



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

Phone:

(850) 539-5999 • Fax: (850) 539-2777
Executive Director

December 7, 2018

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

RE: Sale of 0.16 Federal Mitigation Credits (Palustrine Forested) from NFWFMD ILF Program,
Shuler 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 0.16 federal mitigation credits (palustrine forested) from the NFWFMD 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-2016-003019 NW-MAO
- Condition Requiring Credit Purchase: #7
- Number of ILF Credits Debited: 0.16
- Type of Functional Credit Assessment: UMAM
- Ecological Classification of Credits: Palustrine Forested
- Specific ILF Project: Shuler Mitigation Area
- Date Fee Received from Permittee: 11 November 2018
- Impact (per DOA permit)
 - Acreage: 0.4323
 - Functional Loss: 0.16 UMAM Credits Required by Permit
 - Ecological Classification: Palustrine Forested Credits Specified by Permit

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 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

GARY CLARK
Chipley

JON COSTELLO
Tallahassee

MARC DUNBAR
Tallahassee

NICK PATRONIS
Panama City Beach

BO SPRING
Port St. Joe

-4-

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. Within 30 days from the date of initiating the work authorized by this permit, the permittee shall provide verification to the Corps that 0.159 of palustrine, forested federal mitigation bank credits have been purchased from the Shuler In-Lieu Fee site under the Northwest Florida Water Management District In-Lieu Fee Program (SAJ-2011-00287). The required verification shall reference this project's permit number (SAJ-2016-03019).

This letter of authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced NWP, please contact Michael Ornella by telephone at 904-232-1498 or electronic mail at Michael.Ornella@usace.army.mil.



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 0.16 federal Palustrine Forested Wetland Mitigation UMAM Credit from the Shuler In-Lieu Fee Mitigation Area credit ledger, 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) 435802-1 (CR 65A Juniper Creek Bridge) in Gadsden County (USACE Permit #SAJ-2016-003019 NW-MAO). 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 0.16 federal palustrine forested mitigation credits from the Shuler In-Lieu Fee Mitigation Area credit ledgers for use in offsetting wetland impacts. The Purchase Price for 0.16 federal mitigation credits associated with FDOT Project 435802-1, in accordance with the NFWFMD In-Lieu Fee Program Final Instrument and section 373.4137, Florida Statutes, is fifty thousand five hundred forty-seven dollars (\$50,547.00). 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.

	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>10/1/2018</u>	<u>9-27-2018</u>