



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

April 26, 2016

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

RE: Sale of 0.58 Federal Mitigation Credits from NFWFMD ILF Program,
Dutex 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 0.58 federal mitigation credits from the NFWFMD In-Lieu Fee Program, Dutex Mitigation Area credit ledger to the Florida Department of Transportation (FDOT). In support of this notification, a copy of Special Condition #2 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-2015-02000 (NW-LEW)
- Condition Requiring Credit Purchase: #2
- Number of ILF Credits Debited: 0.58
- Type of Functional Credit Assessment: UMAM
- Ecological Classification of Credits: 0.58 Palustrine Forested
- Specific ILF Project: Dutex Mitigation Area
- Date Fees Received from Permittee: April 2016
- Impact (per DOA permit)
 - Acreage: 0.47 acres
 - Functional Loss: 0.58 UMAM Credits 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 NFWFMD In-Lieu Fee credit ledger. By action of this sale, the Sponsor accepts responsibility for providing the compensatory mitigation required by Special Condition #2 of the DOA permit noted above. If you have any questions regarding this request, please me at 850-539-5999.

Sincerely,

A handwritten signature in cursive script that reads "Robert F. Lide".

Robert F. Lide
Enclosures

GEORGE ROBERTS
Chair
Panama City

JERRY PATE
Vice Chair
Pensacola

JOHN W. ALTER
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MARC DUNBAR
Tallahassee

NICK PATRONIS
Panama City Beach

BO SPRING
Port St. Joe

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Please be aware this Internet address is case sensitive and should be entered as it appears above. Once there you will need to click on "Source Book"; and, then click on "Nationwide Permits." These files contain the description of the Nationwide Permit authorization, the Nationwide Permit general conditions, and the regional conditions, which apply specifically to this verification for NWP 14. Enclosed is a list of the six General Conditions, which apply to all Department of the Army authorizations. You must comply with all of the special and general conditions and any project specific condition of this authorization or you may be subject to enforcement action. In the event you have not completed construction of your project within the specified time limit, a separate application or re-verification may be required.

The following special conditions are included with this verification:

1. **Commencement Notification:** Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.

2. **Mitigation Credit Purchase:** Within 30 days from the date of initiating the authorized work, the Permittee shall provide verification to the Corps that 0.58 palustrine federal mitigation bank credits have been purchased from Northwest Florida Water Management District Dutex In-Lieu Fee Project. The required verification shall reference this project's permit number (SAJ-2015-02000 (NW-LEW)).

3. **Temporary Wetland Impacts:** Within 30 days from the date of completing the authorized work the Permittee shall restore 0.89 acre of temporary wetland impacts (as detailed on Drawing 6 of 15) to pre-existing contours, elevations, vegetation, habitat type, and hydrology.

4. **Self Certification:** Within 60 days of completion of the work authorized, the attached *Self-Certification Statement of Compliance* must be completed and submitted to the U.S. Army Corps of Engineers. Mail the completed form to the Regulatory Division, Special Projects and Enforcement Branch, Attn: Mr. Terry Wells, 41 North Jefferson Street, Suite 301, Pensacola, Florida 32502. The Permittee shall reference this permit number, SAJ-2015-02000 (NW-LEW), on all submittals.

5. **Eastern Indigo Snake Protection Measures:** The Permittee shall comply with U.S. Fish and Wildlife Service (USFWS) "Standard Protection Measures for the Eastern Indigo Snake" (dated August 12, 2013) during project site preparation and construction (Attachment 2). The following shall also apply:

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 0.58 federal Wetland Mitigation UMAM Credits and 0.59 state Wetland Mitigation UMAM Credits from the Dutex 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) 430472-1 (Patricia Drive at Bayou Marcus Creek) in Escambia County (USACE Permit #SAJ-2015-02000 NW-LEW; FDEP Permit #17-0333260-001-EI). 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 0.58 federal UMAM credits and 0.59 state UMAM credits from the Dutex In-Lieu Fee Mitigation Area federal and state credit ledgers for use in offsetting wetland impacts. The Purchase Price for 0.58 federal mitigation credits / 0.59 state mitigation credits is fifty-three thousand one hundred eighty-three dollars (\$53,183.00). Upon receipt of full Purchase Price, 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 Dutex In-Lieu Fee Program credit ledger, and will withdraw the specified credits from the state Dutex Umbrella Plan credit ledger.

The credit Purchase Price shall be due prior to transfer of credits to the Buyer. Failure of the Buyer to close the purchase within ninety (90) days of the execution of this agreement shall be a default of the Agreement, permitting termination of the Agreement by Seller unless an extension is granted in writing by mutual consent of both parties.

	BUYER	SELLER
Name:	<u>Florida Department of Transportation</u>	<u>Northwest Florida Water Management District</u>
By:	<u></u>	<u></u>
Name and Title:	<u>Erica Brookman,</u> <u>Permitting Specialist</u>	<u>Brett J. Cyphers,</u> <u>Executive Director</u>
Executed:	<u>3/16/16</u>	<u>3/11/16</u>