

Regional Mitigation Plan Update

February 2023



Northwest Florida Water Management District
81 Water Management Drive
Havana, FL 32333-4712

Program Development Series 23-01

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

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Introduction

Section 373.4137(4), Florida Statutes (F.S.), requires the Northwest Florida Water Management District (NFWFMD or District), in consultation with the Florida Department of Environmental Protection (FDEP), the United States Army Corps of Engineers (USACE), the Florida Department of Transportation (FDOT), other appropriate federal, state, and local governments, and other interested parties, to develop and approve an annual regional mitigation plan before March 1st of each year for FDOT mitigation needs submitted to the District. The NFWFMD mitigation program includes the Sand Hill Lakes Mitigation Bank (owned and operated by the District), the District's In-Lieu Fee Instrument authorized by the USACE, and other mitigation projects implemented by the District.

Although FDOT is not required to participate in the District mitigation program (section 373.4137(2)(a), F.S.), FDOT District Three opts to mitigate through the District when use of a private mitigation bank is not feasible. This Regional Mitigation Plan Update satisfies the requirements of section 373.4137(4), F.S., to annually develop a mitigation plan for submittal to, and approval by, FDEP. To facilitate a policy-level review, FDEP guidance requests that regional mitigation plan submittals be in the form of a summary and only address new projects. Detailed information and permit-level project plans are posted at the District website (www.nfwfwater.com/Water-Resources/Regional-Wetland-Mitigation-Program). Approval from FDEP is obtained prior to implementation of mitigation.

Consideration of Private Mitigation Banks

Per section 373.4137(2)(c), F.S., FDOT must investigate use of a mitigation bank before including a project on the environmental impact inventory (Inventory) submitted to the District. If the District identifies use of a mitigation bank to offset an FDOT impact included on the Inventory, the District shall exclude that project from the mitigation plan and FDOT shall be responsible for purchase of bank credits (section 373.4137(3)(d), F.S.).

Private mitigation bank service areas cover approximately one-third of northwest Florida (Figure 1). The District strongly encourages development of private mitigation banks, especially in areas not currently served by private banks. The District does not compete with private mitigation banks and will develop or provide mitigation to FDOT only when use of a private mitigation bank is not feasible. Use of a mitigation bank as offsetting mitigation for an FDOT impact is dependent upon approval by state and federal permitting authorities.

Consideration of current service area coverages, as indicated in Figure 1, suggests that development of additional credits within several regions of northwest Florida may be needed to support future transportation improvements. Additional palustrine credits within the Blackwater River and Yellow River basins and additional estuarine credits districtwide may be particularly useful to support future transportation needs.

2023 Project Update

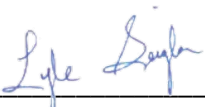
No new FDOT road projects, since approval of the 2022 Regional Mitigation Plan Update, have been added to the FDOT District Three Inventory that are anticipated to require mitigation through the NFWFMD mitigation program.

Conclusion

The District concludes that this Regional Mitigation Plan Update complies with the mitigation requirements of section 373.4137, F.S., and 33 USC Section 344, subject to approval by FDEP. Approval by the Governing Board of the District or its designee and FDEP shall authorize the activities proposed in the mitigation plan, and no other state, regional or local permit or approval shall be necessary. Per section 373.4137(5), F.S., the District, upon notice and coordination with FDOT, may deviate from the approved mitigation plan to comply with federal permitting requirements.

All Regional Mitigation Plan documents may be accessed online at <https://www.nfwwater.com/Water-Resources/Regional-Wetland-Mitigation-Program>. Copies may be obtained from the Resource Management Division, Northwest Florida Water Management District, 81 Water Management Drive, Havana, FL 32333-4712.

Pursuant to sections 373.4137(4) and (6), F.S., the District hereby approves modifications to the Regional Mitigation Plan. Modifications to the District-approved Regional Mitigation Plan may not be implemented prior to approval by FDEP. Through consultation with the aforementioned entities, the District's Regional Mitigation Plan has been designed and evaluated to meet state and federal mitigation requirements (section 373.4137, F.S., and 33 United State Code section 1344); however, it is the responsibility of FDOT to propose offsetting mitigation to state and federal permitters.



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2/16/2023

Date

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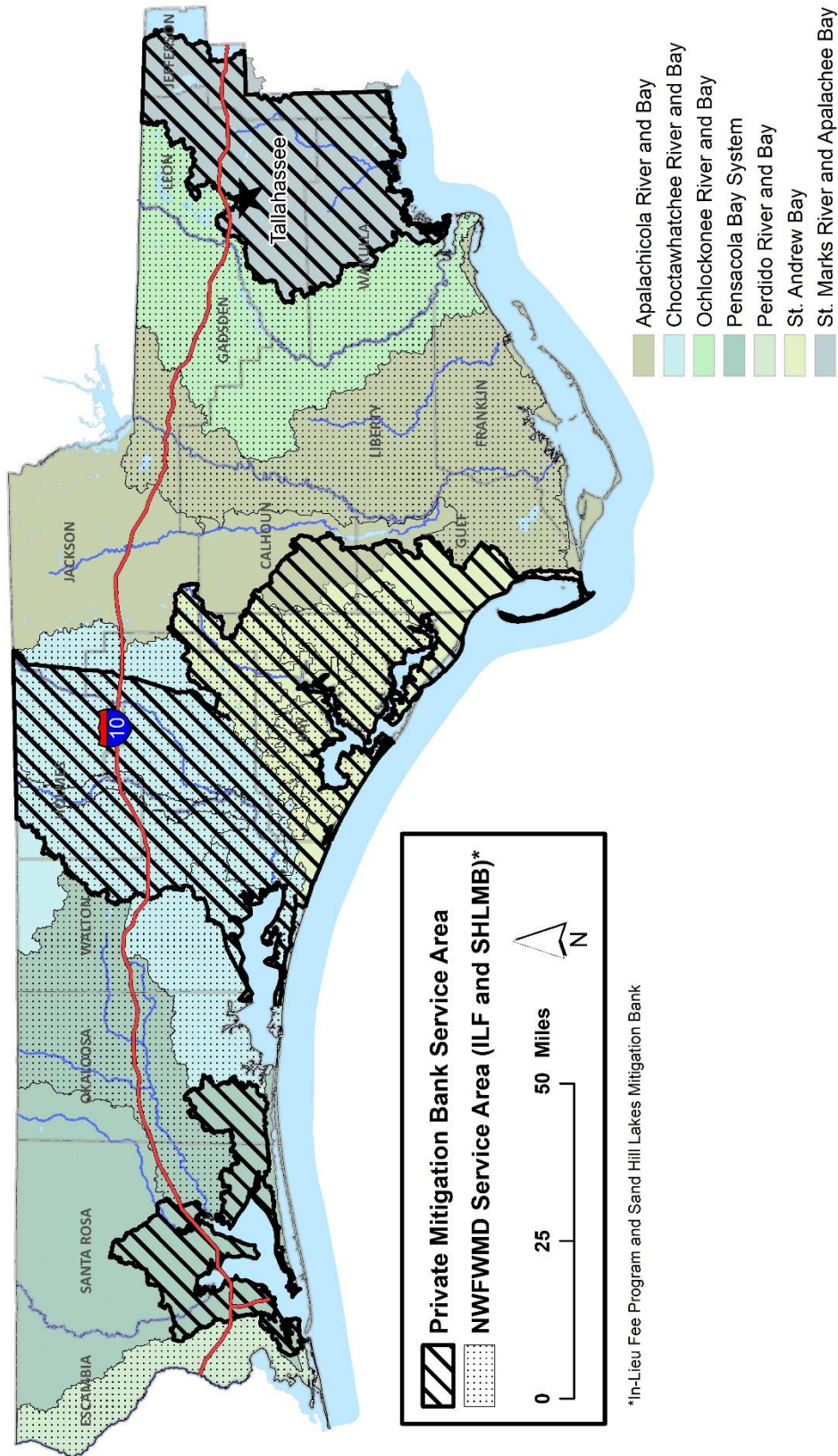


Figure 1. Mitigation Service Areas in Northwest Florida