

## **FDOT DISTRICT-3 MITIGATION REVIEW TEAM MEETING MINUTES<sup>1</sup>**

**THURSDAY, FEBRUARY 25, 2021**

**[Virtual Meeting via Microsoft Teams]**

<b>Attendees</b>	
Joy Swanson Pleas – FDOT (Chipley)	Terry Gilbert – FWC (Tallahassee)
Erica Brookman – FDOT (Chipley)	Carlos Herd – NFWFMD (Midway)
Cynthia Ovdenk – USACE (Panama City)	Paul Thorpe – NFWFMD (Midway)
Veronica Beech – USACE (Jacksonville)	Jerrick Saquibal – NFWFMD (Midway)
David Rydene – NMFS (St. Petersburg)	David Clayton – NFWFMD (Midway)
Jeffrey Ackley – USFWS (Panama City)	Janet Strutzel – NFWFMD (Midway)
Bryan Phillips – FWC (Milton)	Robert Lide – NFWFMD (Midway)

An FDOT District-3 mitigation Review Team meeting was held remotely on Thursday, February 25, 2021 (11 AM EST / 10 AM CST).<sup>2</sup>

### **US 90A from Foxtail Loop to I-10 (FPID 218519-2)**

This FDOT project is in the Perdido River watershed in Escambia County. Estimates of wetland impact have not been completed, although expected impacts would be to palustrine wetlands. No private mitigation bank is available to offset this impact. The consensus of the Review Team is that wetland impacts associated with the US 90A project (FPID 218519-2) could be appropriately offset using available credits from the Dutex ILF site (NFWFMD In-Lieu Fee Mitigation Program) located in the Perdido River watershed in Escambia County about five miles distant.

### **SR 292 / Gulf Beach Road from SR 173 to SR 727 (FPID 218493-3)**

Located adjacent to Bayou Grande (Pensacola Bay System watershed) in Escambia County, this project will impact an estimated 0.528 acres of palustrine wetlands and 0.060 acres of estuarine wetlands. Impacts to palustrine wetlands are expected to be mitigated by FDOT independent of

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<sup>1</sup> Meeting minutes compiled by NFWFMD staff.

<sup>2</sup> Federal and/or state permittees decide, through issuance of permit conditions, if proposed mitigation discussed at Review Team meetings will appropriately offset a specified impact. These meetings facilitate early consultation with commenting agencies in the development of mitigation and compliance with section 373.4137, FS. In addition to obtaining required permits, all mitigation developed by the NFWFMD for FDOT impacts must also be approved by the NFWFMD Governing Board designee (i.e., the NFWFMD Executive Director) and FDEP prior to implementation.

the NFWFMD mitigation program through purchase of credits from a private mitigation bank. If “type-for-type” mitigation is required by federal and/or state permittees for estuarine impacts, use of estuarine credits at the Dutex ILF site (NFWFMD In-Lieu Fee Mitigation Program) is proposed. Although the Dutex ILF site is located outside the Pensacola Bay System watershed, the impact to estuarine wetlands is approximately one mile from the boundary between the Pensacola and Perdido watersheds. The position of NMFS is that use of estuarine credits from Dutex estuarine impacts would be more appropriate than “out-of-kind” mitigation in the Pensacola Bay System. The NFWFMD will provide mitigation from the Dutex site for estuarine impacts only if permittees do not allow “out-of-kind” mitigation within the Pensacola Bay System watershed.

#### **I-10 from Santa Rosa / Okaloosa County Line to CR 189 (FPID 413062-5)**

This project in the Yellow River watershed in Okaloosa County may have minor impacts to palustrine wetlands (jurisdictional determinations have not been conducted at this time). Currently, no private mitigation bank is permitted to cover this impact. When FDOT moves forward with this project (no letting date is scheduled), the Yellow River Ranch ILF site (NFWFMD In-Lieu Fee Mitigation Program) may or may not have sufficient credits available to fulfill mitigation requirements.<sup>3</sup> Additional mitigation projects in the Yellow River watershed may need to be pursued.

#### **I-10 from CR 189 to near Wilkerson Bluff Road (FPID 441038-2)**

As with the I-10 project noted above, this project is in the Yellow River watershed in Okaloosa County and may have minor impacts to palustrine wetlands (jurisdictional determinations have not been conducted at this time). Currently, no private mitigation bank is permitted to cover this impact. When FDOT moves forward with this project (no letting date is scheduled), the Yellow River Ranch ILF site (NFWFMD In-Lieu Fee Mitigation Program) may or may not have sufficient credits available to fulfill mitigation requirements. Additional mitigation projects in the Yellow River watershed may need to be pursued.

#### **US 98 DuPont Bridge (FPID 442667-1)**

Mitigation for replacement of the US 98 DuPont Bridge, located in the St. Andrew Bay watershed in Bay County, will consist of FDOT purchase of credits from a private mitigation bank. Estuarine credits, if required, are available in the private sector for this project.

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<sup>3</sup> The current credit balance for Yellow River Ranch ILF is 8.18 federal credits / 0.19 state credits (past differences in federal / state permit requirements have led to this imbalance). A pending release of 5.59 credits and debit of 2.47 credits for the I-10 Antioch Interchange will leave a balance of 11.30 federal / 3.31 state credits. Several road projects listed on the FDOT Inventory for I-10 and SR 85 in the Yellow River watershed may deplete available credits at the Yellow River Ranch ILF site. An additional (and final) credit release at Yellow River Ranch ILF (5.59 credits) is at least five years out.

### **I-10 Antioch Interchange (FPID 407918-5) [Previously Discussed]**

The I-10 Antioch Interchange (new interchange) will relieve traffic congestion at the I-10 / SR 85 interchange. Impacts to jurisdictional wetlands (palustrine forested) are estimated at 5.09 acres (3.80 acres direct; 1.29 acres secondary; 2.47 UMAM functional loss). A pending credit release will allow this impact to be mitigated at the Yellow River Ranch ILF site (NFWMD In-Lieu Fee Mitigation Program). The 128-acre Strauss Property, proposed at a previous Review Team meeting as mitigation for the I-10 Antioch Interchange, may or may not be pursued for other FDOT needs.

### **SR 87 from CR 178 to SR 4 (FPID 416748-6) [Previously Discussed]**

This FDOT road project is in the Blackwater River watershed in Escambia County. Jurisdictional impacts are estimated at 2.71 acres of palustrine wetlands. Listed on the FDOT Inventory in 2015 and discussed at past Review Team meetings, mitigation remains TBD. No private mitigation bank or NFWMD ILF Program service area currently includes this site.

### **SR 87 from end of 4-Lane to Coldwater Creek (FPID 416748-2) [Previously Discussed]**

This FDOT road project is in the Blackwater River watershed in Escambia County. Jurisdictional impacts are estimated at 10.89 acres of palustrine wetlands. Listed on the FDOT Inventory in 2015 and discussed at past Review Team meetings, mitigation remains TBD. A private mitigation bank service area covers portions of this site. The NFWMD will provide mitigation options for this impact only if FDOT is not allowed by permittees to fully mitigate through use of a private bank.

### **Other Business**

NFWMD staff discussed recent activities at In-Lieu Fee project sites including prescribed fire, shrub reduction, planting of site-appropriate vegetation, USACE inspections, long-range planning for possible disposition of Ward Creek West, and permitting of the Live Oak Point Living Shoreline. Federal and state permits to allow the Live Oak Point Living Shoreline project to proceed are anticipated within the next several months. Recent inspections of the Dutex and Yellow River Ranch ILF sites by the USACE were positive. Inspections by the USACE of additional ILF sites is planned for the coming months.

State Assumption of the 404 Program and how it may affect mitigation was also briefly discussed.

## **ATTACHMENTS**

## **FDOT District-3 Mitigation Review Team Meeting**

February 25, 2020 (TH)

11 AM EST / 10 AM CST

Virtual Meeting

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- State Assumption of 404 Program
- New FDOT Mitigation Needs
  - US 90A (FPID 218519-2); Perdido River and Bay Watershed. Proposed mitigation – Dutex ILF.
  - SR 292 (FPID 218493-3); Pensacola Bay System (Bayou Grande). Proposed mitigation for impacts to 0.060 acres of estuarine wetlands – Dutex ILF (6.00 estuarine credits available; would constitute “out-of-basin” mitigation; impact is approximately six miles from Dutex ILF).
  - I-10 (FPID 413062-5 and FPID 441038-2); Pensacola Bay Watershed (Yellow River). Proposed mitigation – TBD (Yellow River Ranch ILF if sufficient credits are available).
  - US 98 DuPont Bridge; FPID 442667-1; St. Andrew Bay Watershed. Proposed mitigation – TBD (estuarine impacts likely; no appropriate mitigation has been identified).
  - I-10 / Antioch Interchange; FPID 407918-5; (Pensacola Bay Watershed (Yellow River). Mitigation – Yellow River Ranch ILF (pending federal credit release; previously proposed mitigation was property acquisition in Yellow River basin).
- NFWFMD Mitigation Project Status
  - Yellow River Ranch ILF
  - Consideration of Strauss Property
  - Live Oak Point ILF
  - Dutex ILF
  - Ward Creek West ILF
  - USACE Inspections
- Other FDOT Impacts
  - SR 87 (from CR 178 to SR 4; FPID 416748-6) – TBD
  - SR 87 (from end of 4-lane to Coldwater Creek; FPID 416748-2) – TBD
- Open discussion / other business

# **FDOT District-3 Mitigation Review Team Meeting**

**25 February 2021 (Thursday)**

**(Virtual Meeting)**



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# Purpose

Review Team meetings support compliance with section 373.4137(4), Florida Statutes, requiring consultation with federal and state entities in developing mitigation for FDOT wetland impacts.

These periodic meetings are meant to facilitate long-range planning, help avoid permitting delays, and reach consensus in identifying appropriate mitigation for FDOT impacts when use of a private mitigation bank is not feasible.

# Agenda

- State Assumption of 404 Program
- New FDOT Mitigation Needs
- NWFWMMD Mitigation Program Status
- Other FDOT Impacts
- Other Business / Open Discussion

# State Assumption of 404 Program

- Separate 404 and ERP permits will still be needed (i.e., federal credits must be available to fulfill 404 permit requirements, even when administered by State)
- USACE retained waters (tidal areas; wetlands within 300 FT of navigable waters)
- Transition of permitting responsibilities from federal to state authorities



# New FDOT Mitigation Needs

- US 90A (from Foxtail Loop Road to I-10); FPID 218519-2; Perdido Watershed. Proposed Mitigation – Dutex ILF
- SR 292 (from SR 173 to SR 727); FPID 218493-3; Pensacola Bay System. Proposed Mitigation – Private Bank for Palustrine Impacts (0.528 acres), Dutex ILF for Estuarine Impacts (0.060 acres) [Out-of-Basin Mitigation]
- I-10 (from Santa Rosa / Okaloosa County Line to CR 189); FPID 413062-5; Pensacola Bay System (Yellow River). Proposed Mitigation – TBD (Yellow River Ranch ILF?)
- I-10 (from CR 189 to near Wilkerson Bluff Road); FPID 441038-2; Pensacola Bay System (Yellow River). Proposed Mitigation – TBD (Yellow River Ranch ILF?)

# **New FDOT Mitigation Needs (Cont'd.)**

- US 98 DuPont Bridge; FPID 442667-1; St. Andrew Bay. Proposed Mitigation – TBD (Estuarine Impacts Likely)
- I-10 / Antioch Road Interchange; FPID 407918-5; Pensacola Bay System (Yellow River). Previously proposed mitigation was Strauss Property. Revised proposed mitigation is use of Yellow River Ranch ILF (pending federal credit release).

# Northwest Florida Water Management District

## 2021 Regional Mitigation Plan Update

### FDOT Projects and Proposed Mitigation



#### FDOT Impact:

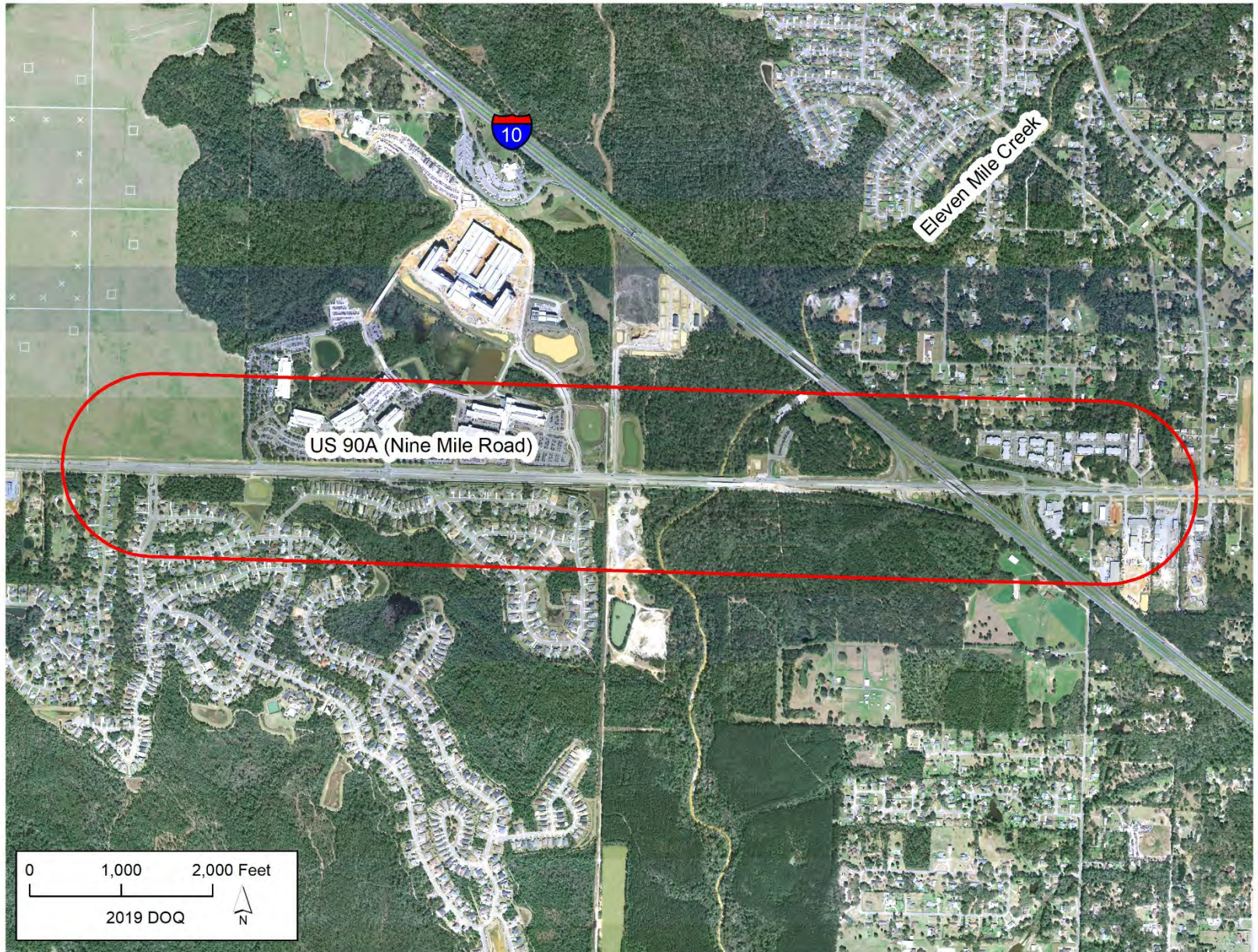
- 1 - US 90A (from Foxtail Loop to I-10; FPID 218519-2) [Mitigation to Dutex ILF]
- 2 - SR 292 (from SR 173 to SR 727; FPID 218493-3) [Estuarine Mitigation to Dutex ILF]
- 3 - I-10 (from Santa Rosa/Okaloosa Line to SR 189; FPID 413062-2) [Mitigation TBD]
- 4 - I-10 (from SR 189 to Wilkerson Bluff Road; FPID 441038-2) [Mitigation TBD]
- 5 - I-10 / Antioch Interchange (FPID 407918-5) [Mitigation to Yellow River Ranch ILF]
- 6 - US 98 DuPont Bridge (Bridge No. 460019; FPID 442667-1) [Mitigation TBD]

#### Proposed Mitigation:

- A - Dutex ILF
- B - Yellow River Ranch ILF

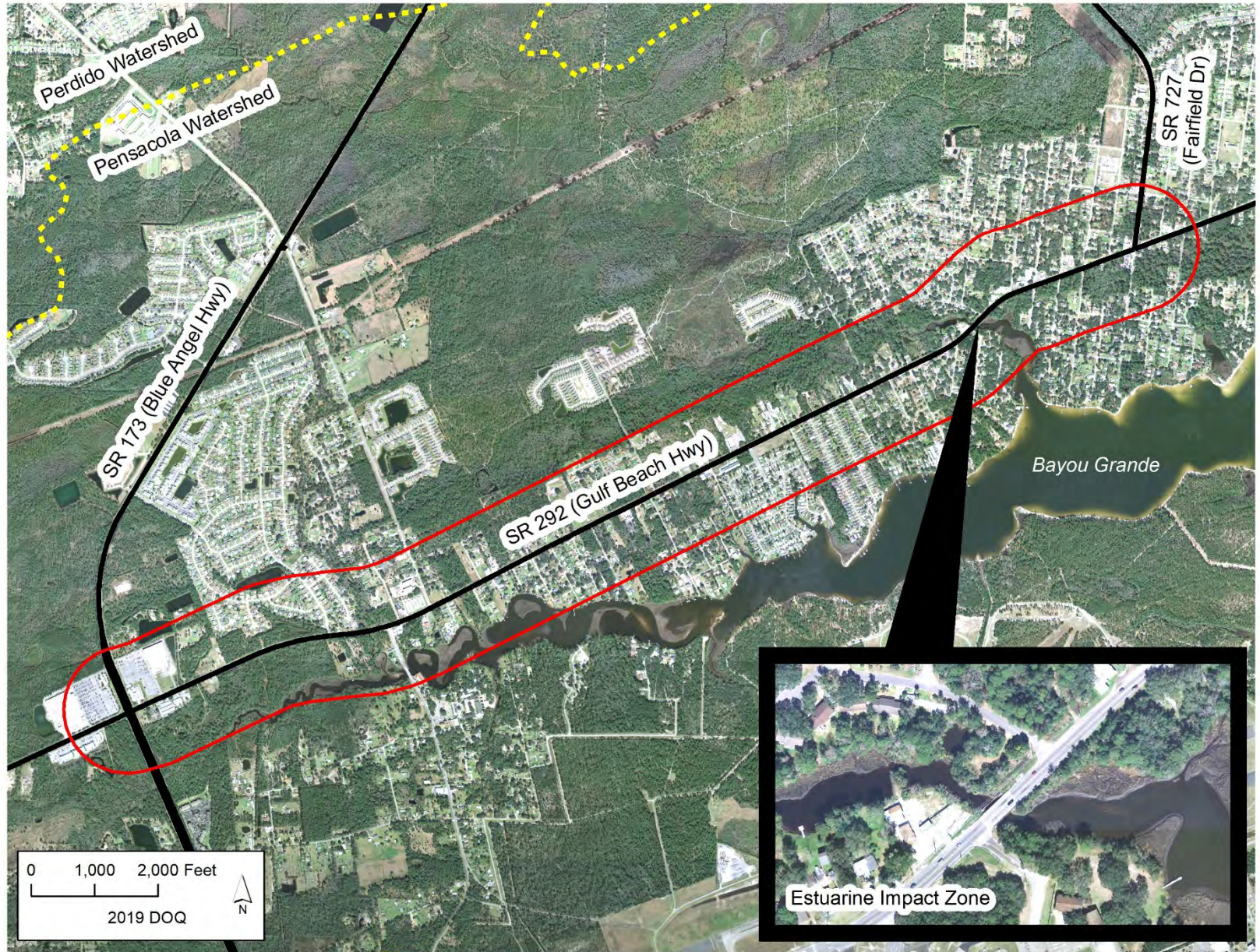


# US 90A (from Foxtail Loop to I-10; FPID 218519-2)



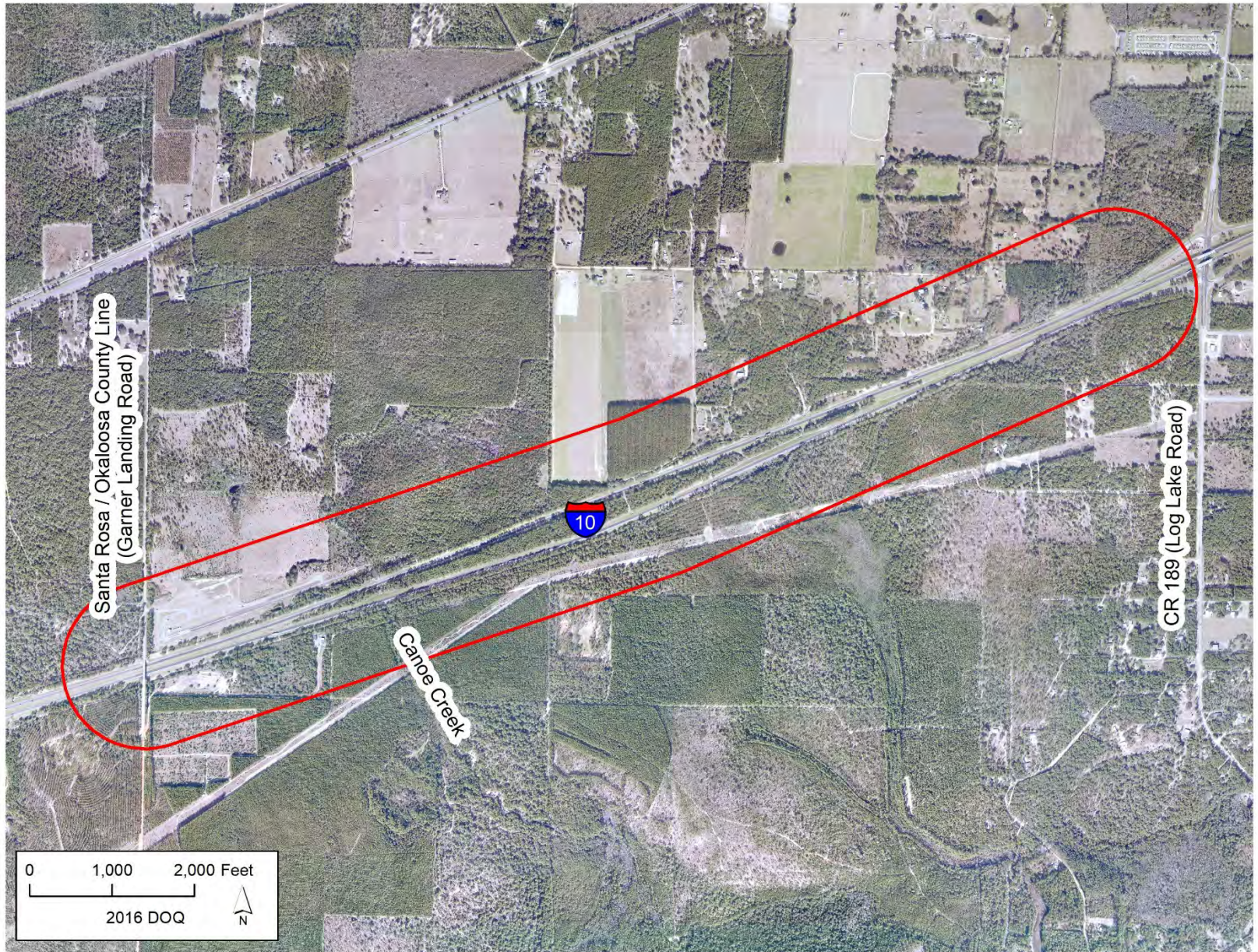


# SR 292 (from SR 173 to SR 727; FPID 218493-3)



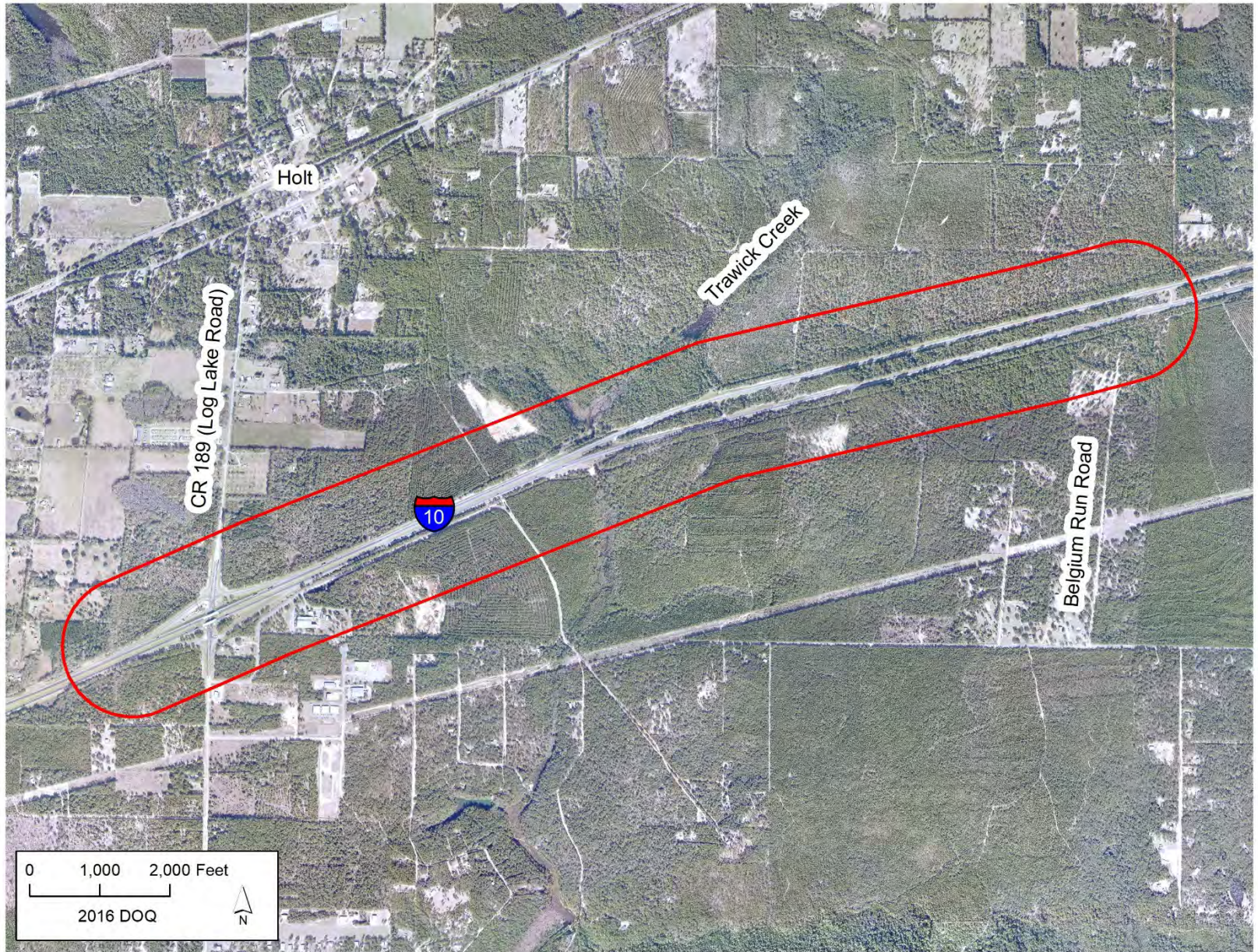


# I-10 (from Co. Line to CR 189; FPID 413062-5)





# I-10 (from CR 189 to near Wilkerson Rd; FPID 441038-2)



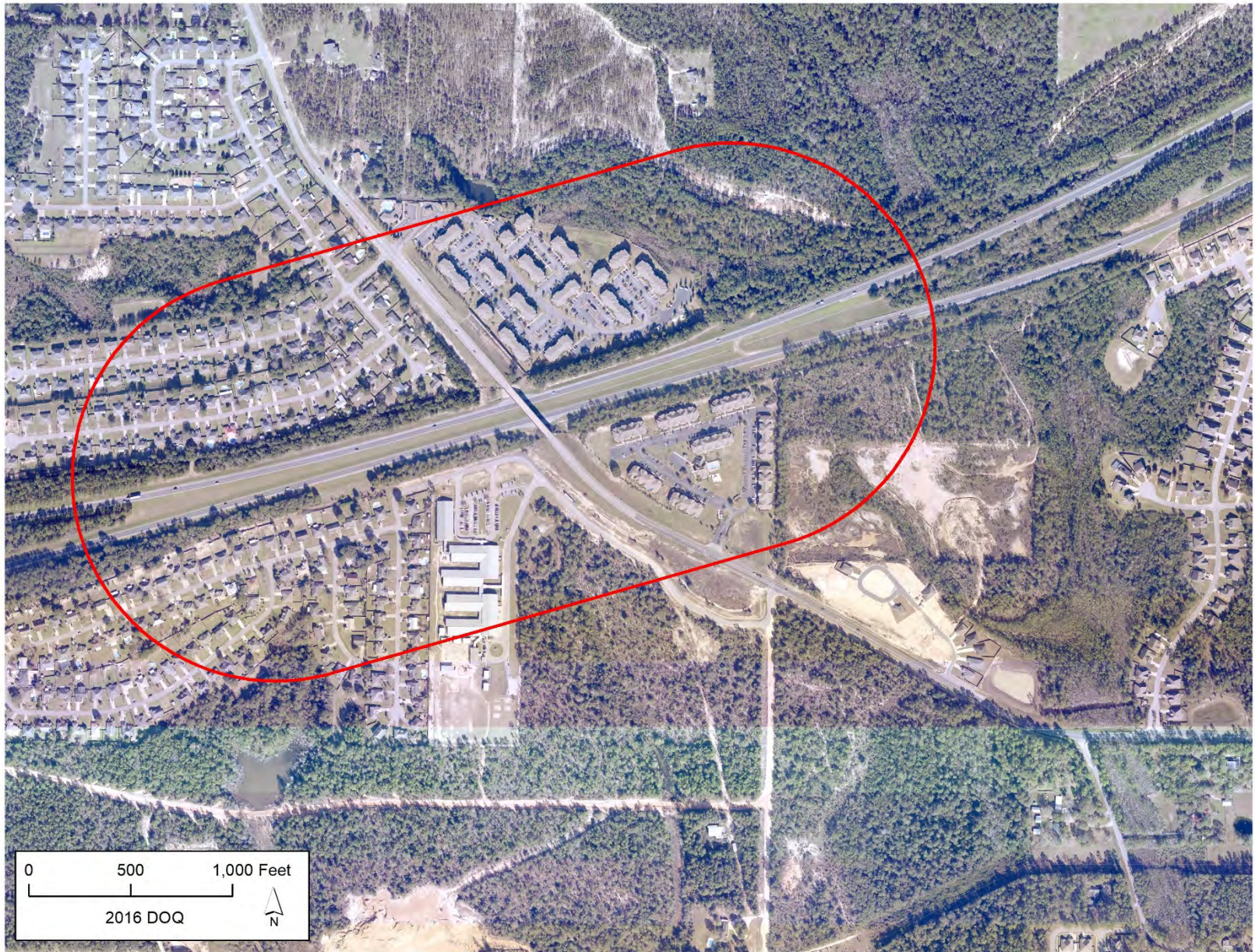


# US 98 DuPont Bridge: FPID 442667-1





# I-10/Antioch Interchange; FPID 407918-5





# **NWFWMD Mitigation Project Status**

- Yellow River Ranch ILF
- Consideration of Strauss Property
- Live Oak Point ILF
- Dutex ILF
- Ward Creek West ILF
- USACE Inspections

# Older FDOT Mitigation Needs

- SR 87 (from CR 178 to SR 4); FPID 416748-6; Pensacola Bay System (Blackwater River). Mitigation – TBD
- SR 87 (from end of 4-Lane to Coldwater Creek); FPID 416748-2; Pensacola Bay System (Blackwater River). Mitigation – TBD

**Open Discussion / Other Business**



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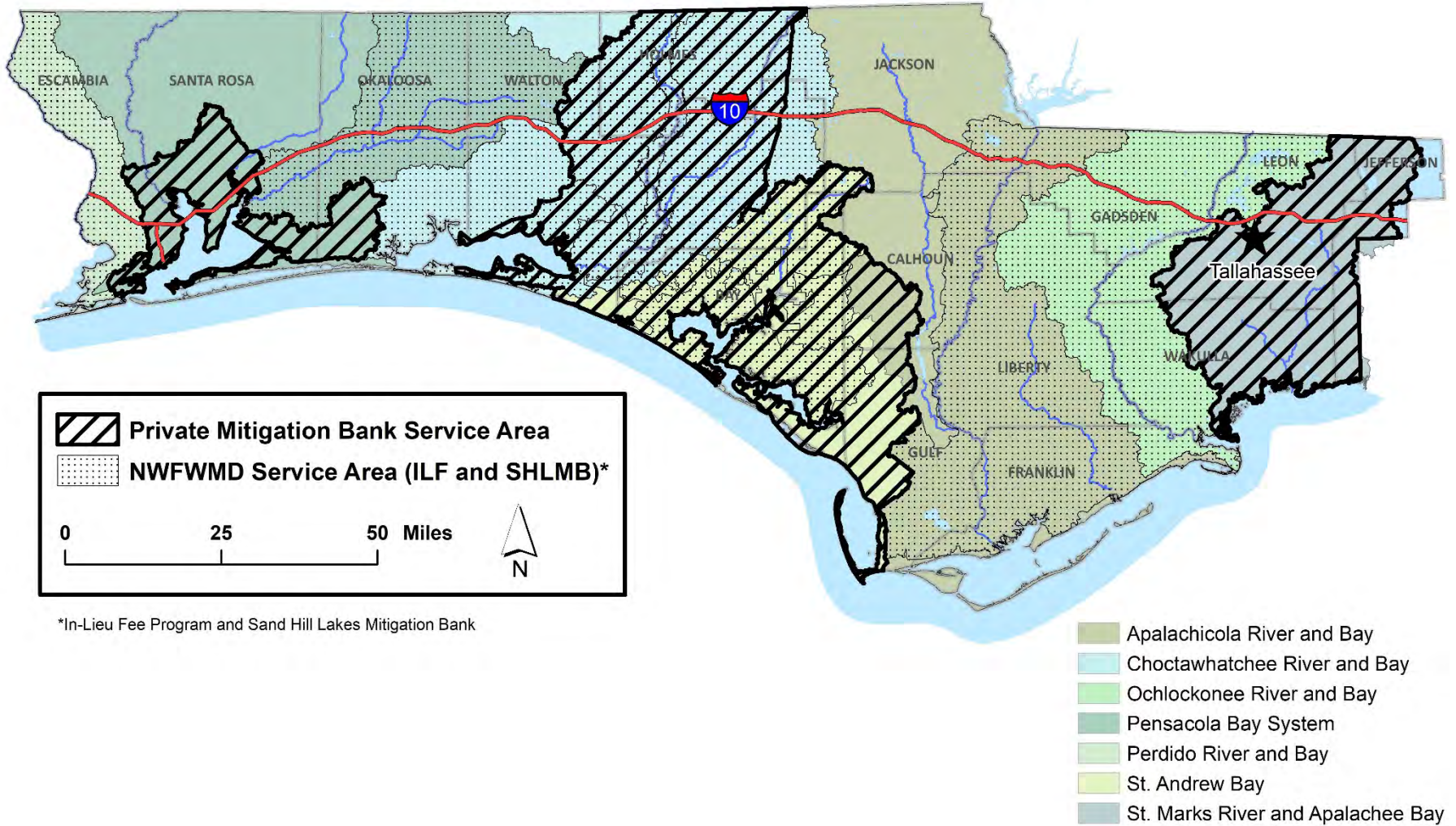


# Wrap Up



# **Appendix Maps**

## Northwest Florida Water Management District



\*In-Lieu Fee Program and Sand Hill Lakes Mitigation Bank



## NFWFMD Mitigation Program for FDOT Impacts (1997 - 2020)

