

REVIEW TEAM MEETING MINUTES

NWFWMD UMBRELLA PLAN

THURSDAY, FEBRUARY 27, 2014

[FDOT District-3 Maintenance Office – Midway, FL]

Attendees	
Melinda Witgenstein – USACE (Panama City)	Ted Hoehn – FWC (Tallahassee)
Andy Kizlauskas – USACE (Panama City)	Guy Gowens – NWFWMD (Tallahassee)
David Rydene – NMFS (St. Petersburg)	Duncan Cairns – NWFWMD (Tallahassee)
Mary Mittiga – USFWS (Panama City)	David Clayton – NWFWMD (Tallahassee)
Joy Swanson – FDOT (Chipley)	Robert Lide – NWFWMD (Tallahassee)
Erica Collins – FDOT (Chipley)	Janet Strutzel – NWFWMD (Tallahassee)

The Review Team (RT) meeting was held Thursday, February 27, 2014 (10 AM – 12 PM EST) at the FDOT District-3 Midway Maintenance Office (17 Commerce Blvd. at the US 90 / I-10 interchange west of Tallahassee).

Discussion of Umbrella Plan and In-Lieu Fee Program Status

A draft Instrument for the NWFWMD In-Lieu Fee (ILF) Program has been submitted to USACE-Jacksonville (USACE Reviewers: Teresa Frame, Bob Barron). Response from USACE-Jacksonville has been favorable and approval is anticipated with few changes. However, the timeframe for final approval is uncertain.

[Update—on 3/10/2014, the USACE submitted the draft ILF Instrument to a USACE-assembled Interagency Review Team (IRT) for review (commenting period ends 4/9/2014).]

When the ILF Instrument is formally approved, six mitigation projects developed under the Umbrella Plan (Dutex, Yellow River Ranch, Lafayette Creek, Ward Creek West, Tates Hell, and Shuler) and their released, unused mitigation credits will transition to the new ILF Program. The total number of credits to be brought forward is anticipated to be 213.80, although additional Umbrella Plan debits for near-term FDOT impacts prior to final approval of the ILF Instrument are possible.

Draft service areas for each ILF project were presented to the Review Team. It is anticipated that each service area will consist of portions of one to two 8-digit HUC (Hydrologic Unit Code) basins.

Under the Umbrella Plan, the NFWFMD has handled credit purchases from private mitigation banks for FDOT District-3. Anticipated changes to §373.4137, Florida Statutes, would require FDOT to handle such credit purchases. Funding for mitigation may also change from being based on impact acreage to the amount of UMAM functional loss.

Discussion of FDOT Projects Added to Inventory since January, 2013

US 98 / US 319 (from Carrabelle Beach Park to CR 379 / River Road)

Possible Mitigation Option: NFWFMD Tates Hell ILF Project

Impact to wetlands is mostly or wholly associated with construction of a pedestrian walkway adjacent to US 98 / US 319 that will extend from Carrabelle Beach Park northward to the Carrabelle River. Boardwalks will be constructed where the path crosses wetland areas (marsh adjacent to the existing highway). Consultants to FDOT have indicated that the footprint of the boardwalk over wetland areas will be 2.00 acres. UMAMs have not been provided. However, because of the anticipated height of the boardwalks, shading and other impacts to wetlands will likely be minimal.

If offsite mitigation is required by state and/or federal permits, there are no private mitigation bank options currently available. However, the impact is proximate to, and within the draft service area of, the Tates Hell ILF mitigation project which has mitigation credits available (35.41 UMAM credits). Mitigation, if necessary, would be proposed by FDOT to federal and/or state permittees.

Brickyard Road Bridge at Molino

Mitigation: Cotton Creek Road on NFWFMD Escambia Floodplain Lands

There are no private mitigation bank options for this 0.50-acre impact. USACE permit SAJ-2013-00295 NW-AWP, issued 5/31/2013, requires mitigation at Cotton Creek Road (hydrologic enhancement via installation of one low-water-crossing) on NFWFMD lands on the Escambia River floodplain. No state mitigation is required, and functional assessments were not used by the USACE permittee.

FDOT reports that the impact may have been reduced. FDOT will communicate with the USACE as to whether mitigation is still required and whether a permit modification is necessary. A 1/28/2014 train derailment and release of 30,000 gallons of phosphoric acid on nearby (~1/2 mile away) Fletcher Creek had no effect on the proposed Cotton Creek mitigation site.

CR 489 / Stefani Road Bridge at Unnamed Creek

Possible Mitigation Option: NFWWMD Dutex ILF Project

This 0.50-acre impact is not within the service area of any private mitigation bank. If offsite mitigation is required, the NFWWMD Dutex ILF mitigation area is proximate to the impact (~7 miles distant), and has ample “in-kind” mitigation credits (43.53 UMAM credits) available for immediate use.

US 331 Choctawhatchee Bay Bridge

Possible Mitigation Option: Onsite plus NFWWMD Live Oak Peninsula (Umbrella Plan)

Mitigation for this impact will mostly be implemented onsite. However, FDOT also proposes use of the remaining 0.07 estuarine credit available at the NFWWMD Live Oak Peninsula mitigation area, which would be debited under the Umbrella Plan. Although this impact occurs within the service area of several private mitigation banks, none have any potential for estuarine credits.

Review of Several FDOT Projects Added to Inventory Prior to January, 2013 and Discussed at Prior Review Team Meetings

SR 123 (segments 2 & 3 from SR 85 north to ~Turkey Creek)

Mitigation: NFWWMD Lafayette Creek ILF Project

These impacts are not within the service area of any private mitigation bank. Per USACE permits issued in late 2013, these impacts will be mitigated at the NFWWMD Lafayette Creek mitigation area. However, the USACE permits for these two segments of SR 123 required 13.80 UMAM credits from Lafayette Creek as mitigation, whereas the apparent intent of the USACE permitter was to require a total 7.04 UMAM credits. FDOT will pursue appropriate permit modifications with the USACE.

[Update—USACE permit mod obtained by FDOT 3/3/2014 changing the requirement to a total of 7.04 UMAM credits from Lafayette Creek to offset segments 2 & 3 of SR 123.]

SR 30A (from SR 30E north to US 98)

Mitigation: St. Joseph Bay State Buffer Preserve (Treasure Road)

Presented to the Review Team for information only. The USACE permit for this impact required hydrologic enhancements (i.e., installation of six low-water-crossings) on Treasure Road at the St. Joseph Bay State Buffer Preserve. The low-water-crossings were successfully installed by the NFWFMD in 2013 and are properly functioning. During construction, an eastern indigo snake protection plan (approved by the USFWS and FWC) was adhered to (no specimens of the eastern indigo snake, living or dead, were observed at any time). This impact was not within any private mitigation bank service area.

SR 87 Yellow River Bridge and Southern Approach

Possible Mitigation Option: NFWFMD Yellow River Ranch ILF Project

The wetland impacts (estimated at 13.10 acres) associated with this project are several years out. When the impacts occur, mitigation is slated for use of the NFWFMD Yellow River Ranch Mitigation Area. The Yellow River Ranch currently has 12.54 UMAM credits available, with a potential for another 21.34 credits being released in the future. There are no private mitigation bank options available.

SR 77 (from CR 276 / Clayton Road to Blue Lake Road)

FDOT-Proposed Mitigation: Sand Hill Lakes Mitigation Bank

Final permits and construction start on this project (estimated 2.37-acre impact) are anticipated in the near future. NFWFMD received mitigation funds from FDOT in June, 2011 (at that time, there were no private mitigation bank options available). FDOT has proposed that mitigation will go to the Sand Hill Lakes Mitigation Bank (number and type of credits to be debited will be detailed in permits).

SR 79 (from Reedy Branch to Court Street)

Mitigation: TBD

NFWFMD received mitigation funds for this project from FDOT in June, 2011 (at that time, there were no private mitigation bank options available). NFWFMD staff are uncertain of permitting and construction timeframes (FDOT will look into anticipated timeframes). FDOT will propose mitigation to federal and/or state permittees. This impact is within the service areas of the Nokuse Plantation Mitigation Bank and the Sand Hill Lakes Mitigation Bank.

US 90 Yellow River Bridge

Mitigation: NFWFMD Yellow River Ranch ILF Project

Construction is underway. Mitigation will consist of debiting 2.40 credits from the NFWFMD Yellow River Ranch Mitigation Area (2.24 credits required by USACE permit; 2.40 credits required by FDEP permit). This impact is not within the service area of any private mitigation bank. NFWFMD has received funds from FDOT and will proceed with debiting from the Yellow River Ranch credit ledger.

Gulf to Bay, Segment 2

Mitigation: TBD

Discussed. This impact is within the FDEP-approved service area for Bear Creek Mitigation Bank. However, federal permits have not been issued for Bear Creek. Several other private mitigation banks (Sweetwater Mitigation Bank and Breakfast Point Mitigation Bank) may also be seeking expansion of their respective service areas to include this impact. Construction timeframe for this project has not yet been scheduled.

US 331 (from Edgewood Circle to I-10)

Mitigation: TBD

NFWFMD received mitigation funds from FDOT for this 3-acre impact in June, 2012. This impact is within the service area of the Nokuse Plantation Mitigation Bank and the Sand Hill Lakes Mitigation Bank.

SR 79 (from Cypress Creek Bridge to Washington/Holmes County Line)

Mitigation: TBD

NFWFMD received mitigation funds from FDOT for this estimated 20-acre impact in June, 2010 and June, 2011. However, this impact may be substantially reduced. This impact is within the service area of the Nokuse Plantation Mitigation Bank and the Sand Hill Lakes Mitigation Bank.

SR 79 (from Washington/Holmes County Line to 4-Lane Section)

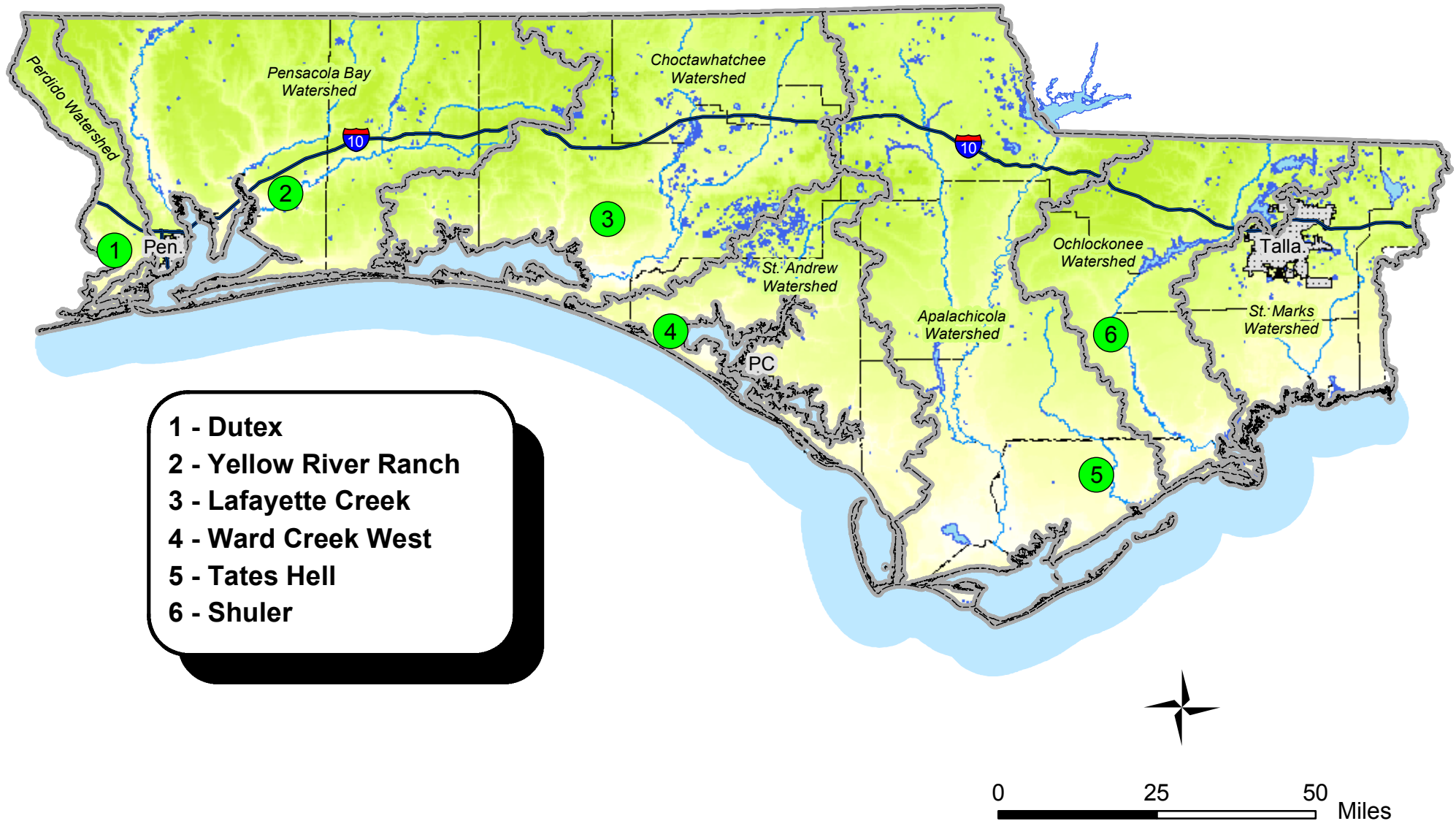
Mitigation: TBD

NWFWMD received mitigation funds from FDOT for this estimated 3.37-acre impact in July, 2010. This impact is within the service area of the Nokuse Plantation Mitigation Bank and the Sand Hill Lakes Mitigation Bank.

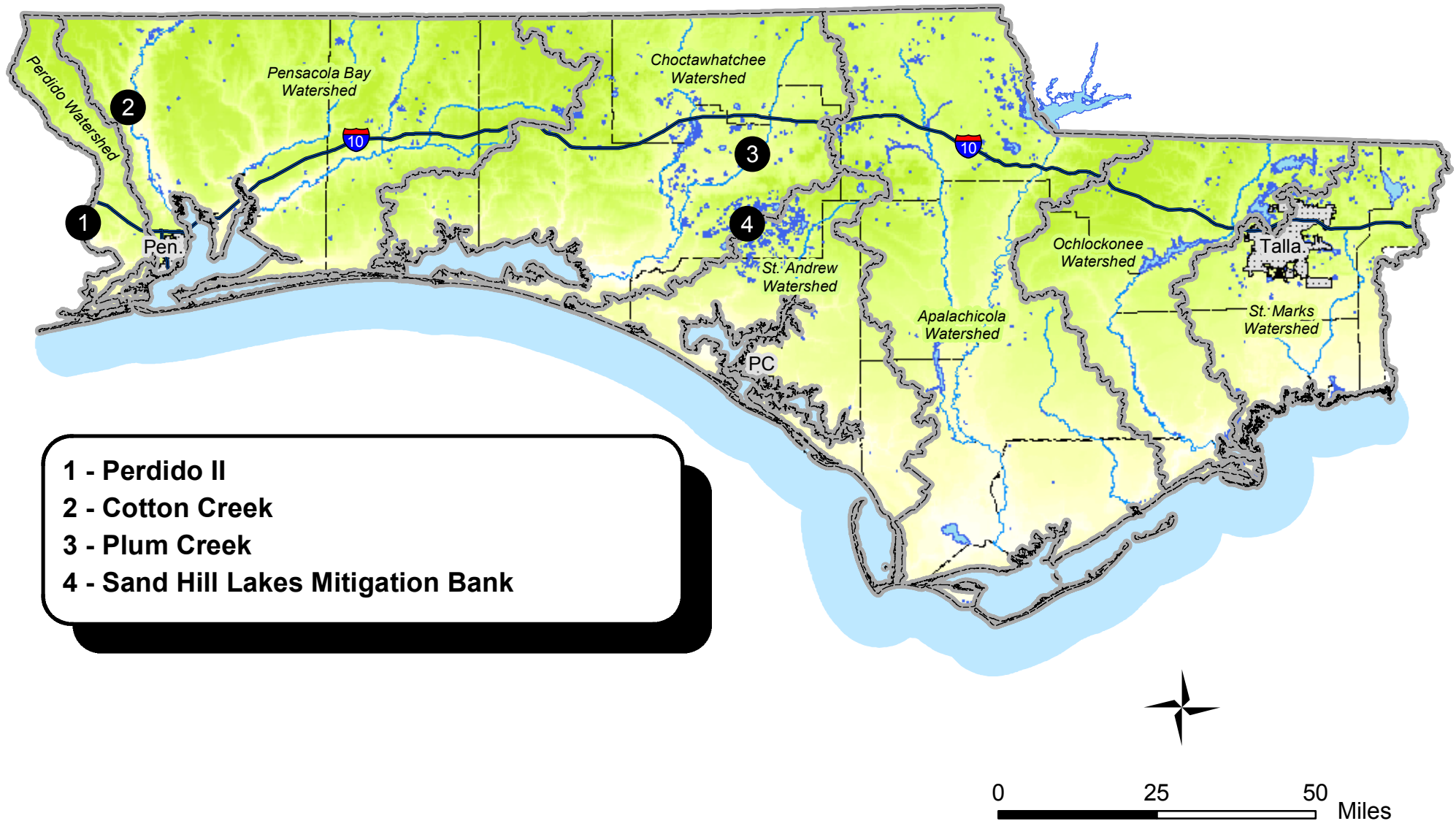
Review and Discussion of Mitigation Implementation

- Sand Hill Lakes Mitigation Bank
- ILF Projects
 - Dutex
 - Yellow River Ranch
 - Lafayette Creek
 - Ward Creek West
 - Tates Hell
 - Shuler
- Non-ILF Projects
 - Perdido II
 - Live Oak Peninsula
 - Plum Creek
 - St. Joseph Bay State Buffer Preserve
 - Cotton Creek

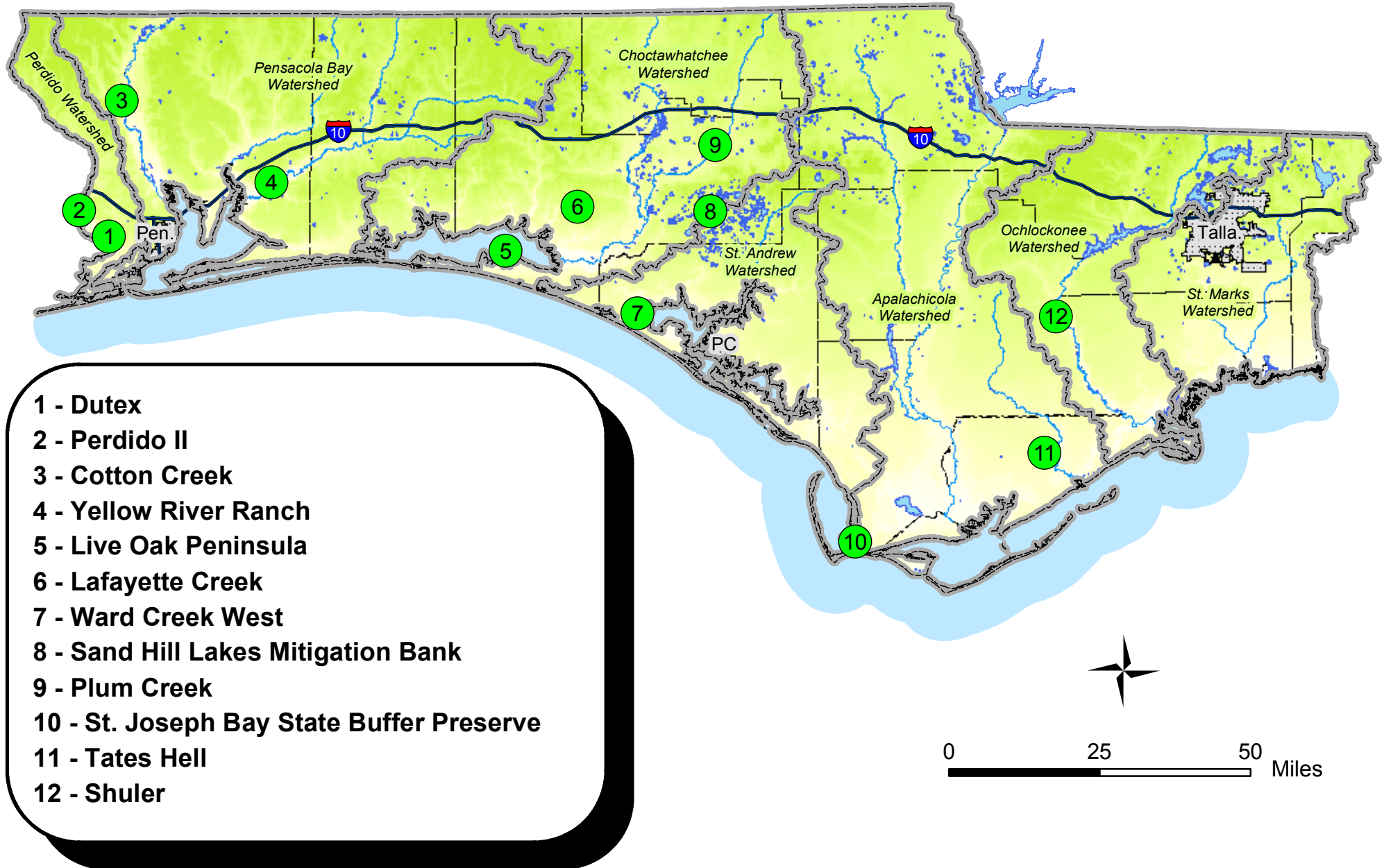
NWFWMD In-Lieu Fee Program Mitigation Sites



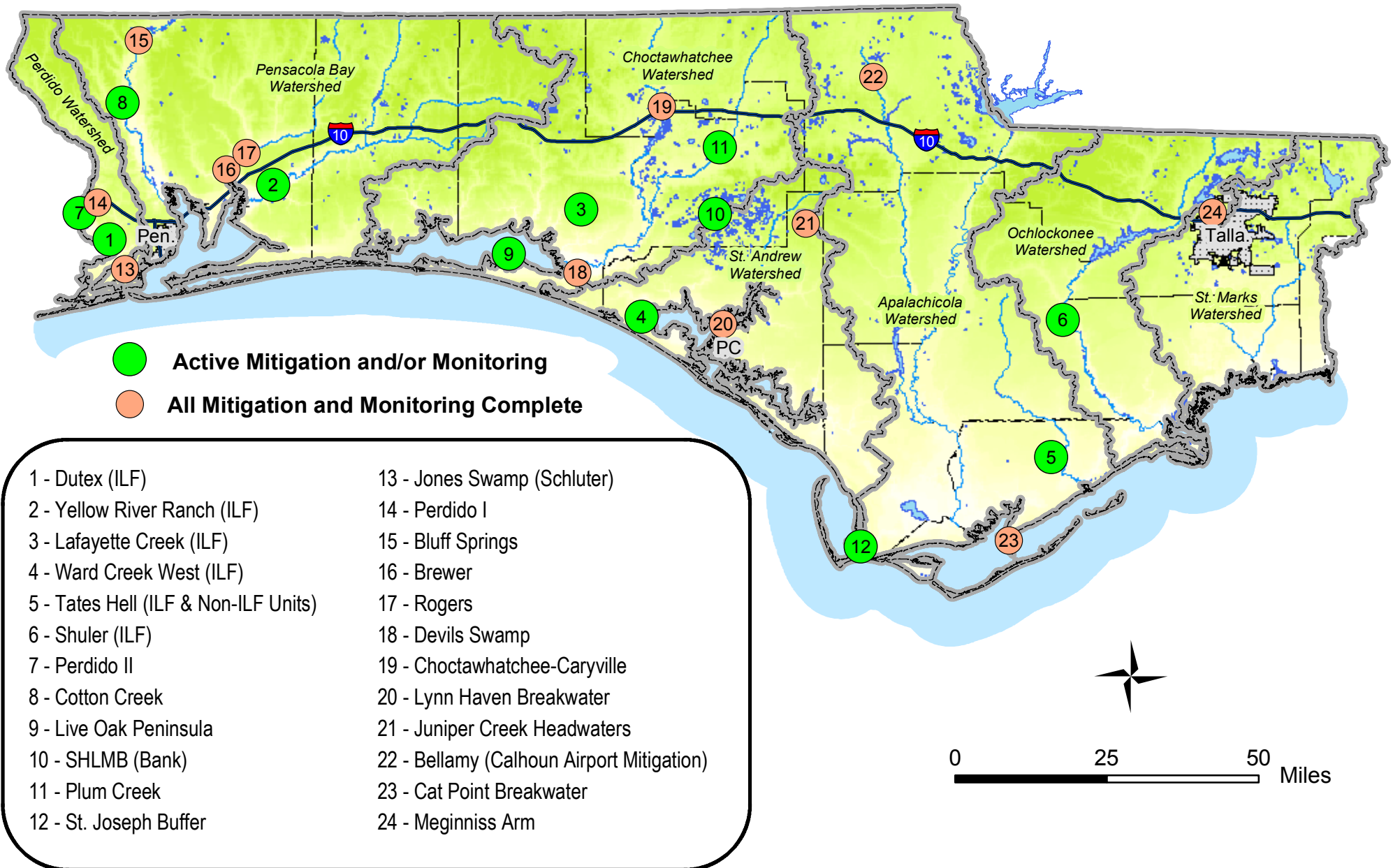
Umbrella Plan (Non-ILF) Projects with Ongoing Restoration Activities



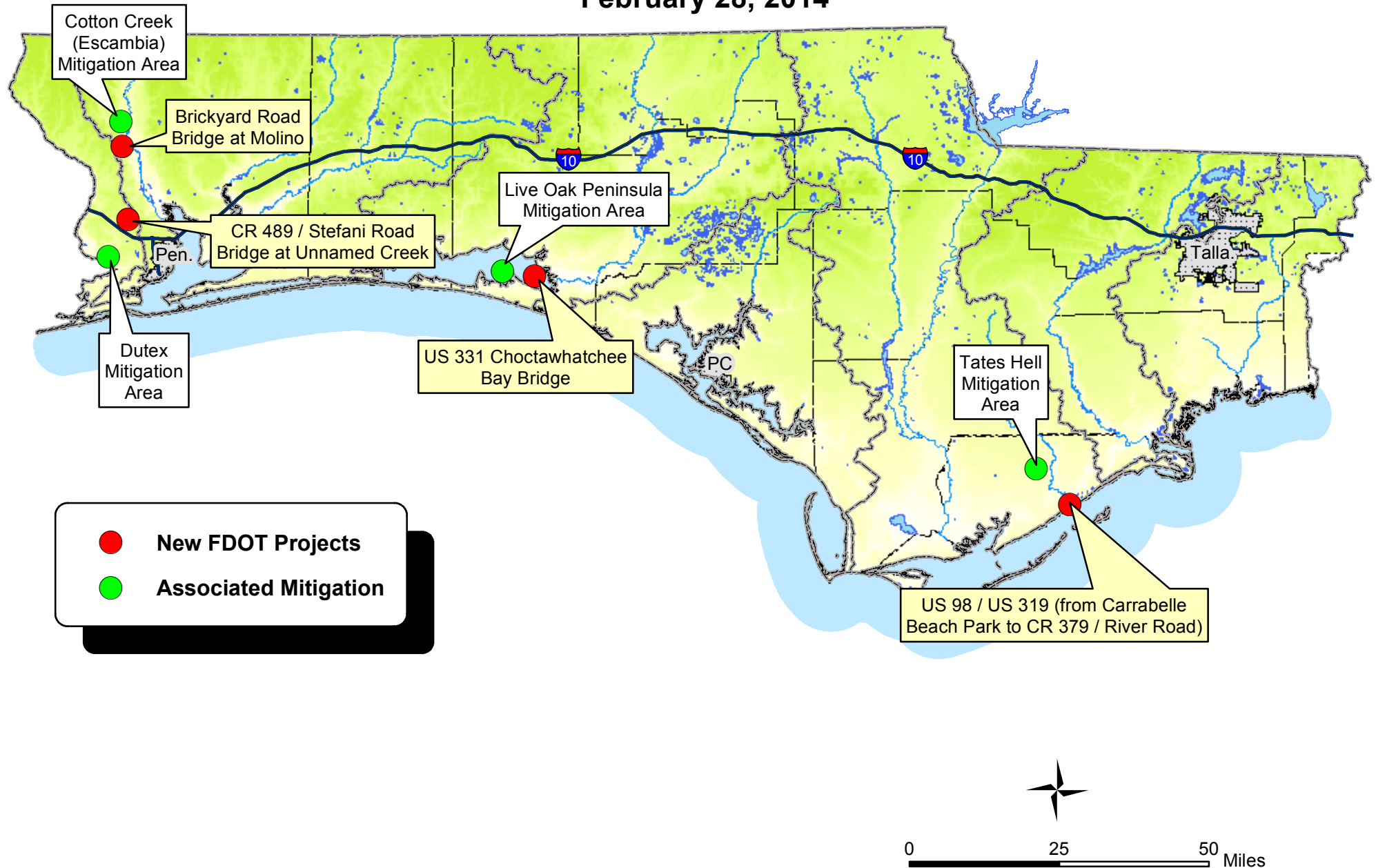
Active Monitoring (ILF and Non-ILF Projects)



All NFWFMD Mitigation Projects for FDOT Impacts (1997 - 2014)*



**Northwest Florida Water Management District
Regional Mitigation Plan Modification
(FDOT Projects Added Since 1/1/2013)
February 28, 2014**



Revisiting Several FDOT Projects

