

Regional Mitigation Plan Update

February 2020



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

Program Development Series 20-01

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

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Introduction

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 1st of each year for FDOT mitigation needs submitted to the District. The NFWFMD mitigation program includes the Sand Hill Lakes Mitigation Bank (owned and operated by the District), the District's In-Lieu Fee Instrument authorized by the USACE, and other mitigation projects implemented by the District.

Although FDOT is not required to participate in the District mitigation program (section 373.4137(2)(a), F.S.), FDOT District Three opts to mitigate through the District when use of a private mitigation bank is not feasible. This Regional Mitigation Plan Update satisfies the requirements of section 373.4137(4), F.S., to annually develop a mitigation plan for submittal to, and approval by, FDEP. To facilitate a policy-level review, FDEP guidance requests that regional mitigation plan submittals be in the form of a summary and only address new projects. Detailed information and permit-level project plans are posted at the District website (www.nfwwater.com/Water-Resources/Regional-Wetland-Mitigation-Program). Approval from FDEP is obtained prior to implementation of mitigation.

Consideration 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 environmental impact inventory (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.).

Private mitigation bank service areas cover approximately one-third of northwest Florida (Figure 1). The District strongly encourages the development of private mitigation banks, especially in areas not currently served by private banks. 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.

Consideration of current service area coverages, as indicated in Figure 1, suggests that development of additional credits within several regions of northwest Florida may be needed to support future transportation improvements. Additional palustrine credits within the Blackwater River and Yellow River basins and additional estuarine credits districtwide may be particularly useful to support future transportation needs.

2020 Project Update

This Regional Mitigation Plan Update addresses the wetland mitigation needs of four FDOT road projects (Figure 2) added to the FDOT District Three Inventory since approval of the 2019 Regional Mitigation Plan Update (approved by NFWFMD 2/25/2019 and FDEP 4/12/2019; Supplemental No. 1 approved by NFWFMD 4/15/2019 and FDEP 4/17/2019; Supplemental No. 2 approved by NFWFMD 12/11/2019 and FDEP 12/19/2019). Total direct wetland impact associated with these projects, which may be mitigated in whole or part through the NFWFMD program, has not been estimated by FDOT, although the total is not expected to exceed one acre. Project impacts and possible mitigation are summarized below. Additional information on impacts and proposed mitigation is posted at www.nfwfwater.com/Water-Resources/Regional-Wetland-Mitigation-Program.

The four FDOT projects included in this Regional Mitigation Plan Update are currently not serviced by any private mitigation bank.

FDOT Transportation Project

I-10 at CR 99 (New Interchange); FDOT FPID 433113-1. This project consists of construction of a new interchange in Escambia County in the Perdido River watershed. At this time, estimates of wetland impacts, functional loss, and project footprint have not been provided by FDOT. Geospatial analysis suggests minor impacts to palustrine forested wetlands are likely. The scheduled FDOT Design-Build contract letting date is 11/6/2025, with permitting to be completed prior to this date. This impact is not currently within the service area of any private mitigation bank. Proposed mitigation is use of the Dutex In-Lieu Fee (ILF) Unit of the NFWFMD ILF mitigation program. If a private mitigation bank option becomes available prior to permitting, this project will be withdrawn from the NFWFMD mitigation program and FDOT will be responsible for purchasing credits from a private bank. Additional information as plans are developed will be posted at <https://www.nfwfwater.com/Water-Resources/Regional-Wetland-Mitigation-Program/Regional-Mitigation-Plan/FDOT-Impacts/Perdido-Watershed-Impacts/I-10-at-CR-99-New-Interchange-433113-1>.

CR 30A Western Lake Bridge No. 600089; FDOT FPID 443331-1. This project is a bridge replacement in south Walton County in the Choctawhatchee Bay watershed. At this time, estimates of wetland impacts and functional loss have not been provided by FDOT, although geospatial analysis suggests minor impacts to estuarine wetlands are likely. Permitting is slated for 2021 though FDOT Design-Build contract letting has not been scheduled. This impact is not currently within the service area of any private mitigation bank. Proposed mitigation is use of the Live Oak Point In-Lieu Fee (ILF) Unit of the NFWFMD ILF mitigation program. If a private mitigation bank option becomes available prior to permitting, this project will be withdrawn from the NFWFMD mitigation program and FDOT will be responsible for purchasing credits from a private bank. Additional information as plans are developed will be posted at <https://www.nfwfwater.com/Water-Resources/Regional-Wetland-Mitigation-Program/Regional-Mitigation-Plan/FDOT-Impacts/Choctawhatchee-Watershed-Impacts/CR-30A-Western-Lake-Bridge-No.-600089-443331-1>.

CR 273 Little Hard Labor Creek Bridge; FDOT FPID 439365-1. This project is a bridge replacement in eastern Washington County in the Choctawhatchee River watershed. An estimated 0.084 acres of jurisdictional palustrine wetlands will be permanently impacted by this project; UMAM functional loss

estimates have not been provided. FDOT Design-Build contract letting has not been scheduled though permitting is expected in 2020. This impact is not currently within the service area of any private mitigation bank. Proposed mitigation is use of the NFWFMD-owned Sand Hill Lakes Mitigation Bank. If a private mitigation bank option becomes available prior to permitting, this project will be withdrawn from the NFWFMD mitigation program and FDOT will be responsible for purchasing credits from a private bank. Additional information as plans are developed will be posted at <https://www.nfwwater.com/Water-Resources/Regional-Wetland-Mitigation-Program/Regional-Mitigation-Plan/FDOT-Impacts/Choctawhatchee-Watershed-Impacts/CR-273-Little-Hard-Labor-Creek-Bridge-439365-1>.

CR 259 SCL Railroad Bridge No. 540027; FDOT FPID 439366-1. This project is a bridge replacement in Jefferson County in the Aucilla River watershed. An estimated 0.147 acres of jurisdictional palustrine wetlands will be permanently impacted by this project; UMAM functional loss estimates have not been provided. FDOT Design-Build contract letting has not been scheduled though permitting is expected in 2020. Although this impact is not within any mitigation bank or in-lieu fee service area, it is located within approximately 1,100 FT of the eastern boundary of a private mitigation bank service area. With approval of regulatory agencies, minimal impacts such as FPID 439366-1 may be appropriately mitigated outside of the approved mitigation service area. The NFWFMD will develop mitigation for this impact only if use of a private mitigation bank is not allowed by permitting authorities. Additional information as plans are developed will be posted <https://www.nfwwater.com/Water-Resources/Regional-Wetland-Mitigation-Program/Regional-Mitigation-Plan/FDOT-Impacts/St.-Marks-Watershed-Impacts/CR-259-SCL-Railroad-Bridge-No.-540027-439366-1>.

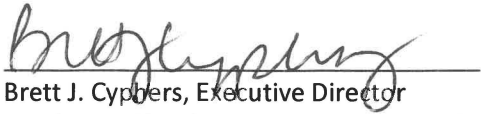
Conclusion

The District concludes that this Regional Mitigation Plan Update complies with the mitigation requirements of section 373.4137, F.S., and 33 USC Section 344, subject to approval by FDEP, for the four projects described above and included in the FDOT Inventory. Approval by the Governing Board of the District or its designee and FDEP 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), F.S., the District, upon notice and coordination with FDOT, may deviate from the approved mitigation plan to comply with federal permitting requirements.

All Regional Mitigation Plan documents may be accessed online at <https://www.nfwwater.com/Water-Resources/Regional-Wetland-Mitigation-Program>. Copies may be obtained from the Resource Management Division, Northwest Florida Water Management District, 81 Water Management Drive, Havana, FL 32333-4712.

Pursuant to sections 373.4137(4) and (6), F.S., the District hereby approves modifications to the Regional Mitigation Plan for four FDOT impacts identified in the FDOT District Three Inventory. Modifications to the District-approved Regional Mitigation Plan may not be implemented prior to 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.

APPROVED this 24 day of February 2020



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For More Information

Website:

<https://www.nfwwater.com/Water-Resources/Regional-Wetland-Mitigation-Program>

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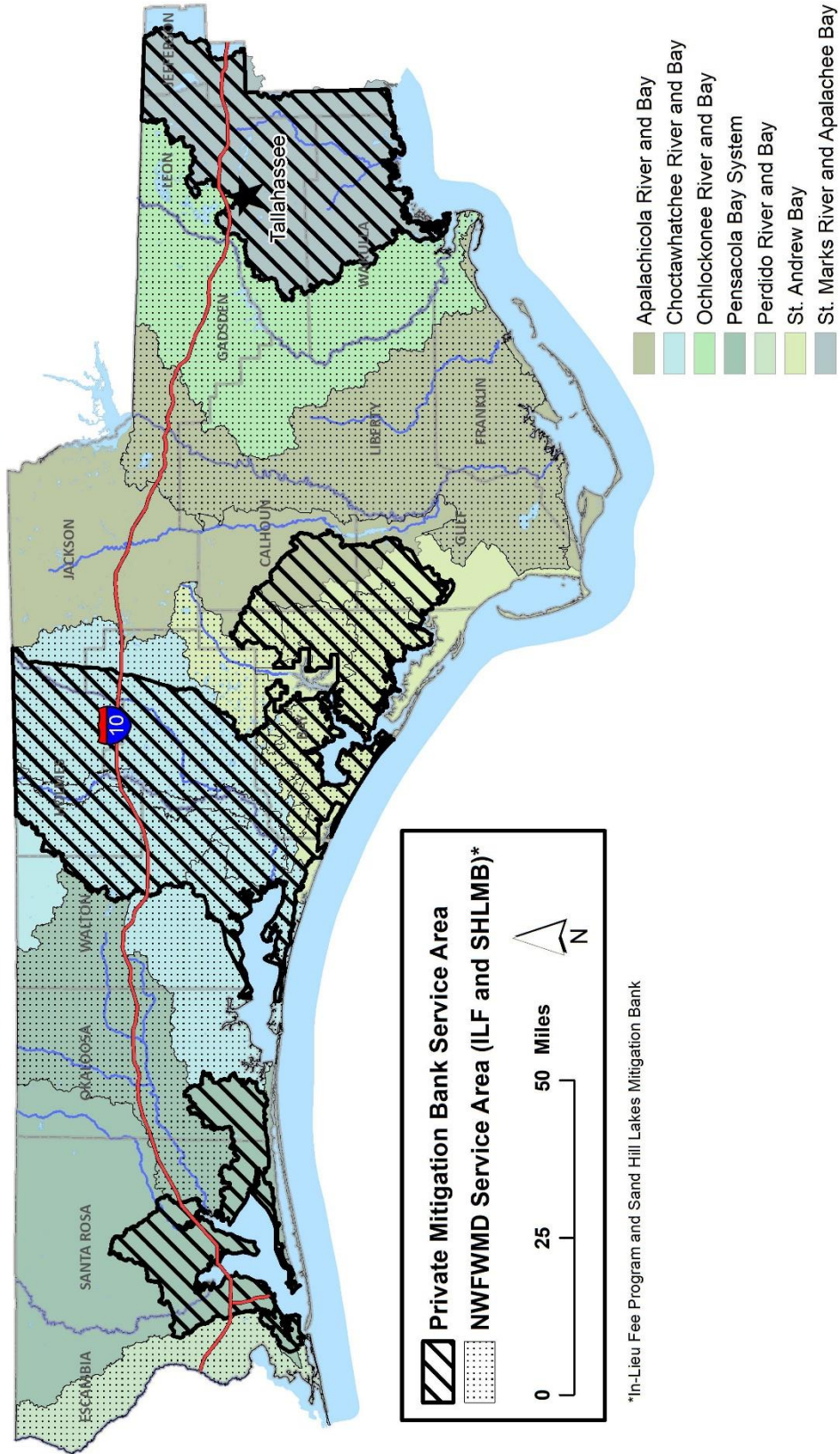
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*In-Lieu Fee Program and Sand Hill Lakes Mitigation Bank

Figure 1. Mitigation Service Areas in Northwest Florida

Northwest Florida Water Management District 2020 Regional Mitigation Plan Update FDOT Projects and Proposed Mitigation

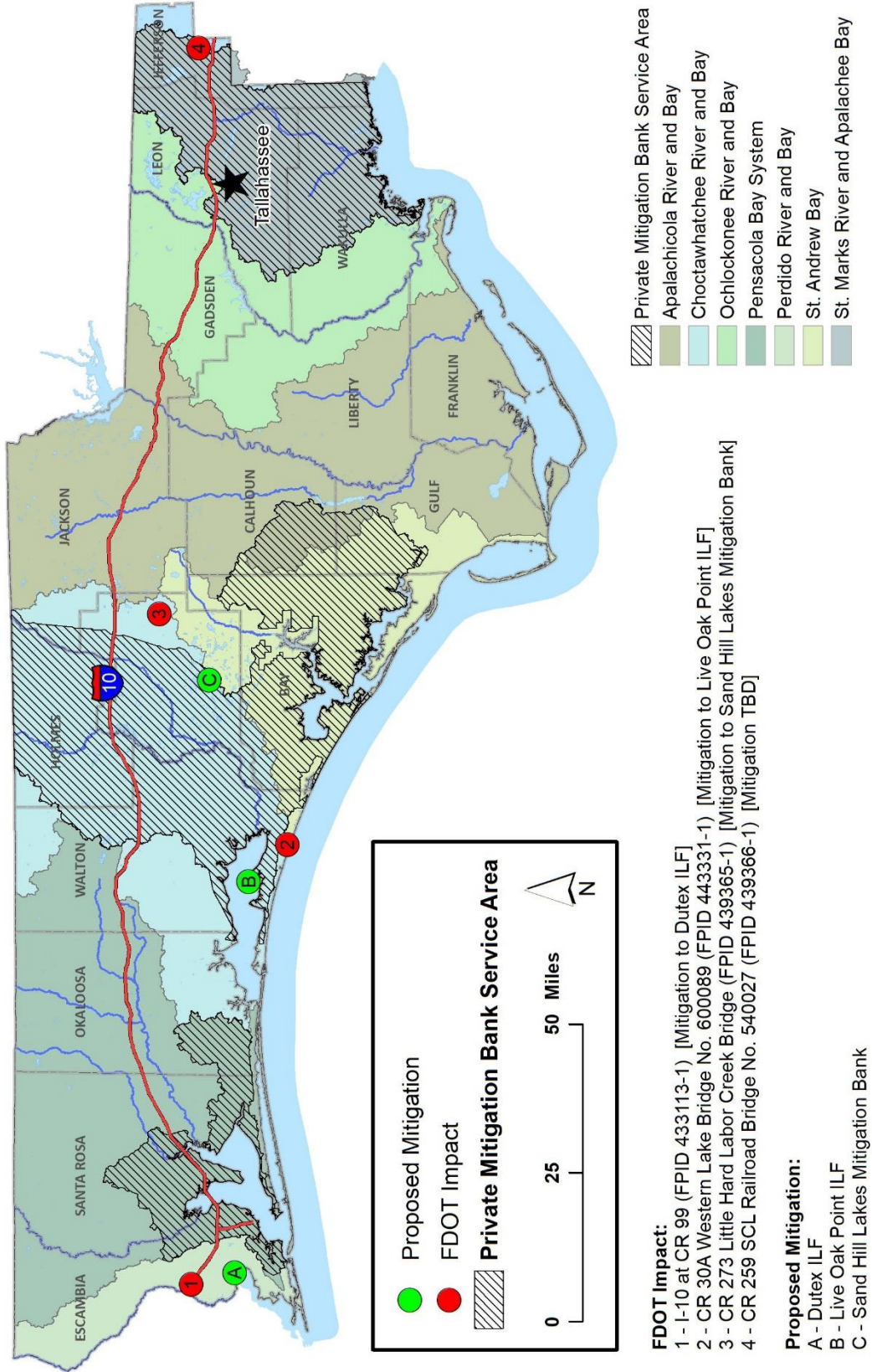


Figure 2. Map of FDOT Impact and Identified Mitigation Option

Table 1. Mitigation and Impact Project Overview

Mitigation and Impact Project Overview - February 2020 ¹							
Mitigation Name	Impact Project	Impact Location		Habitat / Community Type Impact	Type Acres Impact	Total Impact Acres ²	T/E Species
		County	Drainage Basin				
Dutex In-Lieu Fee Mitigation Area	I-10 at CR 99 (FPID 433113-1)	Escambia	Perdido River and Bay Watershed	Palustrine	TBD	TBD	TBD
Live Oak Point In-Lieu Fee Mitigation Area	CR 30A Western Lake Bridge No. 600089 (FPID 443331-1)	Walton	Choctawhatchee River and Bay Watershed	Estuarine	TBD	TBD	TBD
Sand Hill Lakes Mitigation Bank	CR 273 Little Hard Labor Creek Bridge (FPID 439365-1)	Washington	Choctawhatchee River and Bay Watershed	Palustrine	0.084	0.084	TBD
TBD ³	CR 259 SCL Railroad Bridge No. 540027 (FPID 439366-1)	Jefferson	Aucilla River Watershed	Palustrine	0.147	0.147	TBD
						0.231	

Notes to Table 1 - Mitigation and Impact Project Overview:

¹The impacts listed in this table were submitted from FDOT to NFWFMD via the Environmental Mitigation Escrow Report. 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.

²The estimated amount of wetland impact acres for FPID 433113-1 and 433331-1 have not been listed on the most recent FDOT District 3 Environmental Mitigation Escrow Report or otherwise provided by FDOT. The NFWFMD mitigation program relies upon FDOT to provide all information associated with their wetland impacts; it does not quantify or otherwise assess wetland impacts for FDOT. Estimates of impact acreage frequently change during the project planning and permitting process.

³Although the CR 259 SCL Railroad Bridge No. 540027 impact (FPID 439366-1) does not occur within any mitigation bank or in-lieu fee service area, it is located within approximately 1,100 FT of the eastern boundary of a private mitigation bank service area. With approval of regulatory agencies, minimal impacts such as FPID 439366-1 may be appropriately mitigated outside of the approved mitigation service area. The NFWFMD will develop mitigation for this impact only if out-of-service-area use of a private mitigation bank is not allowed by permitting authorities.

Table 2. Mitigation Plan Overview

Mitigation Plan Overview - February 2020							
Mitigation Name	Location		Habitat / Community Type	Mitigation Type	Acres/Type or # Credits ¹	Total Acres or # Credits	Land Acquisition
	County	SWIM Drainage Basin					
Dutex In-Lieu Fee Mitigation Area ²	Escambia	Perdido River and Bay Watershed	Palustrine Wetlands	In-Lieu Fee Program	# of Palustrine Credits TBD	TBD	No
Live Oak Point In-Lieu Fee Mitigation Area ³	Walton	Choctawhatchee River and Bay Watershed	Estuarine	In-Lieu Fee Program	# of Estuarine Credits TBD	TBD	No
Sand Hill Lakes Mitigation Bank ⁴	Washington	Choctawhatchee River and Bay Watershed	Palustrine	Mitigation Bank	# of Palustrine Credits TBD	TBD	No
TBD ⁵	Jefferson	Aucilla River Watershed	Palustrine	TBD	# of Palustrine Credits TBD	TBD	No

Notes to Table 2 - Mitigation Plan Overview:

¹Number and type of credits to be finalized when federal and state permits are issued.

²Proposed mitigation for I-10 at CR 99 (FPID 433113-1) in the absence of a private mitigation bank. At this time, no estimate of impact acreage or UMAM functional loss has been provided for FPID 433113-1 by FDOT.

³Proposed mitigation for CR 30A Western Lake Bridge No. 600089 (FPID 443331-1) in the absence of a private mitigation bank. At this time, no estimate of impact acreage or UMAM functional loss has been provided for FPID 443331-1 by FDOT.

⁴Proposed mitigation for CR 273 Little Hard Labor Creek Bridge (FPID 439365-1) in the absence of a private mitigation bank. Impact acreage estimated at 0.084 acres; no estimate of UMAM functional loss has been provided.

⁵Mitigation for CR 259 SCL Railroad Bridge No. 540027 (FPID 439366-1) TBD. Impact acreage estimated at 0.147 acres; no estimate of UMAM functional loss has been provided. NFWFMD will develop mitigation for this impact only if out-of-service-area use of a private mitigation bank is not allowed by permitting authorities.

Table 3. Cost Estimates of Mitigation Plan

Table 3. Cost of Mitigation Plan - February 2020						
Mitigation Name	Planning / Design Cost	Construction Cost	Acquisition or Credit Purchase Cost	Management Cost	Total Cost ¹	Mitigation Cost per Acre of Impact ²
Dutex In-Lieu Fee Mitigation Area ³	\$0	\$0	TBD	\$0	TBD	\$120,441
Live Oak Point In-Lieu Fee Mitigation Area ⁴	\$0	\$0	TBD	\$0	TBD	\$120,441
Sand Hill Lakes Mitigation Bank ⁵	\$0	\$0	\$10,117	\$0	\$10,117	\$120,441
TBD ⁶	TBD	TBD	\$0	TBD	\$17,705	\$120,441
					\$27,822	

Notes to Table 3 – Cost Estimates of Mitigation Plan:

¹Mitigation cost will be determined by acreage of direct wetland impact in accordance with section 373.4137, FS.

²The current FDOT per-acre funding for wetland impacts associated with transportation projects, in accordance with section 373.4137, FS, is \$120,441 (valid through 6/30/2020; value is adjusted annually based on the federal Consumer Price Index).

³Proposed mitigation for I-10 at CR 99 (FPID 433113-1); amount of funding TBD when direct impact acreage is provided.

⁴Proposed mitigation for CR 30A Western Lake Bridge No. 600089 (FPID 443331-1); amount of funding TBD when direct impact acreage is provided.

⁵Proposed mitigation for CR 273 Little Hard Labor Creek Bridge (FPID 439365-1); estimated funding is \$10,117 (0.084 acres x \$120,441 = \$10,117).

⁵Proposed mitigation for CR 259 SCL Railroad Bridge No. 540027 (FPID 439366-1); estimated funding is \$17,705 (0.147 acres x \$120,441 = \$17,705).