

2020 FDOT Mitigation Plan

Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34604-6899



Conner Preserve, Pasco County

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Contact Information

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INTRODUCTION

The 2020 FDOT Mitigation Plan format has been modified from previous years to provide a concise summary of mitigation site information and FDOT roadway construction permits currently under review by the United States Army Corps of Engineers. For information that details project history at each of the Southwest Florida Water Management District's 32 mitigation sites, please refer to the 2019 or earlier versions of the annual plan. Each mitigation site description includes tables with current impact permits and mitigation information. Details on pre and post construction conditions at these sites can be reviewed in annual plans from 2002 through 2019.

Mitigation associated with FDOT roadway impact permits in 2020 are assigned to the following District mitigation sites: SW-78 Bahia Beach, SW-84 Colt Creek, and SW-77 Conner Preserve. Table 1 includes information on the four (4) permits under review by the United States Army Corps of Engineers and Southwest Florida Water Management District mitigation sites where the wetland impact compensation is assigned.

Table 1: FDOT Roadway Project Permit Applications Currently Under Review by the United States Army Corps of Engineers and the Southwest Florida Water Management District.

Permit Number	FM Number	Proposed Impacts Acres	Proposed Mitigation Site
SAJ-2019-02829	4410832	0.51	Bahia Beach Preserve
SAJ-2016-02954	4245012	0.94	Bahia Beach Preserve
SAJ-2019-01945	4327342	8.18	Conner Preserve
SAJ-2019-04439	4358592	26.96	Colt Creek State Park

FDOT MITIGATION SITE DETAILS

SW-78 BAHIA BEACH

Project Name	Bahia Beach Nature Preserve	Project Number	SW-78/D034
Project Type	Wetland Creation, Enhancement and Upland Enhancement		
Landowner	Hillsborough County	Management Entity	Hillsborough County/ Southwest Florida Water Management District
County	Hillsborough	Watershed	Tampa Bay Drainage
Water bodies	Tampa Bay	Water body Designations	SWIM Water Body
Project implementation status:		Monitoring and Perpetual Management	
Current Permit Applications Under Review-USACE/SFWWMD: 2			
S/T/R:		1/32S/18E	

IMPACT INFORMATION:

Basin	FM #	Project Name	Total Impacts Acres	ERP Permit	ACOE Permit
Tampa Bay	4410832	I-75/SR 93A SB REST AREA FROM BEG OF SB RAMP TO END OF SB RAMP	0.51	43004405.004	SAJ-2019-02829
Tampa Bay	4245012	I-275 (SR 93) FROM S OF GANDY BLVD TO N OF 4TH ST N	0.94	43042548.002	SAJ-2016-02954

MITIGATION INFORMATION:

Habitat	Mitigation Type	Watershed	Acreage
Freshwater wetlands	Creation	Tampa Bay	36.33
Oligohaline wetlands	Creation	Tampa Bay	12.70
Mixed forested wetland	Creation	Tampa Bay	6.63
Forested Wetland	Enhancement	Tampa Bay	35.62

Saltmarsh	Enhancement	Tampa Bay	16.13
Mangrove	Enhancement	Tampa Bay	31.00
		Total:	138.41

A. Brief explanation of how this work serves to offset the impacts of the specified DOT project(s): The Bahia Beach Nature Preserve mitigation site includes several habitat improvements including freshwater and oligohaline wetland creation within an upland fallow field, enhancement of freshwater forested wetland hammock, and enhancement of salt marsh and mangroves. The site is currently under perpetual management and maintenance. These creation and enhancement activities provided functional gain for the above-mentioned habitat types within the Tampa Bay Basin. Two FDOT projects are currently being permitted with the proposed wetland impacts being offset at Bahia Beach. The I-75/SR 93A southbound rest area from the beginning to the end of the southbound ramp (FM 4410832) project will impact 0.51-acre of wetlands within the Little Manatee Basin. The I-275/SR 93 from south of Gandy Boulevard to north of 4th Street North (FM 4245012) project will impact 0.94-acre of wetlands within the Tampa Bay Basin.

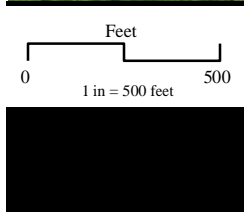
B. Brief explanation of why a mitigation bank was/was not chosen, in whole or in part, including a discussion of cost: During the mitigation planning for FDOT projects, mitigation bank availability and cost are assessed by FDOT to determine the best method for offsetting impacts. In addition to determining whether appropriate mitigation bank credits are available (basin location, habitat type, etc.), a cost analysis is conducted.

Impacts associated with the I-75/SR 93A Southbound Rest Area from the beginning to the end of the southbound ramp (FM 4410832) project are being offset at Bahia Beach due to the lack of appropriate mitigation bank credit type availability within the impact drainage basin. Impacts associated with the I-275 (SR 93) from south of Gandy Boulevard to north of 4th Street North (FM 4245012) project are being partially offset by Bahia Beach for saltwater forested impacts, while the saltwater herbaceous impacts are being offset at a mitigation bank.

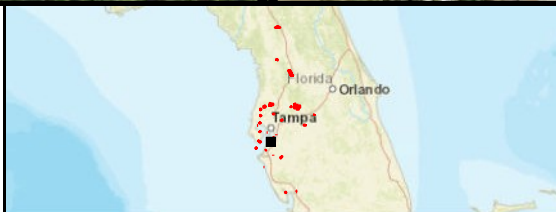
C. Brief explanation of why a SWIM project was/was not chosen as mitigation, in whole or in part, including a discussion of cost, if the anticipated impacts are located within a SWIM water body: The Bahia Beach project is a SWIM-sponsored project adjacent to a SWIM water body (Tampa Bay), constructed on lands owned and managed by Hillsborough County.

PROJECT IMPLEMENTATION	
• Design and Permitting:	2003-2010
• Construction:	2012-2013
• Monitoring:	2014 (time zero), 2015-2019
• Maintenance:	2014-Present
• Perpetual Management:	2018
Entity responsible for construction: SWFWMD	
Entity responsible for monitoring and maintenance: SWFWMD	

<i>Entity responsible for perpetual management:</i> Hillsborough County Parks & Conservation Land Management is responsible for county lands and/or private contractor selected by SWFWMD for FDOT site.
Cost for 2019 monitoring: \$43,152.00
Cost for 2019 maintenance: \$73,140.00
Total Cost for FDOT Mitigation Including 2019 M&M: \$1,918,476.97



BAHIA BEACH PRESERVE (SW-78)
SWFWMD
HILLSBOROUGH COUNTY, FLORIDA



LOCATION
MAP

SW-77 CONNER PRESERVE

Project Name	Conner Preserve	Project Number	SW-77/D033
Project Type	Wetland and Upland Enhancement		
Landowner	Southwest Florida Water Management District	Management Entity	Southwest Florida Water Management District
County	Pasco	Watershed	Upper Coastal Drainage and Hillsborough River
Water bodies	Five Mile Creek	Water body Designations	None
Project implementation status:		Monitoring and Perpetual Management	
Current Permit Applications Under Review-USACE/SWFWMD: 1			
S/T/R:		11,12,13,14,23,24/25S/18E;7,8,17,18,19/25S/19E	

IMPACT INFORMATION:

Basin	FM #	Project Name	Total Impacts Acres	ERP Permit	ACOE Permit #
Upper Coastal	4327342	OVERPASS ROAD INTERCHANGE FROM OLD PASCO ROAD TO BOYETTE RD	8.18	43040738.011	SAJ-2019- 01945

MITIGATION INFORMATION:

Habitat	Mitigation Type	Watershed	Acreage
Freshwater Forested	Enhancement	Upper Coastal	706.36
Freshwater Marsh	Enhancement	Upper Coastal	418.91
Freshwater Forested	Enhancement	Hillsborough River	219.77
Freshwater Herbaceous	Enhancement	Hillsborough River	260.52
Total:			1605.56

- A. Brief explanation of how this work serves to offset the impacts of the specified DOT project(s):** Habitat enhancement consisted of land management activities including prescribed burns and nuisance and exotic species control. The site is currently under perpetual management and maintenance. These habitat enhancement activities provided functional gain for freshwater forested and freshwater herbaceous wetlands within the Hillsborough River and Upper Coastal Basins. One FDOT project is currently being permitted with the impacts being offset at Conner Preserve. FDOT's Overpass Road interchange from Old Pasco Road to Boyette Road (FM 4327342) will impact 8.18-acres of wetlands within the Hillsborough River Basin.
- B. Brief explanation of why a mitigation bank was/was not chosen, in whole or in part, including a discussion of cost:** During the mitigation planning for FDOT projects, mitigation bank availability and cost are assessed by FDOT to determine the best method for offsetting impacts. In addition to determining whether appropriate mitigation bank credits are available (basin location, habitat type, etc.), a cost analysis is conducted.
- Impacts to wetlands associated with FDOT's Overpass Road interchange from Old Pasco Road to Boyette Road (FM 4327342) are proposed to be fully offset by Conner Preserve due to mitigation bank credit availability and the cost analysis.
- C. Brief explanation of why a SWIM project was/was not chosen as mitigation, in whole or in part, including a discussion of cost, if the anticipated impacts are located within a SWIM water body:** At the time of selection, there were no SWIM sponsored projects proposed in the Upper Coastal or Hillsborough Basins that were appropriate for mitigation credit.

PROJECT IMPLEMENTATION	
• Land acquisition:	2003
• Design:	2004
• Construction/restoration:	2005-2010
• Monitoring:	2007-2008, 2012, 2014-2018
• Maintenance:	2011-2015
• USACE release letter submitted:	June 28, 2017
• Perpetual Management:	2016
Entity responsible for construction: SWFWMD	
Entity responsible for monitoring and maintenance: SWFWMD is responsible for FDOT site; however, quantitative monitoring will no longer be performed, and site will go into perpetual maintenance.	
Entity responsible for perpetual management: SWFWMD	
Cost for 2019 monitoring: \$0.00	
Cost for 2019 maintenance: \$5,291.00	
Total Cost for FDOT Mitigation Including 2019 M&M: \$791,190.63	



<p>Miles</p> <p>0 1</p> <p>1 in = 1 miles</p>	<p>CONNOR PRESERVE (SW-77)</p> <p>SWFWMD</p> <p>PASCO COUNTY, FLORIDA</p>		<p>LOCATION MAP</p>
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SW-84 COLT CREEK STATE PARK

Project Name	Colt Creek State Park	Project Number	SW-84/D050
Project Type	Wetland preservation, creation, restoration and enhancement		
Landowner	Southwest Florida Water Management District and Trustees of the Internal Improvement Trust Fund	Management Entity	Florida Department of Environmental Protection/Southwest Florida Water Management District
County	Polk	Watershed	Withlacoochee and Hillsborough Rivers
Water bodies	Withlacoochee River, Gator Creek, Colt Creek	Water body Designations	Outstanding Florida Water (OFW)
Project implementation status:		Monitoring and Perpetual Management	
Current Permit Applications Under Review-USACE/SWFWMD: 1			
S/T/R:		5,6,8/26S/23E;17,18,19,20,29,30,31,32/25S/23E	

IMPACT INFORMATION:

Basin	FM #	Project Name	Total Impacts Acres	ERP Permit	ACOE Permit
Withlacoochee River	4358592	SR 50 FROM SR 35 (US 301) TO HERNANDO/ SUMTER COUNTY LINE	26.96	434482.000	SAJ-2019-04439

MITIGATION INFORMATION:

Habitat	Mitigation Type	Watershed	Acreage
Freshwater Marsh	Enhancement	Withlacoochee River	117.82
Freshwater Forested	Enhancement	Withlacoochee River	1,018.74
Freshwater Marsh	Enhancement	Hillsborough River	60.31
Freshwater Forested	Enhancement	Hillsborough River	184.40
		Total:	1,381.27

- A. Brief explanation of how this work serves to offset the impacts of the specified DOT project(s):** Existing onsite wetlands were enhanced through planting of desirable vegetation and creation of wetlands with planting and vegetation management. In addition, hydrologic enhancement activities involving strategically placed culverts, berm modifications, and ditch blocks were conducted. An Interconnected Pond Routing (ICPR) flow model was utilized to predict recovery within onsite wetlands with regards to hydrologic functions such as storage and conveyance. This hydrologic enhancement provided functional gain for freshwater forested and freshwater herbaceous wetlands

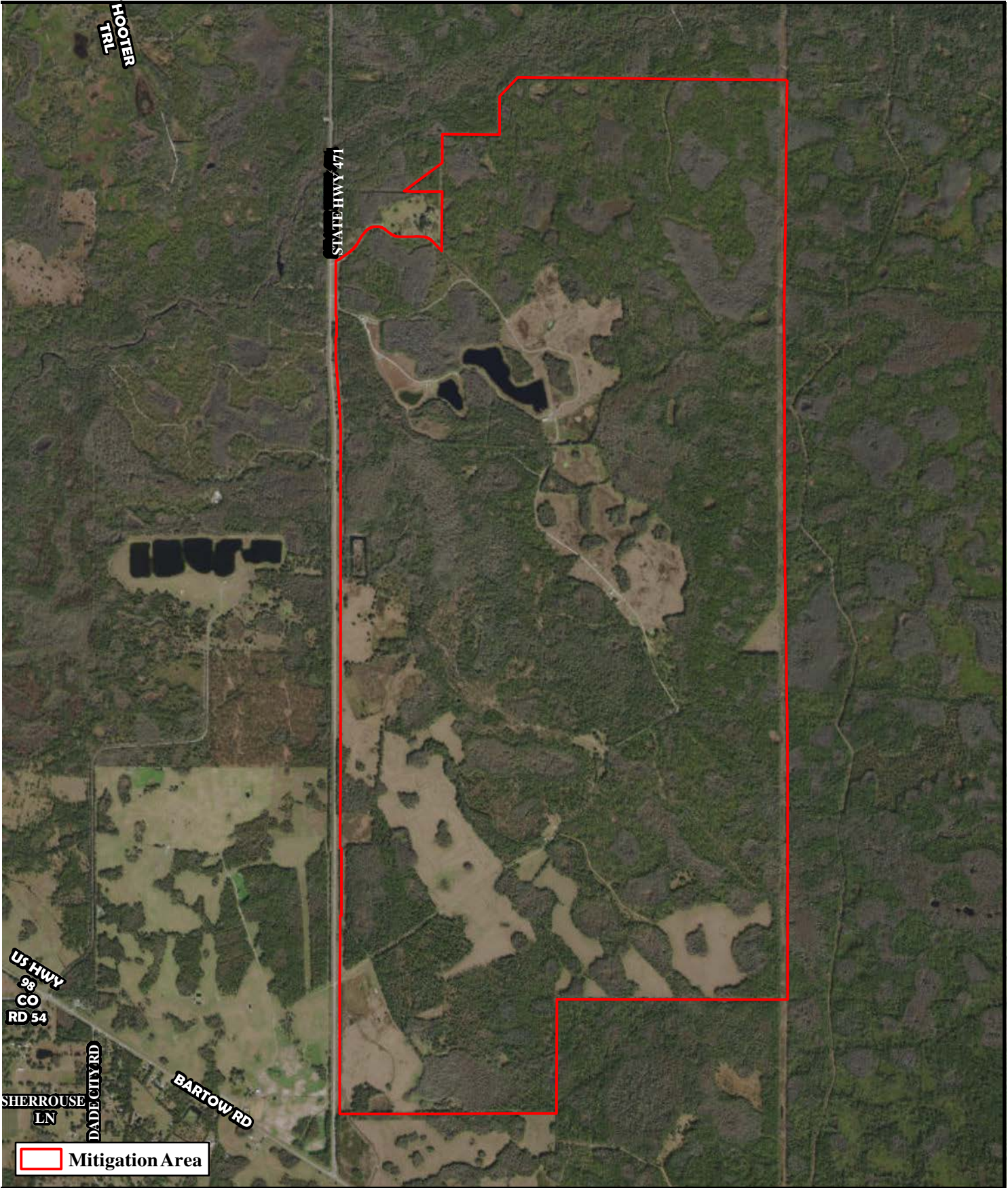
within the Hillsborough River and Withlacoochee River Basins. This site is currently under perpetual management and maintenance. FDOT's State Road 50 from State Road 35 (US 301) to the Hernando/Sumter County Line (FM 4358592) will impact 26.96-acres of wetlands within the Withlacoochee River Basin.

- B. Brief explanation of why a mitigation bank was/was not chosen, in whole or in part, including discussion of the cost:** During the mitigation planning for FDOT projects, mitigation bank availability and cost are assessed by FDOT to determine the best method for offsetting impacts. In addition to determining whether appropriate mitigation bank credits are available (basin location, habitat type, etc.), a cost analysis is conducted.

Wetland impacts associated with FDOT's State Road 50 from State Road 35 (US 301) to the Hernando/Sumter County Line (FM 4358592) are proposed to be offset at Colt Creek due to mitigation bank credit availability and the cost analysis.

- C. Brief explanation of why a SWIM project was/was not chosen as mitigation, in whole or in part, including a discussion of cost, if the anticipated impacts are located within a SWIM water body:** During the mitigation selection period, there were no new SWIM-associated projects proposed in the Hillsborough or Withlacoochee basins.

PROJECT IMPLEMENTATION	
Phase I-Wetland Preservation	
• Land Acquisition:	June 2006
Phase II -Wetland Creation and Restoration	
• Construction and Planting:	2010-2015
• Monitoring:	2014-2017
• Maintenance:	2015-2017
• Perpetual Management:	Ongoing
Phase III - Wetland Enhancement	
• Design & Permitting:	2013-2014
• Construction:	2015-2016
• Monitoring:	2014-2019
• Maintenance:	2015-2017
• Perpetual Management:	Ongoing
Entity responsible for construction: SWFWMD	
Entity responsible for monitoring and maintenance: SWFWMD	
Entity responsible for perpetual management: FDEP and private contractors selected by SWFWMD for FDOT site.	
Cost for 2019 monitoring: \$41,885.13	
Cost for 2019 maintenance: \$21,632.52	
Total Cost for FDOT Mitigation Including Land Acquisition and 2019 M&M: \$8,960,354.99	



<p>Feet</p> <p>0 1 in = 3,000 feet 3,000</p>	<p>COLT CREEK STATE PARK (SW-84)</p> <p>SWFWMD</p> <p>POLK COUNTY, FLORIDA</p>	A small map of Florida with Polk County highlighted in red. The county is labeled 'Polk' and 'Tampa'. Other cities shown include 'Orlando' and 'Tallahassee'.	<p>LOCATION MAP</p>
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Appendix 1. Florida Statute 373.4137 Mitigation Requirements for Specified Transportation Projects.

(1) The Legislature finds that environmental mitigation for the impact of transportation projects proposed by the Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 can be more effectively achieved by regional, long-range mitigation planning rather than on a project-by-project basis. It is the intent of the Legislature that mitigation to offset the adverse effects of these transportation projects be funded by the Department of Transportation and be carried out by the use of mitigation banks and any other mitigation options that satisfy state and federal requirements in a manner that promotes efficiency, timeliness in project delivery, and cost-effectiveness.

(2) Environmental impact inventories for transportation projects proposed by the Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 shall be developed as follows:

(a) By July 1 of each year, the Department of Transportation, or a transportation authority established pursuant to chapter 348 or chapter 349 which chooses to participate in the program, shall submit to the water management districts a list of its projects in the adopted work program and an environmental impact inventory of habitat impacts and the anticipated mitigation needed to offset impacts as described in paragraph (b). The environmental impact inventory must be based on the rules adopted pursuant to this part, s. 404 of the Clean Water Act, 33 U.S.C. s. 1344, and the Department of Transportation's plan of construction for transportation projects in the next 3 years of the tentative work program. The Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 may also include in its environmental impact inventory the habitat impacts and the anticipated amount of mitigation needed for any future transportation project. The Department of Transportation and each transportation authority established pursuant to chapter 348 or chapter 349 may fund any mitigation activities for future projects using current year funds.

(b) The environmental impact inventory must include a description of habitat impacts, including location, acreage, and type; the anticipated mitigation needed based on the functional loss as determined through the uniform mitigation assessment method adopted by the Department of Environmental Protection by rule pursuant to s. 373.414(18); identification of the proposed mitigation option; state water quality classification of impacted wetlands and other surface waters; any other state or regional designations for these habitats; and a list of threatened species, endangered species, and species of special concern affected by the proposed project.

(c) Before projects are identified for inclusion in a water management district mitigation plan as described in subsection (4), the Department of Transportation must consider using credits from a permitted mitigation bank. The Department of Transportation must consider the availability of suitable and sufficient mitigation bank credits within the transportation project's area, the ability to satisfy commitments to regulatory and resource agencies, the availability of suitable and sufficient mitigation purchased or developed under this section, the ability to complete suitable existing water management district or Department of Environmental Protection mitigation sites initiated with Department of Transportation mitigation funds, and the ability to satisfy state and federal requirements, including long-term maintenance and liability.

(3)(a) To implement the mitigation option identified in the environmental impact inventory described in subsection (2), the Department of Transportation may purchase credits for current and future use directly from a mitigation bank, purchase mitigation services through the water management districts or the Department of Environmental Protection, conduct its own mitigation, or use other mitigation options that meet state and federal requirements. Funding for the identified mitigation option as described in the environmental impact inventory must be included in the Department of Transportation's work program developed pursuant to s. 339.135. The amount

programmed each year by the Department of Transportation and participating transportation authorities established pursuant to chapter 348 or chapter 349 must correspond to an estimated cost to mitigate for the functional loss identified in the environmental impact inventory described in subsection (2).

(b) Each transportation authority established pursuant to chapter 348 or chapter 349 which chooses to participate in this program shall create an escrow account within its financial structure and deposit funds in the account to pay for the environmental mitigation phase of projects budgeted for the current fiscal year. The escrow account shall be maintained by the authority for the benefit of the water management districts. Any interest earnings from the escrow account must remain with the authority.

(c) For mitigation implemented by the water management district or the Department of Environmental Protection, as appropriate, the amount paid each year must be based on mitigation services provided by the water management districts or the Department of Environmental Protection pursuant to an approved water management district mitigation plan, as described in subsection (4). The water management districts or the Department of Environmental Protection, as appropriate, may request payment no sooner than 30 days before the date the funds are needed to pay for activities associated with development or implementation of permitted mitigation that meets the requirements of this part, 33 U.S.C. s. 1344, and 33 C.F.R. part 332, in the approved water management district mitigation plan described in subsection (4) for the current fiscal year. The projected amount of mitigation shall be reconciled each quarter with the actual amount of mitigation needed for projects as permitted, including permit modifications, pursuant to this part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344. The subject year's programming of funds shall be adjusted to reflect the mitigation as permitted. If the water management district excludes a project from an approved water management district mitigation plan, if the water management district cannot timely permit a mitigation site to offset the impacts of a Department of Transportation project identified in the environmental impact inventory, or if the proposed mitigation does not meet state and federal requirements, the Department of Transportation may use the associated funds for the purchase of mitigation bank credits or any other mitigation option that satisfies state and federal requirements. Upon final payment for mitigation of a transportation project as permitted, the obligation of the Department of Transportation or the participating transportation authority is satisfied, and the water management district or the Department of Environmental Protection, as appropriate, has continuing responsibility for the mitigation project.

(d) Beginning with the March 2015 water management district mitigation plans, each water management district or the Department of Environmental Protection, as appropriate, shall invoice the Department of Transportation for mitigation services to offset only the impacts of a Department of Transportation project identified in the environmental impact inventory, including planning, design, construction, maintenance and monitoring, and other costs necessary to meet the requirements of this section, 33 U.S.C. s. 1344, and 33 C.F.R. part 332. If the water management district identifies the use of mitigation bank credits to offset a Department of Transportation impact, the water management district shall exclude that purchase from the mitigation plan, and the Department of Transportation shall purchase the bank credits.

(e) For mitigation activities occurring on existing water management district or Department of Environmental Protection mitigation sites initiated with Department of Transportation mitigation funds before July 1, 2013, the water management district or the Department of Environmental Protection, as appropriate, shall invoice the Department of Transportation or a participating transportation authority at a cost per acre of \$75,000 multiplied by the projected acres of impact as identified in the environmental impact inventory. The cost per acre must be adjusted by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30, compared to the base year average, which is the average for the 12-month period ending September 30, 1996. When implementing the mitigation activities necessary to offset the permitted impacts as provided

in the approved mitigation plan, the water management district shall maintain records of the costs incurred in implementing the mitigation. The records must include, but are not limited to, costs for planning, land acquisition, design, construction, staff support, long-term maintenance and monitoring of the mitigation site, and other costs necessary to meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part 332.

(4) Before March 1 of each year, each water management district shall develop a mitigation plan to offset only the impacts of transportation projects in the environmental impact inventory for which a water management district is implementing mitigation that meets the requirements of this section, 33 U.S.C. s. 1344, and 33 C.F.R. part 332. The water management district mitigation plan must be developed in consultation with the Department of Environmental Protection, the United States Army Corps of Engineers, the Department of Transportation, participating transportation authorities established pursuant to chapter 348 or chapter 349, other appropriate federal, state, and local governments, and other interested parties, including entities operating mitigation banks. In developing such plans, the water management districts shall use sound ecosystem management practices to address significant water resource needs and consider activities of the Department of Environmental Protection and the water management districts, such as surface water improvement and management (SWIM) projects and lands identified for potential acquisition for preservation, restoration, or enhancement, and the control of invasive and exotic plants in wetlands and other surface waters, to the extent that the activities comply with the mitigation requirements adopted under this part, 33 U.S.C. s. 1344, and 33 C.F.R. part 332. The water management district mitigation plan must identify each site where the water management district will mitigate for a transportation project. For each mitigation site, the water management district shall provide the scope of the mitigation services; provide the functional gain as determined through the uniform mitigation assessment method adopted by the Department of Environmental Protection by rule pursuant to s. 373.414 (18); describe how the mitigation offsets the impacts of each transportation project as permitted; and provide a schedule for the mitigation services. The water management districts shall maintain records of costs incurred and payments received for providing these services. Records must include, but are not limited to, planning, land acquisition, design, construction, staff support, long-term maintenance and monitoring of the mitigation site, and other costs necessary to meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part 332. To the extent moneys paid to a water management district by the Department of Transportation or a participating transportation authority are greater than the amount spent by the water management districts in providing the mitigation services to offset the permitted transportation project impacts, these moneys must be refunded to the Department of Transportation or participating transportation authority. The mitigation plan shall be submitted to the water management district governing board or its designee for review and approval. At least 14 days before approval by the governing board, the water management district shall provide a copy of the draft mitigation plan to the Department of Environmental Protection and any person who has requested a copy. Subsequent to the governing board approval, the mitigation plan shall be submitted to the Department of Environmental Protection for approval. The plan may not be implemented until it is submitted to, and approved in part or in its entirety by, the Department of Environmental Protection.

(a) Specific projects may be excluded from the mitigation plan, in whole or in part, and are not subject to this section upon the election of the Department of Transportation, a transportation authority if applicable, or the appropriate water management district. The Department of Transportation or a participating transportation authority may not exclude a transportation project from the mitigation plan if mitigation is scheduled for implementation by the water management district in the current fiscal year unless the transportation project is removed from the Department of Transportation's work program or transportation authority funding plan, the mitigation cannot be timely permitted to offset the impacts of a Department of Transportation project identified in the environmental impact inventory, or the proposed mitigation does not meet state and federal

requirements. If a project is removed from the work program or the mitigation plan, costs spent by the water management district before removal are eligible for reimbursement by the Department of Transportation or participating transportation authority.

(b) When determining which projects to include in or exclude from the mitigation plan, the Department of Transportation shall investigate using credits from a permitted mitigation bank before those projects are submitted for inclusion in a water management district mitigation plan. The Department of Transportation shall exclude a project from the mitigation plan if the investigation undertaken pursuant to this paragraph results in the conclusion that the use of credits from a permitted mitigation bank promotes efficiency, timeliness in project delivery, cost-effectiveness, and transfer of liability for success and long-term maintenance.

(5) The water management district shall ensure that mitigation requirements pursuant to 33 U.S.C. s. 1344 and 33 C.F.R. part 332 are met for the impacts identified in the environmental impact inventory for which the water management district will implement mitigation described in subsection (2), by implementation of the approved mitigation plan described in subsection (4) to the extent funding is provided by the Department of Transportation, or a transportation authority established pursuant to chapter 348 or chapter 349, if applicable. In developing and implementing the mitigation plan, the water management district shall comply with federal permitting requirements pursuant to 33 U.S.C. s. 1344 and 33 C.F.R. part 332. During the federal permitting process, the water management district may deviate from the approved mitigation plan in order to comply with federal permitting requirements upon notice and coordination with the Department of Transportation or participating transportation authority.

(6) The water management district mitigation plans shall be updated annually to reflect the most current Department of Transportation work program and project list of a transportation authority established pursuant to chapter 348 or chapter 349, if applicable, and may be amended throughout the year to anticipate schedule changes or additional projects that may arise. Before amending the mitigation plan to include new projects, the Department of Transportation must consider mitigation banks and other available mitigation options that meet state and federal requirements. Each update and amendment of the mitigation plan shall be submitted to the governing board of the water management district or its designee for approval. However, such approval shall not apply to a deviation as described in subsection (5).

(7) Upon approval by the governing board of the water management district and the Department of Environmental Protection, the mitigation plan shall satisfy the mitigation requirements under this part for impacts specifically identified in the environmental impact inventory described in subsection (2) and any other mitigation requirements imposed by local, regional, and state agencies for these same impacts. The approval of the governing board of the water management district and the Department of Environmental Protection authorizes the activities proposed in the mitigation plan, and no other state, regional, or local permit or approval is necessary.

(8) This section does not eliminate the need for the Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 to comply with the requirement to implement practicable design modifications, including realignment of transportation projects, to reduce or eliminate the impacts of its transportation projects on wetlands and other surface waters as required by rules adopted pursuant to this part, or to diminish the authority under this part to regulate other impacts, including water quantity or water quality impacts, or impacts regulated under this part which are not identified in the environmental impact inventory described in subsection (2).

History.—s. 1, ch. 96-238; s. 36, ch. 99-385; s. 1, ch. 2000-261; s. 93, ch. 2002-20; s. 39, ch. 2004-269; s. 30, ch. 2005-71; s. 12, ch. 2005-281; s. 1, ch. 2009-11; s. 3, ch. 2012-174; s. 22, ch. 2014-223; s. 5, ch. 2016-11.