



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
PANAMA CITY REGULATORY OFFICE
475 HARRISON AVENUE, SUITE 202
PANAMA CITY, FLORIDA 32401-2731

REPLY TO
ATTENTION OF
Regulatory Division
North Permits Branch
North Permits Section

AUG 29 2003

PUBLIC NOTICE

Regional General Permit SAJ-86

Residential, Commercial, Recreational, and Institutional Fill in
West Bay, Lake Powell, and Choctawhatchee Bay Basins
Bay and Walton Counties, Florida

TO WHOM IT MAY CONCERN: This district is proposing a Department of the Army Regional General Permit (RGP) pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), as described below:

WATERWAY & LOCATION: The proposed RGP is limited to non-navigable and non-tidal waters, including wetlands, which are located in three large watersheds including the Lake Powell watershed, and various drainage basins of the Choctawhatchee Bay and West Bay watersheds within southeastern Walton County and southwestern Bay County. The RGP project area encompasses approximately 47,484 acres, including approximately 38,524 acres owned by The St. Joe Company.

WORK & PURPOSE: The Jacksonville District proposes to issue a RGP to authorize the discharge of dredged or fill material into non-tidal waters of the U.S. for the construction of residential, commercial, recreational and institutional projects, including building foundations, building pads and attendant features that are necessary for the use and maintenance of the structures. Attendant features may include, but are not limited to, roads, parking lots, garages, yards, utility lines, and stormwater management facilities. Additional examples can be found in the attached proposed RGP. The purpose of the RGP is to protect the aquatic environment on a watershed scale within an area of rapid residential and commercial development by developing a forward-looking, flexible and predictable permitting program that would minimize unavoidable direct impacts to highest quality aquatic resources, minimize impacts to lower quality aquatic resources, and mitigate for direct, indirect and cumulative impacts within the affected watersheds.

HISTORY: The St. Joe Company has extensive landholdings in northwest Florida. The change of the company's business plan from paper production and silvicultural management to residential and commercial development raised concerns by many regarding how this development would proceed, regulatory permits obtained, and the ultimate effect on natural resources of the area. The U.S. Army Corps of Engineers (Corps) initiated discussions with the company and several federal and state agencies to improve communication and coordination in regard to many pending permit applications. Since September 2000, meetings have been held on a regular, usually quarterly, basis. Early on it was recognized that an approach, that addressed the purpose described above, would benefit all involved. The ensuing discussions were guided by an interagency team of senior staff representatives from the Corps, Florida Department of

Environmental Protection (DEP), U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), Northwest Florida Water Management District (NFWMD) and The St. Joe Company. The interagency team continues to meet regularly and will provide ongoing guidance and monitoring of the plan. The team meetings provide the forum for identification of issues and set tasks for a smaller “technical team” to research, conduct field studies and report back to the full committee. The smaller technical team consists of field biologists and scientists from Corps, DEP, USFWS, NMFS, EPA, St. Joe and its consultant team. Workshops and specific field exercises were conducted on topics including wetland functional assessment, flatwoods salamander habitat identification, selection of suitable regional offsite mitigation areas, identification and mapping of conservation units, and field verification of GIS data used in the analysis.

PROJECT APPROVAL PROCESS: The project approval process to determine if an individual project conforms to the requirements and criteria of this RGP will begin with a pre-application meeting attended by representatives of the Corps, DEP, USFWS, NMFS, NFWMD, and applicant. At these meetings the Corps will solicit comments regarding the project from the DEP, USFWS, NMFS, EPA, and NFWMD in its evaluation as to whether the proposed project conforms to the RGP. Application to the Corps for individual projects will be made using the form *Joint Application for Works in the Waters of Florida Form #62-312.900*. No regulated work may proceed until after written authorization pursuant to this RPG has been issued.

PUBLIC ACCESS TO RGP AUTHORIZATIONS AND REPORTS: If this RGP is issued, the Jacksonville District will set up a web page with links at the District web site, that will allow public viewing of authorizations with drawings issued under this RGP, mitigation monitoring reports, and other reports required by this RGP.

RGP ADMINISTRATION BY DEP: The DEP will administer the issuance of individual project authorizations under this RGP. Issuance of individual authorizations by DEP for the Corps would occur only after review and written notification of approval of the project to the DEP by the Corps.

ADDITIONAL INFORMATION: Wetland jurisdiction was assessed using the Corps’ delineation methodology. A two-tiered system of wetland classification was developed to broadly identify low quality and high quality wetlands. For projects authorized under the proposed RGP, the only impacts that would be authorized in high quality wetlands would be necessary, minimized road crossings. No more than 20% of low quality wetlands would be impacted for residential, commercial, industrial and recreational uses within specific drainage sub-basins on a per project basis, and all remaining wetlands associated with a project would be placed under a conservation easement. Mitigation would include upfront minimization of wetland impacts, upfront preservation of eight conservation units totaling over 10,700 acres, and compensatory mitigation through wetland enhancements and restoration within two Regional Offsite Mitigation Areas (ROMAs), the conservation units, or within preserved wetlands on individual project sites. The West Bay Peninsula ROMA and Devils Swamp ROMA would total over 7,600 acres. The ROMAs and conservation units would enhance a network of wildlife corridors and significant habitats, which both traverse and are located immediately adjacent to the RGP area, thus linking public resources from Choctawhatchee Bay to West Bay. In addition, the RGP area is located immediately south and west of Bay County’s *West Bay Area Sector Plan*, and would be linked to the sector plan’s proposed conservation areas. The proposed RGP would provide improved predictability and efficiency of the federal wetland permitting program in an area of approximately 47,480 acres, of which approximately 80% is owned by The St. Joe Company with the remaining 20% under numerous other ownerships.

ENDANGERED SPECIES: The U.S. Army Corps of Engineers has made a determination that the proposed work may affect the flatwoods salamander, *Ambystoma cingulatum*, and is currently requesting consultation as defined under Section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service.

ESSENTIAL FISH HABITAT (EFH): This notice initiates the EFH consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on the EFH or Federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

AUTHORIZATION FROM OTHER AGENCIES: Concurrent with the evaluation of the RGP, the DEP is developing an Ecosystem Management Agreement (EMA), which addresses DEP regulatory approvals for development and mitigation requirements within the 38,524 acres of land owned by The St. Joe Company within the area subject to the RGP. The EMA sets forth the procedures and criteria to be followed by DEP and The St. Joe Company for pre-application meetings, and procedures for application submittal, review and approval for individual projects within the EMA area. The EMA constitutes State Water Quality Certification and Coastal Zone Management Consistency. Projects outside the EMA would require a separate State Water Quality Certification/Permit from DEP.

PUBLIC MEETING: A joint public meeting sponsored by the U.S. Army Corps of Engineers and the Florida Department of Environmental Protection will be held on **September 24, 2003, starting at 7:00 pm. Location of the meeting is at the Panama City Beach City Commission Meeting Room in City Hall at 104 South Arnold Road in Panama City Beach.**

Comments regarding the RGP should be submitted in writing to the District Engineer at the above address or emailed to gordon.a.hambrick@saj02.usace.army.mil within 30 days from the date of this notice.

If you have any questions concerning this public notice, you may contact Mr. Don Hambrick of this office, telephone 850-763-0717 ext. 25.

Department of the Army Permit

Regional General Permit SAJ-86

Residential, Commercial, Recreational, and Institutional Fill in the Choctawhatchee Bay, Lake Powell, and West Bay Basins Bay and Walton Counties, Florida

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 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 Choctawhatchee Bay, Lake Powell, and West Bay basins in accordance with the following special conditions:

SPECIAL CONDITIONS:

1. Water quality certification for a portion of the Regional General Permit (RGP) area has been granted by the Ecosystem Management Agreement (EMA) executed between the Florida Department of Environmental Protection (DEP) and The St. Joe Company on _____ (*Note for this draft of the RGP: The EMA is undergoing final development, assessment, and review by the DEP*). All of the conditions specified in the certification constitute special conditions to this RGP within the EMA area. All projects outside the EMA area will require separate water quality certification from DEP. The conditions specified in such certification constitute special conditions of this RGP.

2. This permit applies to discharges of dredged or fill material into non-tidal waters of the United States for the construction of residential, commercial, recreational and institutional projects, including building foundations, building pads and attendant features that are necessary for the use and maintenance of the structures. Attendant features may include, but are not limited to, roads, parking lots, garages, yards, utility lines, and stormwater management facilities. Residential developments include multiple and single unit developments. Examples of commercial developments include retail stores, light industrial facilities, restaurants, business parks, and shopping centers. Examples of recreational facilities include playgrounds, playing fields, golf courses, hiking trails, bike paths, horse paths, stables, nature centers, and campgrounds. Examples of institutional developments include schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, hospitals, and places of worship. This permit applies only to the portions of Bay and Walton Counties, Florida, as depicted on Exhibit 1.

3. This RGP authorizes impacts to wetlands that are defined as low and high quality. Low quality wetlands are wetlands that are planted in pine trees. Low quality wetlands include ditches. High quality wetlands are all other jurisdictional wetlands. Low quality wetlands are typically hydric pine plantations. High quality wetlands are typically cypress domes/strands, bay/gallberry swamps, harvested cypress swamp areas, titi monocultures, and *Hypericum* bogs.

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

a. Impacts to low quality wetlands shall not exceed 20% of the total low quality wetlands in any one sub-basin. Sub-basins are depicted in Exhibit 2.

b. Projects may impact more than 20% of the low quality wetlands within an individual project site, if cumulative low quality wetland impacts for all approved projects

within the sub-basin do not exceed 20% at any time. Examples of how this may occur include:

1) An individual project impacts only 15% of the low quality wetlands in the project site and the remaining on-site wetlands are preserved through a conservation easement to the DEP. A subsequent project owned by the same applicant within that sub-basin may impact more than 20% of the low quality wetlands in the project site, as long as the total impact to low quality wetlands for all approved projects for the same landowner within the sub-basin does not exceed 20%.

2) An individual project impacts 30% of the low quality wetlands on the project site. As a part of the project, a sufficient amount of low quality wetlands are preserved through a conservation easement to DEP elsewhere within the same sub-basin so as not to exceed the maximum 20% impact to low quality wetlands for all approved projects within the sub-basin.

c. Impacts to high quality wetlands shall be limited to road and bridge crossings necessary to support the associated development, and shall not exceed 100-foot fill or clearing width at each crossing. The total filling or clearing of high quality wetlands for road crossings within the RGP area shall not exceed 125 acres. The first preference for new high quality wetland road crossings will be at existing silviculture road crossings. Road crossings at locations other than existing silviculture crossings are allowed if the crossing is designed and constructed to minimize wetland impacts. In addition, for each crossing proposed at a point where no previous crossing existed, an existing silviculture road crossing within the sub-basin must be removed and the wetland connection restored. All road or bridge crossings in wetlands shall be designed so that the hydrologic conveyance is not reduced or impaired. Bridging is encouraged wherever practical.

5. No fill material may be placed in wetlands for septic tanks or drainfields.

6. Buffers will be required around Lake Powell. A 100-foot buffer between the lake from the ordinary high water line (OHWL) and development is required in Walton County. A 30-foot buffer between the lake from the OHWL and development is required in Bay County. All buffers, whether upland or wetland, will be preserved and maintained in a natural condition, except boardwalks for dock access and on-grade trails.

7. In general, low quality wetlands will buffer high quality wetlands throughout the RGP area. Except at road crossings on a per project basis, buffers will be an average of 50 feet wide, with a minimum 30-foot width. 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.

8. Only clean fill and rock material compatible with existing soils shall be used (e.g., soil, rock, sand, marl, clay, stone, and/or concrete rubble).

9. No wetland fill will sever jurisdiction.

10. Compensatory mitigation for individual project wetland impacts may be satisfied within: 1) two specified regional offsite mitigation areas (ROMAs), 2) designated Conservation Units, or 3) within the project area. However, mitigation at a ROMA shall not be an available option for a project within the Lake Powell basin. Mitigation for projects within the Lake Powell basin can only be located within the Lake Powell basin. Mitigation for impacts within the Lake Powell basin can be within the project site, or within a designated Conservation Unit in the Lake Powell basin. The first priority for mitigation of

permitted wetland impacts in the RGP area, except for impacts within the Lake Powell basin as described above, is restoration/enhancement-based activities at one of the two designated ROMAs. The Breakfast Point ROMA, which is 4,648 acres in size, is only available for projects within the Breakfast Point Basin. The Devils Swamp ROMA, which is 3052 acres in size, is only available for projects within the Devils Swamp Basin. The two ROMAs and their respective basins, as well as the Lake Powell basin, are depicted in Exhibits 1, 3 and 4. The Corps on a case-by-case basis may approve compensatory mitigation projects located within the conservation units or on individual project sites.

11. Compensatory mitigation will occur prior to or be implemented concurrent with permitted impacts.

12. 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.

13. Regional Offsite Mitigation Areas (ROMAs):

a. Each ROMA shall be constructed, managed and monitored according to the approved ROMA mitigation plans, included as Appendices A (Breakfast Point ROMA) and B (Devils Swamp ROMA).

b. For the Devils Swamp ROMA the ratio of restoration/enhancement mitigation will be _____ units of mitigation credit for every acre of low quality wetland impact and _____ units of mitigation for every acre of high quality wetland impact.

c. For the Devils Breakfast Point ROMA the ratio of restoration/enhancement mitigation will be _____ units of mitigation credit for every acre of low quality wetland impact and _____ units of mitigation for every acre of high quality wetland impact.

Note for this draft of the RGP: ROMA mitigation plans are undergoing final development, assessment, and review. Attached Notes 1 and 2 are summaries that provide a general description of the proposed ROMAs.

14. Conservation Units:

a. Eight Conservation Units (Exhibits 5 through 13) will be reserved from development under the terms of the DEP's EMA with the St. Joe Company (Appendix C) (*Note for this draft of the RGP: The EMA is undergoing final development, assessment, and review by the DEP*). Conservation Units may only be used for conservation purposes, wetland or habitat mitigation, and limited passive recreational purposes. The uses and activities authorized in the conservations units are limited to the following:

1) Wetland and upland habitat enhancement and restoration.

2) Timber management conducted to enhance conservation and habitat restoration, including BMPs and uneven age management regimes in accordance with the Conservation Unit Timber Management Plan (Exhibit 14) (*Note for this draft of the RGP: The Conservation Unit Timber Management Plan is undergoing final development, assessment and review*). This does not include timber management for the sole purpose of timber production. No timbering of cypress or wetland hardwoods will occur in Conservation Units.

3) Hunting pursuant to properly issued hunting permits, fishing, and birding.

4) Wetland mitigation.

5) Effluent disposal and its attendant facilities in the Cypress and Wet Pine Flats Conservation Unit, if authorized by separate DEP and USACE permits.

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

7) Incorporation into adjacent developments as open space and limited to the uses outlined above.

8) Maintenance or construction of roads and ditches where needed to implement activities listed above.

9) Activities needed to maintain, in current condition, existing access within and through the property.

10) Prior approval from the Corps is required for construction of nature trails, boardwalks, gathering shelters, restroom facilities and other suitable passive recreational activities that result in minimal impacts to the Conservation Units. Additional activities may be approved after review by the Corps when determined to be consistent with the purpose of this RGP.

b. Sale or transfer of a Conservation Unit is limited to a governmental entity or 501c (3) private conservation owner, and only when the requirements of in paragraph 14a above are met. If Conservation Units are sold to subsequent owners prior to the placement of conservation easements as described in paragraph 14c below, St. Joe will place restrictions on the deed limiting uses to those allowed in paragraph 14a to assure their ongoing conservation use. The deed restriction shall be in the form of Exhibit 15 (*Note for this draft of the RGP: The deed restriction language is undergoing final development and review*). In lieu of a deed restriction, when approved by the Corps, a buyer may provide an alternate mechanism that provides an equivalent degree of protection as the deed restriction.

c. By February 15th of each year, The St. Joe Company shall have placed conservation easements with the DEP as the grantee (or ensure that deed restrictions are placed on sold or transferred parcels) on portions of Conservation Units equal to the percentage of the total acreage of approved projects in each sub-basin. To determine the acreage of the Conservation Units that must be placed under an easement:

1) Divide the total acreage within approved project boundaries in a sub-basin (including impact and preserved area) by the total acreage within the sub-basin contained within the EMA area.

2) This percentage of the Conservation Units in each sub-basin shall be placed under a conservation easement by the end of each annual reporting period.

3) The cumulative acreage of Conservation Units conveyed to governmental entities or 501c (3) conservation organization buyers shall count toward the acreage placed under a conservation easement.

15. Conservation Easements. The following address the placement of conservation easements, as required by this RGP under three different scenarios:

a. Conservation easements with the DEP as the grantee will be placed on wetlands not authorized for impact on each project site following the individual project approval and according to the timeframe specified in the approval. The easement shall be in the form of Exhibit 16 (*Note for this draft of the RGP: The conservation easement language is undergoing final development and review*).

b. A conservation easement with the DEP as the grantee will be placed on each ROMA, or each approved phase of a ROMA, prior to commencing any development that will use the ROMA or phase of the ROMA for mitigation. The easement shall be in the form of Exhibit 17 (*Note for this draft of the RGP: The conservation easement language is undergoing final development and review*).

c. For compensatory mitigation conducted outside of a ROMA, a conservation easement with the DEP as the grantee will be placed on the mitigation area prior to beginning work on the individual project for which the mitigation is approved. The easement shall be in the form of Exhibit 18 (*Note for this draft of the RGP: The conservation easement language is undergoing final development and review*).

16. Monitoring and reporting requirements specific for The St. Joe Company:

a. Use of this RGP for any project by The St. Joe Company makes the company responsible for b. and c. below.

b. St. Joe shall submit monitoring reports related to the ROMAs, as specified in Appendices A and B.

c. St. Joe shall establish and maintain a GIS based ledger and map depicting the amount, type and percentage of wetland impact and mitigation implemented in the EMA area. An updated ledger balance sheet demonstrating compliance with this RGP shall be submitted with each individual request for project approval. The ledger will include the following by sub-basin:

- 1) Total high quality and low quality wetlands in the EMA area.
- 2) Total project size – uplands and wetlands.
- 3) Project impacts – high quality and low quality amount and percent of total.
- 4) Mitigation required and location.
- 5) Cumulative project impacts (acreage total and percentage).
- 6) Total wetlands by quality remaining in the EMA area.

7) St. Joe shall submit an annual report by February 15 for the proceeding calendar year identifying:

- (a) The location and acreage of any mitigation activity undertaken;
- (b) Deed Restrictions and Conservation easements recorded;
- (c) Conservation Units or ROMAs conveyed to other owners;

(d) Activities undertaken within Conservation Units; and

(e) Other activities that may impact this RGP.

17. Wetlands may be delineated using aerial photo-interpretation and ground-truthing, and, if necessary, mapped using the Global Positioning System (GPS) and other Geographical Information System (GIS) mapping techniques. In much of the project area, historical aerial photography will be used to obtain pre-pine plantation wetland community signatures. If a construction line falls within 250 feet of a wetland boundary estimated using the method described in this paragraph, then a formal field wetland jurisdictional determination will be required for that segment of the proposed project.

18. No activity is authorized under this RGP which is likely to adversely affect a Federally listed threatened or endangered species or a species proposed for such designation, or destroy or adversely modify its designated critical habitat.

19. When applicable the applicant will conduct a Phase I archeological and historical survey on each individual project site. This information will be provided to the State Historic Preservation Officer and to the Corps with the application referenced in special condition 23.b. below, 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 historical or archeological value. No work is authorized under this RGP on properties listed or eligible for listing in the *National Register of Historic Places*.

20. Individual Project Approval:

a. The evaluation process to determine if an individual project conforms to the requirements and criteria of this RGP shall begin with a pre-application meeting to which the appropriate representatives from the Corps, DEP, USFWS, NMFS, EPA and NFWFMD are invited. The primary purpose of the pre-application process is to identify and produce preliminary data necessary for evaluation during the application phase and to conduct an informal analysis of the project and evaluate how it complies with the RGP criteria. At the pre-application meeting, the following information will be provided:

1) Scope of the Project – Type of project and how it comports with activities authorized by the Agreement.

2) Location / Project Boundaries – Exhibits showing general project location within the Project Area boundaries and specific location (1=200' or other appropriate scale).

3) Wetlands may be delineated using aerial photo-interpretation (API) and ground-truthing, and if necessary, mapped using GPS and other GIS mapping techniques. In much of the project area, historical aerial photography will be used to obtain pre-pine plantation wetland community signatures. If the construction line falls within 250 feet of a wetland boundary estimated using the method described in this paragraph, then a formal field wetland jurisdictional determination will be required for that segment of the proposed project.

4) Maps of high quality and low quality wetlands onsite. For sites within the RMA area, the existing high quality/low quality wetland map shall be used as a starting point for delineation of onsite wetlands (Exhibit 19). During or after the estimation of jurisdictional wetland boundaries have been established using the API method described

in 3. above, the resulting wetland area will be classified and mapped by quality. The procedure will use a combination of GPS technology, visual inspection of photography, and ground-truthing. Additional data that may be used includes overlays involving timber stand data.

5) Proposed Wetland Impacts. The number, type, location, and acreage of all wetland impacts.

6) Stormwater management systems for projects within the RGP will be in accordance with the EMA.

b. Application to the Corps for individual projects under this RGP will be made using the form Joint Application for Works in the Waters of Florida Form #62-312.900. No regulated work may proceed until after written authorization under this RPG has been issued.

21. On a case-by-case basis, the Corps may impose special conditions that are deemed necessary to minimize adverse environmental impacts.

22. Failure to comply with all conditions of the Federal authorizations under this Permit would constitute a violation of the Federal authorization.

23. Self-Certification: Within 60 days of completion of the work authorized and mitigation (if applicable), the attached "Self-Certification Statement of Compliance" must be completed and submitted to the U.S. Army Corps of Engineers. Mail the completed form to the Regulatory Division, Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232-0019. A copy of the "Self-Certification Statement of Compliance" must also be provided to the DEP at Florida Department of Environmental Protection, SLERP, 160 Governmental Center, Suite 202, Pensacola, Florida 32501.

24. This Permit 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 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.

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends on _____. 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 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.

John R. Hall
Chief, Regulatory Branch

**DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST
FOR REGIONAL GENERAL PERMIT SAJ-86**

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 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-86**

Permit Number: _____

Permittee'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 filling, 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

Note 1 - Devil's Swamp Regional Offsite Mitigation Area (ROMA)

The Devil's Swamp ROMA is a 3,050-acre area located between the Intracoastal Waterway (ICW) to the south and west, silvicultural lands to the south and east and the Northwest Florida Water Management District's (NFWMD) Devils Swamp mitigation property to the north. The bulk of the site is south of Steelefield and Bunker Roads. The site is characterized by pine plantation with broad, flat expanses of shrubby swamp and interspersed mesic and xeric uplands. The goal of the mitigation plan is to restore the site to the historical ecosystems common to north Florida flatwoods, southeastern pine savanna, and mixed hardwood and cypress swamps.

Geographic information system analyses using multiple, weighted datasets, field reconnaissance, and review of historical and 1999 aerial photographs, were completed in a feasibility study of the area north of the Intracoastal Waterway. The study identified potential locations for the Devil's Swamp ROMA. The proposed location was identified as having good restoration and management potential. The site was also located based on

its connectivity to the aforementioned NFWMD lands and proposed conservation units located to the south and west.

The 3,050 acres site is primarily comprised of about 1,750 acres of pine plantation and 1,225 acres of shrub swamp. The pine plantation has replaced the historic north Florida flatwoods community, while the shrub swamp is the present expression of historic wet prairie, cypress swamp and mixed hardwood swamp component of the flatwoods landscape. In order to create a successful pine plantation on the site over the past several decades, site drainage was increased and fire was suppressed. Due to the relatively flat topography that characterizes this landscape, drainage activities have primarily reduced the hydro-period on the site, with less effect on the extent of areas that undergo inundation.

Restoration of the site would result in the restoration of the ecosystem types and processes that occurred prior to conversion of the landscape into pine plantation. Generally, this entails restoration of the north Florida flatwoods system and its extensive mosaic of wet prairie/savannahs, cypress swamps and mixed hardwood swamps. Restoration of pine plantation land would include appropriate tree removal and restoring the primary abiotic processes that mold this type of landscape: hydrology and fire. The road and drainage network would be re-engineered to retain water on the site for longer periods of time, thus restoring historic hydro-period and hydrologic processes. Some expansion of wetland jurisdictional area would be expected. The excavation of the ICW may have had some effect on hydrology, but this has been tempered by the impoundment of the westernmost stream's outfall from the site. Restoration of a natural fire regime would restore the vegetation and habitat dynamics of the site.

The restored site would be managed to retain and maintain its ecological integrity in perpetuity. Because of its placement in the landscape, restoration of this area can be expected to make important contributions to local and regional biology and water chemistry through polishing of surface waters and restoration of ecosystem structure and processes that would foster the eventual local recovery of certain listed species, such as the red-cockaded woodpecker.

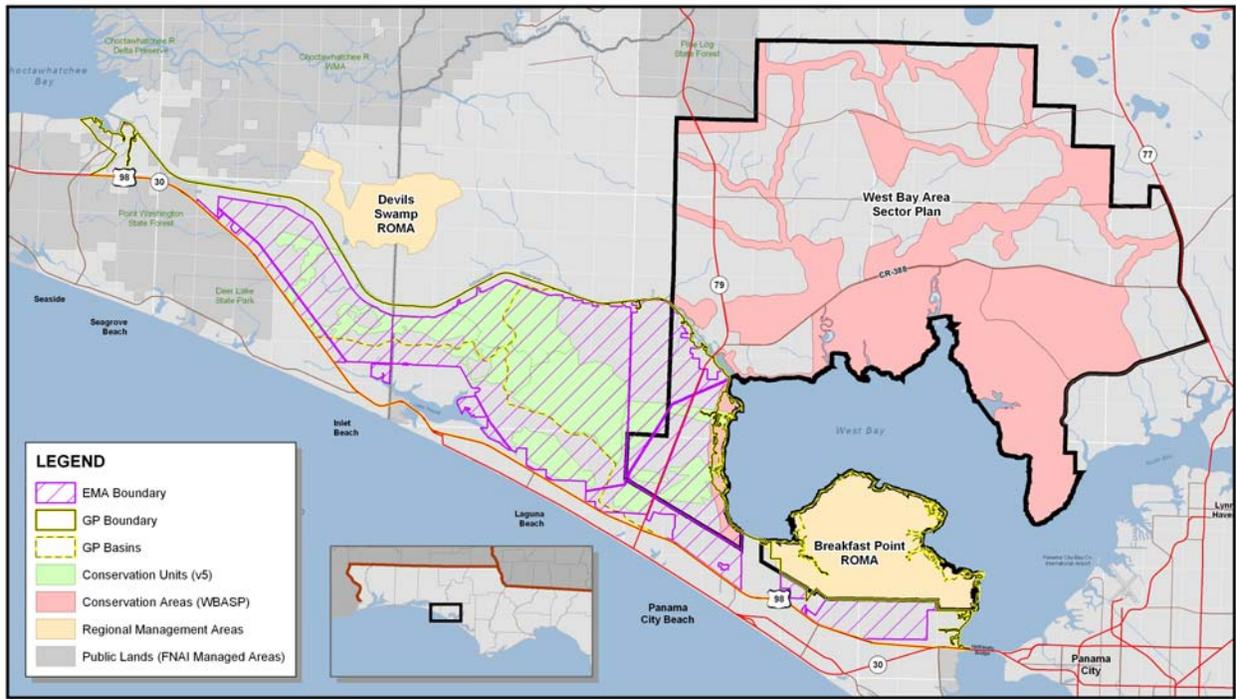
Note 2 - Breakfast Point Regional Offsite Mitigation Area (ROMA)

The Breakfast Point ROMA is a 4,600-acre portion of the 7,100-acre Breakfast Point peninsula extending into the south side of West Bay. The ROMA lands would effectively buffer approximately 2,500 acres of high quality conservation lands that lie directly along the entire water's edge of the Breakfast Point peninsula, and thus would protect eleven miles of West Bay shoreline. Silvicultural lands bound the site on the south. The site is characterized by hydric pine plantation with interspersed pine flatwoods, pine islands, salt and freshwater marsh, tidal creeks, tidal flats, cypress flats, mixed hardwood swamp, slash pine swamp forest, and wet prairie. The goal of the mitigation plan is to restore the site to the historical ecosystems common to north Florida pine savanna, tidal marsh, and mixed hardwood-cypress swamp.

The 4,600 acres site is primarily comprised of about 3,933 acres of wetlands and 708 acres of uplands. The great majority of the site is in pine plantation, which has replaced the historic north Florida flatwoods community, which was primarily an open savannah with interspersed rises of mesic flatwoods and depressional areas of marsh and cypress. The central, lowest portion of the site that drains to Botheration Bayou is in a mixed hardwood forest. Expansive salt marshes, tidal flats and pine islands surround the peninsula. In order to create a successful pine plantation on the site over the past several decades, site drainage was increased and fire was suppressed. Due to the relatively flat topography that characterizes this landscape, drainage activities have primarily had the effect of reducing the hydro-period on the site, with less effect on the extent of areas that undergo inundation.

Restoration of the site would result in the restoration of the ecosystem types and processes that occurred prior to the conversion of the site to pine plantation. Generally, this entails restoration of the north Florida flatwoods system, consisting of open savannas interspersed with mesic pine flatwoods, depressional marsh, cypress and gum wetlands, and mixed hardwood swamps. Restoration of pine plantation land would occur through appropriate tree removal and restoring the primary abiotic processes that mold this type of landscape: hydrology and fire. The road and drainage network would be re-engineered to retain water on the site for longer periods of time, thus restoring historic hydro-period and hydrologic processes. Restoration of a natural fire regime would restore the vegetative and habitat dynamics of the site. The location of the project in the landscape would implement a major portion of the West Bay Conservation Area envisioned by the West Bay Area Sector Plan.

The restored site would be managed to retain and maintain its ecological integrity in perpetuity. Because of its placement in the landscape, this area can be expected to make important contributions to the local and regional biology and water chemistry through polishing of surface waters and restoration of ecosystem structure, and processes that would foster the eventual local recovery of certain listed species, such as the bald eagle.



MITIGATION STRATEGY

Exhibit 1

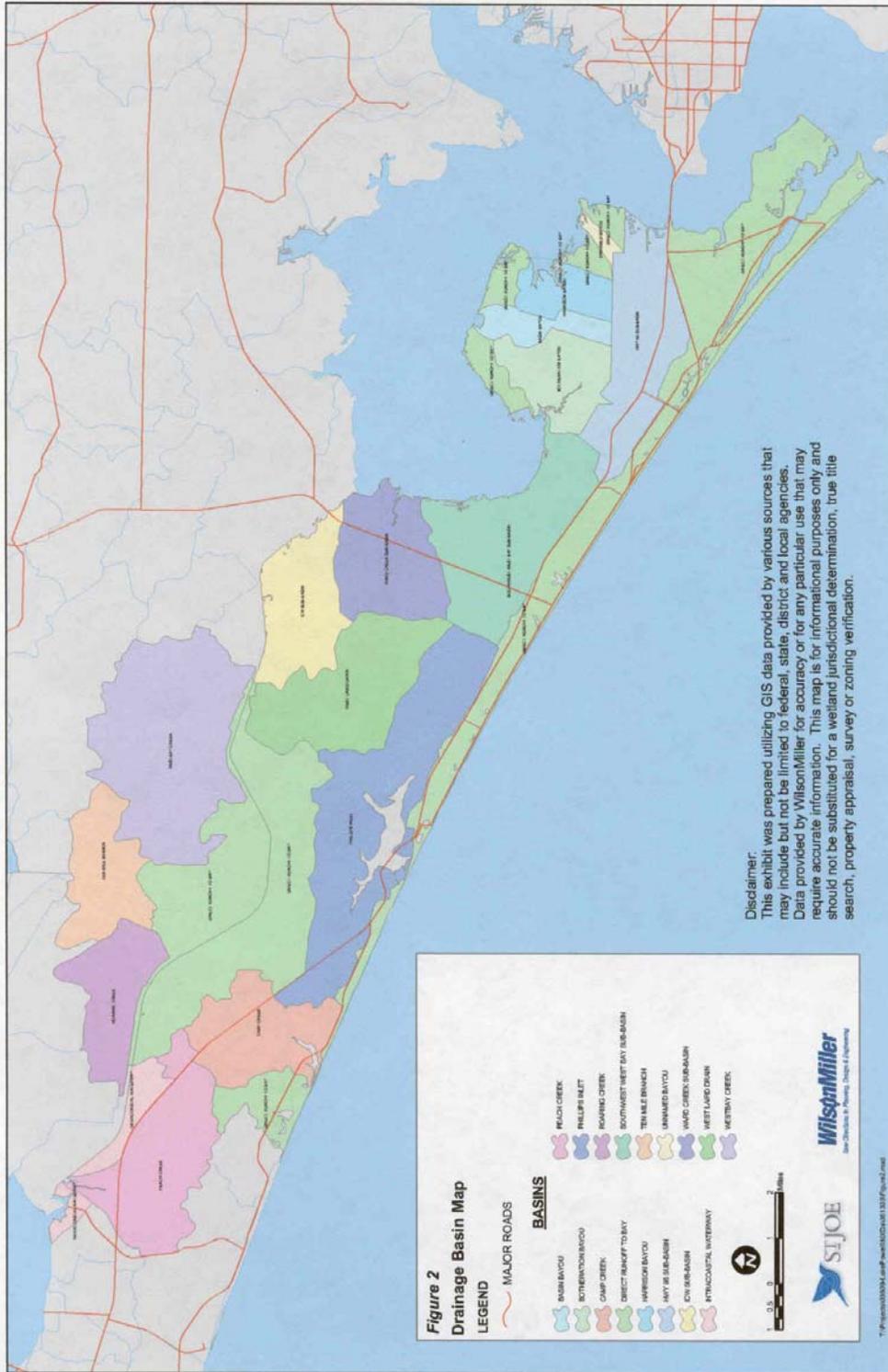
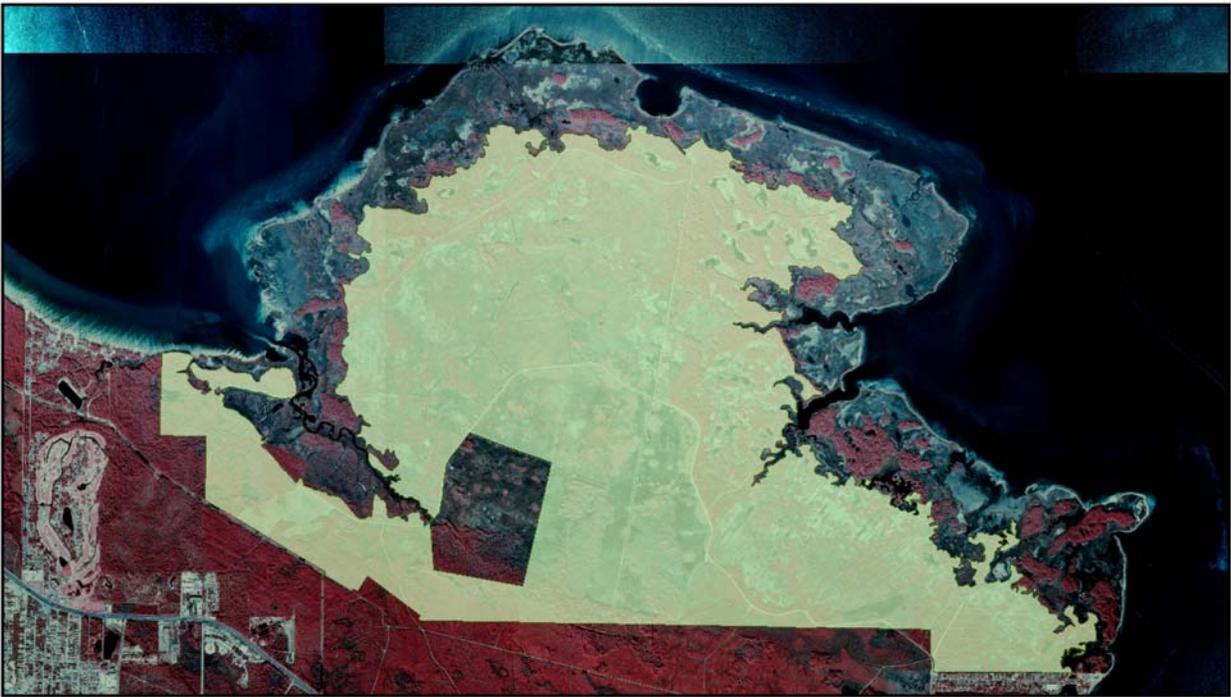


Exhibit 2



BREAKFAST POINT MITIGATION AREA
4,638 ACRES



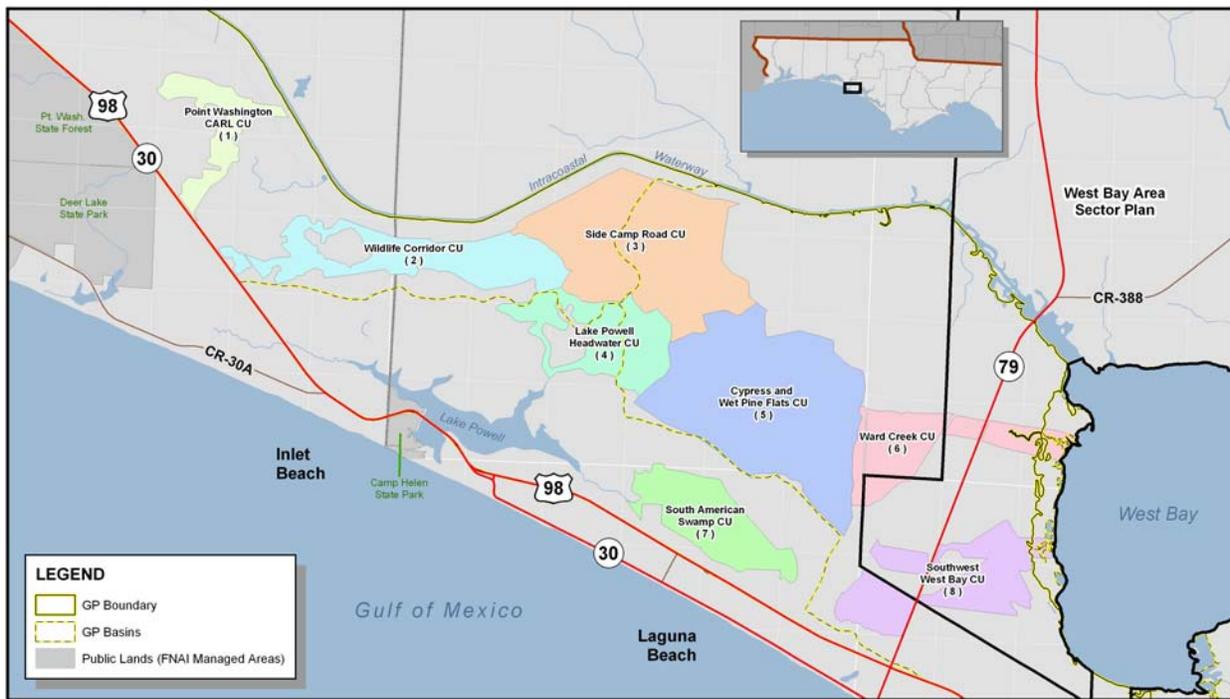
Exhibit 3



DEVILS SWAMP
3,052 ACRES



Exhibit 4



CONSERVATION UNITS



Exhibit 5



CONSERVATION UNIT 1
Point Washington CARL
492 Acres

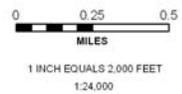
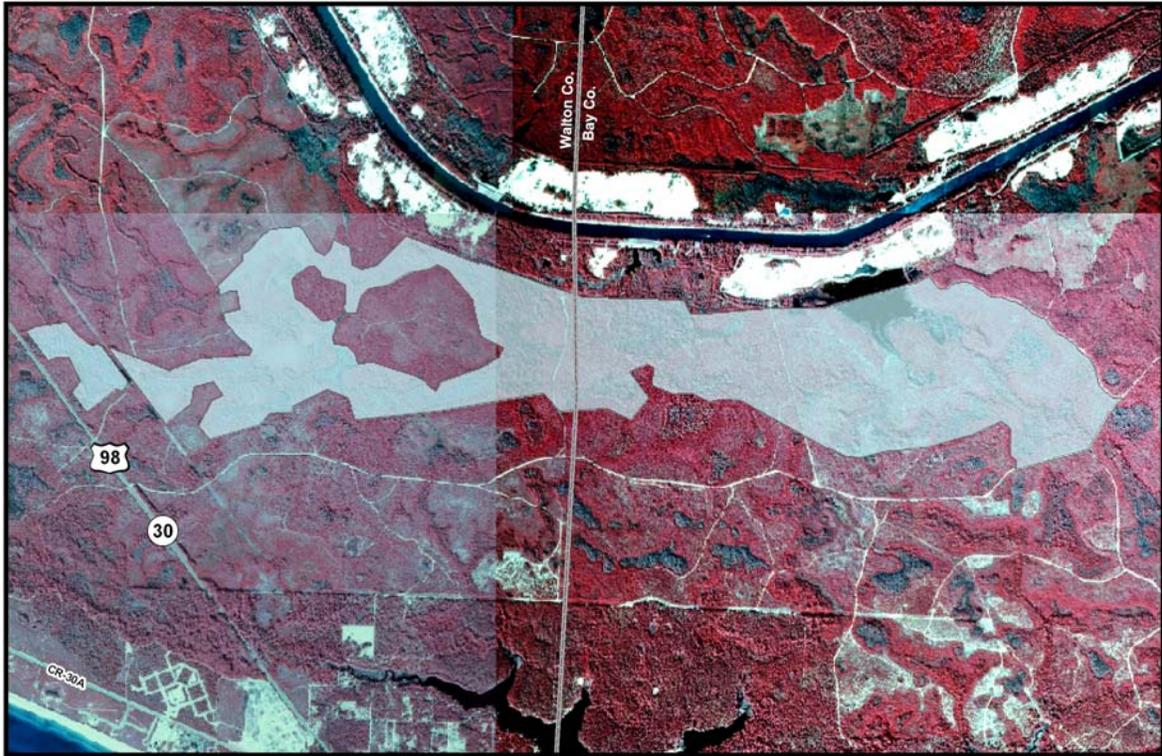


Exhibit 6



CONSERVATION UNIT 2
Wildlife Corridor
1,209 Acres

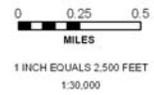
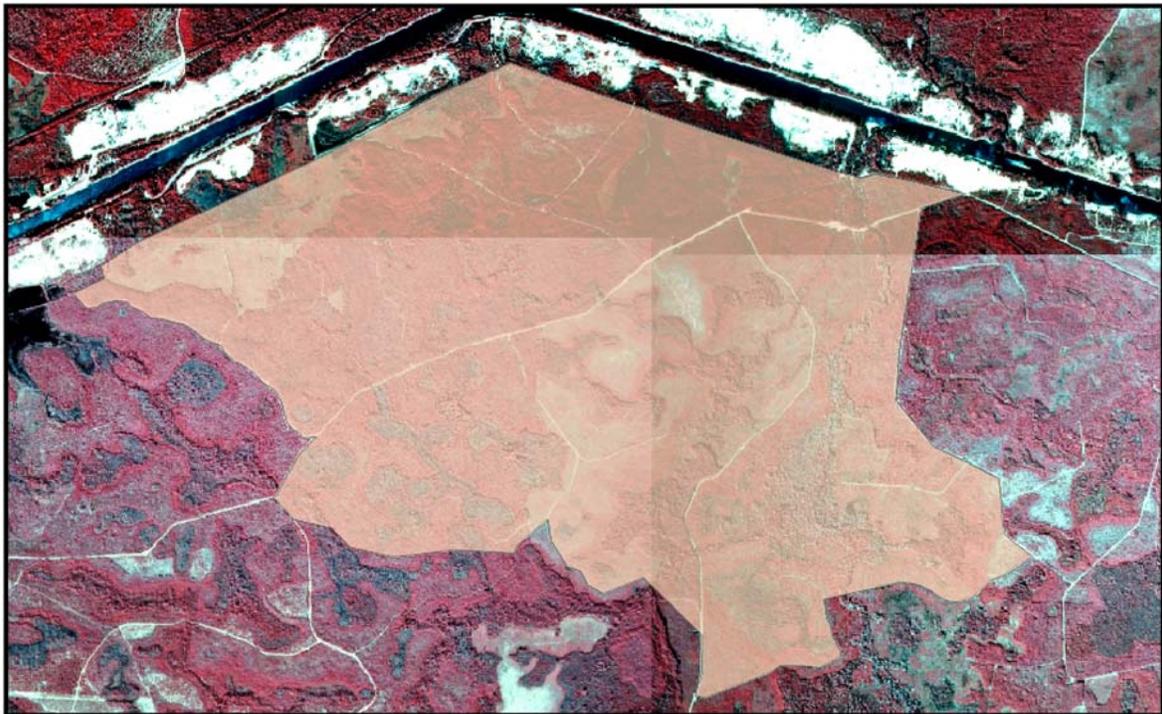


Exhibit 7



CONSERVATION UNIT 3
Side Camp Road
2,366 Acres

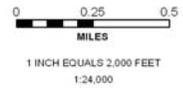
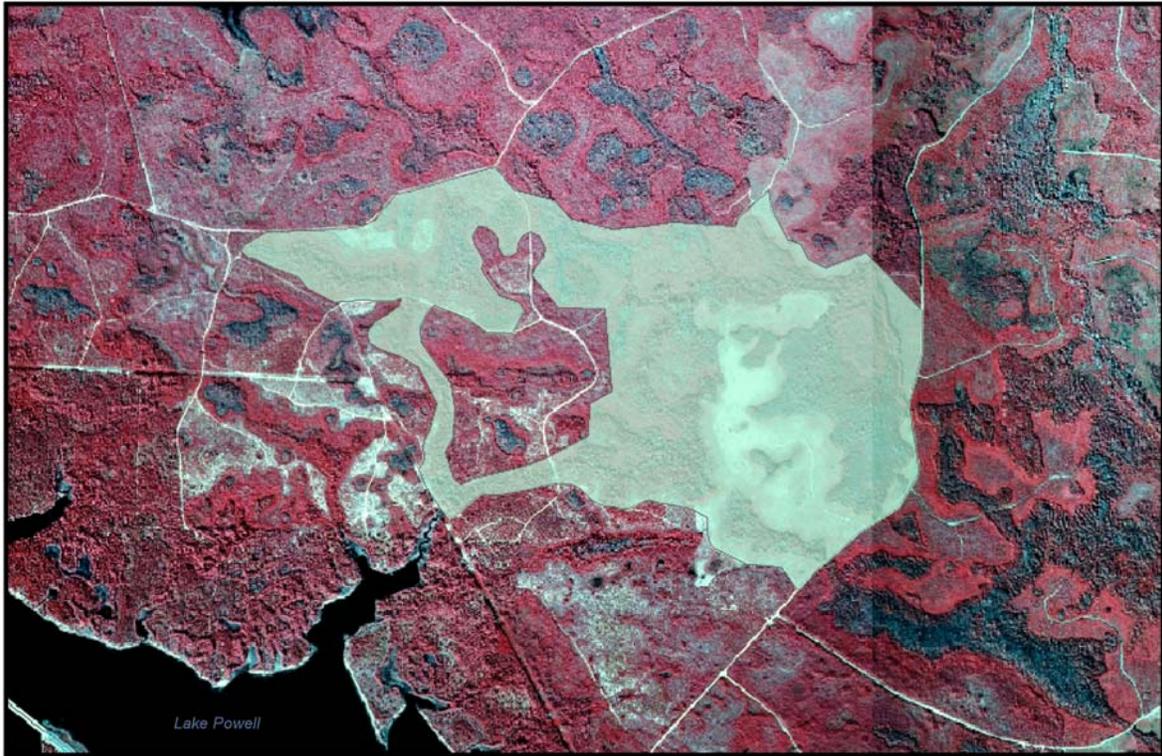


Exhibit 8



CONSERVATION UNIT 4
Lake Powell Headwater
921 Acres

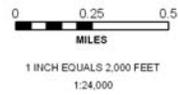
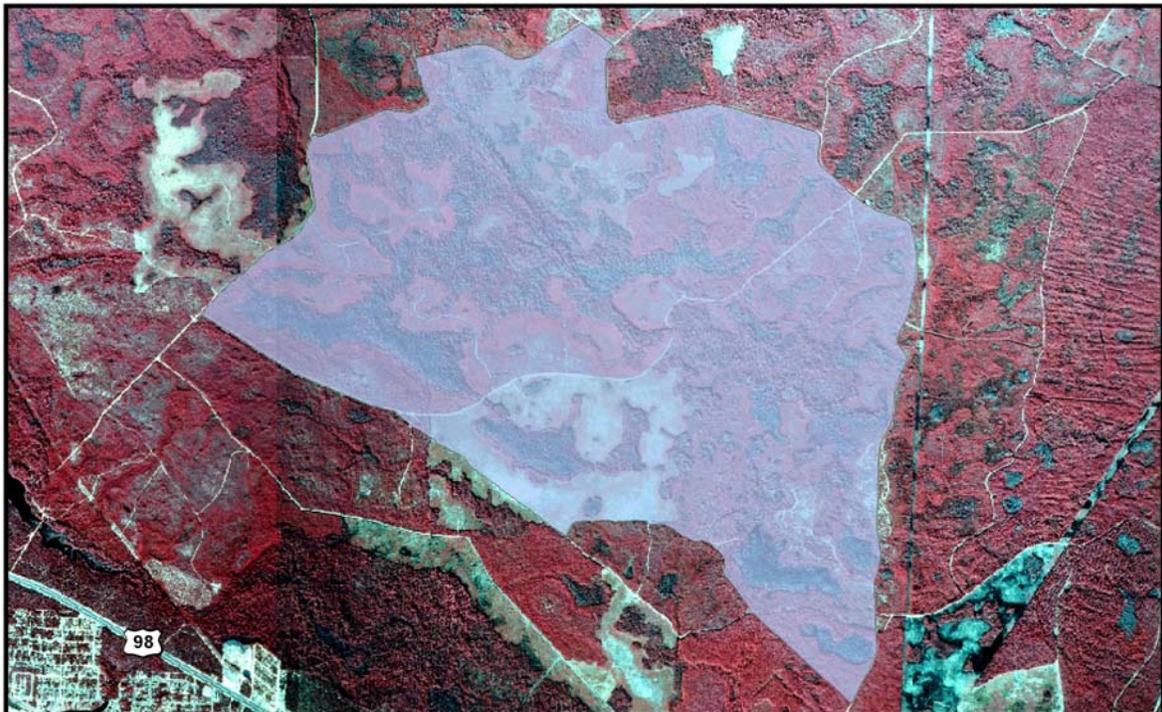


Exhibit 9



CONSERVATION UNIT 5
Cypress and Wet Pine Flats
2,910 Acres

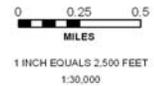
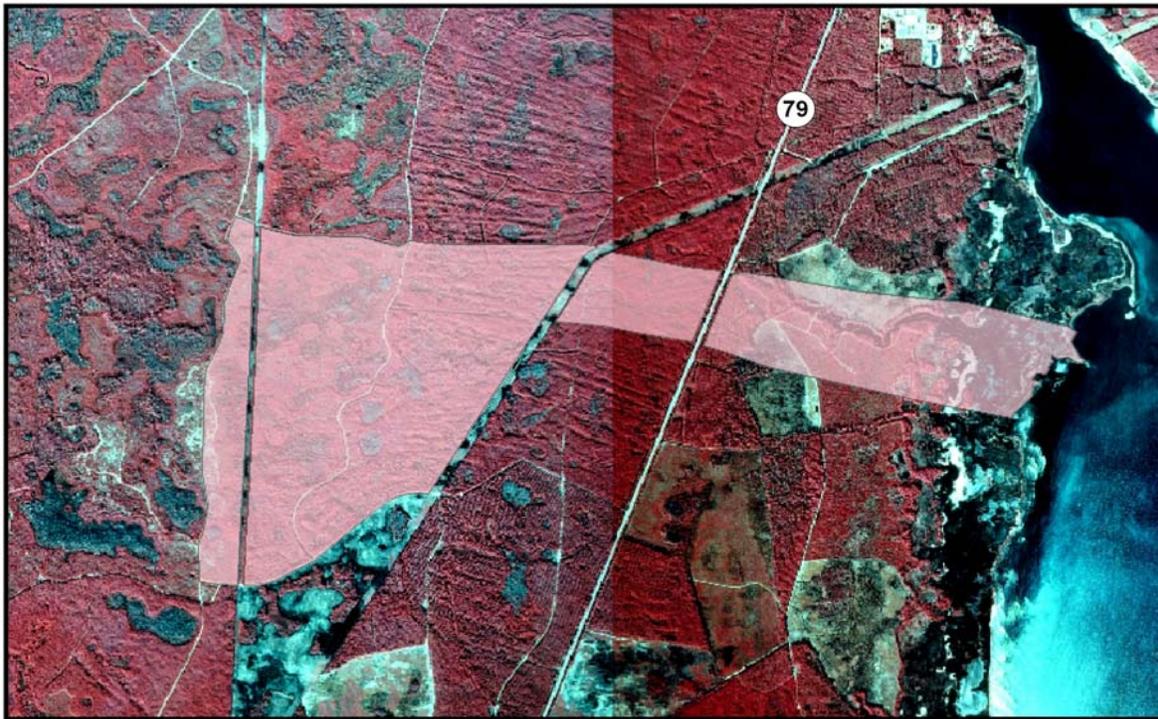


Exhibit 10



CONSERVATION UNIT 6
Ward Creek
924 Acres

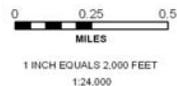


Exhibit 11



CONSERVATION UNIT 7
South American Swamp
887 Acres

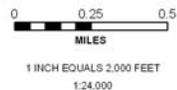
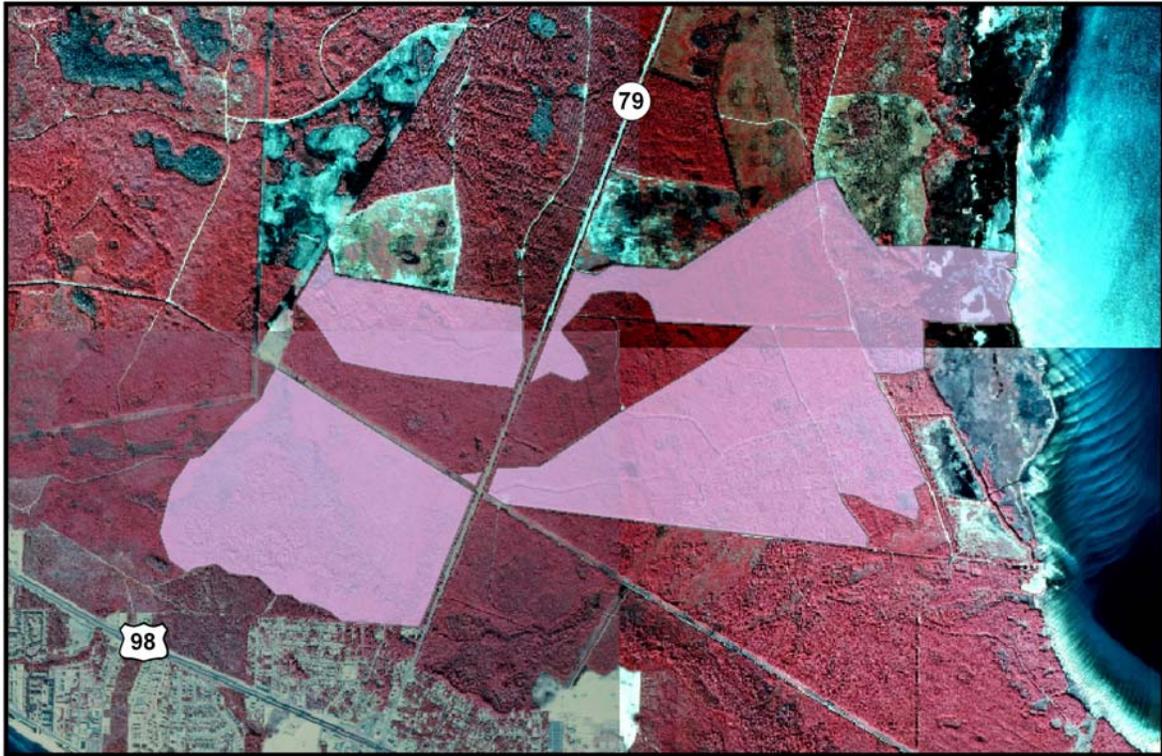


Exhibit 12



CONSERVATION UNIT 8
Southwest West Bay
1,136 Acres

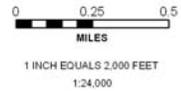
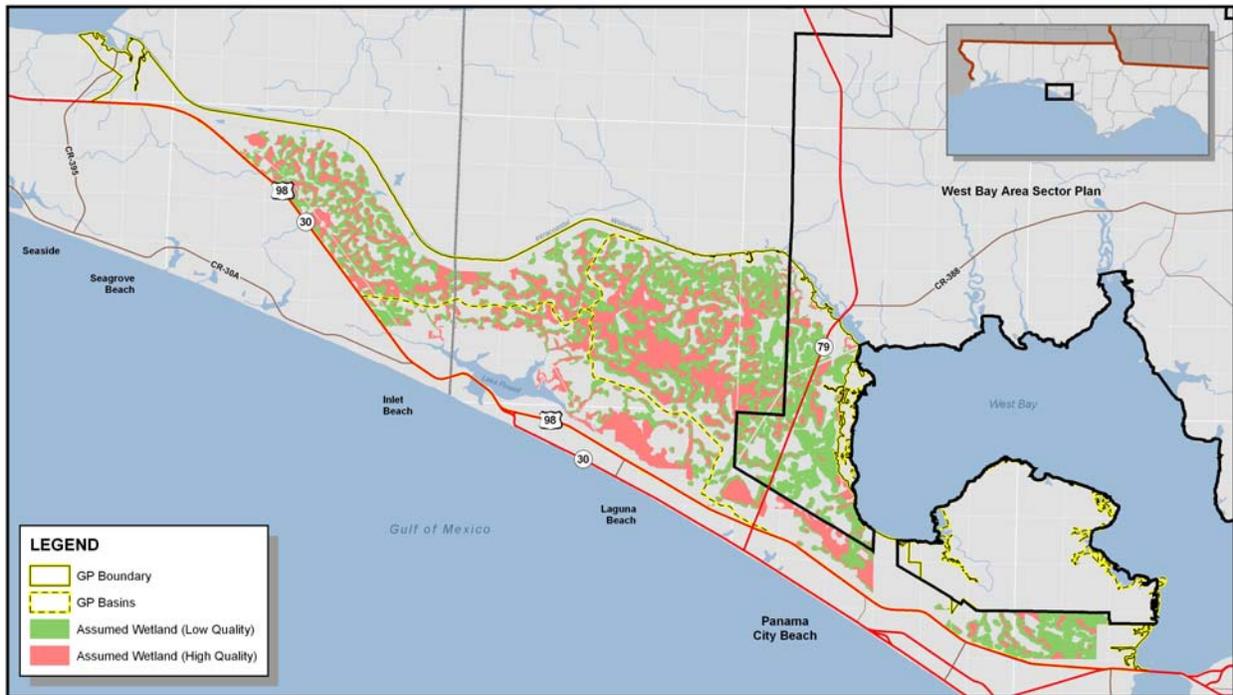


Exhibit
 13



HIGH / LOW QUALITY WETLANDS



Exhibit 19

IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

IMPACT ON CULTURAL RESOURCES: Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(a) of the Marine, Protection, Research, and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The U.S. Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with approved Coastal Zone Management Plan.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

A handwritten signature in black ink that reads "John R. Hall". The signature is written in a cursive, flowing style.

John R. Hall
Chief, Regulatory Division