



Northwest Florida Water Management District

81 Water Management Drive, Havana, Florida 32333-4712
(U.S. Highway 90, 10 miles west of Tallahassee)

Brett J. Cyphers
Executive Director

Phone: (850) 539-5999 • Fax: (850) 539-2777

June 23, 2015

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

RE: Sale of 0.14 Mitigation Credits from NFWFMD ILF Program, Tates Hell, Sumatra Unit
(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 0.14 mitigation credits from the NFWFMD In-Lieu Fee Program, Tates Hell—Sumatra Unit Mitigation Area credit ledger to the Florida Department of Transportation (FDOT). In support of this notification, a copy of Special Condition #10 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-2014-01305 (NW-JML) |
| • Condition Requiring Credit Purchase: | #10 |
| • Number of ILF Credits Debited: | 0.14 |
| • Type of Functional Credit Assessment: | UMAM |
| • Ecological Classification of Credits: | Palustrine Forested |
| • Specific ILF Project: | Tates Hell, Sumatra Unit |
| • Date Fees Received from Permittee: | May 26, 2015 |
| • Impact (per DOA permit) | |
| ○ Acreage: | 0.287 |
| ○ Functional Loss: | Not Stated |
| ○ Ecological Classification: | Wetland (Type Not Specified) |

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 #10 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 purple ink that reads "Robert F. Lide".

Robert F. Lide
Enclosures

GEORGE ROBERTS
Chair
Panama City

JERRY PATE
Vice Chair
Pensacola

JOHN W. ALTER
Secretary-Treasurer
Malone

GUS ANDREWS
DeFuniak Springs

GARY CLARK
Chipley

JON COSTELLO
Tallahassee

MARC DUNBAR
Tallahassee

NICK PATRONIS
Panama City Beach

BO SPRING
Port St. Joe



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
1002 WEST 23RD STREET, SUITE 350
PANAMA CITY, FLORIDA 32405

REPLY TO
ATTENTION OF

Regulatory Division
North Permits Branch
Panama City Permits Section
SAJ-2014-01305 (NW-JML)

January 27, 2015

Florida Department of Transportation
C/o Mr. Colby Cleveland
1047 Highway 90
Chipley, Florida 32428

Dear Mr. Cleveland,

The U.S. Army Corps of Engineers (Corps) assigned your application for a Department of the Army permit, file number SAJ-2014-01305 (NW-JML). A review of the information and drawings provided indicates that the proposed work would result in the impact of 0.287 acre of jurisdictional waters and wetlands associated with the realignment of the SR-71 and SR-69 intersection. Mitigation to offset overall impacts associated with the referenced project will involve the purchase of 0.14 palustrine forested credits from the Northwest Florida Water Management District Umbrella Plan/In-lieu Fee Program - Tates Hell – Whiskey George/ Sumatra Mitigation Area. The project is located within unnamed waters and wetlands at the intersection of State Road (SR) 71 and SR 69, Section 09, Township 01 North, Range 02 West, Latitude: 30.450850° North, Longitude: 85.045775° West, in City of Blountstown, Calhoun County, Florida.

Your project, as depicted on the enclosed drawings, is authorized by Nationwide Permit (NWP) Number 14. In addition, project specific conditions have been enclosed. This verification is valid until **March 18, 2017**. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit. Please access the U.S. Army Corps of Engineers' (Corps) Jacksonville District's Regulatory Internet page to access Internet links to view the Final Nationwide Permits, Federal Register Vol. 77, dated February 21, 2012, specifically pages 10270 – 10290, the Corrections to the Final Nationwide Permits, Federal Register 77, March 19, 2012, and the List of Regional Conditions. The Internet page address is:

<http://www.saj.usace.army.mil/Missions/Regulatory.aspx>

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. Reporting Address: The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to the following address:

a. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Special Projects and Enforcement Branch, U.S. Army Corps of Engineers, Regulatory Division, Special Projects and Enforcement Branch, 41 North Jefferson St., Suite 301, Pensacola, FL 32502 .

b. For electronic mail SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ-2014-01305 (NW-JML), on all submittals.

2. Commencement Notification: Within 10 days from the date of initiating the work authorized by this permit/Within 10 days from the date of initiating the work authorized by this permit for each phase of the authorized project, the Permittee shall provide a written notification of the date of commencement of authorized work to the Corps.

3. Self-Certification: Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form (attached to this authorization) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.

4. Agency Changes/Approvals: Should any other agency require and/or approve

changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Panama City Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

5. Posting of Permit: The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.

6. Erosion Control: Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the work area into waters of the United States. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable mats, barriers, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work is completed and the work areas are stabilized.

7. Fill Material: The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

8. Eastern Indigo Snake Protection Measures and Inspection: Permittee shall comply with U.S. Fish and Wildlife Service's "Standard Protection Measures for the Eastern Indigo Snake" dated August 12, 2013, as provided as an attachment of this permit. All gopher tortoise burrows, active or inactive, shall be evacuated prior to site manipulation in the vicinity of the burrow. If excavating potentially occupied burrows, active or inactive, individuals must first obtain state authorization via a Florida Fish and Wildlife Conservation Commission (FWC) Authorized Gopher Tortoise Agent permit. The excavation method selected shall minimize the potential for injury of an indigo snake. The Permittee shall follow the excavation guidance provided in the most current FWC Gopher Tortoise Permitting Guidelines found at <http://myfwc.com/gophertortoise>. If an indigo snake is encountered, the snake must be allowed to vacate the area prior to additional site manipulation in the vicinity. Holes, cavities, and snake refugia other than gopher tortoise burrows shall be inspected each morning before planned site manipulation of a particular area, and if occupied by an indigo snake, no work shall commence until the snake has vacated the vicinity of the proposed work.

9. Cultural Resources/Historic Properties:

a. No structure or work shall adversely affect impact or disturb properties listed in the National Register of Historic Places (NRHP) or those eligible for inclusion in the NRHP.

b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition ; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

10. In-Lieu Credit Purchase: Within 30 days from the date of initiating the work authorized by this permit, the Permittee shall provide verification to the Corps that 0.14 palustrine forested credits have been purchased/deducted from the Northwest Florida Water Management District Umbrella Plan/In-lieu Fee Program - Tates Hell –

Whiskey George/ Sumatra mitigation site. The required verification shall reference this project's permit number (SAJ-2014-01305 (NW-JML)).

This letter of authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. Prior to the initiation of any construction, projects qualifying for this Nationwide permit must qualify for an exemption under section 403.813(1), Florida Statutes or 373.406, Florida Statutes, or otherwise be authorized by the applicable permit required under Part IV of Chapter 373, Florida Statutes, by the Department of Environmental Protection, a water management district under section 373.069, Florida Statutes, or a local government with delegated authority under section 373.441, Florida Statutes, and receive Water Quality Certification and applicable Coastal Zone Consistency Concurrence or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Chapter 253, Florida Statutes, and, as applicable, Chapter 258, Florida Statutes. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

This letter of authorization does not include conditions that would prevent the 'take' of a state-listed fish or wildlife species. These species are protected under sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. With regard to fish and wildlife species designated as species of special concern or threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). You can visit the FWC license and permitting webpage (<http://www.myfwc.com/license/wildlife/>) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (<http://www.fnai.org/>) also maintains updated lists, by county, of documented occurrences of those species.

This letter of authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced NWP, please contact me by telephone at 850-763-0717 x-21.

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to complete our automated Customer Service Survey at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

Sincerely,

Jason Lockwood
Project Manager

Enclosures

Copy/ies Furnished:

Environmental and Geotechnical Specialists
C/o Ms. Judy Hayden
104 North Magnolia Drive
Tallahassee, FL 32301

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 0.14 federal Palustrine Forested Wetland Mitigation UMAM Credits and 0.09 state Wetland Mitigation UMAM Credits from the Tates Hell (Sumatra Unit) In-Lieu Fee Mitigation Area credit ledger, 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) 430787-1—SR 71 from SR 69 (Pear Street) to the Jackson County Line in Calhoun County (USACE Permit #SAJ-2014-01305 NW-JML; State ERP Permit #1615). 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 0.14 federal Palustrine Forested Mitigation UMAM Credits and 0.09 state Wetland Mitigation UMAM Credits from the Tates Hell (Sumatra Unit) In-Lieu Fee Mitigation Area federal and state credit ledgers for use in offsetting wetland impacts. The Purchase Price for 0.14 federal Palustrine Forested Wetland Mitigation UMAM Credits and 0.09 state Wetland Mitigation UMAM Credits is fifteen thousand six hundred dollars and no cents (\$15,600.00). 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 Tates Hell (Sumatra Unit) In-Lieu Fee Program credit ledger, and will withdraw the specified credits from the state Tates Hell (Sumatra Unit) Umbrella Plan credit ledger.

The credit Purchase Price shall be due prior to transfer of credits to the Buyer. Failure by the Buyer to close the purchase within ninety (90) days of the execution of this Agreement shall be a default of this Agreement, permitting termination of this 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:		
Name and Title:	<u>Erica Collins,</u> <u>Permitting Specialist</u>	<u>Brett J. Cyphers,</u> <u>Executive Director</u>
Executed:	<u>5/29/2015</u>	<u>5/20/15</u>