CESAJ-RD-NP (1200A) 25 MAR 2015

MEMORANDUM FOR RECORD

SUBJECT: Supplement to Department of the Army Environmental Assessment and Statement of Finding for Regional General Permit SAJ-86 (SAJ-2004-01861)

1. Permit Considered for Reissuance:

a. Regional General Permit SAJ-86 (SAJ-86) was originally issued by the U.S. Army Corps of Engineers (Corps) on 30 June 2004 and was reissued on 23 June 2009. SAJ-86 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 in southeastern Walton County and southwestern Bay County within the Lake Powell watershed, various drainage basins of the Choctawhatchee Bay watershed, various drainage basins of the West Bay watershed, and two small areas which drain either directly to the Gulf of Mexico, or via the Camp Creek Lake watershed into the Gulf of Mexico. The SAJ-86 project area encompasses approximately 48,150 acres, including approximately 39,000 acres that were owned by The St. Joe Company (St. Joe) at the time SAJ-86 was originally issued.

b. Background for proposed reissuance of SAJ-86:

(1) Pursuant to 33 CFR Part 325.2(e)(2), no regional general permit shall be issued for a period longer than five years. As stated in Special Condition #24 of the 2009 SAJ-86, the permit can be reissued for 5-year periods indefinitely, if it is found not to be contrary to the public interest. The 23rd of June 2014 was the end of the second, allowable five-year period. The purpose of this Supplemental Environmental Statement and Statement of Finding (SEASOF) is to document the evaluation of SAJ-86 for reissuance for another five-year period.

(2) This SEASOF references and incorporates the Environmental Assessment and Statement of Findings (EASOF) issued on 30 June 2004 for SAJ-86, and the SEASOF issued on 23 June 2009 for the reissuance of SAJ-86 in 2009.

(3) SAJ-86 was developed along with an Ecosystem Management Agreement between the Florida Department of Environmental Protection (FDEP) and The St. Joe Company (St. Joe) by an interagency team comprised of the Corps, FDEP, U.S. Environmental Protection Agency (EPA), U.S. Fish and Wildlife Service (FWS), Northwest Florida Water Management District (NWFWMD), and St. Joe (see paragraph 7.a of the EASOF). For the 2009 reissuance of SAJ-86 the interagency team included the above, except for the NWFWMD, but with the inclusion of the Florida Fish and

Wildlife Conservation Commission (FWC). For the 2014 proposed reissuance of SAJ-86, the interagency team was comprised of the same members as that for the 2009 reissuance. Beginning on 22 January 2014 the Corps initiated discussions and meetings with the interagency team to review and propose modifications, if needed, to SAJ-86. Paragraphs 1.b(4)(a) through 1.b(4)(k) below list the modifications to SAJ-86 that were either a result of the interagency team's review and discussions, or were the result of the Corps' own review and evaluation for reissuance of SAJ-86.

(4) There are numerous very minor modifications to the proposed, reissued SAJ-86, including making capitalization consistent, correcting references to special conditions, changing the identification of appendices to exhibits, and re-numbering the exhibits. Other proposed minor modifications, which update SAJ-86 in light of changes regarding protected species and their oversight, changes in procedures by the Corps, clarifications as to intent, and improvements, include:

(a) Removal of any references to the operation and oversight of two mitigation banks (Breakfast point Mitigation Bank and Devils Swamp Mitigation Bank) under SAJ-86.

(b) Addition of a special condition for protection of the Eastern indigo snake (*Drymarchon corais couperi*). Review of the project in accordance with the *Indigo Snake Programmatic Effect Determination Key* resulted in a May Affect, Not Likely to Adversely Affect determination, with the inclusion of the Standard Protection Measures for Eastern Indigo Snake.

(c) Updating of the bald eagle (*Haliaeetus leucocephalus*) special condition.

(d) Addition of a special condition regarding coordination with the FWC, if state listed and protected species are encountered on a project site.

(e) Addition of supplementary cultural resources and historical properties special conditions.

(f) Updating of SAJ-86 to require the use of the one template conservation easement form currently approved by the Corps and the State of Florida, rather than the three different conservation easements currently required by SAJ-86.

(g) Inclusion of individual lists of the allowable activities under conservation easements for buffers, preserved wetlands and compensatory mitigation areas (i.e.,

compensatory mitigation not located within one of the two mitigation banks); in the text of SAJ-86 for each of these categories, rather than in individual exhibit conservation easements as referenced in the paragraph above.

(h) Inclusion of a special condition to allow activities having commenced or under contract to commence, to proceed for up to one year after the permit expires.

(i) Updating of the management plan for the conservation units.

(j) Addition of an allowance for maintenance of existing ditches to original "as-built" specifications with prohibition of disposal of removed materials within preserved lands.

(k) Addition of specific requirements for the documentation of jurisdictional determinations.

c. Permitting history of SAJ-86:

(1) Projects authorized by the Corps within the SAJ-86 area: A total of 23 verifications have been issued under SAJ-86 with 11 of the projects verified since the reissuance of SAJ-86 in 2009. The table at the end of this SEASOF lists the projects and provides information including acres and type of wetland impacts, mitigation required, and acres of land within the SAJ-86 area placed under conservation easements on a project-by-project basis, as well as totals for all of the listed projects. The table includes the fourteen projects authorized by SAJ-86 and two standard permit projects. For information regarding the two standard permit projects included in the table and issued between 2004 and 2009, see Section 2.b.(3) in the SEASOF issued on 23 June 2009. The table lists two projects twice, WaterSound North and Panama City Beach Commerce Park, since these two projects overlap two different sub-basins. The table also includes four projects that did not involve any work requiring authorization under SAJ-86, but which did require stormwater approvals under FDEP's EMA with St. Joe, and therefore, count toward the requirement for proportional preservation under conservation easements of conservation units within specific sub-basins. The map at the end of this SEASOF shows the location of conservation easements placed over lands within the SAJ-86 project area comprising the two mitigation banks; the Cypress and Wet Pine Flats Conservation Unit for the Re-use to Wetlands Wastewater Discharge Project; NWFWMD's Ward Creek West Mitigation Area located within a portion of the Ward Creek Conservation Unit; and preserved wetlands, buffers and portions of conservation units, as required for the projects listed in the table. The Ward Creek Mitigation Area was transferred under a conservation easement to the NWFWMD

from St. Joe in 2008 and is an allowable use of conservation unit land under SAJ-86. The Re-use to Wetlands Wastewater Discharge Project is specifically allowed under SAJ-86 to be located in the Cypress and Wet Pine Flats Conservation Unit. The conservation unit was transferred from St. Joe to the City of Panama City Beach in 2009 and placed under a conservation easement.

(2) Permit compliance for authorized projects and enforcement action for unauthorized work:

(a) Permit compliance: Permit compliance of projects verified under SAJ-86 since reissuance in June 2009 (see the SEASOF issued in June 2009 for projects authorized prior to June 2009): As part of the review and evaluation for the proposed reissuance of SAJ-86, the Corps conducted formal, individual compliance evaluations of the eleven projects verified under SAJ-86, since SAJ-86 was reissued in June 2009. Nine of the projects were re-verifications of projects that had been authorized prior to the 2009 reissuance, but had either not yet started or had not been completed by June 2009. Two of the projects were new projects authorized after June 2009. Site inspections were carried out by Corps staff on 15 and 17 April 2014 for the eleven projects. The projects and supporting documents, such as conservation easements, were reviewed to assure compliance with the special conditions for SAJ-86, including verification that wetland impact limits were not exceeded, that bank credits had been debited, and that required conservation easements had been placed on preserved wetlands, buffers and conservation units. Four of the projects have been completed. Work is in progress for three of the projects (Note: Verification letters for projects qualifying for an RGP allow the authorized work to continue for up to one year after an RGP expires). Four of the projects have not yet started and are on hold. The projects were generally in compliance, except for the following minor items: (1) Self-certification forms were not sent to the Corps for three of the four completed projects; (2) Instances of erosion of fill material from permitted fill areas into wetlands for four projects; (3) Maintenance of one conservation easement area was behind schedule; (4) One rip-rap splash pad extended too near a conservation easement area; (5) One ditch had slopes that were too steep and eroding; (6) Torpedo grass, a nuisance species, had not been adequately controlled at two stormwater ponds; and (7) One instance of inadequate installation of vegetation to forestall erosion. Overall, the non-compliance items were minor, were addressed by the Corps and permittees, and have been informally resolved, thus bringing the projects into compliance.

(b) Enforcement Actions: There is one enforcement action involving potential unauthorized activities to have occurred in the SAJ-86 area, and it is ongoing. By letter dated 1 August 2014, St. Joe notified the owner of a parcel located adjacent to

lands owned by St. Joe near Breakfast Point within the SAJ-86 area, that the owner had land-cleared and placed fill material on approximately 1.3 acres of St. Joe land, about half of which is comprised of low quality wetlands. St Joe copied the Corps and FDEP with the letter. St. Joe informed the adjacent landowner that the activities constitute a trespass, and are on lands subject to SAJ-86 and the EMA. At this time the Corps is conducting an investigation that will determine if a violation subject to the Corps regulatory program has occurred, the extent of the violation, if one has occurred, and then what action to take to resolve the matter.

(3) Standard permits issued or pending within the SAJ-86 area, since SAJ-86 was reissued in June 2009:

(a) Issued standard permits: No standard permits have been issued in the SAJ-86 area, since SAJ-86 was reissued in June 2009.

(b) Pending standard permit applications: There is one pending standard permit application for a proposed project within the SAJ-86 area. The project, as proposed, does not meet the criteria for SAJ-86. The permit applicant seeks authorization to impact 9.93 acres of high quality wetlands to construct a commercial retail center to service the central Panama City Beach area. The proposed project would be constructed in 5 phases with the first phase being the construction of a roadway and the master stormwater management facility for Phases 3, 4, and 5. The Corps issued a public notice for the proposed project on 10 September 2014 (Permit Application #SAJ-2014-02409). The Corps will evaluate the project in consideration of the goals of SAJ-86. The Corps, as of the date of this SEASOF, has not made a final permit decision.

(4) Summary of permitted impacts and mitigation for projects authorized or otherwise designed to meet all or most of SAJ-86's permitting criteria: The fourteen projects authorized by SAJ-86, and the two IP projects, as listed in the table, were designed and permitted to minimize wetland impacts and mitigate for those impacts in compliance with the criteria established by SAJ-86. These projects' areas (2010.78 acres onsite plus 355.28 acres of offsite wetland preservation) comprise 8.8% of the developable area in the SAJ-86 area (26,950 acres comprised of the SAJ-86's 48,150 acre area exclusive of the mitigation banks and conservation units). These fourteen projects impacted a total of 135.55 acres of wetlands (132.1 acres of low quality wetlands and 3.45 acres of high quality wetlands). A total of 863 acres of low and high quality wetlands and upland buffers have or will be placed under conservation easements for these projects. Not all conservation easements are in place (shown in yellow on the map), because several of the projects authorized by SAJ-86 have not yet

commenced. A total of 74.51 credits were used from the two mitigation banks for compensatory mitigation in the two mitigation bank basins, and 60.34 acres of wetlands in the Lake Powell Conservation Unit were placed under a conservation easement and are undergoing restoration to directly compensate for wetland losses within the Lake Powell basin. A total of 348.71 acres of land within conservation units were placed under conservation easements for the ten projects for which conservation unit preservation was a requirement. An additional 2912 acres of conservation unit land was placed under a conservation easement for the Re-use to Wetlands Wastewater Discharge Project located in the Cypress and Wet pines Flats Conservation Unit (see Section 2.b.(3)(e) in the SEASOF issued on 23 June 2004), and another 724 acres of conservation unit land was placed under a conservation easement for the Northwest Florida Water Management District's Ward Creek West Mitigation Area, located in the Ward Creek Conservation Unit, and established in early 2009. Altogether approximately 4037 acres of conservation units have been placed under conservation easements.

2. Location, Project Description, and Need for the Activity:

a. Location: See paragraph 2.a of the EASOF dated 30 June 2004.

b. Project Description: See paragraph 2.c of the EASOF dated 30 June 2004.

c. Need for Activity: See paragraphs 3.b and 10.b of the EASOF dated 30 June 2004.

3. Statutory Authority: Section 404 of the Clean Water Act (33 U.S.C. 1344).

4. Other Federal, State, and Local Authorizations Obtained or Required and Pending:

a. State Water Quality Certification (WQC):

(1) Concurrent with the development and evaluation of SAJ-86, the FDEP developed an EMA with St. Joe, which addresses FDEP regulatory approvals for development within the approximately 39,000 acres of land owned by St. Joe within the SAJ-86 area. Subsequent to the issuance of SAJ-86 by the Corps, the EMA was executed on 11 October 2004 under Section 403.0752, Florida Statutes, and Title 62, Florida Administrative Code, to authorize dredging and filling in waters of the State, establishment of two mitigation banks, and construction and maintenance of stormwater facilities, associated with residential, commercial, recreational and institutional projects,

including supporting infrastructure. Issuance of the EMA constitutes certification of compliance with state water quality standards pursuant to Section 401 of the CWA, 33 U.S.C. 1341, for properties located within the EMA area. FDEP is required to review the EMA every five years, and afford the public an opportunity to provide comments regarding the EMA by holding a public meeting. Such a public meeting was held on 24 September 2014, at which no comments were received nor issues raised. FDEP confirmed in an email to the Corps dated 3 November 2014 that the EMA remains valid, and no additional actions are required by FDEP for the five year review. Projects within the SAJ-86, but outside of the EMA area, require a separate WQC before the Corps may authorize such projects under SAJ-86.

(2) By letter dated 23 October 2014 to FDEP, the Corps requested WQC from the State of Florida under Section 401, Public Law 92-500, 33 U.S.C. Section 1341.

(3) By letter dated 16 December 2014, the FDEP granted water quality certification for SAJ-86 activities conditioned upon applicants receiving appropriate authorization under Part IV of Chapter 373, F.S., from either the FDEP, Northwest Florida Water Management District under 373.069, F.S., or a local government with delegated authority under Section 373.441 F.S., as well as any authorizations required for the use of sovereignty submerged lands under Chapters 253 and 258, F.S.

b. Coastal Zone Management Act (CZMA) consistency concurrence:

(1) By letter dated 23 October 2014 to the FDEP, the Corps applied to the State of Florida for coastal zone consistency concurrence under Sections 380.23 and 373.428, F.S., and Section 307 of the federal Coastal Zone Management Act (16 U.S.C. 1456) and 15 C.F.R. 930 for SAJ-86.

(2) By letter dated 16 December 2014, FDEP stated that the state has no objection to the reissuance of SAJ-86 and concurred that SAJ-86 is consistent with the enforceable policies included in the Florida Coastal Management Program.

5. Date of Public Notice and Summary of Comments for Reissuance of SAJ-86:

a. Public Notice for Reissuance: As required by 33 CFR Part 325.3(b), the Corps issued a public notice for the reissuance of SAJ-86 on 10 September 2014, and sent this notice to all interested parties including appropriate State and Federal agencies. The public notice was issued with a 30-day comment period.

b. Public notice comments: The Corps has reviewed all of the comments

submitted in response to the circulation of the public notice. The Corps has summarized these comments below:

(1) U.S. Environmental Protection Agency (EPA): By letter dated 3 November 2014, EPA indicated no objections to reissuance of SAJ-86 and indicated that its historical comments regarding the RGP continue to apply. EPA historical comments indicated SAJ-86 would result in a more consistent protection of wetland resources while requiring a lower level of effort to achieve such protection.

(2) U.S. Fish and Wildlife Service (FWS): None.

(3) National Marine Fisheries Service (NMFS): None.

(4) State Historic Preservation Officer (SHPO): The SHPO responded by letter dated 28 October 2014 that based on the information provided by the public notice and additional information provided to the SHPO by the Corps project manager by telephone on 28 October 2014, the SHPO concurs with the provisions of the historical and cultural resources special condition in SAJ-86, and with the Corps determination that SAJ-86 would have no effect on historical and archeological resources.

(5) State and local agencies: FWC requested an update to the bald eagle (Haliaeetus leucocephalus) special condition to include additional bald eagle guidelines that were published in 2010 by the FWC. Additionally, FWC requested inclusion of a special condition regarding applicant coordination with the FWC if state listed and protected species are encountered on a project site.

(6) Organizations: None.

(7) Individuals: None

(8) Others: None.

c. FDEP Public Meeting: On 24 September 2014 FDEP held a public meeting at the Panama City Beach City Hall for the required 5-year review of the EMA between FDEP and St. Joe. The meeting had been noticed by FDEP. Representatives of the Corps attended and were available to comment or answer questions from the public regarding the reissuance of SAJ-86. No members of the public attended the meeting and no comments were received.

6. Alternatives: See "Section 8 Alternatives" in the EASOF dated 30 June 2004. No

changes are proposed for the reissuance of SAJ-86 that would alter the original findings of the alternatives analysis.

7. Evaluation of the 404(b)(1) Guidelines: See "Section 9 Evaluation of the 404(b)(1) Guidelines" in the EASOF dated 30 June 2004. No changes are proposed for the reissuance of SAJ-86 that would alter the original findings of the 404(b)(1) evaluation.

8. Regional General Permit determinations:

a. Activities are similar in nature and similar in their impact upon water quality and the aquatic environment. This determination was upheld by the United States Court, Middle District of Florida on 19 November 2006 and affirmed by the United States Eleventh Circuit Court of Appeals on 7 December 2007. See paragraph 2a of the SEASOF issued on 23 June 2009 for additional information regarding the judicial history of SAJ-86.

b. Activities will have only minimal adverse effects when performed separately. This determination was upheld by the United States Court, Middle District of Florida on 19 November 2006 and affirmed by the United States Eleventh Circuit Court of Appeals on 7 December 2007. See paragraph 2a of the SEASOF issued on 23 June 2009 for additional information regarding the judicial history of SAJ-86.

c. Activities will have only minimal cumulative adverse effects on water quality and the aquatic environment. This determination was upheld by the United States Court, Middle District of Florida on 19 November 2006 and affirmed by the United States Eleventh Circuit Court of Appeals on 7 December 2007. See paragraph 2a of the SEASOF issued on 23 June 2009 for additional information regarding the judicial history of SAJ-86.

9. Public Interest Review:

a. Corps analysis of comments and responses: EPA and the SHPO provided the only two comments to the Corps in response to the public notice.

(1) In a letter dated 3 November 2014, EPA indicated that the EPA historical comments which stated that the RGP will result in more consistent protection of wetland resources while requiring a lower level of effort to achieve such protection still apply to the proposed reissuance of SAJ-86. The letter included as attachments, two letters from 2004 and 2009, which constitute EPA historical comments regarding SAJ-86. No

response is needed from the Corps to the EPA comments in support of reissuance of SAJ-86.

(2) As stated in a letter dated 28 October 2014, the SHPO concurred with the provisions of the historical and cultural resources modified special condition in SAJ-86, and stated that SAJ-86 would have no effect on historical and archeological resources. No response is needed from the Corps to the SHPO concurrence and determination.

b. See the "Section 10 Public Interest Review" in the EASOF dated 23 June 2004 for the public interest review evaluation for SAJ-86; see the SEASOF issued on 23 June 2009, which supplements the public interest review for the reissuance of SAJ-86 in 2009; and see below in paragraphs 9.c, the evaluation of the proposed modifications to SAJ-86 for the proposed 2014 reissuance of SAJ-86.

c. The proposed modifications to SAJ-86, as listed in paragraphs 1b(4)(a) through 1b(4)(k) above, are minor and update SAJ-86 in light of changes regarding protected species and their oversight, changes in procedures by the Corps, clarifications as to intent, and improvements, as discussed below:

(1) Removal of references to the operation and oversight of two mitigation banks by the Corps (Breakfast Point Mitigation Bank and Devils Swamp Mitigation Bank) under SAJ-86. Oversight and compliance assurance of the implementation and operation of the two mitigation banks is governed by the mitigation banking instruments for the banks, and is carried out by the Corps Regulatory Division's Mitigation Bank Team. This modification would not change which specific bank is to be used for compensatory mitigation based on watershed basin for projects authorized under SAJ-86. In November 2009 the Corps and FDEP modified the banking instruments for both banks, by expanding the service areas outside of the SAJ-86 area to include additional areas of the watersheds, in which the two banks are located.

(2) Addition of a special condition for protection of the Eastern indigo snake (*Drymarchon corais couperi*). Review of the project in accordance with the *Indigo Snake Programmatic Effect Determination Key* resulted in a May Affect, Not Likely to Adversely Affect determination, with the inclusion of the Standard Protection Measures for Eastern Indigo Snake. This special condition would assure protection of this threatened species.

(3) Updating of the bald eagle (*Haliaeetus leucocephalus*) special condition. This special condition would now include additional bald eagle guidelines that were published in 2010 by the FWC.

(4) Addition of a special condition regarding coordination with the FWC, if state listed and protected species are encountered on a project site. This special condition was requested by the FWC, and would ensure that FWC would be consulted with by an applicant if state listed and protected species are encountered on a project site, and that appropriate protection measures will be taken by the applicant/permittee.

(5) Addition of additional cultural resources and historical properties special conditions. Template cultural resources and historical properties special conditions that have been developed and revised over the past several years by the Corps to assure the protection of cultural resources and historical properties would be added to SAJ-86. A special condition, which requires an applicant to consult directly with the SHPO before submittal of an application of a project under SAJ-86, is retained.

(6) Updating of the conservation easements to use the one template form currently approved by the Corps and the State of Florida. Since the reissuance of SAJ-86 in 2009, the Corps and the State of Florida agreed to use a single conservation easement template. SAJ-86 had three different conservation easements, none of which conform to the new template. SAJ-86 will now have the one template to be used for all lands to be protected by conservation easements.

(7) Individual lists of the allowable activities under conservation easements for buffers and preserved wetlands, conservation units, and compensatory mitigation areas (i.e., compensatory mitigation not located within one of the two mitigation banks) are now included in the text of SAJ-86 for each of these categories rather than in different exhibit conservation easements.

(8) Inclusion of a special condition to allow activities having commenced or under contract to commence, to proceed for up to one year after the permit expires. This condition has been a standard condition in authorizations issued by the Jacksonville District under RGPs since before SAJ-86 was issued in 2004. It would now be included in SAJ-86 to avoid confusion as to whether this provision applies to projects authorized under SAJ-86.

(9) Updating of the management plan for the conservation units. The management plan that prescribes the management activities that would restore and enhance the vegetative communities and ecological functions of historic ecosystems within conservation units, was updated to improve clarity, to more specifically identify and describe the various ecosystems located within the conservation units, and to more specifically identify the management actions required to restore and enhance those

ecosystems.

(10) Addition of an allowance for maintenance of existing ditches to original "as-built" specifications with prohibition of disposal of removed materials within preserved lands. This modification would resolve an oversight that had become evident that necessary maintenance of existing drainage ditches in preservation areas was not allowed under SAJ-86. This modification would allow for the removal of materials to restore drainage ditches to original "as built" conditions, but would require that any materials removed from a ditch for such maintenance must be disposed at an upland disposal site, which is not located within any preservation areas subject to SAJ-86.

(11) Addition of specific requirements for the documentation of jurisdictional determinations. The requirements would specifically state that a documented field wetland jurisdictional determination includes ground-truthing with flagged jurisdiction lines, which have been surveyed and approved by the Corps.

d. Threatened and endangered species:

(1) The FWS, as a member of the interagency team, participated in the review of SAJ-86 for reissuance, particularly in regard to federally protected species. By letter dated 30 May 2014 the Corps requested concurrence from the FWS that no modifications or updates are required for the Biological Opinion for SAJ-86, which was revised on 5 March 2005, and reissued on 19 May 2009 with various updates. By email dated 23 October 2014 the FWS confirmed its concurrence.

(2) In accordance with the findings in paragraph 10.e of the EASOF, paragraph 5.(2) of the SEASOF issued on 23 June 2009, and paragraph 9.c(2)(a) above, the proposed reissuance of SAJ-86 will not jeopardize the continued existence or critical habitat of any threatened or endangered species.

10. Determinations:

a. Finding of No Significant Impact (FONSI): Having reviewed the information as found in this SEASOF, the EASOF dated 30 June 2004, and the SEASOF dated 23 June 2009, both of which this SEASOF supplements, the information provided by all interested parties, and an assessment of the environmental impacts, I find that this permit action would not have a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement would not be required.

b. Compliance with 404(b)(1) Guidelines: Having completed the evaluation of the

information documented within this SEASOF, the EASOF dated 30 June 2004, and the SEASOF dated 23 June 2009, both of which this SEASOF supplements, I have determined that the proposed discharge complies with the 404(b)(1) guidelines.

c. Public Interest Determination: I find that reissuance of this Department of the Army regional general permit is not contrary to the public interest.

d. Section 176(c) of the Clean Air Act General Conformity Rule Review: The proposed permit action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit would not exceed *de minimis* levels of direct or indirect emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Corps' continuing program responsibility and generally cannot be practicably controlled by the Corps. For these reasons a conformity determination is not required for this permit action.

e. EO 13175, Consultation with Indian Tribes, Alaska Natives and Native Hawaiians:
This action has no substantial effect on one or more Indian tribes, Alaska or Hawaiian natives.

f. EO 11988, Floodplain Management: Alternatives to location within the floodplain, minimization and compensatory mitigation of the effects were considered.

g. EO 12898, Environmental Justice: The Corps has determined that this proposed project would not use methods or practices that discriminate on the basis of race, color or national origin nor would it have a disproportionate effect on minority or low-income communities.

h. EO 13112, Invasive Species: Management of invasive and exotic plant species is required by the management plan for the conservation units and by the mitigation banking instruments for the mitigation banks. The use of herbicides is prohibited in all lands preserved under SAJ-86, except when used for control of exotic and invasive plant species.

i. EO 13212 and EO 13302, Energy Supply and Availability: The project was not one that will increase the production, transmission, or conservation of energy, or strengthen pipeline safety.

j. EO 13547, Stewardship of the Ocean, Our Coasts, and the Great Lakes: The project would not adversely affect America's stewardship of the ocean, coasts, or Great Lakes.

PREPARED BY:

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For GORDON A. HAMBRICK, III*
Senior Project Manager

REVIEWED BY:

OSVALDO COLLAZO
Chief, North Permits Branch

APPROVED BY:

ALAN M. DODD
Colonel, Corps of Engineers
Commanding

*Gordon A. Hambrick, III retired from the Corps on 31 December 2014 after preparing this decision document. No substantive changes were made to the document after 31 December 2014.

2014 Project Ledger

1	GP	Breakfast Point	SWWB	SAJ-2002-8410 Par Park Nonkawe	58.77	4.3	0	10.33	0	14.63	44.14	7.51	29.69	0	18.75	5.2	CE Complete
2	GP	Breakfast Point	SWWB	SAJ-2006-1182 Par Park Loess Road	49.24	1.65	0	19.94	18.10	18.48	41.78	6.37	26.86	0	8.9	6.95	CE Complete
3	GP	Breakfast Point	SWWB	SAJ-2007-01543 Par Park NW Hotel	3.11	0	0	2.04	2.44	2.04	1.07	0	2.78	0	0.9	1.99	CU/CE Complete. Others per authorization
4	GP	Breakfast Point	SWWB	SAJ-2004-8281 Par Park Day Bel	2.5	0.24	0.24	0.76	2.6	0.4	2.1	0	0.60	0	0	0.02	CE Complete
5	GP	Breakfast Point	SWWB	SAJ-2006-627 CW Westley Landings	464.93	30.42	1.4	110.02	9.85	107.66	294.34	169.6	0	0	14.97	7.45	CU/CE Complete. Others per authorization
6	IP	Breakfast Point	SWWB	SAJ-2004-3869 PCB Commerce Park	2.9	9.9	0.2	4.17	0.4	4.19	87.1	56.4	0	0	4.7	6.28	CE Complete
7	IP	Breakfast Point	SWWB	SAJ-2006-6272 Pearl Brown Park Trail	5.47	0	0	1.72	1.72	1.72	0.41	0	3.05	0	0	0.6	CE Complete
8	GP	Breakfast Point	Hwy 98	SAJ-2006-6271 Baldwin Rd. Extension	7.4	5.46	0.01	1.13	0.3	1.98	5.52	1.87	0	0	0	0.21	CE Complete
9	GP	Breakfast Point	Hwy 98	SAJ-2004-8294 Spinnaker West	20.2	7.08	0.7	11.89	8.99	9.57	8.03	9.77	86.59	0	0	6.48	CE Complete
10	GP	Breakfast Point	Hwy 98	SAJ-2006-6558 Beacon Point K-4	33.64	2.29	0	6.9	1.46	10.98	29.78	8.71	0	0	0	3.98	CE Complete
11	GP	Breakfast Point	Hwy 98	SAJ-2007-564 PCB Mixed Use PDA	59.43	1.59	0.28	3.10	0.49	4.72	54.71	4.16	0	0	0	2.4	CE Complete
12	GP	Breakfast Point	Hwy 98	SAJ-2006-8577 North Glades	71.37	10.3	0	10.8	0.5	38.1	33.27	4.2	58.3	0	0	8.6	CE Complete
13	GP	Breakfast Point	Hwy 98	SAJ-2004-7990 Waldal	42.62	5.78	0	11.81	2.35	12.39	30.23	9.2	0	0	0	1.5	CE Complete
14	GP	Deadie Swamp	Directly Dry	SAJ-2002-637 Water Sound North	101	16.90	0.08	12.55	2.3	29.65	71.55	34.7	0	0	11.72	1.57	CE Complete
15	IP	Lake Powell	Philippi Inl.	SAJ-2007-864 PCB Commerce Park	19.1	10.6	0	37.9	16	16	72.1	26.3	0	7.5	14.9	0	CE Complete
16	GP	Lake Powell	Philippi Inl.	SAJ-2002-637 Water Sound North	464.52	16.87	0.81	16.3	16.15	16.17	323.15	10.8	0	52.84	53.25	0	CE Complete
17	GP	Breakfast Point	Hare Creek	SAJ-2003-0876 PB Fire Station	6.98	0	0	5.42	0.98	5.42	1.56	5.42	0	0	0	0.61	CE Complete
18	EMA Only	Deadie Swamp	Philippi Inl.	03-0267725-005 EA AL	25.71	0	0	0	0	0	25.71	0	0	0	9.43	0	CE Complete
19	EMA Only	Deadie Swamp	Philippi Inl.	03-0276434-001 EA WD	59.46	0	0	0	0	0	46.43	0	0	0	21.83	0	CE Complete
20	EMA Only	Breakfast Point	SWWB	03-0210864-004 EA HDV	5.02	0	0	0	0	0	5.02	0	0	0	1.49	0	CE Complete
21	EMA Only	Deadie Swamp	Philippi Inl.	03-0300332-005 EA MB	3.36	0	0	0	0	0	3.36	0	0	0	1.207	0	CE Complete
22	GP	Breakfast Point	SWWB	SAJ-2011-0823 Laguna S.L.	25	0	0	20	20	20	5	0	195	0	3.4	15	CE Complete
23	GP	Breakfast Point	Hwy 98	SAJ-2010-0943 Beacon Point P3	114.53	6.15	0.15	47.79	39.63	33.93	80.6	32.67	63.33	0	0	10.14	CE Complete
TOTALS					2990.78	194.73	3.45	476.63	152.4	855.86	1358.58	387.75	595.28	60.34	348.71	78.51	

Tot Prj Ac	Total Project Acres Within Sub-basin	LQ IMP	Low Quality Wetland Impacts	CU MIT CE	Conservation Unit Mitigation Conservation Easement	GP	Regional General Permit SAJ-86
HQ	High Quality Wetlands	UPL	Uplands	CU CE	Conservation Unit Conservation Easement	IP	Individual Permit
HQ IMP	High Quality Wetland Impacts	Onsite CE	Onsite Conservation Easements	CB MIT	Mitigation Credits		
LQ	Low Quality Wetlands	Offsite CE	Offsite Conservation Easements	WTL	Wetland		

☐ Impacts have not occurred as of 10/1/14.

CESAJ-RD-NP (1200A)
SUBJECT: Supplement to Department of the Army Environmental Assessment and Statement of Finding for Regional General Permit SAJ-86 (SAJ-2004-01861)

20014 Conservation Unit Conservation Easements Ledger:

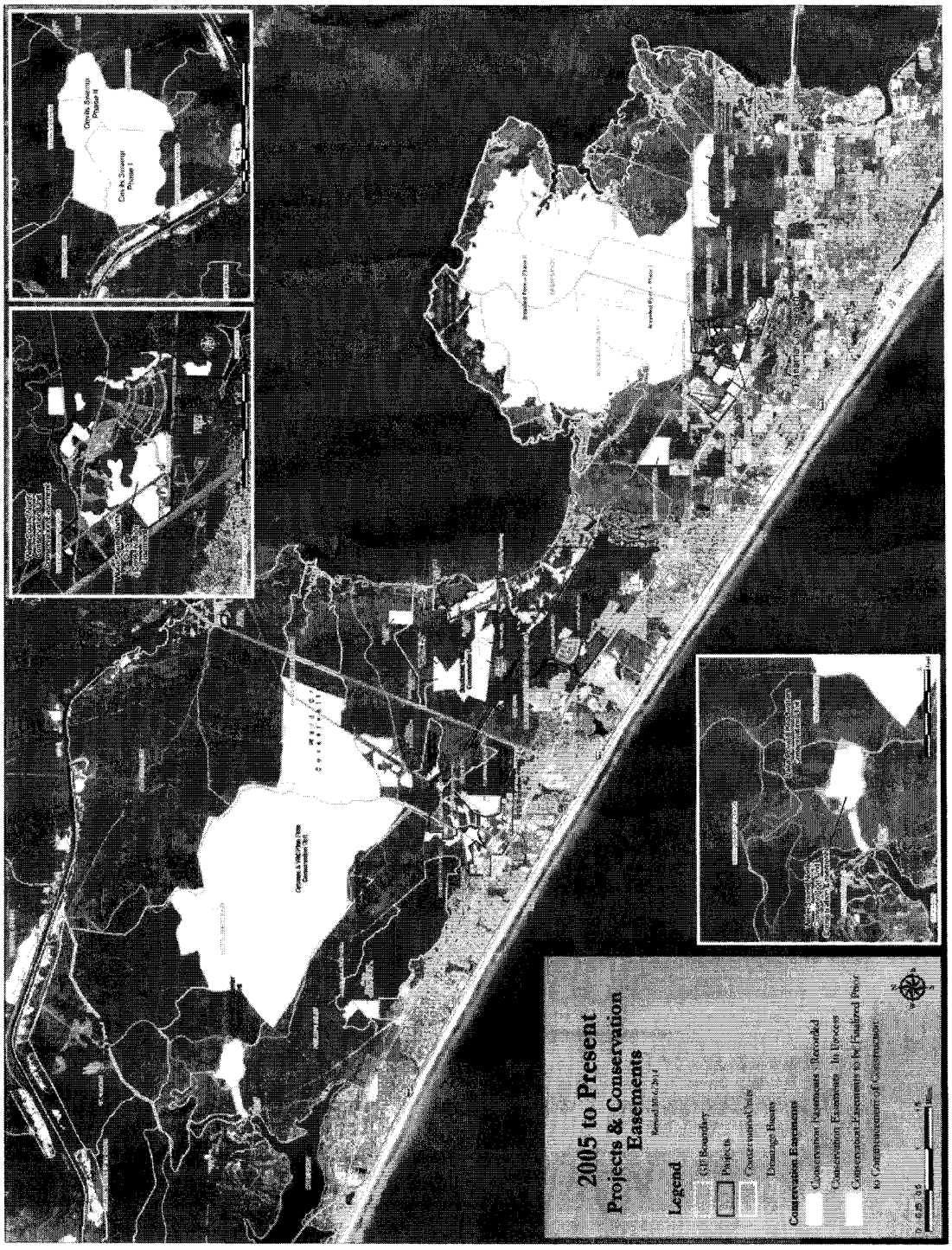
		Conservation Easements	
		Recorded	In Process
Conservation Unit	Ownership	Acres	Acres
Cypress & Wet Pine Flats	Panama City Beach	2,912.40	0
Lake Powell Headwater	St. Joe	106.10	0
South American Swamp	St. Joe	54.49	0
Southwest West Bay	St. Joe	236.74	0
Ward Creek	NWFWMD	727.78	0
Total Acres		**4037.51**	**0**

2014 Sub-basin Ledger:

2014 Sub-basin Ledger									
Sub-basin	Total	Tot LQ	Tot HQ	Tot LQ IMP	*	Tot HQ IMP	**	Tot LQ Remain	Tot HQ Remain
Highway 98	1,850.11	1,043.18	234.78	46.8	4.48	.95	0.40	996.38	233.83
Southwest Westbay	3,315.62	1,094.67	738.74	60.9	5.56	1.61	0.22	1,033.77	737.13
Phillips Inlet	3,466.42	746.84	542.8	21.11	2.83	0.81	0.15	725.73	541.99
Direct Runoff Bay	2,746.60	1,084.36	576.84	2.3	0.21	0.08	0.01	1,082.06	576.76
Camp Creek	798.26	314.64	254.76	0	0	0	0	314.64	254.76
ICW	2,913.18	1,311.30	742.69	0	0	0	0	1,311.30	742.69
Intracoastal	338.54	74.37	119.47	0	0	0	0	74.37	119.47
Peach Creek	0.41	0	0.09	0	0	0	0	0	0.09
Ward Creek	2,202.83	1,156.81	520.78	0.99	<1	0	0	1,155.82	520.78
West Laird Drain	274.95	102.53	24.12	0	0	0	0	102.53	24.12
								6,796.60	**3751.62**

* Cumulative through December 31, 2014

** From Total


2005 to Present
Projects & Conservation Easements
Legend
GIS Boundary
Projects
Conservation Bank
Drainage Basins
Conservation Easements
Conservation Easements Recorded
Conservation Easements In Process
Conservation Easements to be Finalized Prior to Commencement of Construction
Miles

2014 Project Ledger

1	GP	Breakfast Point	SWWB	SAJ-2008-04490 Pier Park Northeast	58.77	4.3	0	10.93	8	14.63	44.14	7.57	29.69	0	18.28	5.2	CE Complete
2	GP	Breakfast Point	SWWB	SAJ-2006-9182 Pier Park Loop Road	58.25	1.55	0	14.94	10.13	16.49	47.78	6.37	35.56	0	16.9	6.58	CE Complete
3	GP	Breakfast Point	SWWB	SAJ-2007-05543 Pier Park NW Hotel	3.11	0	0	2.04	2.04	2.04	1.07	0	8.16	0	0.9	1.33	CU/CE Complete; Others per authorization
4	GP	Breakfast Point	SWWB	SAJ-2004-8221 Pier Park Drive Ext.	2.5	0.24	0.24	0.16	0.16	0.4	2.1	0	0.64	0	0	0.32	CE Complete
5	GP	Breakfast Point	SWWB	SAJ-2006-6276 Westbay Landings	494.83	86.64	1.17	111.02	9.85	197.66	294.34	189.15	0	0	143.57	7.48	CU/CE Complete; Others per authorization
6	IP	Breakfast Point	SWWB	SAJ-2004-3965 PCB Commerce Park	219	9.9	0.2	41.7	9.4	41.9	177.1	55.4	0	0	47.1	6.28	CE Complete
7	IP	Breakfast Point	SWWB	SAJ 2004-8222 Frank Brown Park Trail	1.47	0	0	1.32	1.32	1.32	0.45	0	3.95	0	0	0.8	CE Complete
8	GP	Breakfast Point	Hwy 98	SAJ-2006-6671 Beckrich Rd. Extension	7.5	0.45	0.01	1.53	0.3	1.98	5.52	1.87	0	0	0	0.21	CE Complete
9	GP	Breakfast Point	Hwy 98	SAJ-2004-10294 Highlands West	28.2	7.68	0.7	11.89	8.99	19.57	8.63	9.77	60.59	0	0	6.48	CE Complete
10	GP	Breakfast Point	Hwy 98	SAJ-2006-6658 Breakfast Point K-8	39.94	3.29	0	6.9	1.48	10.19	29.75	8.71	0	0	0	0.96	CE Complete
11	GP	Breakfast Point	Hwy 98	SAJ-2007-1364 PCB Mixed Use PDA	59.43	1.59	0.09	3.13	0.49	4.72	54.71	4.14	0	0	0	0.4	CE Complete
12	GP	Breakfast Point	Hwy 98	SAJ-2004-8077 North Glades	71.37	18.3	0	17.8	13.2	36.1	35.27	4.6	58.3	0	0	8.6	CE Complete
13	GP	Breakfast Point	Hwy 98	SAJ-2004-7095 Waterfall	42.62	0.78	0	11.61	2.31	12.39	30.23	9.3	0	0	0	1.5	CE Complete
14	GP	Devils Swamp	Direct to Bay	SAJ-2002-697 WaterSound North	101.1	16.99	0.08	12.56	2.3	29.55	71.55	34.17	0	0	11.72	1.57	CE Complete
15	IP	Lake Powell	Phillips Inlet	SAJ-2007-1364 PCB Commerce Park	118.1	18.8	0	27.2	1.4	46	72.1	25.8	0	7.5	14.5	0	CE Complete
16	GP	Lake Powell	Phillips Inlet	SAJ-2002-697 WaterSound North	464.52	18.07	0.81	123.3	19.71	141.37	323.15	113.8	0	52.84	53.26	0	CE Complete
17	GP	Breakfast Point	Ward Creek	SAJ-2009-01975 WB Fire Station	6.98	0	0	5.42	0.99	5.42	1.55	4.43	0	0	0	0.64	CE Complete
18	EMA Only	Devils Swamp	Phillips Inlet	03-0267776-001-EA AL	25.71	0	0	0	0	0	25.71	0	0	0	9.43	0	CE Complete
19	EMA Only	Devils Swamp	Phillips Inlet	03-0278434-001-EA WD	59.48	0	0	0	0	0	59.48	0	0	0	21.83	0	CE Complete
20	EMA Only	Breakfast Point	SWWB	03-0292594-001-EA HDV	5.02	0	0	0	0	0	5.02	0	0	0	1.49	0	CE Complete
21	EMA Only	Devils Swamp	Phillips Inlet	03-0300332-001-EA WEF	3.35	0	0	0	0	0	3.35	0	0	0	1.23	0	CE Complete
22	GP	Breakfast Point	SWWB	SAJ-2011-01329 Laguna Sub	25	0	0	20	20	20	5	0	105	0	8.5	13	CE Complete
23	GP	Breakfast Point	Hwy 98	SAJ-2013-02943 Breakfast Point P3	114.53	6.15	0.15	47.78	20.03	53.93	60.6	32.87	53.39	0	0	13.16	CE Complete
TOTALS					2010.78	194.73	3.45	470.63	132.1	655.66	1358.58	507.75	355.28	60.34	348.71	74.51	

Tot Prj Ac — Total Project Acres Within Sub-basin
HQ — High Quality Wetlands
HQ IMP — High Quality Wetland Impacts
LQ — Low Quality Wetlands
LQ IMP — Low Quality Wetland Impacts
UPL — Uplands
Onsite CE — Onsite Conservation Easements
Offsite CE — Offsite Conservation Easements
CU MIT CE — Conservation Unit Mitigation Conservation Easement
CU CE — Conservation Unit Conservation Easement
CR MIT — Mitigation Credits
WTL — Wetland
GP — Regional General Permit SAJ-86
IP — Individual Permit

☐ **Impacts have not occurred as of 10/1/14.**