



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 15, 2019

Shannon White
U.S. Army Corps of Engineers
Regulatory Division – Jacksonville District
Project Manager
701 San Marco Blvd.
Jacksonville, FL 32207

RE: Sale of 0.03 Federal Mitigation Credits (Palustrine Forested) from NFWWMD ILF Program, Tate Hell (Sumatra Unit) Mitigation Area, (SAJ-2011-00287-TMF)

Dear Shannon:

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 0.03 federal mitigation credits (palustrine forested) from the NFWWMD In-Lieu Fee Program, Tate Hell (Sumatra Unit) 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-2018-02718 (NW-CDO)
- Condition Requiring Credit Purchase: #6
- Number of ILF Credits Debited: 0.03
- Type of Functional Credit Assessment: UMAM
- Ecological Classification of Credits: Palustrine Forested
- Specific ILF Project: Tate Hell (Sumatra Unit) Mitigation Area
- Date Fee Received from Permittee: July 11, 2019
- Impact (per DOA permit)
 - Acreage: 0.112 acres
 - Functional Loss: 0.03 UMAM Credits (Palustrine Forested) 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 #6 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

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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.

4. **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.

5. **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 2 of this verification letter. 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 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.

6. **Mitigation Credit Purchase:** Prior to initiation of the work authorized by this permit, the Permittee shall provide verification to the Corps that 0.029 palustrine, forested credit has been purchased from the Tate's Hell In-Lieu Fee, Sumatra Unit (SAJ-2010-01927). The required verification shall reference this project's permit number (SAJ-2018-02718).

7. **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



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 0.03 federal/state Palustrine Forested Wetland Mitigation UMAM Credits from the Tates Hell (Sumatra Unit) 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) 436620-1 (CR 280 Shady Grove Road from SR 69 to CR 286) in Jackson County (USACE Permit #SAJ-2018-02718 NW-CDO). 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 0.03 federal/state palustrine forested mitigation credits from the Tates Hell (Sumatra Unit) In-Lieu Fee Mitigation Area credit ledger for use in offsetting wetland impacts. The Purchase Price for 0.03 federal/state mitigation credits associated with FDOT Project 436620-1, in accordance with the NFWFMD In-Lieu Fee Program Final Instrument and section 373.4137, Florida Statutes, is thirteen thousand one hundred sixty-six dollars (\$13,166.00). 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 Tates Hell (Sumatra Unit) 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:	<u>Erica Collins, Environmental Supervisor II</u>	<u>Brett J. Cyphers, Executive Director</u>
Executed:	<u>6/10/2019</u>	<u>6/5/19</u>