



Northwest Florida Water Management District

81 Water Management Drive, Havana, Florida 32333-4712
(U.S. Highway 90, 10 miles west of Tallahassee)

Brett J. Cyphers
Executive Director

Phone: (850) 539-5999 • Fax: (850) 539-2777

June 23, 2015

Teresa Frame
Regulatory Division – Jacksonville District
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232-0019

RE: Sale of 0.24 Mitigation Credits from NFWFMD ILF Program, Dutex (SAJ-2011-00287-TMF)

Dear Teresa:

This letter shall serve to fulfill the Sponsor's (NFWFMD) obligations, described in sections 5.0 and 7.2 of the NFWFMD In-Lieu Fee Program Final Instrument and in accordance with 33 CFR 332.3(l)(3), to notify the U.S. Army Corps of Engineers of the sale of 0.24 mitigation credits from the NFWFMD In-Lieu Fee Program, Dutex Creek Mitigation Area credit ledger to the Florida Department of Transportation (FDOT). In support of this notification, a copy of Special Condition #6 of the Department of the Army (DOA) permit requiring the credit purchase is attached, a credit sales letter signed and dated by the Sponsor and permittee is attached, and the following information is provided:

- DOA Permit #: SAJ-2013-00507 (NW-AWP)
- Condition Requiring Credit Purchase: #6
- Number of ILF Credits Debited: 0.24
- Type of Functional Credit Assessment: UMAM
- Ecological Classification of Credits: Palustrine Forested
- Specific ILF Project: Dutex Mitigation Area
- Date Fees Received from Permittee: June 2013
- Impact (per DOA permit)
 - Acreage: 0.50 (0.38 ac. Permanent / 0.12 ac. Temp.)
 - Functional Loss: Not Stated
 - Ecological Classification: Wetland (Palustrine Forested w/Herb. inclusions)

The mitigation credits noted above have been paid in full by the Florida Department of Transportation and we have deducted them from the NFWFMD In-Lieu Fee credit ledger. By action of this sale, the Sponsor accepts responsibility for providing the compensatory mitigation required by Special Condition #6 of the DOA permit noted above. If you have any questions regarding this request, please me at 850-539-5999.

Sincerely,

A handwritten signature in blue ink that reads "Robert F. Lide".

Robert F. Lide
Enclosures

GEORGE ROBERTS
Chair
Panama City

JERRY PATE
Vice Chair
Pensacola

JOHN W. ALTER
Secretary-Treasurer
Malone

GUS ANDREWS
DeFuniak Springs

GARY CLARK
Chipley

JON COSTELLO
Tallahassee

MARC DUNBAR
Tallahassee

NICK PATRONIS
Panama City Beach

BO SPRING
Port St. Joe

d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work in the vicinity shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist. The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist, SHPO and the Corps.

e. In the unlikely event that human remains are encountered on federal or tribal lands, or in situations where Archaeological Resources Protection Act of 1979, or Native American Graves Protection Repatriation Act of 1990 applies, all work in the vicinity shall immediately cease and the Permittee immediately notify the Corps. The Corps shall then notify the appropriate THPO(s) and SHPO. Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. After such notification, project activities on federal lands shall not resume without written authorization from the Corps, and/or appropriate THPO(s), SHPO, and federal manager. After such notification, project activities on tribal lands shall not resume without written authorization from the appropriate THPO(s) and the Corps.

4. Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the work area. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable mats, barriers, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

5. Temporary Wetland Impacts: Within 30 days from the date of completing the authorized work the Permittee shall restore 0.12 acre of temporary wetland impacts, as detailed in the construction plans attached drawings, to pre-existing contours, elevations, vegetation, habitat type, and hydrology.

6. Mitigation Credit Purchase: Within 30 days from the date of initiating the authorized work the Permittee shall provide verification to the Corps that 0.24 federal palustrine forested mitigation bank credits have been deducted from the Dutex Mitigation Area Ledger identified in the Northwest Florida Umbrella, Watershed-based, Regional Mitigation Plan-established in 2006 by agreement between Northwest Florida Water Management District and U.S. Army Corps of Engineers to implement mitigation for Florida Department of Transportation wetland impacts. The required verification shall reference this project's permit number (SAJ-2013-00507).

Northwest Florida Water Management District
In-Lieu Fee Mitigation Program

CREDIT RESERVATION AND PURCHASE AGREEMENT

The Northwest Florida Water Management District (NFWFMD), a Florida governmental agency and sponsor of the NFWFMD In-Lieu Fee Mitigation Program, (hereinafter referred to as "Seller"), does hereby reserve and set aside for future assignment for the sole benefit of the Florida Department of Transportation (hereinafter referred to as "Buyer"), a total of 0.24 Wetland Mitigation UMAM Credits from the Dutex In-Lieu Fee Mitigation Area credit ledger, issued to Seller's In-Lieu Fee Mitigation Program pursuant to provisions contained in 33 CFR, Parts 325 and 332, as revised effective June 9, 2008 (Federal Mitigation Rule).

This reservation is for use of credit in connection with mitigating adverse wetland impacts which may arise as a result of construction or other projects undertaken or to be undertaken by the Buyer (USACE Permit #SAJ-2013-00597 NW-AWP; State ERP Permit #1460). Seller warrants that it will take no action inconsistent with the reservation and future assignment described herein. However, this agreement does not constitute a permit or permission to proceed with any proposed action. The Buyer is responsible for obtaining all necessary permits for a proposed action.

Seller received full Purchase Price from Buyer in June, 2013. Seller is committed to transfer, after federal approval of the NFWFMD In-Lieu Fee Program Final Instrument, to Buyer 0.24 mitigation credits from the Dutex In-Lieu Fee Mitigation Area credit ledger for use in offsetting wetland impacts. The Purchase Price for 0.24 Wetland Mitigation Credits is fifty-three thousand seven hundred twenty-nine dollars and no cents (\$53,729.00). Seller will assume full legal responsibility for success of purchased mitigation credits as required by permits noted above, and will at the appropriate time request withdrawal of the specified credits from the Dutex In-Lieu Fee Mitigation Area credit ledger.

	BUYER	SELLER
Name:	<u>FL Dept. of Transportation</u>	<u>Northwest Florida Water Management District</u>
By:		
Name & Title:	<u>Erica Collins, Permitting Specialist</u>	<u>Jonathan P. Steverson, Executive Director</u>
Executed:	<u>11/18/2014</u>	<u>11/12/14</u>