



Brett J. Cyphers
Executive Director

Northwest Florida Water Management District

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

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

May 4, 2017

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

RE: Sale of 1.96 Federal Mitigation Credits from NFWFMD ILF Program,
Dutex Mitigation Area, (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 1.96 federal mitigation credits from the NFWFMD In-Lieu Fee Program, Dutex Mitigation Area credit ledger to the Florida Department of Transportation (FDOT). In support of this notification, a copy of Special Condition #7 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-2016-03316 (RGP-RLT)
- Condition Requiring Credit Purchase: #7
- Number of ILF Credits Debited: 1.96
- Type of Functional Credit Assessment: UMAM
- Ecological Classification of Credits: Palustrine Forested
- Specific ILF Project: Dutex Mitigation Area
- Date Fees Received from Permittee: June 2016 (initial payment); April 2017 (final payment)
- Impact (per DOA permit)
 - Acreage: 2.59 acres
 - Functional Loss: 1.96 UMAM Credits Required by Permit
 - Ecological Classification: Wetland

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 #7 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 black 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

-4-

a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawing should show all "earth disturbance," including wetland impacts, water management structures, and any on-site mitigation areas.

b. List any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.

5. Erosion Control: 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.

6. Fill Material: The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

7. In-Lieu Fee Program Credit Purchase: Within 30 days from the date of initiating the work authorized by this permit, the Permittee shall provide verification to the Corps that 1.96 UMAM federal In-Lieu Fee Program (IFP) credits have been purchased from the NFWMD Dutex In-Lieu Fee Program (IFP) (SAJ-2011-00158). The required verification shall reference this project's permit number (SAJ-2016-03316).

8. Eastern Indigo Snake Protection Measures and Inspection: Permittee shall comply with U.S. Fish and Wildlife Service's "Standard Protection Measures for the Eastern Indigo Snake" dated August 12, 2013, as provided in Attachment 3 of this permit. All gopher tortoise burrows, active or inactive, shall be evacuated prior to site manipulation in the vicinity of the burrow. If excavating potentially occupied burrows, active or

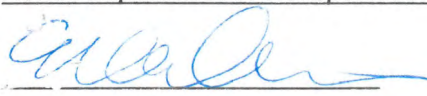
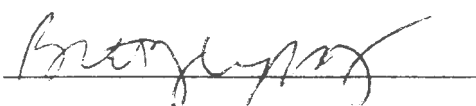
Northwest Florida Water Management District
In-Lieu Fee Wetland Mitigation Program

CREDIT RESERVATION, PURCHASE AGREEMENT AND CERTIFICATE

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 1.96 federal Wetland Mitigation UMAM Credits and 1.51 state Wetland Mitigation UMAM Credits from the Dutex In-Lieu Fee Mitigation Area credit ledgers, issued to Seller's In-Lieu Fee Mitigation Program pursuant to United States Army Corps of Engineers Permit SAJ-2011-00287-TMF and 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 for FDOT Financial Project ID (FPID) 218605-6 (US 90A from CR 99 to I-10) and FDOT Financial Project ID (FPID) 218605-7 (US 90A from I-10 to SR 297) in Escambia County (USACE Permit #SAJ-2016-03316 RGP-RLT; FDEP Permit #0345798-003-EI). 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.

Upon receipt of the full purchase price, Seller is committed to transfer to Buyer 1.96 federal mitigation credits and 1.51 state mitigation credits from the Dutex In-Lieu Fee Mitigation Area credit ledgers for use in offsetting wetland impacts. The Purchase Price for 1.96 federal mitigation credits / 1.51 state mitigation credits is two hundred ninety-three thousand five hundred fifty-seven dollars (\$293,557.00). 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 federal Dutex In-Lieu Fee Program credit ledger, and will withdraw the specified credits from the state Dutex Umbrella Plan credit ledger.

	BUYER	SELLER
Name:	<u>Florida Department of Transportation</u>	<u>Northwest Florida Water Management District</u>
By:		
Name and Title:	Erica Collins, <u>Environmental Administrator</u>	Brett J. Cyphers, <u>Executive Director</u>
Executed:	<u>3/28/2017</u>	<u>3-24-17</u>