



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

July 9, 2018

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

RE: Sale of 1.04 Federal Mitigation Credits (Palustrine Forested) from NFWWMD ILF Program, Shuler Mitigation Area, (SAJ-2011-00287-TMF)

Dear Teresa:

This letter shall serve to fulfill the Sponsor's (NFWWMD) obligations, described in sections 5.0 and 7.2 of the NFWWMD 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 1.04 federal mitigation credits (palustrine forested) from the NFWWMD In-Lieu Fee Program, Shuler 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-2016-02453 NW-RLT
- Condition Requiring Credit Purchase: #7
- Number of ILF Credits Debited: 1.04
- Type of Functional Credit Assessment: UMAM
- Ecological Classification of Credits: Palustrine Forested
- Specific ILF Project: Shuler Mitigation Area
- Date Fee Received from Permittee: 2 July 2018
- Impact (per DOA permit)
 - Acreage: 2.59 acres (0.82 acres permanent; 1.77 acres temporary)
 - Functional Loss: 1.04 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 NFWWMD 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 call me at 850-539-5999.

Sincerely,

Robert F. Lide
Enclosures

GEORGE ROBERTS
Chair
Panama City

JERRY PATE
Vice Chair
Pensacola

JOHN W. ALTER
Secretary-Treasurer
Malone

GUS ANDREWS
DeFuniak Springs

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JON COSTELLO
Tallahassee

MARC DUNBAR
Tallahassee

NICK PATRONIS
Panama City Beach

BO SPRING
Port St. Joe

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manipulation in the vicinity of the burrow. If excavating potentially occupied burrows, active or inactive, individuals must first obtain state authorization via a Florida Fish and Wildlife Conservation Commission (FWC) Authorized Gopher Tortoise Agent permit. The excavation method selected shall minimize the potential for injury of an indigo snake. The Permittee shall follow the excavation guidance provided in the most current FWC Gopher Tortoise Permitting Guidelines found at <http://myfwc.com/gophertortoise>. If an indigo snake is encountered, the snake must be allowed to vacate the area prior to additional site manipulation in the vicinity. Holes, cavities, and snake refugia other than gopher tortoise burrows shall be inspected each morning before planned site manipulation of a particular area, and if occupied by an indigo snake, no work shall commence until the snake has vacated the vicinity of the proposed work.

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 1.04 UMAM federal In-Lieu Fee Program (IFP) credits have been purchased from the NFWFMD Schuler In-Lieu Fee Program (IFP) (SAJ-2011-00287). The required verification shall reference this project's permit number (SAJ-2016-02453).

8. As-Builts: Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form (Attachment 3) to the Corps. The drawings shall be signed and sealed by a registered professional engineer and include the following:

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.

9. Regulatory Agency Changes: Should any other regulatory agency require changes to the work authorized or obligated by this permit, the Permittee is advised that a modification to this permit instrument is required prior to initiation of those changes. It is

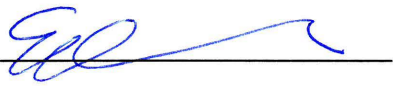

Northwest Florida Water Management District
In-Lieu Fee Wetland Mitigation Program

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 1.04 federal and 2.34 state Palustrine Forested Wetland Mitigation UMAM Credits from the Shuler 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 Number 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) 428624-1 (CR 159 Attapulcus Creek Bridge) in Gadsden County (USACE Permit #SAJ-2016-02453 NW-RLT; FDEP Permit #0346308-002-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 1.04 federal and 2.34 state palustrine forested mitigation credits from the Shuler In-Lieu Fee Mitigation Area credit ledgers for use in offsetting wetland impacts. The Purchase Price for 1.04 federal and 2.34 state mitigation credits associated with FDOT Project 428624-1, in accordance with the NFWFMD In-Lieu Fee Program Final Instrument and section 373.4137, Florida Statutes, is ninety-four thousand four hundred seven dollars (\$94,407.00). 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 Shuler In-Lieu Fee Program credit ledger, and will withdraw the specified credits from the state Shuler 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 Supervisor II</u>	Brett J. Cyphers, <u>Executive Director</u>
Executed:	<u>6/21/2018</u>	<u>6/14/18</u>