

# 2023 Regional Mitigation Plan Update

Supplemental No. 1 – April 2023



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

**Program Development Series 23-01 (Supplemental No. 1)**

# NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

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## Introduction

This supplemental to the 2023 Regional Mitigation Plan Update addresses potential mitigation for three Florida Department of Transportation (FDOT) projects which may require mitigation through the Northwest Florida Water Management District (NFWFMD or District) mitigation program.<sup>1</sup>

Section 373.4137(4), Florida Statutes (F.S.), requires the District, in consultation with FDEP, the United States Army Corps of Engineers (USACE), FDOT, other appropriate government entities, and other interested parties, to develop and approve an annual regional mitigation plan before March 1<sup>st</sup> of each year for FDOT mitigation needs submitted to the District.

Although 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. Supplemental No. 1 to the 2023 Regional Mitigation Plan Update satisfies the requirements of section 373.4137(4), F.S., to 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. 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.

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<sup>1</sup> The 2023 Regional Mitigation Plan Update (February 2023) was approved by the NFWFMD Executive Director (acting as the NFWFMD Governing Board designee) on February 16, 2023. FDEP approval was obtained on March 22, 2023.

## 2023 Project Update (Supplemental No. 1)

Supplemental No. 1 to the 2023 Regional Mitigation Plan Update addresses the wetland mitigation needs of three road projects (Figure 2) submitted to the NFWFMD subsequent to approval of the 2023 Regional Mitigation Plan Update.

**CR 159 (Dover Road) Realignment at US 90 (Midway); FPID 449500-1.** Realignment of the CR 159 intersection with US 90 in Midway, being implemented for improved road safety considerations, will impact an estimated 1.58 acres of jurisdictional, palustrine forested wetlands (0.737 UMAM<sup>2</sup> functional loss). Located in Gadsden County (Ochlockonee River and Bay Watershed), this impact is not within the service area of any private mitigation bank. It is, however, located within the service area of the Shuler In-Lieu Fee mitigation project, a component of the NFWFMD In-Lieu Fee mitigation program. Proposed mitigation is debiting of palustrine forested UMAM credits (number to be confirmed when ERP and State 404 permits are issued) from the Shuler credit ledger (26.12 federal and 24.82 state palustrine forested credits available). Detailed project plans and other information will be posted on the NFWFMD website.

**US 98 (from US 319 east to Ochlockonee Bay Bridge); FPID 445759-1.** Located in Franklin County (Apalachicola River and Bay Watershed and Ochlockonee River and Bay Watershed), FDOT estimates this project will impact 0.0242 acres of palustrine emergent wetlands (0.02 UMAM functional loss). Not within any private mitigation bank service area, this road project occurs within the Tates Hell (Pine Log Creek Unit) In-Lieu Fee service area (Apalachicola River and Bay Watershed) and the Shuler In-Lieu Fee service area (Ochlockonee River and Bay Watershed). Proposed mitigation is debiting palustrine emergent credits (number to be confirmed when ERP and State 404 permits are issued) from the Tates Hell (Pine Log Creek Unit) ledger (8.12 federal and 8.12 state palustrine emergent credits available). Occurrence of impacts to palustrine emergent wetlands along this segment of US 98 may be limited to the Ochlockonee watershed. However, whereas ample palustrine forested credits are available in the Ochlockonee watershed at the Shuler site, there are ample palustrine emergent credits available at the Tates Hell (Pine Log Creek Unit) site in the Apalachicola watershed. To keep mitigation type-in-kind, use of the Tates Hell site is proposed (permittees may choose to impose out-of-service-area adjustment factors when determining how many credits will be necessary to offset the impact). Detailed project plans and other information will be posted on the NFWFMD website.

**US 98 (from east of Cody Ave. to Mary Esther Blvd.); FPID 220196-4.** Located in Okaloosa County (Pensacola Bay System Watershed; Santa Rosa Sound), FDOT estimates this project will impact 2.34 acres of jurisdictional wetlands (type of wetlands and functional assessments not provided). Although not within the service area of any private mitigation bank, the impacts occur less than one mile from the southeastern edge of the service areas for the Pensacola Bay Mitigation Bank and the Garcon Peninsula Mitigation Bank. For this impact, the NFWFMD encourages permittees to consider out-of-service-area use of one of these banks and will develop mitigation for this impact only if FDOT is unable to mitigate through a private bank. Mitigation TBD.

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<sup>2</sup> Uniform Mitigation Assessment Method, section 373.414(18), F.S.; UMAM estimate provided by FDOT.

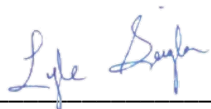
## Conclusion

The District concludes that this Supplemental No. 1 to the 2023 Regional Mitigation Plan Update complies with the mitigation requirements of section 373.4137, F.S., and 33 USC Section 1344, subject to approval by FDEP, for the projects described above. 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 this Supplemental No. 1 to the 2023 Regional Mitigation Plan Update. 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.

**APPROVED** this 28 day of April 2023



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## For More Information

Website:

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

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# Northwest Florida Water Management District

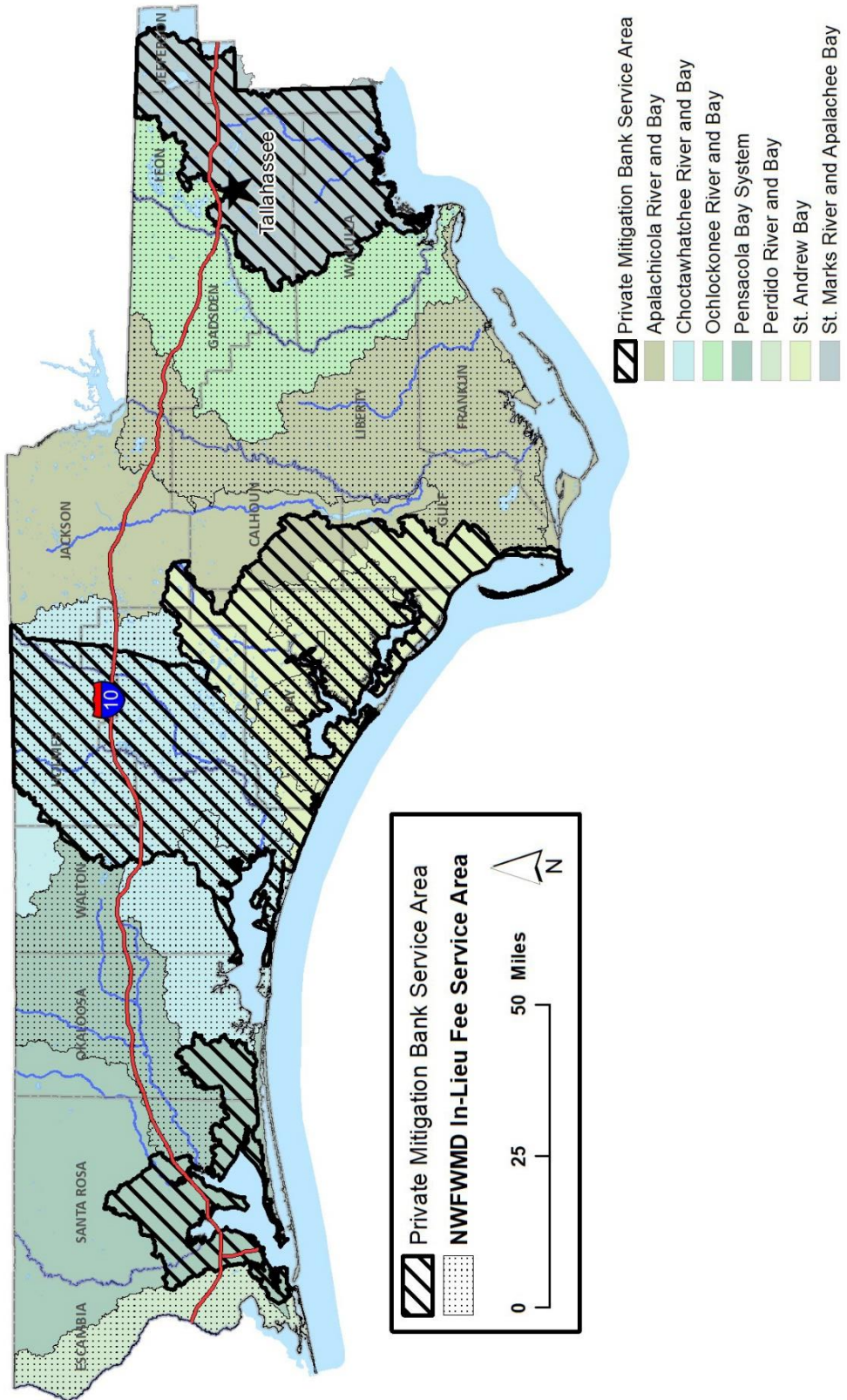


Figure 1. Mitigation Service Areas in Northwest Florida



# Northwest Florida Water Management District 2023 Regional Mitigation Plan Update - Supplemental No. 1 FDOT Projects and Proposed Mitigation

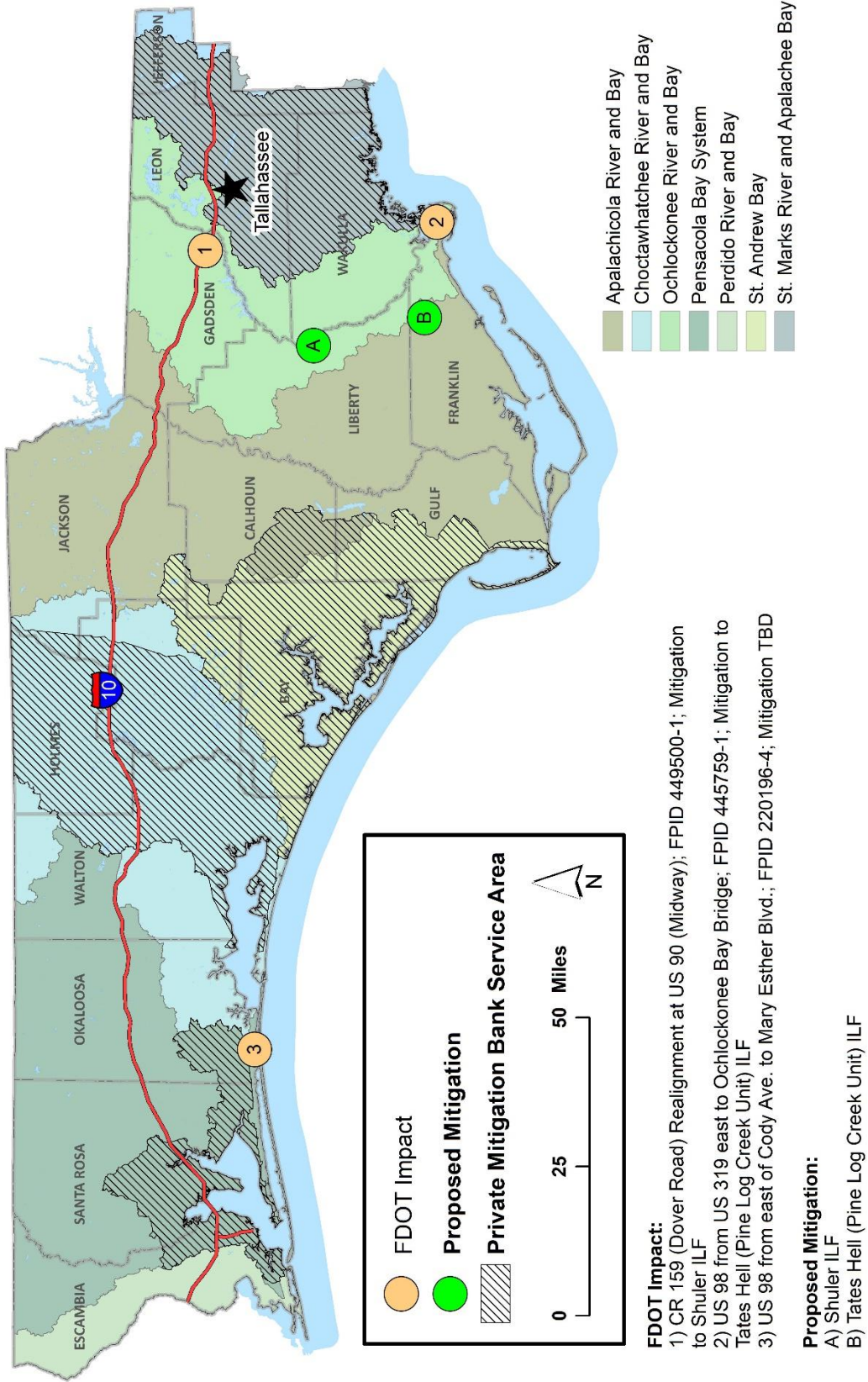


Figure 2. Map of FDOT Impacts and Proposed Mitigation Options



Table 1. Mitigation and Impact Project Overview

Mitigation and Impact Project Overview (2023 Supplemental No. 1) - April 2023						
Mitigation Name	Impact Project	Impact Location		Habitat / Community Type Impact	Total Impact Acres <sup>1</sup>	T/E Species Impact
		County	Drainage Basin			
Shuler In-Lieu Fee Mitigation Area	CR 159 (Dover Road) Realignment at US 90 (Midway); FPID 449500-1	Gadsden	Ochlockonee River and Bay Watershed	Palustrine Forested	1.58	None
Tates Hell (Pine Log Creek Unit) In-Lieu Fee Mitigation Area	US 98 from US 319 east to Ochlockonee Bay Bridge; FPID 445759-1	Franklin	Apalachicola River and Bay Watershed and Ochlockonee River and Bay Watershed	Palustrine Emergent	0.0242	None
TBD	US 98 from east of Cody Ave. to Mary Esther Blvd.; FPID 220196-4	Okaloosa	Pensacola Bay System Watershed (Santa Rosa Sound)	TBD	2.34	TBD
Estimated Total Direct Wetland Impact Acres:					3.9442	

<sup>1</sup>Direct wetland impact acreage provided by FDOT District Three. 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.

Table 2. Mitigation Plan Overview

Mitigation Plan Overview (2023 Supplemental No. 1) – April 2023						
Mitigation Name	Location		Habitat / Community Type	Mitigation Type	Number of Credits	Land Acquisition
	County	SWIM Drainage Basin				
Shuler In-Lieu Fee Mitigation Area	Liberty	Ochlockonee River and Bay	Palustrine Forested Wetlands	In-Lieu Fee Program	0.737	No
Tates Hell (Pine Log Creek Unit) In-Lieu Fee Mitigation Area	Franklin	Apalachicola River and Bay	Palustrine Emergent Wetlands	In-Lieu Fee Program	0.02	No

Table 3. Cost Estimates

Cost of Mitigation Plan (2023 Supplemental No. 1) – April 2023						
Mitigation Name	Planning / Design Cost	Construction Cost	Acquisition or Credit Purchase Cost	Management Cost	Total Cost <sup>1</sup>	Mitigation Cost per Acre of Impact <sup>1</sup>
Shuler In-Lieu Fee Mitigation Area	\$0	\$0	\$200,246.04	\$0	\$200,246.04	\$126,738
Tates Hell (Pine Log Creek Unit) In-Lieu Fee Mitigation Area	\$0	\$0	\$3,067.06	\$0	\$3,067.06	\$126,738
Totals:	\$0	\$0	\$203,313.10	\$0	\$203,313.10	

<sup>1</sup>The current FDOT per-acre funding for wetland impacts associated with transportation projects, in accordance with section 373.4137, F.S., is \$126,738 (valid through June 30, 2023; value is adjusted annually based on the federal Consumer Price Index).