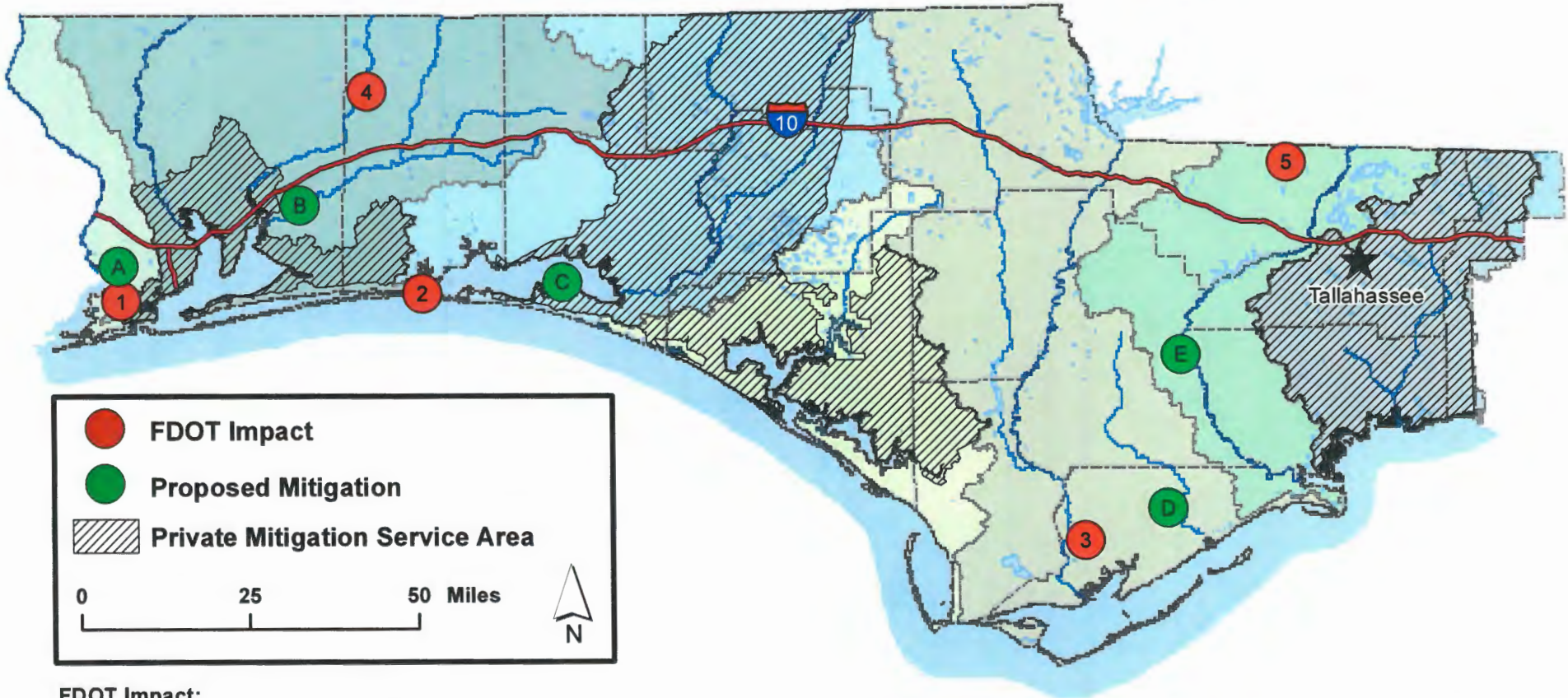
**APPROVED** this 12<sup>th</sup> day of March, 2018



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

# Northwest Florida Water Management District Regional Mitigation Plan Modification (FDOT Projects March 2017 through February 2018)



**FDOT Impact;**

- 1 - SR 173 (FPID 421012-1)
- 2 - US 98 Brooks Bridge (FPID 415474-2)
- 3 - SR 65 Graham Creek Bridge (FPID 218764-2)
- 4 - SR 4 Blackwater River Bridge (FPID 432828-1)\*
- 5 - CR 159 Swamp Creek Bridge (FPID 439374-1)

**Proposed Mitigation:**

- A - Dutex ILF\*\*
- B - Yellow River Ranch ILF
- C - Live Oak Peninsula\*\*\*
- D - Tates Hell ILF
- E - Shuler ILF

- Apalachicola River and Bay
- Choctawhatchee River and Bay
- Ochlockonee River and Bay
- Pensacola Bay System
- Perdido River and Bay
- St. Andrew Bay
- St. Marks River and Apalachee Bay

\*Added to FDOT Inventory 2015; mitigation identified 2017.

\*\*Only as mitigation for portion of impacts unable to be offset through use of a private mitigation bank.

\*\*\*Live Oak Peninsula includes both ILF and Non-ILF Components.

**Table 1. Mitigation and Impact Project Overview - February, 2018<sup>1</sup>**

Mitigation Name	Impact Project	Impact Location		Habitat / Community Type Impact	Type Acres Impact	Total Impact Acres <sup>2</sup>	T/E Species
		County	Drainage Basin				
Tates Hell In-Lieu Fee Mitigation Area	SR 65 Graham Creek Bridge (FPID 218764-2) <sup>3</sup>	Franklin	Apalachicola River and Bay Watershed	Palustrine	1.37	1.37	No
Dutex In-Lieu Fee Mitigation Area	SR 173 (Blue Angel Pkwy. From SR 292 to US 98; FPID 421012-1) <sup>4</sup>	Escambia	Pensacola Bay System Watershed and Perdido River and Bay Watershed	Palustrine	53.00	53.00	No
Live Oak Peninsula Mitigation Area	US 98 John T. Brooks Bridge (FPID 415474-2) <sup>5</sup>	Okaloosa	Pensacola Bay System Watershed (Santa Rosa Sound)	Palustrine	0.89	0.90	Yes <sup>6</sup>
				Estuarine	0.01		
Shuler In-Lieu Fee Mitigation Area	CR 159 Swamp Creek Bridge (FPID 439374-1) <sup>7</sup>	Gadsden	Ochlockonee River and Bay Watershed	Palustrine	TBD	TBD	No
Yellow River Ranch In-Lieu Fee Mitigation Area	SR 4 Blackwater River Bridge (FPID 432828-1) <sup>8</sup>	Santa Rosa	Pensacola Bay System Watershed	Palustrine	1.73	1.73	No
Estimated Total Direct Wetland Impact Acres:					57.00		

**Notes to Table 1 - Mitigation and Impact Project Overview:**

<sup>1</sup>Impacts listed on this table (excepting SR 4 Blackwater River Bridge) were submitted from FDOT to NFWFMD from March 2017 to February 2018. 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.

<sup>2</sup>Direct wetland impact acres as listed on the most recent FDOT District 3 Environmental Mitigation Escrow Report.

<sup>3</sup>This impact does not occur within any private mitigation bank service area.

<sup>4</sup>Impacts occur in both Pensacola and Perdido watersheds. Federal permittees may require mitigation to be split between a private bank in the Pensacola watershed and the Dutex ILF mitigation area in the Perdido watershed (there are no private mitigation banks in the Perdido watershed). The impact acreage or functional loss split between the Pensacola and Perdido watersheds has not been provided at this time. The NFWFMD will provide mitigation from the Dutex site only if permittees do not allow all mitigation to go to a private bank.

<sup>5</sup>This impact does not occur within any private mitigation bank service area.

<sup>6</sup>Gulf Sturgeon Critical Habitat.

<sup>7</sup>This impact does not occur within any private mitigation bank service area. Impact acreage TBD.

<sup>8</sup>This impact, which is not within any private mitigation bank service area, was included in the FDEP-approved 2016 and 2017 Regional Mitigation Plan updates without specific mitigation identified (potential land acquisitions were explored). Because of permitting time constraints, mitigation will be

**Table 2. Mitigation Plan Overview - February, 2018**

Mitigation Name	Location		Habitat / Community Type	Mitigation Type	Acres/Type or # Credits <sup>1</sup>	Total Acres or # Credits	Land Acquisition
	County	SWIM Drainage Basin					
Dutex In-Lieu Fee Mitigation Area <sup>2</sup>	Escambia	Perdido River and Bay Watershed	Palustrine Wetlands	In-Lieu Fee Program	# of Palustrine Credits TBD	TBD (no current estimate)	No
Tates Hell In-Lieu Fee Mitigation Area	Franklin	Apalachicola River and Bay Watershed	Palustrine Wetlands	In-Lieu Fee Program	# of Palustrine Credits TBD	TBD (est. 2±)	No
Live Oak Peninsula Mitigation Area <sup>3</sup>	Walton	Choctawhatchee River and Bay Watershed	Estuarine Wetlands	In-Lieu Fee Program	# of Estuarine Credits and/or Acres TBD	TBD (est. 1-2± Credits and/or Acres	No
Shuler In-Lieu Fee Mitigation Area	Liberty	Ochlockonee River and Bay Watershed	Palustrine Wetlands	In-Lieu Fee Program	# of Palustrine Credits TBD	TBD (est. ~1)	No
Yellow River Ranch In-Lieu Fee Mitigation Area	Santa Rosa	Pensacola Bay System Watershed	Palustrine Wetlands	In-Lieu Fee Program	# of Palustrine Credits TBD	TBD (est. ~1)	No



**Note to Table 2 - Mitigation Plan Overview:**

<sup>1</sup>Number and type of credits to be determined when federal and state permits are issued.

<sup>2</sup>The number of credits or acreage of impact that may or may not be mitigated for SR 173 (Blue Angel Parkway from SR 292 to US 98; FPID 421012-1) at the Dutex ILF site has not been determined. Portions of the SR 173 impacts occur within a private mitigation bank service area; those portions will not be mitigated through the NFWWMD mitigation program. Because of the linear nature of the SR 173 impacts, depending upon federal and state permit decisions, it may be possible for all mitigation to be accomplished by FDOT use of a private mitigation bank. The NFWWMD will provide mitigation for the SR 173 impacts occurring outside a private service area only if permittees do not allow all mitigation to be provided by a private mitigation bank. The NFWWMD does not compete with private mitigation banks, encourages the establishment of new banks in areas not currently served by the private sector, and provides FDOT with mitigation only when use of a private bank is not feasible.

<sup>3</sup>The Live Oak Peninsula mitigation area includes both In-Lieu Fee (ILF) and non-ILF components.

**Table 3. Cost of Mitigation Plan - February, 2018**

Mitigation Name	Planning / Design Cost	Construction Cost	Acquisition or Credit Purchase Cost	Management Cost <sup>1</sup>	Total Cost <sup>2</sup>	Mitigation Cost per Acre of Impact <sup>3</sup>
Live Oak Peninsula Mtigation Area <sup>4</sup>	\$5,000	\$80,000	\$0	\$18,618	\$103,618	\$115,131
Dutex In-Lieu Fee Mitigation Area <sup>5</sup>	TBD	TBD	TBD	TBD	TBD	\$115,131
Tates Hell In-Lieu Fee Mitigation Area <sup>6</sup>	\$0	\$0	\$157,729	\$0	\$163,486	\$115,131
Yellow River Ranch In-Lieu Fee Mitigation Area <sup>7</sup>	\$0	\$0	\$199,177	\$0	\$199,177	\$115,131
Shuler In-Lieu Fee Mitigation Area <sup>8</sup>	\$0	\$0	TBD	\$0	TBD	\$115,131
Totals:	\$5,000	\$80,000	\$356,906	\$18,618	\$466,281	

**Notes to Table 3:**

<sup>1</sup>Funds reserved for ecological management in perpetuity.

<sup>2</sup>Estimated total mitigation cost based on acreage of direct wetland impact as reported in the most recent FDOT District 3 Environmental Mitigation Escrow Report; impact-acreage estimates subject to modification by state and/or federal permittees.

<sup>3</sup>The current FDOT per-acre funding for wetland impacts associated with transportation projects, in accordance with section 373.4137, FS, is \$115,131 (valid through 6/30/2018; value is adjusted annually based on the federal Consumer Price Index).

<sup>4</sup>Mitigation for US 98 Brooks Bridge (FPID 415474-2), an estimated 0.90-acre impact (0.90 acres x \$115,131 = \$103,618).

<sup>5</sup>Potential mitigation for impacts associated with SR 173 (Blue Angel Parkway from SR 292 to US 98; FPID 421012-1) that are not able to be mitigated through use of a private mitigation bank. Acreage of impact that may or may not be mitigated through NFWMD mitigation program has not been determined. Direct impact is currently estimated at 53.00 acres.

<sup>6</sup>Mitigation for SR 65 Graham Creek Bridge (FPID 218764-2), an estimated 1.37-acre impact (1.37 acres x \$115,131 = \$157,729).

<sup>7</sup>Mitigation for SR 4 Blackwater River Bridge (FPID 432828-1), a 1.73-acre impact (1.73 acres x \$115,131 = \$199,177).

<sup>8</sup>Mitigation for CR 159 Swamp Creek Bridge (FPID 439374-1); no impact acreage estimate provided.