

FDOT DISTRICT-3 MITIGATION REVIEW TEAM MEETING MINUTES¹

WEDNESDAY, FEBRUARY 15, 2023

[FDOT District-3 Midway Operations Office]

Attendees	
(In Person)	(Remote)
Veronica Beech – USACE	Lisa Lovvorn – USACE
Joy Swanson Pleas – FDOT	Tim Rach – FDEP
Megan Rogers – FDOT	Lindsay Furr – FDEP
Terry Gilbert – FWC	Amber Rhodes – USFWS
Carlos Herd – NFWWMD	David Rydene – NMFS
Paul Thorpe – NFWWMD	Kristal Walsh – FWC
Jerrick Saquibal – NFWWMD	Bryan Phillips – FWC
David Clayton – NFWWMD	Aaron Waites – NFWWMD
Robert Lide – NFWWMD	Darryl Boudreau – NFWWMD

An FDOT District-3 mitigation Review Team meeting was held on Wednesday, February 15, 2023 (10 AM EST / 9 AM CST) at the FDOT District-3 Midway Operations Office (17 Commerce Drive, Midway, FL 32413).²

Introductions

Members of the mitigation Review Team were introduced. Joy Pleas (FDOT) and Robert Lide (NFWWMD) acted as meeting facilitators.

Annual Regional Mitigation Plan Updates

The Regional Mitigation Plan process, mandated by section 373.4137, Florida Statutes, was briefly described. Each January, the NFWWMD develops a draft Regional Mitigation Update to address new FDOT projects which may need wetland mitigation through the NFWWMD

¹ Meeting minutes compiled by NFWWMD staff.

² These meetings facilitate early consultation with commenting agencies in the development of mitigation and compliance with section 373.4137, FS. 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. Any mitigation developed by the NFWWMD for FDOT impacts must also be approved by the NFWWMD Governing Board designee (i.e., the NFWWMD Executive Director) and FDEP prior to implementation.

program. Older FDOT projects, and new projects that are anticipated to be mitigated through the use of private mitigation banks, are excluded from the annual update. Typically, a draft plan is sent to FDEP, advertised in the Florida Administrative Register (FAR) for public comment when new FDOT projects are included, a finalized plan is approved by the NFWFMD Executive Director in February, and no later than March of each year the finalized plan is sent to FDEP for approval. For the 2023 Regional Mitigation Plan Update, FDOT District-3 has not submitted any new projects to the NFWFMD which would be anticipated to need mitigation through the NFWFMD program. However, to meet statutory requirements, it was deemed advisable to develop a 2023 update.

FDOT Mitigation Options

Challenges to identifying mitigation for FDOT District-3 impacts were discussed. An impact occurring within a mitigation service area does not automatically mean that appropriate credits are available. Part of the discussion focused on a lack of identified mitigation for two segments of SR 87³ in the upper Blackwater River basin (Santa Rosa County) and seven road projects (six segments of I-10 and one segment of SR 85)⁴ in the Yellow River basin (Santa Rosa County and Okaloosa County; Crestview vicinity). In the case of the SR 87 segments, there are currently no mitigation bank nor In-Lieu Fee options. With the Yellow River basin impacts along I-10 and SR 85, although they are within the Yellow River Ranch In-Lieu Fee service area (there are currently no bank options), Yellow River Ranch lacks sufficient credits to fully offset the expected impacts. The USACE is developing Proximity Factors (Public Notice published 8/12/2022) which, if adopted, may or may not, enable private banks to offset these impacts. As construction of these projects has not been funded by FDOT District-3, it has not been determined when they will move forward and when mitigation will need to be finalized.

During the discussion, it was emphasized that, as a first option, FDOT District-3 will make use of private mitigation banks when feasible. The NFWFMD does not provide mitigation when FDOT is able to offset a transportation project with private bank credits. Currently, there are nine private mitigation banks in the Florida Panhandle with service areas that cover approximately 1/3 of the Panhandle. When private banks are used, FDOT purchases the necessary credits directly from the bank.

If FDOT is unable to offset an impact through a private mitigation bank, the second option is to explore use of the NFWFMD In-Lieu Fee Program or the Sand Hill Lakes Mitigation Bank (a public mitigation bank owned and managed by the NFWFMD). Collectively, the In-Lieu Fee Program and Sand Hill Lakes Mitigation Bank have service areas that cover approximately 60% of the Florida Panhandle.

A last option, if use of a mitigation bank or In-Lieu Fee project is not feasible, is for the NFWFMD to develop a stand-alone, permittee-responsible project. This approach is generally discouraged as bank and In-Lieu Fee projects have economies of scale that enhance probabilities of success, restore larger areas, and avoid the establishment of isolated “postage-stamp”

³ See 2016 Regional Mitigation Plan Update.

⁴ See 2022 Regional Mitigation Plan Update.

mitigation projects. Approximately 20% of the Florida Panhandle has no service area coverage of either a mitigation bank or an In-Lieu Fee project.

Ward Creek West Mitigation Area

As an informational item, potential removal of the Ward Creek West (WCW) site (Bay County; St. Andrew Bay Watershed) from the NFWFMD mitigation program was presented. The NFWFMD has submitted a proposal to the USACE and FDEP to transfer all existing state and federal mitigation obligations (67.06 WRAP credits) from WCW to the Sand Hill Lakes Mitigation Bank, relinquish all mitigation credits at WCW, and remove WCW from the In-Lieu Fee Program.

Operation of the WCW site as a mitigation area for FDOT wetland impacts and as a component of the federal NFWFMD In-Lieu Fee Program is no longer practical or sustainable. When the WCW property was acquired in 2008, there were no private mitigation banks in the area. Today, there are multiple banks in the area. Per Florida Statutes and NFWFMD policy, the presence of multiple private mitigation banks in the St. Andrew Bay watershed (HUC 03140101), with ample mitigation credits available, preclude all future credit sales necessary to fund restoration and management of WCW. Implementation of prescribed fire and other management activities required to meet ecological success criteria mandated by the In-Lieu Fee Program is also increasingly costly, difficult, and problematic given intensive residential and commercial development occurring on the property line.

If mitigation obligations are successfully transferred to the Sand Hill Lakes Mitigation Bank and WCW is removed from the In-Lieu Fee Program, the NFWFMD may pursue transfer of ownership of the WCW property to the City of Panama City Beach for management as conservation lands. Panama City Beach has expressed interest in acquisition of WCW as an addition to the City's Conservation Park. Regardless of either continued ownership by the NFWFMD or transfer to the City of Panama City Beach, a conservation easement protects the site from future development and requires preservation in a natural condition in perpetuity. Removal of WCW from the NFWFMD mitigation program will not expose the site to development risk.

Mitigation Project Updates

The meeting concluded with NFWFMD staff providing brief updates on the status of the Live Oak Point Living Shorelines breakwater (construction of around 3,500 FT was complete in late 2022; marsh plantings to be conducted in spring of 2023), plans to implement a breakwater and living shoreline at the Dutex site (permits issued; construction start slated for later in 2023), status of fire implementation at Yellow River Ranch (fire bans and enhanced fire prescription requirements have delayed the most recently planned burn), restoration status of Lafayette Creek, and recent burns and planting activities at the Sand Hill Lakes Mitigation Bank.

POWERPOINT PRESENTATION ATTACHED

FDOT District-3 Mitigation Review Team Meeting

15 February 2023 (Wednesday)

(FDOT Midway Operations Center)



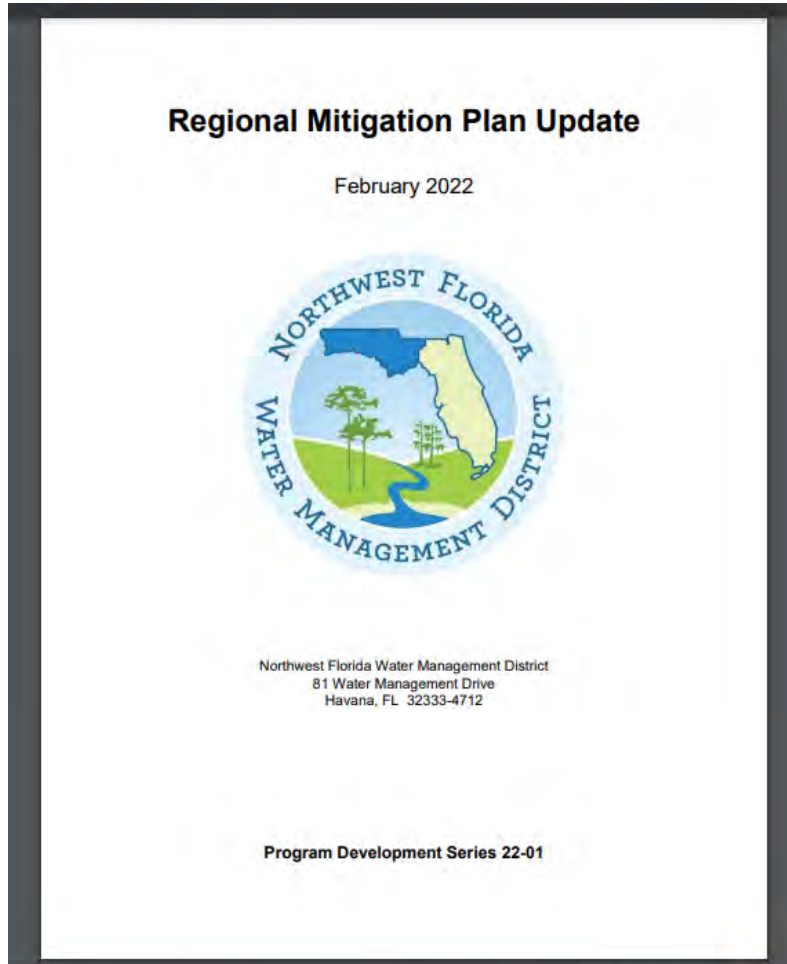
**US Army Corps
of Engineers®**



Agenda

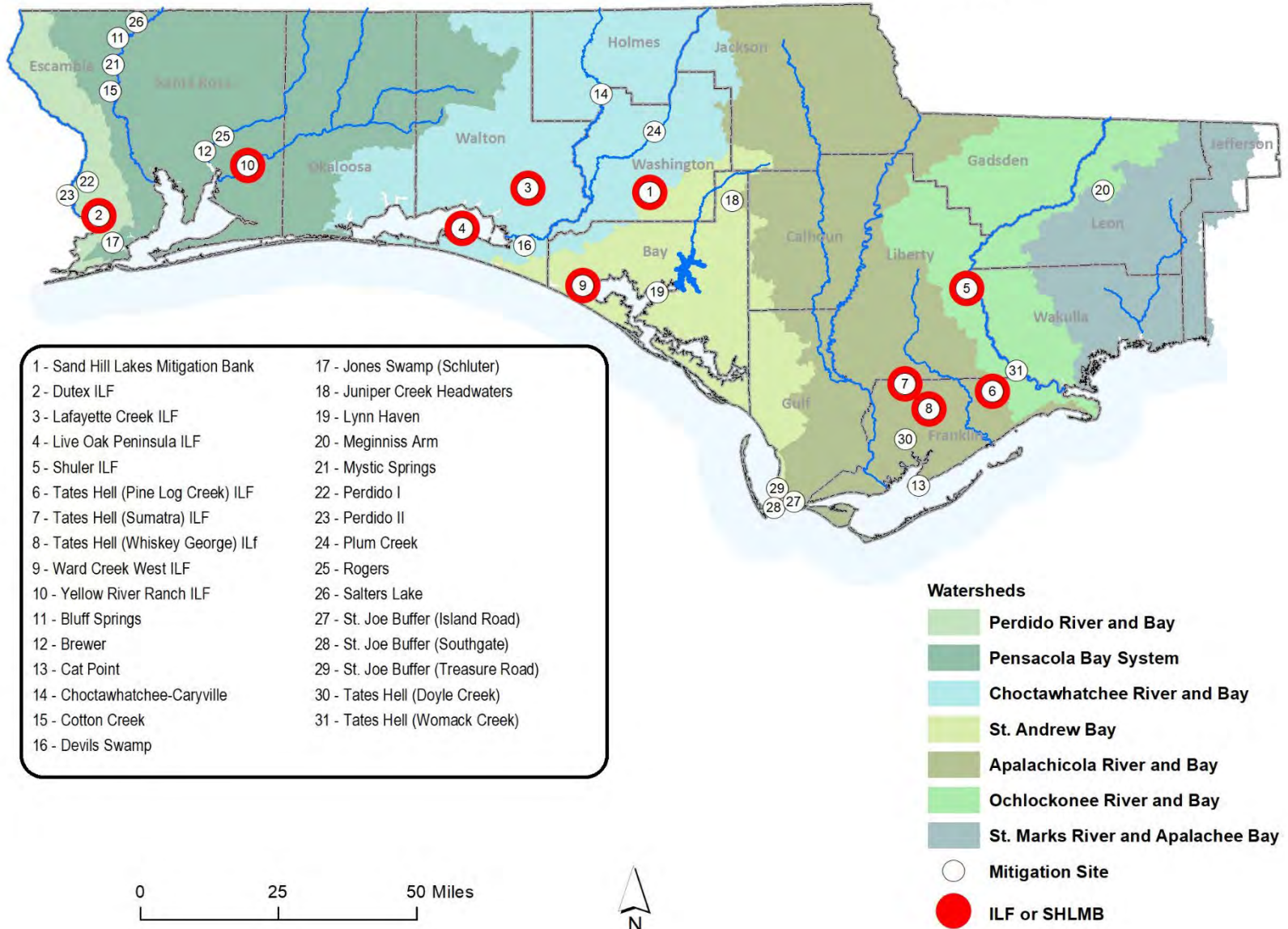
- Introductions
- Annual Regional Mitigation Plan Updates
- FDOT Mitigation Options
- Ward Creek West Mitigation Site
- Mitigation Project Updates
- Open Discussion / Other Business

Regional Mitigation Plan Update

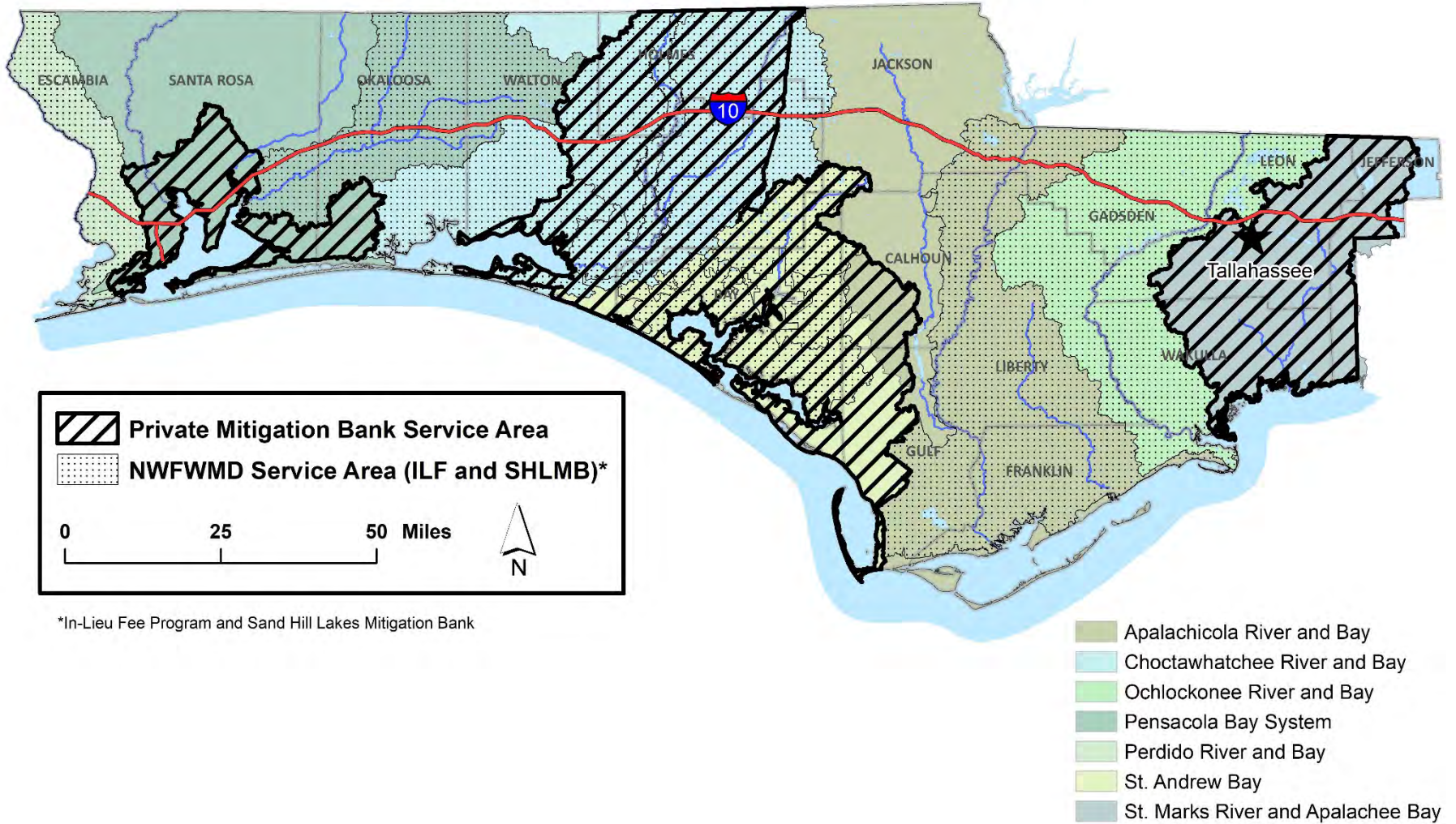


- Per section 373.4137, FS, WMDs must update annually.
- Process
 - Draft document
 - Advertised in Florida Administrative Register (FAR)
 - NFWFMD approval
 - FDEP approval
 - www.nwfwater.com

NFWMD Mitigation Program for FDOT Impacts (1997 - 2022)



Northwest Florida Water Management District

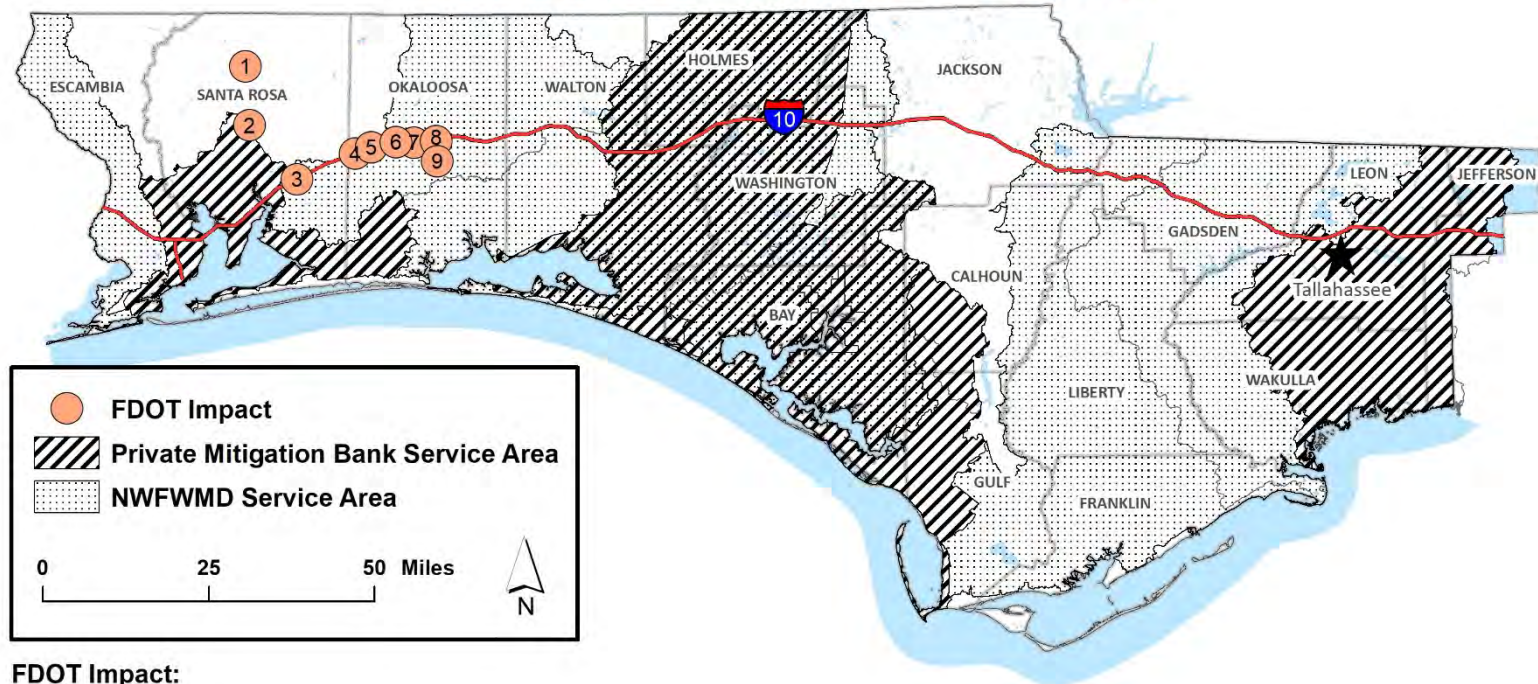


*In-Lieu Fee Program and Sand Hill Lakes Mitigation Bank

Northwest Florida Private Mitigation Bank Service Areas



Northwest Florida Water Management District FDOT Impacts Without Identified Mitigation



FDOT Impact:

- 1 - SR 87 (from CR 178 to SR 4; FPID 416748-6) [RMP 2016; 2.71 Acres; Mitigation TBD]
- 2 - SR 87 (from 4-Lane Section to Coldwater Creek; FPID 416748-2) [RMP 2016; 10.69 Acres; Mitigation TBD]
- 3 - I-10 (from SR 87 to Miller Bluff Road; FPID 413062-8) [RMP 2022; 0.03 Acres; Mitigation TBD]
- 4 - I-10 (from Santa Rosa / Okaloosa Co. Line to CR 189; FPID 413062-5) [RMP 2022; Acres TBD; Mitigation TBD]
- 5 - I-10 (from CR 189 to Wilkerson Bluff Road; FPID 441038-2) [RMP 2022; 0.50 Acres; Mitigation TBD]
- 6 - I-10 (from Wilkerson Bluff Road to Yellow River; FPID 441038-3) [RMP 2022; 1.80 Acres; Mitigation TBD]
- 7 - I-10 (from east of Yellow River to SR 85; FPID 441038-4) [RMP 2022; 0.50 Acres; Mitigation TBD]
- 8 - SR 85 (from PJ Adams Pkwy to I-10; FPID 220171-6) [RMP 2022; 0.91 Acres; Mitigation TBD]
- 9 - SR 85 (from SR 210 McWhorter Avenue to PJ Adams Pkwy; FPID 220171-5) [RMP 2022; 5.27 Acres; Mitigation TBD]

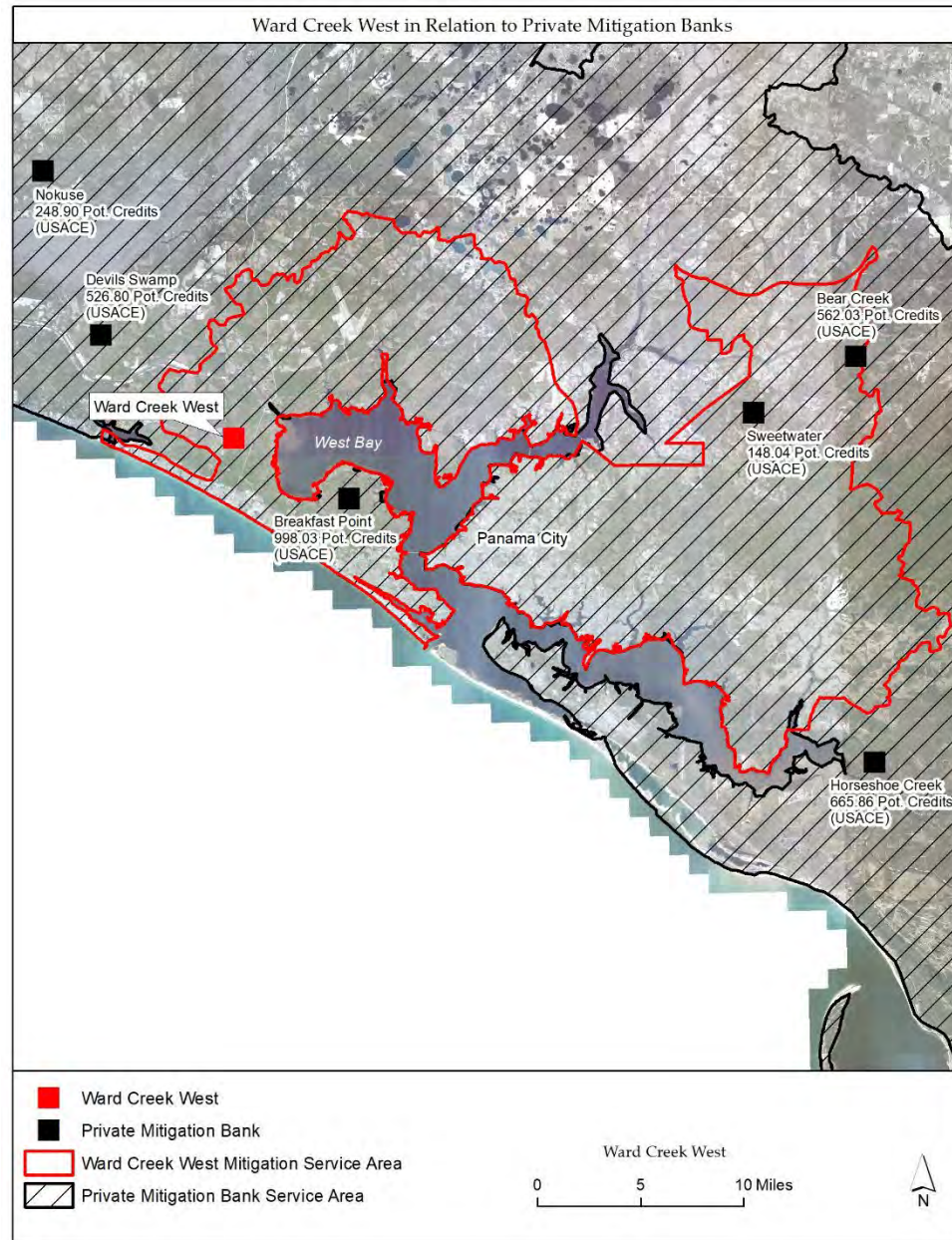
Removal of Ward Creek West from Mitigation Program



Ward Creek West and St. Joe Development



Ward Creek West and Private Banks

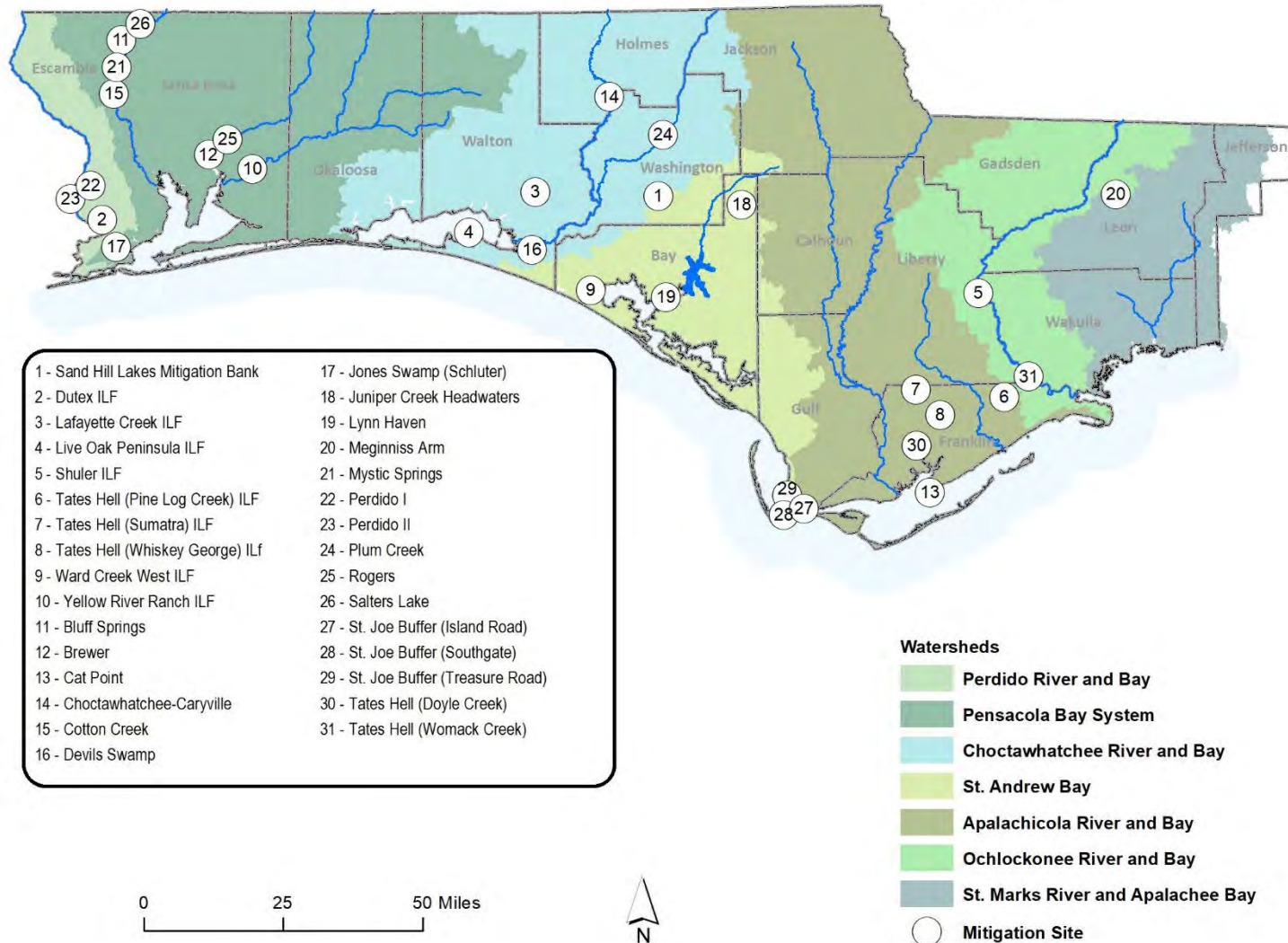


Transfer of Mitigation Obligations from Ward Creek West to SHLMB

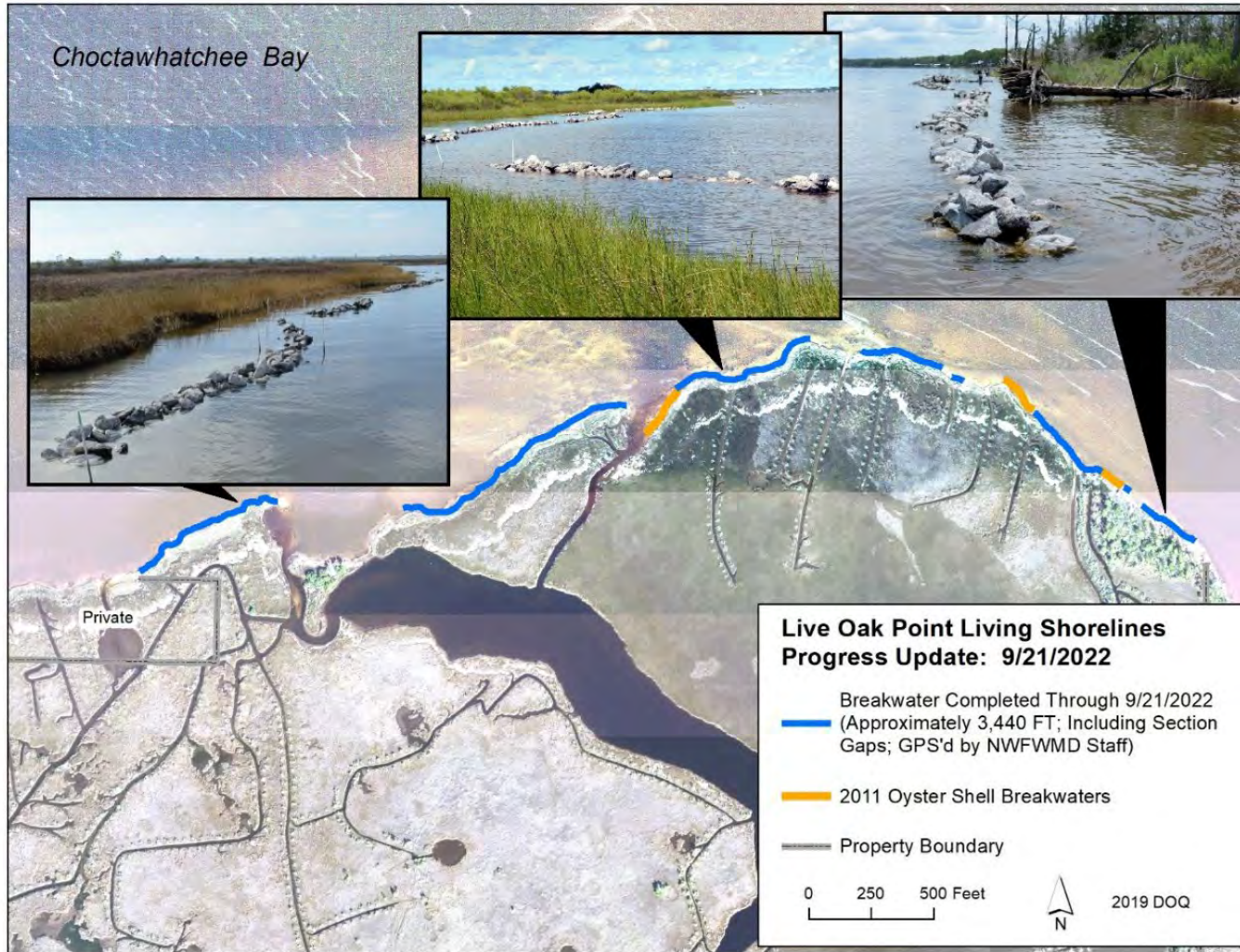


NFWWMD Mitigation Project Status

NFWWMD Mitigation Program for FDOT Impacts (1997 - 2022)



Live Oak Point Living Shorelines



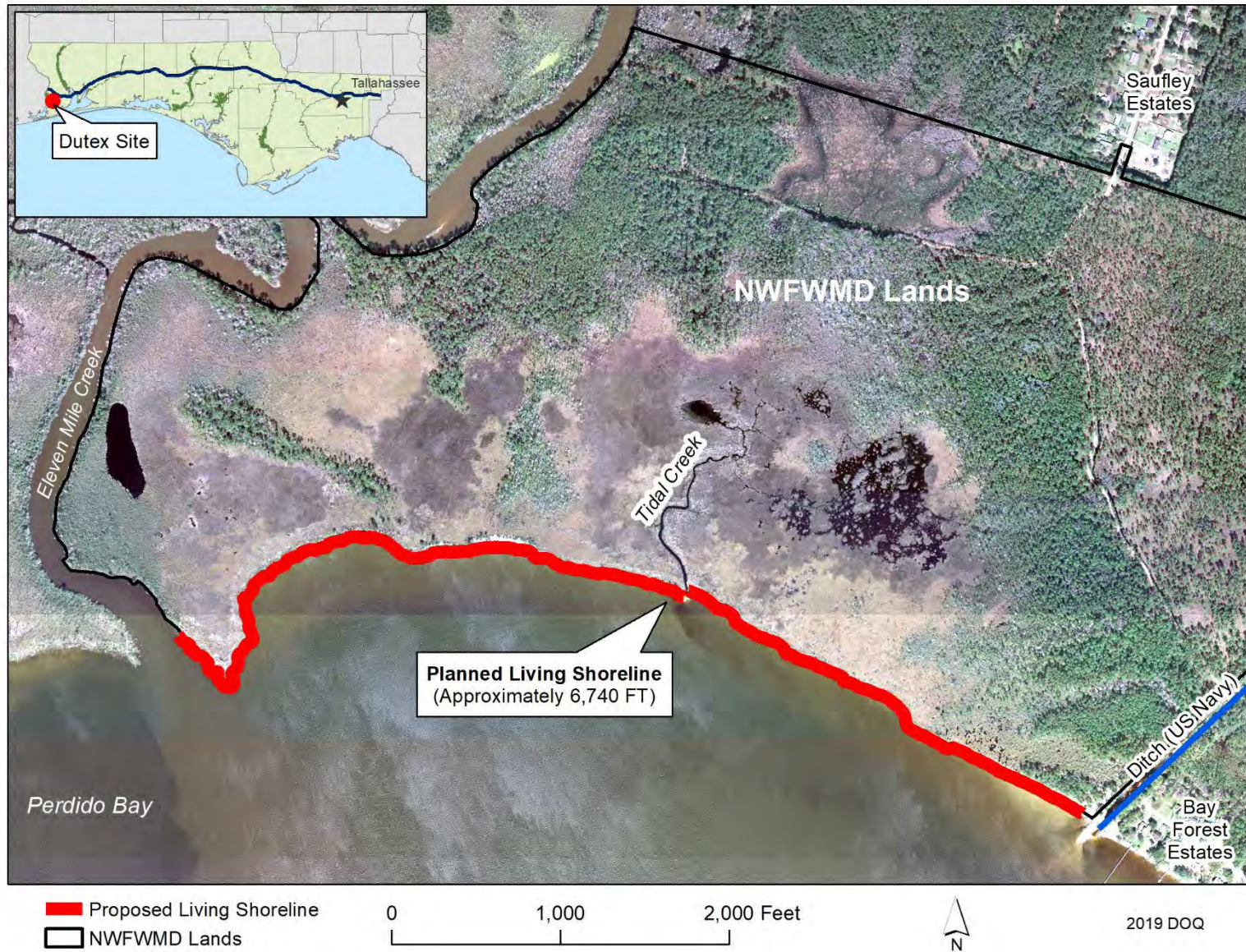
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Live Oak Point Living Shorelines



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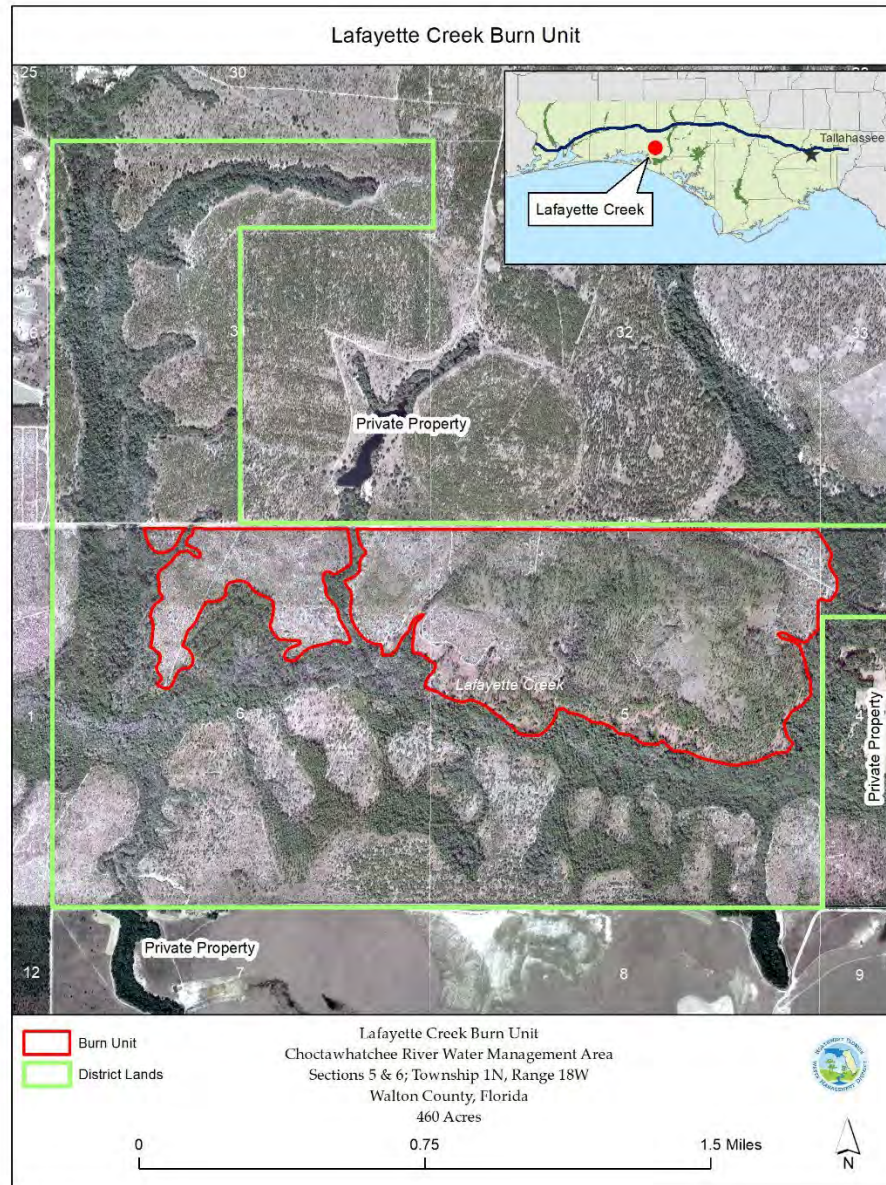
Dutex ILF Site



Yellow River Ranch ILF



Lafayette Creek ILF



Sand Hill Lakes Mitigation Bank





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Open Discussion; Other Business; Wrap Up

