

IRT QUARTERLY MEETING

NWFWMD IN-LIEU FEE PROGRAM / UMBRELLA PLAN

OCTOBER 27, 2011

[FDOT Midway Maintenance Office – Midway, FL]

Attendees
Andy Kizlauskas – USACE (Panama City)
Andy Phillips – USACE (Cocoa)
Mary Mittiga – USFWS (Panama City)
David Rydene – NMFS (St. Petersburg)
Joy Giddens – FDOT (Chipley)
Tracey Ludyjan-Ybarra – FDOT (Chipley)
Ted Hoehn – FWC (Tallahassee)
Duncan Cairns – NWFWMD (Tallahassee)
David Clayton – NWFWMD (Tallahassee)
Robert Lide – NWFWMD (Tallahassee)

The IRT quarterly meeting was held Thursday, October 27, 2011 at the FDOT District-3 Midway Maintenance Office (17 Commerce Blvd. at the US 90 / I-10 interchange approximately 10 miles west of downtown Tallahassee).

US 331 (from Bay Grove Road to SR 20)

This FDOT project impacts approximately 73.97 acres of wetlands (direct and secondary) in the Choctawhatchee Bay watershed, for a UMAM functional loss of 31.46 units (22.09 Forested Palustrine, 9.23 Non-forested Palustrine, and 0.14 Estuarine). Although these estimates are considered accurate and final, the precise number and kind of mitigation credits required will be determined when USACE permit conditions are issued.

Per Florida Statutes 373.4137, this impact was placed on the FDOT District-3 Environmental Impact Inventory and provided to the NWFMWD on May 1, 2007. Mitigation planning by the NWFWMD has been underway since that date.

Mitigation options considered and discussed in detail at the 10/27/11 IRT meeting were (1) Lafayette Creek Mitigation Area – UWRMP 5.3.6 [acquired in 2004 specifically for US 331 mitigation needs], (2) Live Oak Peninsula Mitigation Area – UWRMP 5.3.5 [various parcels acquired from 1999 – 2009 for US 98 and US 331 mitigation needs], (3) Nokuse Mitigation Bank – UWRMP 5.3.10 [fully permitted 2011], and (4) Devils Swamp Mitigation Bank – UWRMP 5.4.9 [service area expanded to include portions of US 331 in 2010].

Devils Swamp Mitigation Bank. The impact is within the current service area of the Devils Swamp Mitigation Bank and a review of RIBITS indicates the bank has sufficient palustrine credits available for purchase. However, the bank is evaluated using the Wetland Rapid Assessment Procedure (WRAP) functional assessment and the project impacts have been evaluated using the Uniform Mitigation Assessment Methodology (UMAM) functional assessment. Utilization of this bank would require re-evaluation of the proposed impacts at a substantial cost to the applicant. Further, the use of this bank is not considered ideal, relative to other mitigation options, because it mainly lies within the Saint Andrew Bay watershed instead of the Choctawhatchee Bay watershed, its landscape position differs from the impact site, and estuarine credits are not available.

Nokuse Mitigation Bank. The impact is also within the service area of the Nokuse Mitigation Bank and purchase of credits would be considered appropriate. However, use of this bank is not considered optimal, relative to other mitigation options, because it currently lacks sufficient available credits (re: a shortfall of 6.69 credits per USACE RIBITS website), estuarine credits are not available.

Lafayette Creek Mitigation Area and **Live Oak Peninsula Mitigation Area.** Lafayette Creek Mitigation Area is closest to the northern portions of the impact project area. It has sufficient credits to offset the impacts (except for estuarine) assessed using the UMAM assessment methodology, was purchased in 2004 expressly for use as mitigation for offsetting future US 331 impacts years before private mitigation banks in the area came into play, is similar in type and kind, is in the same Ecoregion Level IV as the impacts, and has restoration activities initiated and ongoing. Existing credits at Live Oak Peninsula Mitigation Area can accommodate the 0.14 estuarine credit requirement.

IRT consensus is debiting of UMAM credits from the Lafayette Creek Mitigation Area (UWRMP 5.3.6) credit ledger as offsetting mitigation and use of Live Oak Peninsula Mitigation Area for minimal estuarine credit needs. Credits would be debited upon issuance of USACE permit. Per FDOT, approximately 31.46 UMAM credits would be required.

CR 284 (River Road) at Gum Creek

This impact (0.62 acre) is within the service areas of the Sand Hill Lakes Mitigation Bank (UWRMP 5.3.1) and the Nokuse Mitigation Bank (UWRMP 5.3.10). ~~No decision made concerning mitigation.~~

Correction: Use of SHLMB to mitigate River Road at Gum Creek received IRT approval July 2011, though was not recorded in the meeting minutes (approval later verified by e-mail). At that time Nokuse was not fully permitted. This impact was again briefly discussed at the IRT October, 2011 meeting (between the July and October meetings Nokuse had become fully permitted) with a proposal to switch mitigation to Nokuse. However, no agreement on this proposed switch was reached.

CR 375 Syfrett Creek Bridge

A representative of the Saint Marks Mitigation Bank (UWRMP 5.7.5), now fully permitted with available credits for sale, contacted FDOT on 8/29/2011 about potential mitigation needs for the CR 375 Syfrett Creek Bridge project. The IRT confirms that the CR 375 Syfrett Creek Bridge project is not within the approved service area of the Saint Marks Mitigation Bank. The service area for the Saint Marks Mitigation Bank consists of the Florida portion of the Saint Marks watershed minus tidal and estuarine areas, and the 100-year floodplain of the Saint Marks River and Wakulla River, whereas the FDOT impact and previously approved mitigation site (Shuler Tract Mitigation Area – UWRMP 5.6.4) are both within the Ochlockonee watershed.

Use of the Shuler Mitigation Area (UWRMP 5.6.4) as offsetting mitigation for ~1 acre of impact at CR 375 Syfrett Creek Bridge (FDOT FIN No. 413478-1-32-01) was previously approved by the USACE/IRT in February, 2010. Mitigation credits will be debited from the Shuler credit ledger when permits are issued for this impact. The exact number of credits debited will be determined by specific conditions of state and federal permits.

In-Lieu Fee Program Status

Development of the In-Lieu Fee Program continues.

Gulf to Bay, Segment 2 (US 98)

Project and potential mitigation discussed. No mitigation decisions made.

Mitigation Project Updates

NFWFMD (David) gave short updates on restoration efforts at several sites including Ward Creek West, Sand Hill Lakes Mitigation Bank, Lafayette Creek, and Yellow River Ranch.

Other Items

An IRT site visit to Lafayette Creek Mitigation Area is set for Tuesday, December 6, 2011.