



Brett J. Cyphers
Executive Director

Northwest Florida Water Management District

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

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

January 8, 2016

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

RE: Sale of 11.03 Federal Mitigation Credits from NFWFMD ILF Program,
Yellow River Ranch Mitigation Area, (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 11.03 federal mitigation credits from the NFWFMD In-Lieu Fee Program, Yellow River Ranch Mitigation Area credit ledger to the Florida Department of Transportation (FDOT). In support of this notification, a copy of Special Condition #11 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-2014-02879 (GP-MMW)
- Condition Requiring Credit Purchase: #11
- Number of ILF Credits Debited: 11.03
- Type of Functional Credit Assessment: UMAM
- Ecological Classification of Credits: 3.07 Palustrine Forested and 7.96 Palustrine Emergent
- Specific ILF Project: Yellow River Ranch Mitigation Area
- Date Fees Received from Permittee: June 2013
- Impact (per DOA permit)
 - Acreage: 5.26 ac.
 - Functional Loss: 11.03 UMAM Credits Required by Permit
 - Ecological Classification: Wetland

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 #11 of the DOA permit noted above. If you have any questions regarding this request, please me at 850-539-5999.

Sincerely,

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

Service is the appropriate authority to determine compliance with the terms and conditions of its BO, and with the ESA.

10. 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 in **Attachment #3** 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.

11. In-Lieu Fee 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 11.03 federal in-lieu fee credits have been purchased from the Northwest Florida Water Management District In-Lieu Fee program, (SAJ-2011-00287), specifically at the Yellow River Ranch mitigation site. The required verification shall reference this project's permit number (SAJ-2014-02879).

12. 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. The permittee understands and agrees to adhere to all the stipulations identified in the Memorandum of Agreement (MOA, DHR Project file number 2014-2222) dated October 2013. Any deviation from these stipulations will require further consultation with the State Historic Preservation Officer.

c. 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,



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 11.03 federal Wetland Mitigation UMAM Credits and 19.01 state Wetland Mitigation UMAM Credits from the Yellow River Ranch In-Lieu Fee Mitigation Area credit ledgers, issued or to be 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) 220442-7 (SR 87 Yellow River Bridge) in Okaloosa County (USACE Permit #SAJ-2014-02879 GP-MMW; FDEP Permit #57-0329719-001-EI). 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.

Seller received full Purchase Price from Buyer in June, 2013. Seller is committed to transfer to Buyer 11.03 federal mitigation credits and 19.01 state mitigation credits from the Yellow River Ranch In-Lieu Fee Mitigation Area credit ledgers for use in offsetting wetland impacts. The Purchase Price for 11.03 federal mitigation credits / 19.01 state mitigation credits is one million three hundred sixty-one thousand one hundred thirteen dollars (\$1,361,113.00). 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 Yellow River Ranch In-Lieu Fee Program credit ledger, and will withdraw the specified credits from the state Yellow River Ranch Umbrella Plan credit ledger.

	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>12/31/2015</u>	<u>12/28/15</u>