

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

**Approval of Regional Mitigation Plan Modifications**

**February 27, 2017**

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.<sup>1</sup>

Since approval of the February 2016 modifications to the Regional Mitigation Plan (a.k.a. Umbrella Plan; approved by NFWFMD 2/12/2016 and by FDEP 4/26/2016), FDOT has added four projects to the FDOT District-Three Environmental Impact Inventory (Inventory) which may require mitigation through the District. Additionally, the District is exploring possible acquisitions, preferably less-than-fee, along the Blackwater River in Santa Rosa County as potential mitigation for three FDOT projects included in the February 2016 Regional Mitigation Plan. The total direct wetland impact associated with these projects that may be mitigated through the NFWFMD program is estimated by FDOT as 19.97 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](http://www.nwfwmdwetlands.com).

Three of the seven FDOT projects included in this Regional Mitigation Plan update 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 the Pensacola Bay Mitigation Bank. If acceptable to federal and/or state permittees, mitigation for SR 87 (FPID 416748-2) will consist of FDOT purchase of private credits outside of the District program. However, the District may develop mitigation for portions of the impact outside of the bank service area if necessary for FDOT to proceed.

Another project (SR 77; FPID 217909-7) is within the service area of the Nokuse Plantation Mitigation Bank. FDOT has completed purchase of 11.65 federal and 10.20 state palustrine forested credits from Nokuse to partially comply with permit requirements. However, Nokuse Plantation is not able to provide 2.28 palustrine emergent credits required by state permittees (no other private mitigation banks occur in this area). The NFWFMD Sand Hill Lakes Mitigation Bank is able to provide palustrine emergent credits to FDOT and allow this road project to move forward without penalty or delay. Nokuse Plantation Mitigation Bank has been contacted and supports the NFWFMD providing palustrine emergent credits for this impact.

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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.

Another segment of SR 77 (SR 77; FPID 217909-5) within the service area of the Nokuse Plantation Mitigation Bank is also included in this plan. When possible, all mitigation should go to a private mitigation bank, and it is anticipated that FDOT will purchase palustrine forested credits from Nokuse to offset this impact. Nokuse, however, is not able to provide 0.71 palustrine emergent credits required by state permittees. The NFWFMD Sand Hill Lakes Mitigation Bank is able to provide palustrine emergent credits to FDOT and allow this road project to move forward without penalty or delay. Nokuse Plantation Mitigation Bank is supportive of palustrine emergent credits being provided by the NFWFMD for this impact.

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 from March 2016 through February 2017. 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.

## **FDOT Transportation Projects Submitted to NFWFMD since March 2016**

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

- **Hanks Road at Breastworks Branch Bridge; FDOT FPID 432286-1.** This project consists of replacement of a minor bridge in northern Escambia County in the Pensacola Bay System (Escambia River) watershed. Impact is to an estimated 0.26 acres of wetlands. Estimated UMAM functional loss is 0.16 functional units. This impact is not within the service area of any private mitigation bank or NFWFMD ILF project. Proposed mitigation is hydrologic enhancement to palustrine forested wetlands on District lands in the Escambia River floodplain. Adjacent to Salters Lake, mitigation will consist of installation of one low-water-crossing on a management road that impedes surface flows within a slough wetland. Additional information on this impact and potential mitigation is posted at <http://www.nwfwmdwetlands.com/Umbrella-Plan/FDOT-Impacts/Pensacola-Watershed-Impacts/Hanks-Road-Bridge-at-Breastworks-Branch>.
- **SR 87 (from CR 178 to SR 4); FDOT FPID 416748-6.** This project consists of road improvements in northern Santa Rosa County in the Pensacola Bay System (Blackwater River) watershed. Impact is to an estimated 2.71 acres of wetlands. Estimated UMAM functional loss has not been provided to the NFWFMD. This impact is not within the service area of any private mitigation bank or NFWFMD ILF project. Included in the 2016 Regional Mitigation Plan update, potential acquisitions along the Blackwater River for use as mitigation are being investigated. The NFWFMD will obtain FDEP approval before proceeding with any proposed mitigation. Additional information on this impact

and potential mitigation is posted at <http://www.nwfwmdwetlands.com/Umbrella-Plan/FDOT-Impacts/Pensacola-Watershed-Impacts/SR-87-from-CR-178-to-SR-4>.

- **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 2.05 acre of wetlands. Estimated UMAM functional loss (estimated by FDOT consultants) is 1.09 functional units (this value has not been evaluated by the USACE). This impact is not within the service area of any private mitigation bank or NWFMD ILF project. Included in the 2016 Regional Mitigation Plan update, potential acquisitions along the Blackwater River for use as mitigation are being investigated. The NWFMD will obtain FDEP approval before proceeding with any proposed mitigation. Additional information on this impact and potential mitigation is posted at <http://www.nwfwmdwetlands.com/Umbrella-Plan/FDOT-Impacts/Pensacola-Watershed-Impacts/SR-4-Blackwater-River-Bridge>.
- **CR 65A Juniper Creek Bridge; FDOT FPID 435802-1.** This project consists of replacement of a minor bridge in Gadsden County in the Ochlockonee River watershed. Impact is to an estimated 0.43 acres of wetlands. Estimated UMAM functional loss is 0.16 functional units. This impact is not within the service area of any private mitigation bank. Proposed mitigation is use of credits from the NWFMD Shuler In-Lieu Fee Mitigation Area (27.90 Palustrine Forested credits currently available). Additional information on this impact and potential mitigation is posted at <http://www.nwfwmdwetlands.com/Umbrella-Plan/FDOT-Impacts/Ochlockonee-Watershed-Impacts/CR-65A-Juniper-Creek-Bridge>.

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

- **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 in the Pensacola Bay System (Blackwater River) watershed. Impact is to an estimated 10.89 acres of wetlands. Estimated UMAM functional loss has not been provided to NWFMD. 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 private 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 NWFMD develops mitigation options for this impact, NWFMD will obtain FDEP approval before proceeding with implementation. Included in the 2016 Regional Mitigation Plan update, potential acquisitions along the Blackwater River in Santa Rosa County for use as mitigation are being investigated. This impact does not occur within the service area of any NWFMD ILF project. Additional information on this impact and potential mitigation is posted at <http://www.nwfwmdwetlands.com/Umbrella-Plan/FDOT-Impacts/Pensacola-Watershed-Impacts/SR-87-from-4-Lane-Section-to-Coldwater-Creek>.

- **SR 77 (Segment 7 from 1 mile north of Wausau to CR 276); FDOT FPID 217909-7.** This project consists of widening a segment of SR 77 in Washington County in the Choctawhatchee River watershed. FDOT has purchased 11.65 federal and 10.20 state palustrine forested credits from the Nokuse Plantation Mitigation Bank in partial fulfillment of permit requirements. It was expected that this impact would be fully mitigated through use of a private mitigation bank. However, state permittees are requiring “type-for-type” mitigation for impacts to 2.752 acres of palustrine emergent wetlands. Because the Nokuse Plantation Mitigation Bank lacks palustrine emergent credits, its representatives advised FDOT to obtain the additional 2.28 palustrine emergent credits required by state permittees from the NFWFMD Sand Hill Lakes Mitigation Bank (SHLMB). The SHLMB currently has a balance of 5.67 state palustrine emergent (i.e., freshwater herbaceous) credits available for use. Additional information on this impact and potential mitigation is posted at <http://www.nfwfmdwetlands.com/Umbrella-Plan/FDOT-Impacts/Choctawhatchee-Watershed-Impacts/SR-77-Segment-7-from-1-mile-north-of-Wausau-to-CR-276>.
- **SR 77 (Segment 5 from north of Sunny Hills Road to 1 mile south of Wausau); FDOT FPID 217909-5.** This project consists of widening a segment of SR 77 in Washington County in the Choctawhatchee River watershed. It was expected that this impact would be fully mitigated through use of a private mitigation bank. However, state permittees are requiring “type-for-type” mitigation for impacts to an estimated 0.88 acres of direct impact to palustrine emergent wetlands. The only private mitigation bank in the area, Nokuse Plantation Mitigation Bank, lacks palustrine emergent credits. Thus, it is anticipated that FDOT will purchase all required palustrine forested credits necessary to offset this impact from the Nokuse Plantation Mitigation Bank, whereas palustrine emergent credits (estimated at 0.71 credits) will be provided from the NFWFMD Sand Hill Lakes Mitigation Bank. Nokuse Plantation Mitigation Bank has been contacted and supports FDOT obtaining palustrine emergent credits, which they are not able to supply, from the NFWFMD. The SHLMB currently has a balance of 5.67 state palustrine emergent (i.e., freshwater herbaceous) credits available for use. Additional information on this impact and potential mitigation is posted at <http://www.nfwfmdwetlands.com/Umbrella-Plan/FDOT-Impacts/Choctawhatchee-Watershed-Impacts/SR-77-Segment-5-from-north-of-Sunny-Hills-Road-to-1-mile-south-of-Wausau>.

### **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 27<sup>th</sup> day of February, 2017

  
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Brett J. Cyphers, Executive Director  
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81 Water Management Drive  
Havana, Florida 32333-4712

**Table 1. Mitigation and Impact Project Overview - February, 2017<sup>1</sup>**

Mitigation Name	Impact Project	Impact Location		Habitat / Community Type Impact	Type Acres Impact	Total Impact Acres	T/E Species
		County	Drainage Basin				
Salters Lake	Hanks Road at Breastworks Branch Bridge; FDOT FPID 432286-1	Escambia	Pensacola Bay System Watershed	Palustrine	0.26	0.26	None Reported
Shuler In-Lieu Fee Mitigation Area	CR 65A Juniper Creek Bridge; FDOT FPID 435802-1	Gadsden	Ochlockonee River and Bay Watershed	Palustrine	0.43	0.43	None Reported
Sand Hill Lakes Mitigation Bank	SR 77, Segment 7 (from 1mi north of Wausau to CR 276); FDOT FPID 217909-7 <sup>2</sup>	Washington	Choctawhatchee River and Bay Watershed	Palustrine (Emergent)	2.75	2.75	None Reported
	SR 77, Segment 5 (from north of Sunny Hills Road to 1mi south of Wausau); FDOT FPID 217909-5 <sup>3</sup>	Washington	Choctawhatchee River and Bay Watershed	Palustrine (Emergent)	0.88	0.88	None Reported
Blackwater River Acquisitions <sup>4</sup>	SR 87 (from CR 178 to SR 4); FDOT FPID 416748-6	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 <sup>5</sup>	Santa Rosa	Pensacola Bay System Watershed	Palustrine	10.89	10.89	None Reported
	SR 4 Blackwater River Bridge; FDOT FPID 432828-1	Okaloosa	Pensacola Bay System Watershed	Palustrine	2.05	2.05	None Reported

Notes to Table 1 - Mitigation and Impact Project Overview:

<sup>1</sup>Impacts listed on this table were submitted from FDOT to NFWFMD from March 2016 to February 2017; 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>FDOT has mitigated Palustrine Forested impacts associated with impact FPID 217909-7 through purchase of 11.65 federal / 10.20 state Palustrine Forested credits from the Nokuse Plantation Mitigation Bank. However, Nokuse is unable to provide Palustrine Emergent credits required by state permittees. Thus, FDOT has proposed that impacts to Palustrine Emergent wetlands be mitigated via purchase of state Palustrine Emergent credits (i.e., Freshwater Herbaceous credits) from the NFWFMD Sand Hill Lakes Mitigation Bank. No private bank in this area is able to provide Palustrine Emergent credits.

<sup>3</sup>FDOT will acquire Palustrine Forested credits from Nokuse Plantation Mitigation Bank to offset the majority of wetland impacts associated with FPID 217909-5. However, Nokuse is unable to provide Palustrine Emergent credits required by state permittees. Thus, FDOT has proposed that impacts to Palustrine Emergent wetlands be mitigated via purchase of state Palustrine Emergent credits (i.e., Freshwater Herbaceous credits) from the NFWFMD Sand Hill Lakes Mitigation Bank. No private bank in this area is able to provide Palustrine Emergent credits.

<sup>4</sup>Conceptual mitigation plans under development.

<sup>5</sup>This 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, for FDOT to move forward with federal permitting, it may be necessary for NFWFMD to develop mitigation for those impacts outside the Pensacola Bay Mitigation Bank service area. This impact is not within the service area of any existing NFWFMD In-Lieu Fee project.

**Table 2. Mitigation Plan Overview - February, 2017**

Mitigation Name	Location		Habitat / Community Type	Mitigation Type	Acres/Type or # Credits	Total Acres or # Credits <sup>1</sup>	Land Acquisition
	County	SWIM Drainage Basin					
Salters Lake	Escambia	Pensacola Bay System	Palustrine Wetlands	Wetland Enhancement	6 ac. (Palustrine Forested)	6 ac.	No
Shuler In-Lieu Fee Mitigation Area	Gadsden	Ochlockonee River and Bay Watershed	Palustrine Wetlands	In-Lieu Fee Program	0.19 Credits (Palustrine Forested)	0.19 Credits (Palustrine Forested)	No
Sand Hill Lakes Mitigation Bank	Washington	Choctawhatchee River and Bay Watershed	Palustrine Wetlands	Mitigation Bank	2.99 Credits (Palustrine Emergent)	2.99 Credits (Palustrine Emergent)	No
Blackwater River Acquisitions <sup>2</sup>	Santa Rosa	Pensacola Bay System	Palustrine Wetlands	Wetland Preservation / Enhancement	500 ac. (Palustrine)	500 ac.	Yes

Note to Table 2 - Mitigation Plan Overview:

<sup>1</sup>Where acreage is reported, the number of credits will be determined when federal and/or state permits are issued. Acreage is estimated and subject to modification as project development proceeds.

<sup>2</sup>Conceptual mitigation options are being investigated along the Blackwater River in Santa Rosa County for FDOT projects not occurring within either a private mitigation bank service area or a NFWFMD ILF project service area. NFWFMD will seek approvals from FDEP before proceeding with any developed mitigation options.



**Table 3. Cost of Mitigation Plan - February, 2017**

<b>Mitigation Name</b>	<b>Planning / Design Cost</b>	<b>Construction Cost</b>	<b>Acquisition or Credit Purchase Cost</b>	<b>Management Cost<sup>1</sup></b>	<b>Total Cost<sup>2</sup></b>	<b>Mitigation Cost per Acre of Impact<sup>3</sup></b>
Salters Lake <sup>4</sup>	\$5,000	\$10,000	\$0	\$14,634	\$29,634	\$113,975
Sand Hill Lakes Mitigation Bank <sup>5</sup>	\$0	\$0	\$413,729	\$0	\$413,729	\$113,975
Shuler In-Lieu Fee Mitigation Area <sup>6</sup>	\$0	\$0	\$49,009	\$0	\$49,009	\$113,975
Blackwater River Acquisitions <sup>7</sup>	\$20,000	\$0	\$1,000,000	\$763,709	\$1,783,709	\$113,975
Totals:	\$25,000	\$10,000	\$1,462,738	\$778,343	\$2,276,081	

Notes to Table 3:

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

<sup>2</sup>Estimated total mitigation cost is based on acreage of direct impact as reported by FDOT, and is subject to modification if actual impact acreage changes during permitting.

<sup>3</sup>The current FDOT per-acre funding for wetland impacts associated with transportation projects, in accordance with section 373.4137, FS, is \$113,975 (valid through 6/30/2017; value is adjusted annually based on the federal Consumer Price Index).

<sup>4</sup>Mitigation for Hanks Road at Breastworks Branch (FPID 432286-1), a 0.26-acre impact (0.26 acres x \$113,975 = \$29,634).

<sup>5</sup>Mitigation for Palustrine Emergent impacts associated with SR 77, Segment 7 (FPID 217909-7) anticipated to consist of 2.28 Palustrine Emergent credits from the NFWFMD Sand Hill Lakes Mitigation Bank (2.75 acres x \$113,975 = \$313,431); impacts to Palustrine Forested wetlands have been mitigated by FDOT purchase of 11.65 federal / 10.20 state Palustrine Forested credits from the privately-owned Nokuse Plantation Mitigation Bank (Nokuse Plantation was not able to provide Palustrine Emergent credits). Mitigation for impacts to Palustrine Emergent wetlands associated with SR 77, Segment 5, (FPID 217909-5) anticipated to include purchase of 0.71 Palustrine Emergent credits from the NFWFMD Sand Hill Lakes Mitigation Bank (0.88 acres x \$113,975 = \$100,298). No private bank in this area is able to provide Palustrine Emergent credits. Impacts to Palustrine Forested wetlands are anticipated to be mitigated by FDOT through purchase of Palustrine Forested credits from the Nokuse Plantation Mitigation Bank.

<sup>6</sup>Mitigation for CR 65A Juniper Creek Bridge (FPID 435802-1), a 0.43-acre impact (0.43 acres x \$113,975 = \$49,009).

<sup>7</sup>NFWFMD is investigating mitigation options for FDOT along the Blackwater River in Santa Rosa County for SR 87 (FPID 416748-1; 2.71-acre impact; 2.71 acres x \$113,975 = \$308,872), SR 87 (FPID 416748-2; 10.89-acre impact--partially within Pensacola Bay Mitigation Bank service area; 10.89 acres x \$113,975 = \$1,241,188), and SR 4 (FPID 432828-1; 2.05-acre impact; 2.05 acres x \$113,975 = \$233,649). 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), nor occur within an In-Lieu Fee program service area. The total cost for developing new mitigation for these three impacts is estimated as \$1,783,709. 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 March 2016 through February 2017)

