

Regional Mitigation Plan Update

February 2024



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

Program Development Series 24-01

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); 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-3 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 on the District website (www.nwfwater.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 private 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 areas, 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.

2024 Project Update

Since approval of the 2023 Regional Mitigation Plan Update and the 2023 Regional Mitigation Plan Update, Supplemental No. 1, one road project has been added to the FDOT District-3 Inventory that may require mitigation through the NFWMD mitigation program (Figure 2; Figure 3).

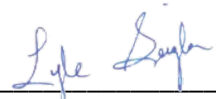
US 98 (from Santa Rosa/Okaloosa County Line to East of Cody Avenue); FDOT FPID 220196-3. This linear road improvement project (approximately 6.1 miles in length) in Okaloosa County is in the Pensacola Bay System watershed (Santa Rosa Sound). Estimated wetland impact is 12.26 acres (functional loss estimates have not been provided by FDOT). Although not within the service area of any private mitigation bank, this impact is within one mile of the service area of two mitigation banks. Recent USACE Guidance may allow out-of-service area use of mitigation banks with application of appropriate Proximity Factors, as determined by permitting authorities. While this impact does fall within the service area of the NFWMD Live Oak Point In-Lieu Fee project, credits at Live Oak Point are extremely limited (current balance of 0.08 credits) and likely inappropriate (impact appears to be palustrine whereas Live Oak Point credits are estuarine). Proposed mitigation, if required by federal and/or state permittees, is To-Be-Determined (TBD). If a private mitigation bank option is determined to be available, this project will be withdrawn from the NFWMD mitigation program and FDOT will be responsible for purchasing credits from a private bank. Additional information, as plans are developed, will be posted at <https://nwfwater.com/water-resources/regional-wetland-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.nwfwater.com/Water-Resources/Regional-Wetland-Mitigation-Program>. Printed copies may be requested from the 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 USC Section 1344); however, it is the responsibility of FDOT to propose offsetting mitigation to state and federal permittees.



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2/13/2024

Date

For More Information

Website:

<https://www.nwfwater.com/Water-Resources/Regional-Wetland-Mitigation-Program>

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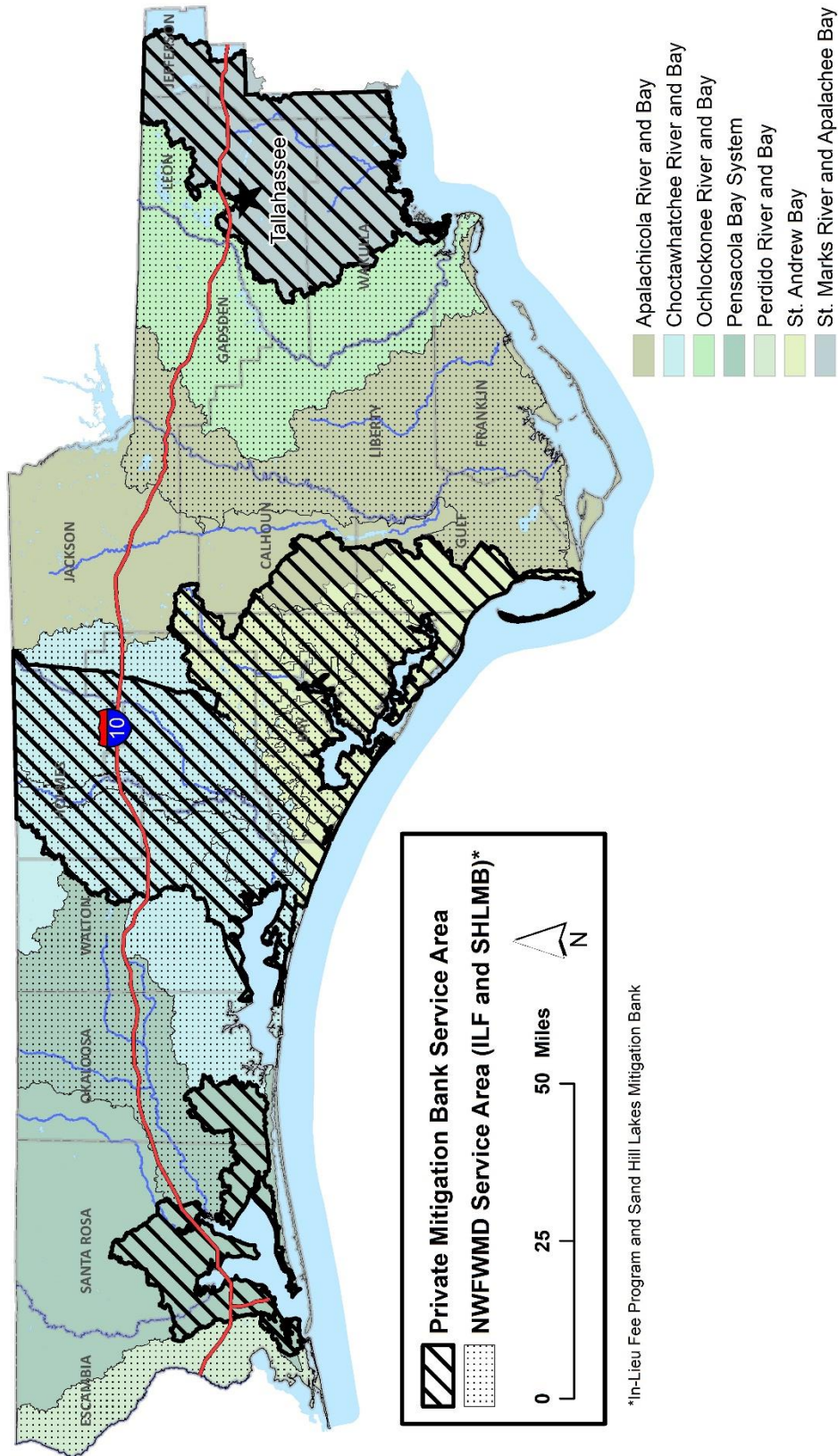


Figure 1. Mitigation Service Areas in Northwest Florida

Northwest Florida Water Management District 2024 Regional Mitigation Plan Update FDOT Projects and Proposed Mitigation

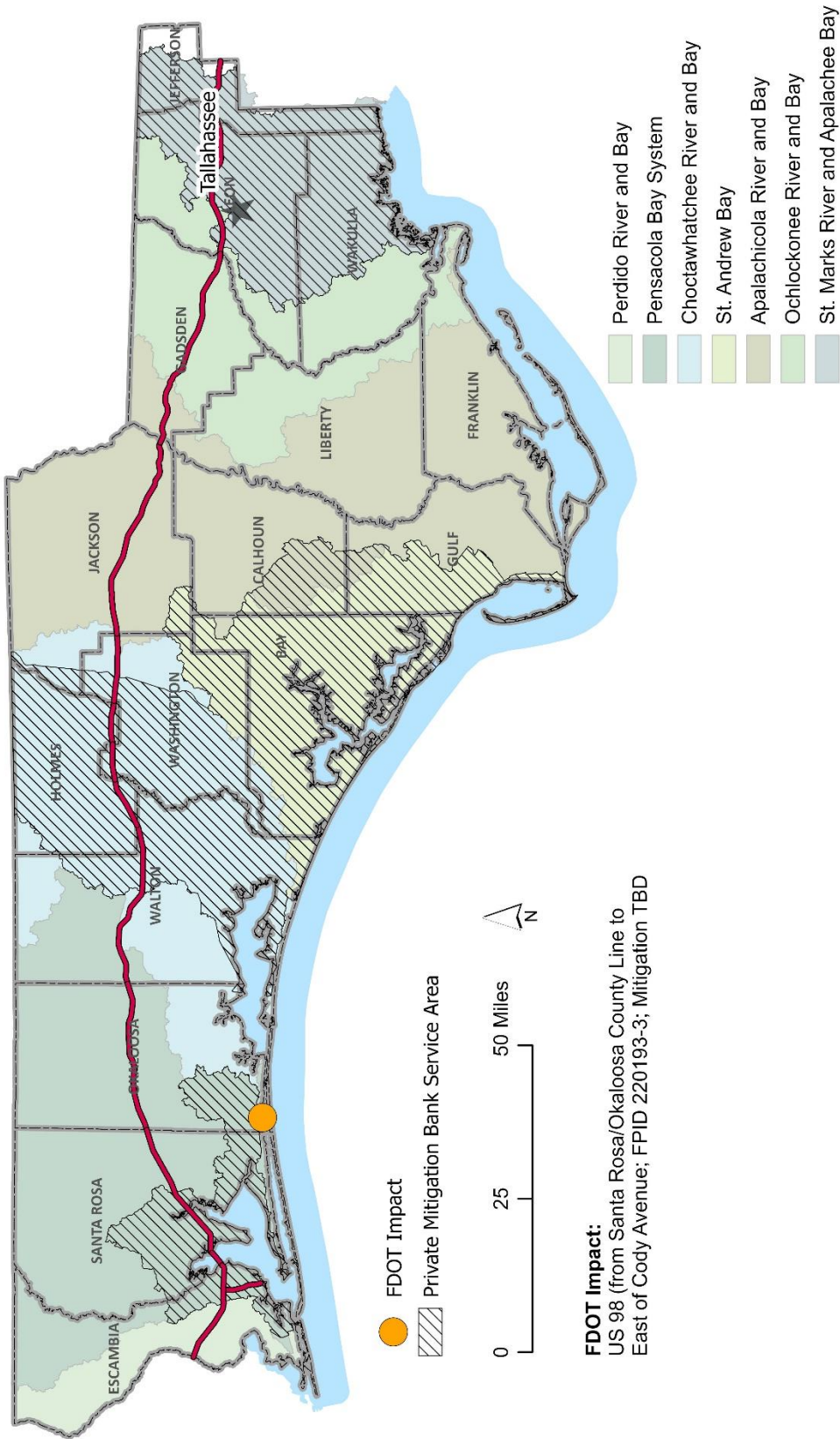


Figure 2. Location Map of FDOT Impact

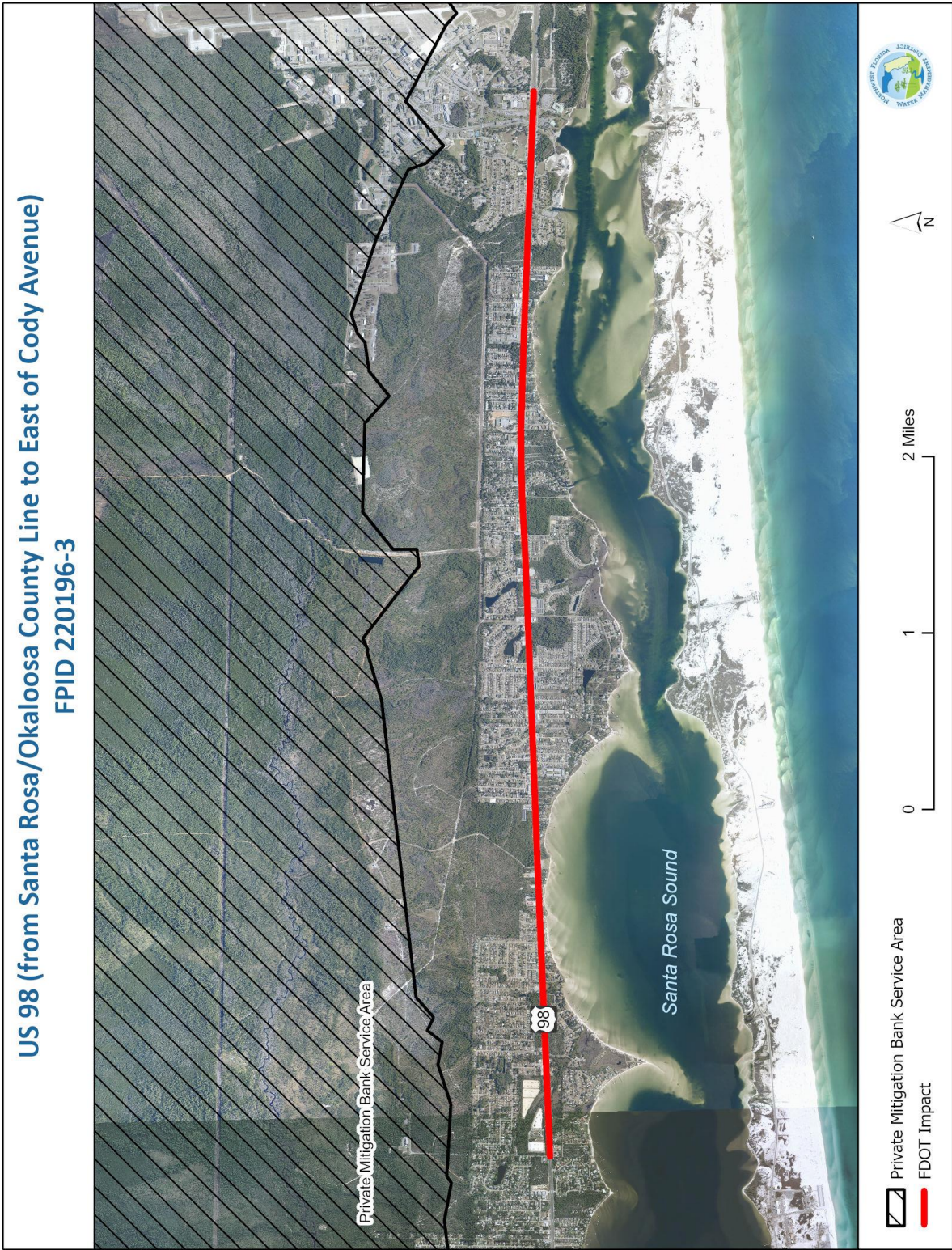


Figure 3. Closeup of FDOT Impact

Table 1. Mitigation and Impact Project Overview

Mitigation and Impact Project Overview – February 2024						
Mitigation Name	Impact Project	Impact Location		Habitat / Community Type Impact	Total Impact Acres ¹	T/E Species Impact
		County	Drainage Basin			
TBD	US 98 from Santa Rosa/Okaloosa County Line to east of Cody Avenue; FPID 220196-3	Okaloosa	Pensacola Bay System Watershed (Santa Rosa Sound)	TBD	12.26	TBD

¹Estimated impact acreage provided by FDOT District-3; subject to verification by permitting authorities.

Table 2. Mitigation Plan Overview

Mitigation Plan Overview – February 2024						
Mitigation Name	Location		Habitat / Community Type	Mitigation Type	Number of Credits	Land Acquisition
	County	SWIM Drainage Basin				
TBD	TBD	TBD	TBD	TBD	TBD	TBD

Table 3. Cost Estimates

Cost of Mitigation Plan (2023 Supplemental No. 1) – April 2023						
Mitigation Name	Planning / Design Cost	Construction Cost	Acquisition or Credit Purchase Cost	Management Cost	Total Cost ¹	Mitigation Cost per Acre of Impact
TBD	TBD	TBD	TBD	TBD	\$1,664,662.80	\$135,780

¹For FDOT Fiscal Year 2024 (July 1, 2023 – June 30, 2024), in accordance with section 373.41.37, F.S., mitigation, when conducted through a water management district, is funded at a rate of \$135,780 per acre of direct wetland impact.