



**DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
POST OFFICE BOX 4970
JACKSONVILLE, FLORIDA 32232-0019**

Regulatory Division

Department of the Army Permit

**Regional General Permit SAJ-105
Residential, Commercial, Recreational and Institutional Fill
in the West Bay Watershed of Bay County, Florida**

SAJ-2010-01997

Date Issued: _____

Upon recommendation of the Chief of Engineers, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), general authority is hereby given by the U.S. Army Corps of Engineers (Corps) for the discharge of fill and dredged material into non-tidal waters of the United States, including wetlands, for residential, commercial, recreational and institutional development in portions of the West Bay watershed in accordance with the following Special Conditions:

SPECIAL CONDITIONS:

1. Projects qualifying for SAJ-105 must be authorized under Part IV of Chapter 373, *F.S.* by the Florida Department of Environmental Protection (DEP), Northwest Florida Water Management District (NFWMD) under Section 373.069, *F.S.*, or a local government with delegated authority under Section 373.441, *F.S.* Water quality certification for projects located within a portion of the Regional General Permit SAJ-105 (RGP) area may be granted by individual project approvals issued pursuant to the Ecosystem Management Agreement (EMA), if it is executed between the DEP and The St. Joe Company (Exhibit 1) for those projects located within the EMA portion of the RGP area. All of the conditions specified in the EMA water quality certification must be complied with as Special Conditions to this RGP. All projects outside the EMA area authorized by this RGP will require separate water quality and coastal zone consistency certifications from DEP, NFWMD, or delegated local governments. The conditions specified in such certifications constitute Special Conditions of this RGP for those specific projects.

2. Surface Water Management Systems for all projects authorized by this RGP shall be designed, constructed, operated, and maintained in compliance with Chapter 62-346 Florida Administrative Code. and Applicant's Handbook, Volume 2; and shall include an additional level of treatment that is 50% above the treatment that is required for a non-

OFW. Although the Surface Water Management systems will be designed to meet OFW standards, water quality standards appropriate to the receiving waters shall be applied for determining compliance with water quality standards. In addition, all projects shall implement heightened sediment and erosion control measures, as set forth in Exhibit 2 (Sediment & Erosion Control).

3. This permit authorizes the discharge of dredged or fill material into non-tidal waters of the United States for the construction of residential, commercial, recreational and institutional projects, and their components, which comprise or are necessary for the construction, use and maintenance of such projects. Project components may include, but are not limited to, roads, parking lots, garages, yards, utility lines, and stormwater management facilities. Examples of residential projects include single family homes, and multiple and single unit developments. Examples of commercial projects include retail stores, light industrial facilities (which means business activity such as commercial distribution, assembly or manufacturing processes with no primary use of raw materials), manufacturing facilities, research facilities, warehouses, distribution facilities, hotels, restaurants, business parks, and shopping centers. Examples of recreational projects include playgrounds, playing fields, golf courses, hiking trails, bike paths, horse paths, stables, nature centers and campgrounds. Examples of institutional projects include schools, fire stations, governmental office buildings, roads, judicial buildings, public works buildings, libraries, hospitals, and places of worship. This permit applies only to the portions of Bay County, Florida, as depicted on Exhibit 3 (SAJ-105 Boundary Map).

4. This RGP authorizes impacts to wetlands, which are defined for the purposes of this RGP, as converted and unconverted wetlands (Exhibit 4, Converted /Unconverted Wetlands Map). Converted wetlands are jurisdictional wetlands that have been planted in pine trees, as shown by Exhibit 5 (RGP SAJ-105 Aerial Photo dated March 2007). To the extent that silvicultural activities in any area of converted wetlands, as shown by Exhibit 5, have ceased for more than 5 years after the final cut, such wetlands shall be identified as unconverted wetlands. Converted wetlands are hydric pine plantations. The class of converted wetlands also includes ditches and borrow pits. Unconverted wetlands are all other jurisdictional wetlands, and include cypress domes/strands, bay/gallberry swamps, cypress swamps, titi swamps, seepage slopes, *Hypericum* bogs, emergent marsh and other similar areas.

5. Impacts to wetlands must meet all of the following criteria:

a. Impacts to converted wetlands:

(1) Impacts to converted wetlands shall not exceed 15% of the total converted wetlands in any one sub-watershed. The area within a particular sub-watershed to be used to make the 15% calculation does not include areas within Conservation Units located within the sub-watershed. Sub-watersheds are depicted in Exhibit 6 (Sub-Watershed Map). The 15% calculation is the equivalent of a 5.67:1.00 preservation to impact ratio on an areal basis.

(2) An individual project may impact more than 15% of the converted wetlands within an individual project site, if cumulative converted wetland impacts for all approved individual projects within the sub-watershed do not exceed 15% requirement, as defined above, at any given time. Examples of how this may occur include:

(a) An applicant proposes an individual project, which would impact 10 acres of the 100 acres of converted wetlands located within the proposed project site and preserve the remaining 90 acres of converted wetlands through placement under a conservation easement. This example would result in a converted wetland overage of 33.3 acres, since 56.7 acres of converted wetland preservation would be required to comply with the 15% allowable impacts to converted wetlands within a specific watershed. The same applicant, or succeeding assignee, with a subsequent individual project, located at a different site within the same watershed, and containing a total of 5 acres of converted wetlands, proposes to impact all 5 acres of converted wetlands for the project. The applicant may use 28.4 acres of the 33.3 acre overage of preserved converted wetlands from the first project to comply with the 15% requirement for the second project.

(b) An applicant proposes an individual project on a site with a total of 10 acres of converted wetlands. The applicant proposes to impact all 10 acres of the converted wetlands for the project. To comply with the 15% allowable impacts to converted wetlands requirement, the applicant would preserve 56.7 acres of converted wetlands through the placement of a conservation easement, elsewhere within the same sub-watershed in which the impact site is located.

b. Impacts to unconverted wetlands:

(1) Shall be limited to road and bridge crossings, boardwalks and paths, linear infrastructure (which includes stormwater conveyances, but not stormwater ponds), utility corridors, and any other linear access facilities necessary to support the associated development. Crossings shall be designed and constructed to minimize wetland impacts to the maximum extent practicable. The impacts shall usually not exceed a width of 100 feet of combined filling or clearing at each crossing, but may in certain cases, consistent with criteria in this section, be allowed up to a total width of 160 feet. Florida Department of Transportation roads may be allowed up to a width of 200 feet consistent with criteria in this section.

(2) The aggregate total filling or clearing of unconverted wetlands for crossings and other linear infrastructure within the RGP area shall not exceed 225 acres within the EMA area and 4 acres outside the EMA area.

(3) The first preference for new unconverted wetland crossings will be at existing silviculture road crossings. Crossings at existing silviculture road crossings and at locations other than existing silviculture crossings, are allowed, if the crossing is designed and constructed to minimize unconverted wetland impacts.

(4) For each crossing proposed at a point where no previous crossing existed, an existing silviculture road crossing within the same sub-watershed must be removed and the wetland hydrologic connection including any associated natural stream or tributary within the area of removal, shall be restored. Restoration in this section is defined as re-establishment of natural soil surface grades and appropriate vegetation is naturally re-emerging no later than the 365th day following the date of the initiation of construction of the new crossing.

(5) All crossings in unconverted wetlands shall be designed so that reduction of capacity or impairment of the hydrologic conveyance is minimized to the maximum extent practicable. Bridging, co-locating utilities and infrastructure and directional boring of unconverted wetlands is required to the maximum extent practicable. The following factors shall be considered when determining if bridging or directional boring of the unconverted wetlands is practicable: (i) The degree of water flow within the unconverted wetland, (ii) The length of the unconverted wetland crossing, (iii) The topography of the unconverted wetland and associated upland, and (iv) The degree to which a roadway would adversely affect the movement of wildlife expected to use the unconverted wetland.

c. All wetlands not authorized for impact on each project site shall be preserved. Conservation easements shall be placed over all such wetlands (see Special Condition 13.c). Individual project sites, including offsite preservation areas to meet the requirement in Special Condition 5.a(2)(b) above, shall have reasonable boundaries that include intermixed and adjacent unconverted wetlands.

6. No dredged or fill material may be discharged in to wetlands for septic tanks or drainfields.

7. Buffers:

a. Unconverted wetlands shall be buffered from development by uplands and/or converted wetlands with the exception of road crossings. Upland and/or converted wetland buffers adjacent to unconverted wetlands shall be an average of 50 feet wide for each individual project, but no less than 30 feet wide at any measurement except at road crossings.

b. Except at road crossings, unconverted wetlands, converted wetlands and uplands shall buffer natural streams and tributaries located in Conservation Units. The exact width of the buffer from the natural streams and tributaries located in Conservation Units shall be evaluated and determined during Individual Project review. However, the buffer along natural streams and tributaries located in Conservation Units shall be a minimum of 100 feet as measured from the edge of the stream or tributary.

c. All buffers, whether upland or wetland, will be preserved and maintained in a natural condition, except for the construction of boardwalks for dock access and on-grade trails. Buffers may be enhanced or restored to increase their ecological functions. If

approved by the Corps, buffers may also be managed to provide an urban wildfire interface, as may be requested by local emergency management officials. Conservation easements shall be placed over all buffers (see Special Condition 13.c).

d. Application of fertilizers, herbicides or pesticides is prohibited in all buffers, except to the extent herbicides are used to control exotic vegetation.

8. Dredged or fill material discharged into waters of the United States in accordance with this RGP must be clean. The material must 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.

9. No discharge of dredged or fill material into waters of the United States is allowed that would sever either a jurisdictional connection or hydrological connection in unconverted wetlands. Small areas of converted wetlands may be severed, as approved on a case-by-case basis, provided the 5.67:1.00 preservation to impact ratio requirement for converted wetland impacts is met (see Special Condition 5a) and compensatory mitigation as described in Special Condition 10 is provided for the area of converted wetlands within the severed area. Severed converted wetlands will be considered to be impacted wetlands for purposes of this RGP.

10. Compensatory mitigation is required for impacts to wetlands authorized by this RGP:

a. Compensatory mitigation for impacts to wetlands authorized by this RGP may be satisfied within any of the following: 1) mitigation banks, 2) designated Conservation Units, or 3) within an individual project site.

b. The first priority for mitigation of authorized wetland impacts under this RGP is the use of an ecologically appropriate mitigation bank.

c. The Corps, on a case-by-case basis, may approve compensatory mitigation projects located within the Conservation Units or on individual project sites.

d. Compensatory mitigation credits and debits are defined in terms of functional units (FU) as determined using the *Uniform Mitigation Assessment Method (UMAM)*, as set forth in Chapter 62-345, *Florida Administrative Code*. Each acre of impact to converted wetlands shall be valued at 0.53 FU, and each acre of impact to unconverted wetlands shall be valued at 0.87 FU.

e. Compensatory mitigation will occur prior to or concurrent with authorized impacts.

11. Compensatory mitigation projects required for projects authorized by this RGP must be maintained in perpetuity in the enhanced/restored ecological condition, as described in the individual compensatory mitigation project's plan.

12. Conservation Units:

a. On the date that this RGP is issued, five Conservation Units (Exhibits 7 through 11) shall be preserved under the conditions listed below by the St. Joe Company.

b. Conservation Units shall be divided between Type I Conservation Units and Type II Conservation Units, as shown in Exhibit 12 (SAJ-105 Conservation Map), and Exhibits 7 through 11.

c. Conservation Units can only be used for conservation purposes, wetland or habitat mitigation, limited recreational purposes, sustainable forestry, and other uses, activities and facilities as authorized by Special Conditions 12.d and 12.e. Activities, which would result in "Land Disturbance" are prohibited, except those as allowed in Special Conditions 12.d. and 12.e. Land Disturbance for the purposes of this RGP is defined as any manmade change of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, grading, grubbing, discing, blading, contouring, ripping, and root raking within either Type I or Type II Conservation Units . Land Disturbance includes areas covered by impervious surfaces such as roofs, concrete and asphalt. No new water withdrawal wells shall be installed within the Conservation Units.

d. TYPE I CONSERVATION UNITS - The uses, activities and facilities authorized in Type I Conservation Units are limited to the following:

(1) Wetland and upland ecological enhancement and restoration.

(2) Forest management, which shall be conducted through sustainable forestry, uneven age management regimes and best management practices, in accordance with, and as defined in the *Principles for Forest and Wildlife Management of Conservation Units within the West Bay Ecosystem Management Agreement and RGP SAJ-105* (Forest and Wildlife Management Plan, Exhibit 13). No timbering of cypress or wetland hardwoods or clear cutting is permitted except as allowed in the Forest and Wildlife Management Plan.

(3) Hunting, fishing and birding.

(4) Passive recreational facilities include hiking and biking trails, boardwalks, gathering shelters, restrooms, camping platforms, horseback trails and hitching areas, and other facilities of a similar nature. These facilities shall result in no more than minimal impacts. Trails and boardwalks may cross wetlands, but must be minimized to the maximum extent practicable. All other facilities may only be located in uplands.

(5) Wetland mitigation as required by any future permit.

(6) Green Burial Council certified *Conservation Burial Grounds*. This level of certification employs burial/scattering programs that aid in the restoration, acquisition and/or stewardship of natural areas.

(7) Reinstitution of fire regime, including necessary firebreaks, which mimics natural conditions.

(8) Linear utilities and infrastructure facilities, defined as (i) electric transmission and/or distribution lines, (ii) water transmission and/or distribution lines, (iii) sewer transmission, collection and/or distribution lines, (iv) natural gas transmission and/or distribution lines, (v) data and/or telecommunications transmission and/or distribution lines (phone, cable, fiber optics, internet), and (vi) stormwater conveyances, but not stormwater ponds. In addition, ancillary facilities that are part of and support the linear utilities and infrastructure facilities described above may be authorized. All linear utilities and infrastructure facilities shall to the maximum extent practicable, be co-located with road crossings and be installed by directional bore methods. The linear infrastructure shall be subject to the criteria and wetland impact limitations as set forth in Special Condition 5.c above.

(9) Activities needed to maintain in current condition, existing access, roads and ditches within and through the Conservation Units. These allowable maintenance activities do not include activities to relocate such access, roads and ditches.

(10) Nature centers, including single access roads. Nature centers shall only be located in uplands. Access roads to serve nature centers must comply with Special Condition 5.c above and 12.e(1) below.

e. TYPE II CONSERVATION UNITS - The uses, activities, and facilities authorized in Type II Conservation Units include all the uses, activities, and facilities set forth above in Special Conditions 12.d and also include the following:

(1) Road and bridge crossings to support associated development. All crossings in wetlands shall be designed so that the hydrologic conveyance is not reduced or impaired. Bridging is required wherever practicable. The following factors shall be considered when determining if bridging of the wetlands is practicable: (i) The degree of water flow within the wetland, (ii) The length of the wetland crossing, (iii) The topography of the wetland and associated upland, and (iv) The degree to which a roadway would adversely affect the movement of wildlife expected to use the wetland. Road and bridge crossings shall be designed and constructed to minimize wetland and upland impacts and must comply with Special Condition 5.c above.

(2) Certain recreational facilities including, but not limited to boat ramps, fishing piers, parks, picnic areas and pavilions, playgrounds/tot lots, nature facilities, but

excluding any sports or ball fields, such as baseball fields, soccer fields, tennis courts, basketball courts and golf courses. Associated parking facilities are authorized, but must be constructed with pervious surfaces, unless it is impractical to use pervious surfaces. Boat ramps, fishing piers and access roads may cross wetlands, but impacts must be minimized to the maximum extent practicable. All other facilities must be located in uplands. Access roads to serve recreational uses and activities must use existing roads to the maximum extent practicable and otherwise must comply with Special Condition 5.c and Special Condition 12.e(1) above.

f. The natural streams and tributaries located within portions of the Crooked Creek/West Bay Type II Conservation Unit as shown on Exhibit 14 (Hydrologically Sensitive Area Map), are further protected by the following additional conditions and restrictions:

(1) Within the Hydrologically Sensitive Area all road crossings over the natural streams and tributaries are required to be bridged where practicable. Bridging shall occur over the portion of a crossing that has a discernable channel with well defined banks and flow. The exact length and cross section of a bridge shall be determined at the time of Individual Project Approval, based on professionally accepted engineering practice and the characteristics of the channel. A maximum of six (6) non-bridge crossings will be allowed. The first preference for new non-bridged crossings will be at existing silviculture road crossings. Non-bridged crossings at locations other than existing silviculture road crossings are allowed if the crossing is designed and constructed to minimize wetland impacts. For each non-bridged crossing proposed at a point where no previous crossing existed, an existing silviculture road crossing within the same sub-watershed must be removed, and the wetland connection including any associated natural stream or tributary within the area of removal, shall be restored. Restoration in this section is defined as re-establishment of natural soil surface grades and appropriate vegetation is naturally re-emerging no later than the 365th day following the date of the initiation of construction of the new crossing. Non-bridged road crossing rights of way shall usually not exceed a width of 100 feet of combined filling or clearing at each crossing, but may in certain cases, consistent with criteria in this section be allowed up to a total width of 160 feet.

(2) In designing stormwater management systems adjacent to these natural streams and tributaries, flow velocity and hydraulic energy at the outfall shall be minimized. These design considerations may include, but are not limited to U-Type Concrete Endwalls with optional baffles and grates, U-Type Concrete Endwalls with engineered energy dissipater, structurally lined outfall aprons, plunge pool outfall aprons, and spreader swales. No new direct outfall pipes or new channels shall be permitted into any of these natural streams and tributaries. Instead, vegetated natural buffers shall be utilized for stormwater purposes adjacent to these natural streams and tributaries.

g. Land Disturbance:

(1) The total number of acres that can be impacted within Type I and Type II Conservation Units by Land Disturbance associated with activities allowed by Special Conditions 12.d.(4), (6), (8) & (10) and 12.e. is 183 acres, which is 1% of the total number of acres within the Conservation Units.

(2) The following activities listed in the referenced Special Conditions shall not be subject to the Land Disturbance restriction: Pervious hiking and biking trails, pervious horseback riding trails, and boardwalks.

(3) Areas that are temporarily impacted by Land Disturbance activities will not count toward the 183 acre cap, if natural soil surface grades have been re-established and appropriate vegetation is naturally re-emerging no later than the 365th day following the date that the temporary Land Disturbance began. Replanting of some areas of Land Disturbance may be required on a case-by-case basis, as determined by the Corps, during the Corps's review of proposed Land Disturbance activities.

(4) The number of acres subjected to Land Disturbance shall be reported on a sub-watershed basis in annual reports required by Special Condition 14.

(5) Any authorized Land Disturbance acreage within converted wetlands in a Type I or Type II Conservation Unit shall be offset by an equal acreage amount consisting of preserved converted wetlands outside of the Conservation Unit, but located in the same sub-watershed, and shall comply with Special Condition 5. Any authorized Land Disturbance acreage within uplands in a Type I or Type II Conservation Unit shall be offset by an equal acreage amount consisting of preserved upland buffers outside of the Conservation Unit but located in the same sub-watershed. This offset shall be included in the individual project approval that approves Land Disturbance in Type I or Type II Conservation Units and the report required by Special Condition 14.

h. Written approval from the Corps is required for any uses, activities or facilities sought to be constructed in Conservation Units under Special Conditions 12.d.(4), (6), (8) and (10) and Special Condition 12.e ("Conservation Unit Project Approval"). Written authorization under this RGP for projects within Conservation Units is required prior to initiation of construction. If the authorized project is located in navigable waters of the United States (i.e. Section 10 Waters), authorization under Section 10 of the Rivers and Harbors Act of 1899, is also required. Conservation Unit Project Approval shall be conducted consistent with Special Condition 18, and will include use of the Conservation Unit Checklist (Exhibit 15) applicable to allowances of uses, activities and facilities in the Conservation Units. In applying for Conservation Unit Project Approval an applicant will be required to include an avoidance and minimization impact analysis with respect to the proposed uses, activities and facilities. Review by the Corps will include an evaluation of the total scale of the facility to insure that the proposed use, activity or facility is limited and consistent with the preservation objectives of the Conservation Units.

i. Within each sub-watershed The St. Joe Company shall progressively place conservation easements over acreages within Conservation Units corresponding to progressively authorized project site acreages.

(1) Acreages of Conservation Units required to be progressively placed under conservation easements shall be calculated as follows: Using the EMA area only, divide a given project's total approved site acreage (including upland, impact, and preserved areas) by the total developable acreage within its corresponding sub-watershed (not including Conservation Unit areas) to calculate the percentage of developable acreage utilized for the project. Then multiply the percentage of developable acreage utilized for the project by the total acres within the corresponding sub-watershed Conservation Unit to calculate the number of acres required to be placed under conservation easement within the Conservation Unit.

(2) The required Conservation Unit acreages placed under conservation easement within the corresponding sub-watershed for a given project shall occur within six months from the date of Individual Project Approval issuance or for an approved project that does not require specific approval under this RGP, within six months from project approval issued by Bay County.

(3) To comply with this condition only, the Intracoastal Waterway Sub-watershed and the Crooked Creek West Bay Sub-watershed shall be combined and treated as a single sub-watershed.

(4) Acreages of Conservation Units conveyed to governmental entities or non-profit conservation/natural resource management entities shall count toward the acreage required to be placed under conservation easements for corresponding watersheds.

j. Sale or transfer of property within a Conservation Unit may only be made to a governmental entity or a non-profit conservation/natural resource management entity. Prior to conveying a Conservation Unit or any portion thereof or interest therein, The St. Joe Company shall record conservation easements on such property, if not already subject to a conservation easement pursuant to Special Condition 12.i above, to assure the perpetual conservation use of the Conservation Unit as described in Special Conditions 12.c, 12.d, 12.e, 12.f, 12.g and 12.h above. The perpetual conservation easement shall be in the form of Exhibit 16 for Type I Conservation Units, Exhibit 17 for Type II Conservation Units, Exhibit 18 for the Hydrologically Sensitive Area, and Exhibit 19 for Conservation Units used for Compensatory Mitigation. Conservation easements in the form of Exhibit 19 shall replace any other conservation easements for Conservation Units used for compensatory mitigation. Within seven days of conveyance of any portion or interest of a Conservation Unit, The St. Joe Company shall provide to the new owner a complete copy of the RGP, including the Biological Assessment (Exhibit 20), and the recorded conservation easement. Written assurance that a complete copy of the RGP has been given and received shall be provided to the Corps by The St. Joe Company within fourteen days of any such conveyance. The written assurance shall consist of a letter to

the Corps stating that the conveyence has taken place and shall be signed by the appropriate representatives of The St. Joe Company and the new owner.

13. Conservation Easements. This section addresses the placement of conservation easements as required by this RGP, under four different scenarios:

a. Perpetual conservation easements placed on Type I Conservation Units, as described in Special Conditions 12.i and 12.j, shall be in the form of Exhibit 16, Conservation Easement for Conservation Units Type 1.

b. Perpetual conservation easements placed on Type II Conservation Units, as described in Special Conditions 12.i and 12.j, shall be in the form of Exhibit 17, Conservation Easement for Conservation Units Type 2.

c. Perpetual conservaton easements placed on the Hydrologically Sensitive Area as described in Special Conditions 12.i and 12.j, shall be in the form of Exhibit 18, Hydrological Sensitive Area Conservation Easement .

d. Perpetual conservation easements placed on wetlands not authorized for impact on each project site, including any buffers as required by Special Condition 7 above, and for compensatory mitigation conducted offsite and outside of a mitigation bank, shall be in the form of Exhibit 19, Conservation Easement for Mitigation/Preservation.

e. In addition to the above, the following shall apply to all conservation easements:

(1) All conservation easements shall provide that DEP is the Grantee.

(2) The Permittee shall have the draft conservation easement, a legal description, survey, and scaled drawings of the conservation easement property and a title commitment or report which identifies all mortgages, liens or encumbrances which affect the conservation easement property, prepared and sent to the Regulatory Division, Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232-0019, for legal review and approval.

(3) Within 30 days of Corps approval of the draft conservation easement, the permittee shall record the easement in the public records of Bay County, Florida. A certified copy of the recorded easement shall be forwarded to the Regulatory Division, Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232-0019 by the permittee within 60 days of the Corps approval of the draft conservation easement.

(4) The Permittee must show that it has clear title to the real property and can legally place it under a conservation easement. Along with the submittal of the draft conservation easement, the Permittee shall submit a title insurance commitment, in favor of the grantee, for the property that is being offered for preservation. Any existing liens

or encumbrances on the property must be subordinated to the conservation easement. At the time of recordation of the conservation easement, a copy of a title insurance policy written in favor of the DEP must be provided to the Corps in an amount equal to the market value of the property at the time the policy is written.

(5) In the event the permit is transferred, proof of delivery of a copy of the recorded conservation easement to the subsequent permittee or permittees must be submitted to the Corps together with the notification of permit transfer.

(6) Grantee shall not assign its rights or obligations under a conservation easement except to another organization qualified to hold such interests under the applicable state and federal laws, including §704.06 Florida Statutes, and committed to holding this conservation easement exclusively for conservation purposes. The Corps shall be notified in writing of any intention to reassign the conservation easement to a new grantee and must approve selection of the grantee. The new grantee must accept the assignment in writing and deliver a copy of this acceptance to the Corps. The conservation easement must then be re-recorded and indexed in the same manner as any other instrument affecting title to real property, and a certified copy of the recorded conservation easement shall be furnished to the Corps.

14. Monitoring and reporting requirements specific to The St. Joe Company:

a. Use of this RGP for any project by The St. Joe Company makes The St. Joe Company responsible for establishing and maintaining a GIS-based ledger and map depicting the amount, type and percentage of wetland impact and mitigation implemented in the EMA area.

b. By January 15 of each year, the Corps will provide The St. Joe Company with information for the previous year, regarding the amount, type and percentage of wetland impact and mitigation implemented in the outparcels not owned by The St. Joe Company, which are located outside of the EMA area but within the RGP area.

c. The St. Joe Company shall include this information in the GIS-based ledger map and annual report.

d. An updated ledger balance sheet demonstrating compliance with this RGP shall be submitted with each individual request for project approval. The ledger shall include the following by sub-watershed:

- (1) Total unconverted, and converted, wetlands in the EMA area.
- (2) Total project size — uplands and wetlands.
- (3) Project impacts — unconverted and converted amount and percent of total.

(4) Mitigation required and location.

(5) Cumulative project impacts (acreage total and percentage).

(6) Total unconverted and converted wetlands remaining in the EMA area.

e. The St. Joe Company shall submit an annual report by February 15 of each year for the preceding calendar year identifying:

(1) The total project acres approved;

(2) The location and acreage of any mitigation activity undertaken;

(3) Conservation Easements recorded;

(4) Conservation Units conveyed to other owners;

(5) Activities undertaken within Conservation Units including the total number of acres of Lands Disturbance;

(6) The number of bridged and non-bridged crossings permitted and restored in the Hydrological Sensitive Area; and

(7) Other activities that may impact this RGP.

15. For the purposes of this RGP, the identification and delineation of wetlands must be in accordance with the most recent guidance and wetland delineation manual and/or manual supplement issued by the Corps (which as of this date are the *Corps of Engineers Wetlands Delineation Manual (1987)* and the *Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Atlantic and Gulf Coastal Plain Region (2010)*), or the State of Florida methodology prescribed in Chapter 62-340, F.A.C., *Delineation of the Landwater Extent of Wetlands and Surface Waters*, or a combination of both, in order to establish one jurisdictional wetland line for all Individual Project Approvals that is the most landward line of wetlands. Applicants shall complete a preliminary jurisdictional determination for each Individual Project Approval under this RGP utilizing the Corps's most recent guidance. Under current guidance the Preliminary Jurisdictional Determination form attached as Exhibit 21, should be utilized. Wetlands shall be delineated by flagging located either by Global Positioning System or survey.

16. Listed and Protected Species: This RGP does not authorize the take of any listed species. In order to legally take a listed species, separate authorization under the Endangered Species Act (ESA) is required. Exhibit 20 is the Biological Assessment for this RGP.

a. Bald Eagle: In order to avoid potential impacts to the bald eagle nests located within the RGP area measures will be implemented as dictated by the *National Bald Eagle Management Guidelines (May 2007)* (U.S. Fish and Wildlife Service (USFWS)), attached as Exhibit 22; and the *FWC Bald Eagle (*Haliaeetus leucocephalus*) Management Plan Handbook (June 2008)* (Florida Fish and Wildlife Commission (FWC)), attached as Exhibit 23.

b. Eastern Indigo Snake: Measures to protect the eastern indigo snake from harm will be implemented within individual project sites. During construction activities, placards and posters containing information to educate the construction workers of the potential presence of the eastern indigo snake will be placed within the construction area. Instructions will also be given to inform the crews that if indigo snakes are observed in a construction area, all work must stop until the snake leaves the area on its own, to notify the appropriate agency office and to report any live or dead observations of indigo snakes or large snake skins that are found within the area.

c. Reticulated Flatwoods Salamander: Three ponds were identified as having moderate to high quality habitat for the reticulated flatwoods salamander. None of the ponds were considered to have ideal conditions to support the flatwoods salamander. These ponds are identified as numbers 74, 83 and 101 and their locations are depicted on Figure 6 of the Biological Assessment. Sampling was conducted twice during 2010 during very favorable conditions and no larvae or adults were observed. In order to provide assurance that the salamander does not occur within these ponds, two years of sampling with no individuals being found is required to prove that the flatwoods salamander does not inhabit these ponds. The sampling, using approved sampling methods, will have to be conducted during favorable sampling conditions (i.e. adequate water and time of year). The sampling events must occur within 5 years of each other. With respect to any ponds or areas where salamanders are determined to be present and with respect to the three ponds referenced above until it is determined that they are not present, primary and secondary buffer zones will be established according to the USFWS "Recommended Timber Management Practices for the Flatwoods Salamander" informational sheet and the FWC management plan for the flatwoods salamander (FWC 2001). These recommendations include establishing a primary zone of 538 feet, which allows for a selective harvest during dry periods on a 10 year interval and a secondary zone which extends to 1476 feet from the pond's edge and allows for a mix of clearcutting and selective harvest during dry periods on ten year intervals (see Figure 11 of the Biological Assessment). Additional restrictions include maintaining minimum basal areas within those zones, restrictions on soil disturbance and limited use of chemicals. If salamanders are determined not to be present, primary and secondary buffer zones will not be established or will be eliminated if previously established.

d. State Species: If any state listed/protected species are encountered, coordination with FWC will be initiated. The USFWS web-site includes a reference to state-listed species.

17. Cultural and Historical Resources:

a. Documentation of coordination with the State Historic Preservation Officer (SHPO) is required. When required by the SHPO, the applicant shall conduct a Phase I archaeological and historical survey on each individual project site. This information shall be provided to the SHPO and the Corps, so that measures can be identified to avoid, minimize or mitigate adverse impacts to historic properties listed, or eligible for listing in the National Register of Historic Places, or otherwise of archeological or historical value.

b. If unexpected cultural resources are encountered at any time within the project area that was not the subject of a previous cultural resource assessment survey, work should cease in the immediate vicinity of such discoveries. The permittee, or other party, should notify the SHPO immediately, as well as the appropriate Army Corps of Engineers office. After such notifications, project activities should not resume without verbal and/or written authorization from the SHPO.

c. If unmarked human remains are encountered, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, Florida Statutes, unless on Federal lands. After such notifications, project activities on non-Federal lands shall not resume without verbal and/or written authorization from the Florida State Archaeologist for finds under his or her jurisdiction.

18. Individual Project Approval.

a. To commence the review of an application for an individual project approval, the applicant shall prepare an application using the form *Joint Application for Works in the Waters of Florida Form #62-346.900(1)*, or other joint application form acceptable to both the Corps and DEP. The application shall include all of the information required in the Individual Project Approval Checklist (Exhibit 24). The application and Individual Project Approval Checklist shall be submitted to the Corps and DEP at least two weeks prior to a formal application meeting with the Corps and DEP to review the application. Appropriate representatives from USFWS, U.S. Environmental Protection Agency (EPA), FWC, National Marine Fisheries Service (NMFS) and NFWFMD shall be invited to the meeting. The application shall be considered to be in draft form until the day of the meeting, at which time the formal review of the application shall commence. No regulated work may proceed until after written authorization under this RGP has been issued. For ease of scheduling purposes, formal application meetings shall be pre-scheduled for one day per calendar month, but may be cancelled if no applications are received within the two weeks prior to the pre-scheduled formal application meeting.

b. An applicant may request an informal pre-application meeting with appropriate representatives from the Corps and DEP to discuss a proposed project and clarify any necessary procedural and substantive criteria of the RGP. Appropriate representatives from USFWS, EPA, FWC, NMFS and the NFWFMD shall be invited to the pre-application meeting. There are no specific submittal requirements for this informal pre-application meeting, but the applicant shall provide an appropriate type and level of information on any procedural or substantive criteria that needs clarification. An

information pre-application meeting does not commence the formal review of an individual project approval application. Pre-application meetings shall be scheduled on an as needed basis.

19. On a case-by-case basis, the Corps may impose additional Special Conditions for individual project authorizations that are deemed necessary by the Corps to minimize adverse environmental impacts.

20. Failure to comply with any of the conditions of this RGP will constitute a violation of the RGP and the law applicable to the condition.

21. Self-Certification: Within 60 days of completion of the work authorized and mitigation (if applicable), the permittee must complete the attached "Self-Certification Statement of Compliance and mail the completed form to the Regulatory Division, Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232-0019.

22. This RGP will be valid for 5-years from the date of issuance unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies will conduct periodic reviews, which will include compliance reviews, to determine if continuation of the permit is not contrary to the public interest. The permit can be reissued for 5-year periods indefinitely, if it is found not to be contrary to the public interest.

23. If this RGP expires prior to the completion of work authorized by an Individual Project Approval, authorization of activities that have commenced or are under contract to commence in reliance on the Individual Project Approval will remain in effect provided the activities are completed within 12 months of the date this RGP expires.

BY AUTHORITY OF THE SECRETARY OF THE ARMY

Alfred A. Pantano, Jr.
Colonel, U.S. Army
District Comander

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends _____. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with general condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature and mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project you must comply with the conditions specified in the certification as Special Conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

() Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision. Such a reevaluation may result in a determination that it is appropriate to use the suspension modification, and revocation

procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209 170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

**DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST
FOR REGIONAL PERMIT SAJ-105**

PERMIT NUMBER: _____

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by the Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Panama City Regulatory Office, 475 Harrison Avenue, Suite 202, Panama City, FL 32401.

(TRANSFEEE SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

(NAME PRINTED)

(MAILING ADDRESS)

(CITY, STATE AND ZIP CODE)

**SELF-CERTIFICATION STATEMENT OF COMPLIANCE
FOR REGIONAL GENERAL PERMIT SAJ-105**

Permit Number: _____

Permittees's Name & Address (please print or type): _____

Telephone Number: _____

Location of the Work: _____

Date Work Started: _____ Date Work Completed: _____

Description of the Work (e.g. bank stabilization, residential or commercial filing, docks, dredging, etc.): _____

Acreage or Square Feet of Impacts to Waters of the United States: _____

Describe Mitigation completed (if applicable): _____

Describe any Deviations from Permit (attach drawing(s) depicting the deviations): _____

I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

Signature of Permittee

Date

List of Exhibits for Regional General Permit SAJ-105

- Exhibit 1: Ecosystem Management Agreement
- Exhibit 2: Sediment and Erosion Control
- Exhibit 3: SAJ-105 Boundary Map
- Exhibit 4: Converted/Unconverted wetlands Map
- Exhibit 5: SAJ-105 2007 Aerial Photo
- Exhibit 6: SAJ-105 Sub-Watershed Map
- Exhibit 7: Conservation Unit Map – Crooked Creek/West Bay
- Exhibit 8: Conservation Unit Map – Fannin Bayou/Warren Bayou
- Exhibit 9: Conservation Unit Map – Burnt Mill Creek/Doyle Creek Frontal
- Exhibit 10: Conservation Unit Map – Little Mill Creek
- Exhibit 11: Conservation Unit Map – Pine Log Creek
- Exhibit 12: Conservation Units Map
- Exhibit 13: Principles for Forest & Wildlife Management of Conservation Units
- Exhibit 14: Hydrologically Sensitive Areas Map
- Exhibit 15: Conservation Units Checklist
- Exhibit 16: Conservation Easement for Conservation Units Type I
- Exhibit 17: Conservation Easement for Conservation Units Type II
- Exhibit 18: Hydrologically Sensitive Area Conservation Easement
- Exhibit 19: Conservation Easement for Mitigation/Preservation
- Exhibit 20: Biological Assessment
- Exhibit 21: Preliminary Jurisdiction Determination Form
- Exhibit 22: *National Bald Eagle Management Guidelines (May 2007) (USFWS)*

Exhibit 23: *FWC Bald Eagle (Haliaeetus leucocephalus) Management Plan Handbook (June 2008) (FWC)*

Exhibit 24: Individual Project Approval Checklist