



Brett J. Cyphers
Executive Director

Northwest Florida Water Management District

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(U.S. Highway 90, 10 miles west of Tallahassee)

Phone: (850) 539-5999 • Fax: (850) 539-2777

June 23, 2015

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

RE: Sale of 6.90 Mitigation Credits from NFWFMD ILF Program, Lafayette Creek (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 6.90 mitigation credits from the NFWFMD In-Lieu Fee Program, Lafayette Creek Mitigation Area credit ledger to the Florida Department of Transportation (FDOT). In support of this notification, a copy of Special Condition #9 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-2013-01012 (SP-AWP) |
| • Condition Requiring Credit Purchase: | #9 |
| • Number of ILF Credits Debited: | 6.90 |
| • Type of Functional Credit Assessment: | UMAM |
| • Ecological Classification of Credits: | Palustrine Forested |
| • Specific ILF Project: | Lafayette Creek Mitigation Area |
| • Date Fees Received from Permittee: | June 2013 |
| • Impact (per DOA permit) | |
| ○ Acreage: | 1.20 |
| ○ Functional Loss: | Not Stated |
| ○ Ecological Classification: | Not Stated |

The mitigation credits noted above have been paid in full by FDOT 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 #9 of the DOA permit noted above. If you have any questions regarding this request, please contact me at 850-539-5999.

Sincerely,

Robert F. Lide

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Enclosures

GEORGE ROBERTS
Chair
Panama City

JERRY PATE
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Pensacola

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Tallahassee

NICK PATRONIS
Panama City Beach

BO SPRING
Port St. Joe

PERMIT NUMBER: SAJ-2013-01012

PERMITTEE: Florida Department of Transportation, District 3

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not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

7. Cultural Resources/Historic Properties: In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

8. Erosion Control: Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the 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.

9. Mitigation Credit Deduction: Within 30 days from the date of initiating the authorized work the Permittee shall provide verification to the Corps that 6.9 palustrine forested federal mitigation credits have been deducted from the Corps/NWFWMD Umbrella Plan. The required verification shall reference this project's permit number (SAJ-2013-01012).

10. As-Built: Within 60 days of completion of the authorized work or at the expiration of the construction authorization 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 4) 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

Northwest Florida Water Management District
In-Lieu Fee 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 6.90 federal/state Palustrine Forested Wetland Mitigation UMAM Credits from the Lafayette Creek 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) 411102-3—SR 123 from North of Tom's Creek to North of Turkey Creek in Okaloosa County (USACE Permit #SAJ-2013-01012 NW-AWP; FDEP Permit #46-0314567-002-SI). 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.

Seller received full Purchase Price from Buyer in June, 2013. Seller is committed to transfer to Buyer 6.90 federal/state mitigation credits from the Lafayette Creek In-Lieu Fee Mitigation Area federal and state credit ledgers for use in offsetting wetland impacts. The Purchase Price for 6.90 Wetland Mitigation Credits is two hundred fifty-seven thousand eight hundred ninety-seven dollars and no cents (\$257,897.00). 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 Lafayette Creek In-Lieu Fee Mitigation Area credit ledger, and will withdraw the specified credits from the state Lafayette Creek Umbrella Plan 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,</u> <u>Permitting Specialist</u>	<u>Brett J. Cyphers,</u> <u>Executive Director</u>
Executed:	<u>5/29/2015</u>	<u>5/20/15</u>