

Department of the Army Permit
Regional General Permit SAJ-114
Residential, Commercial, Recreational and Institutional Fill
in the Choctawhatchee Bay and St. Andrew's Bay Watersheds located in Bay
County and Walton County, Florida

SAJ-2015-03038

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

SPECIAL CONDITIONS:

1. Projects qualifying for SAJ-114 must be authorized under Part IV of Chapter 373, *F.S.* by the Florida Department of Environmental Protection (DEP), Northwest Florida Water Management District (NFWMD) under Section 373.069, *F.S.*, or a local government with delegated authority under Section 373.441, *F.S.*. Water quality certification for projects located within a portion of the Regional General Permit SAJ-114 (RGP) area may be granted by individual project approvals issued pursuant to the Ecosystem Management Agreement (EMA (Exhibit 1)), executed between the DEP and The St. Joe Company for those projects located within the EMA portion of the RGP area. All of the conditions specified in the EMA water quality certification must be complied with as Special Conditions to this RGP. All projects outside the EMA area authorized by this RGP will require separate water quality and coastal zone consistency certifications from DEP, NFWMD, or delegated local governments. The conditions specified in such certifications constitute Special Conditions of this RGP for those specific projects.
2. Surface Water Management Systems for all projects authorized by this RGP shall be designed, constructed, operated, and maintained in compliance with the applicable rules adopted under Part IV of Chapter 373, *F.S.*, including the Applicant's Handbook incorporated by reference in those rules; and shall include an additional level of treatment that is 50% above the treatment that is normally required for projects outside Outstanding Florida Waters (OFW). Although the Surface Water Management Systems will be designed to meet OFW standards, water quality standards appropriate to the receiving waters shall be applied for determining compliance with water quality standards. In addition, all projects shall implement heightened sediment and erosion control measures, as set forth in the Sediment & Erosion Control Plan (Exhibit 2).

3. This permit authorizes the discharge of dredged or fill material into non-tidal waters of the United States for the construction of residential, commercial, recreational and institutional projects, and their components, which comprise and are necessary for the construction, use and maintenance of such projects. Project components may include, but are not limited to, roads, parking lots, garages, yards, utility lines, temporary construction facilities, and stormwater management facilities. In addition, project components may also include temporary construction facilities necessary to support the project. Examples of residential projects include single family homes, and multiple and single unit developments. Examples of commercial projects include retail stores, light industrial facilities (which means business activity such as commercial distribution, assembly or manufacturing processes with no primary use of raw materials), research facilities, warehouses, distribution facilities, hotels, restaurants, business parks, and shopping centers. Examples of recreational projects include playgrounds, playing fields, golf courses, hiking trails, bike paths, horse paths, stables, nature centers and campgrounds. Examples of institutional projects include schools, fire stations, governmental office buildings, roads, judicial buildings, public works buildings, libraries, hospitals, and places of worship. This permit applies only to the portions of Walton County and Bay County, Florida, as depicted on the SAJ-114 Boundary Map (Exhibit 3).

4. This RGP authorizes impacts to wetlands, which are defined for the purposes of this RGP as altered or high quality [wetlands \(SAJ-114 Altered /High Quality Wetlands Map \(Exhibit 4\)\)](#). Altered wetlands are jurisdictional wetlands that have been planted in pine trees (silviculture lands), as shown by the RGP SAJ-114 March 2013 Aerial Photo (Exhibit 5). To the extent that silvicultural activities in any area of altered wetlands, as shown by Exhibit 5, have ceased for more than 5 years after the final cut, such wetlands shall be identified as high quality wetlands. ~~Altered wetlands are hydric pine plantations.~~ [The class of altered wetlands also includes](#) ditches and borrow pits. High quality wetlands are all other jurisdictional wetlands, and include cypress domes/strands, bay/gallberry swamps, cypress swamps, titi swamps, seepage slopes, *Hypericum* bogs, emergent marsh [and other similar](#) areas.

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

a. Impacts to altered wetlands:

(1) Impacts to altered wetlands shall not exceed 23% of the total altered wetlands in any one Hydrologic Unit Code (HUC) 12 sub-watershed. The area within a particular sub-watershed to be used to make the 23% calculation does not include areas within Conservation Units located within the sub-watershed (Conservation Units are described in Special Condition 12). Sub-watersheds are depicted on the SAJ-114 Sub-Watershed Map (Exhibit 6). The 23% calculation is the equivalent of a 3.35:1:00 (77 / 33) preservation to impact ratio on an areal basis.

(2) An individual project may impact more than 23% of the altered wetlands within an individual project site, if cumulative altered wetland impacts for all approved individual projects within the sub-watershed do not exceed 23%, as defined above, at any given time. Examples of how this may occur include:

(a) An applicant proposes an individual project, which would impact 10 acres of the 100 acres of altered wetlands located within the proposed project site and preserve the remaining 90 acres of altered wetlands through placement under a conservation easement. This example would result in an altered wetland overage of 13 acres, since 77 acres of altered wetland preservation would be required to comply with the 23% allowable impacts to altered wetlands within a specific sub-watershed. The same applicant, or succeeding assignee, with a subsequent individual project, located at a different site within the same sub-watershed, and containing a total of 5 acres of altered wetlands, proposes to impact all 5 acres of altered wetlands for the project. The applicant may use 3.85 acres of the 13 acre overage of preserved altered wetlands from the first project to comply with the 23% requirement for the second project.

(b) An applicant proposes an individual project on a site with a total of 10 acres of altered wetlands. The applicant proposes to impact all 10 acres of the altered wetlands for the project. To comply with the 23% allowable impacts to altered wetlands requirement, the applicant would preserve 33.5 acres of altered wetlands through the placement of a conservation easement, elsewhere within the same sub-watershed in which the impact site is located.

b. Impacts to high quality wetlands:

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

(2) The aggregate total filling or clearing of high quality wetlands for crossings and other linear infrastructure within the RGP area shall not exceed 100 acres within the EMA area and 8.42 acres outside the EMA area.

(3) The first preference for new high quality wetland crossings will be at existing silviculture road crossings. Crossings at locations other than existing

silviculture roads can be authorized on a case-by-case basis. All crossings, whether at existing silviculture roads or locations other than existing silviculture roads, will be designed and constructed to minimize high quality wetland impacts.

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

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

c. All wetlands not authorized for impact on each project site shall be preserved. Conservation easements shall be placed over all such wetlands (see Special Condition 13.c). [Individual](#) project sites, including offsite preservation areas (e.g., such as described in Special Condition 5.a(2)(b) above), shall have reasonable boundaries that include intermixed and adjacent high quality wetlands.

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

7. Buffers:

a. High quality wetlands shall be buffered from development by uplands and/or altered wetlands with the exception of those activities, as allowed in high quality wetlands by Special Condition 5.b(1) above. Upland and/or altered wetland buffers adjacent to high quality wetlands shall be an average of 50 feet wide for each individual project, but no less than 30 feet wide at any measurement except at road crossings. This shall not be construed to require creation of upland or altered wetland buffers within existing high quality wetlands.

b. High quality wetlands, altered wetlands and uplands shall buffer natural streams and tributaries located in Conservation Units, except at bridges and road, trail, boardwalk, and utility line crossings. The exact width of the buffer from the natural

streams and tributaries located in Conservation Units shall be evaluated and determined during Individual Project review. However, the buffer along natural streams and tributaries draining north to the Choctawhatchee River located in Conservation Units shall be a minimum of 100 feet as measured from the edge of the stream or tributary.

c. All buffers, whether upland or wetland, will be preserved and maintained in a natural condition, except for the construction of boardwalks and on-grade trails. Buffers may be enhanced or restored to increase their ecological functions. If approved by the Corps, buffers may also be managed to provide an urban wildfire interface, as may be requested by local emergency management officials. Conservation easements shall be placed over all buffers (see Special Condition 13.c).

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

8. Dredged or fill material discharged into waters of the United States in accordance with this RGP must be clean. The material must be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete rubble with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

9. No discharge of dredged or fill material into waters of the United States is allowed that would sever either a jurisdictional connection or hydrological connection in high quality wetlands. Small areas of altered wetlands may be severed, as approved on a case-by-case basis, provided the 3.35:1.00 preservation to impact ratio requirement for altered wetland impacts is met (see Special Condition 5a) and compensatory mitigation, as described in Special Condition 10, is provided for the area of altered wetlands within the severed area. Severed altered wetlands will be considered to be impacted wetlands for purposes of this RGP.

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

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

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

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

d. Except in the specific circumstance, as described in 10.e below, compensatory mitigation credits and debits are defined in terms of functional units (FU)

as determined using the *Uniform Mitigation Assessment Method (UMAM)*, as set forth in *Chapter 62-345, Florida Administrative Code*. Each acre of impact to altered wetlands shall be valued at 0.53 FU, and each acre of impact to high quality wetlands shall be valued at 0.87 FU.

e. Only in the specific circumstance when an ecologically appropriate bank does not have a UMAM credit ledger approved by the Corps, but does have a Corps approved credit ledger determined by using the *Wetland Rapid Assessment Procedure (WRAP), Technical Publication REG-001, September 1997*, then for that specific circumstance the compensatory credits and debits are determined using WRAP with each acre of impact to altered wetlands valued at 0.65 FU, and each acre of impact to high quality wetlands valued at 0.92 FU.

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

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

12. Conservation Units:

a. Beginning on the date that this RGP is issued, thirteen Conservation Units (Exhibits 7 through 20) shall be preserved under the conditions listed below by The St. Joe Company.

b. Conservation Units shall be divided between Type I Conservation Units and Type II Conservation Units, as shown in the SAJ-114 Conservation Units Map (Exhibit 7), and Exhibits 8 through 20.

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

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

(1) Wetland and upland ecological enhancement and restoration.

(2) Forest management, which shall be conducted through sustainable forestry, uneven age management regimes and best management practices, in accordance with, and as defined in the *Principles for Forest and Wildlife Management of Conservation Units within the Bay-Walton Ecosystem Management Agreement and RGP SAJ-114* (Exhibit 21). No timbering of cypress or wetland hardwoods or clear cutting is permitted except as allowed in the Forest and Wildlife Management Plan.

(3) Hunting, fishing and birding.

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

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

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

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

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

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

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

(11) Within buffers that are required to be preserved by the Individual Project Approval and that are part of the Property, construction of boardwalks for dock access and on-grade trails will be permitted. Also, application of fertilizers, herbicides and pesticides is authorized to the extent fertilizers, herbicides and pesticides are used to control exotic plant vegetation within the buffers.

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

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

(2) Certain recreational facilities including, but not limited to boat ramps, fishing piers, parks, picnic areas and pavilions, playgrounds/tot lots, nature facilities, but excluding any sports or ball fields, such as baseball fields, soccer fields, tennis courts, basketball courts and golf courses. Associated parking facilities are authorized, but must be constructed with pervious surfaces, unless it is impractical to use pervious surfaces. Boat ramps, fishing piers and access roads may cross wetlands, but impacts must be minimized to the maximum extent practicable. All other facilities must be located in uplands. Access roads to serve recreational uses and activities must use existing roads to the maximum extent practicable and otherwise must comply with Special Condition 5.c and Special Condition 12.e(1) above.

f. Land Disturbance:

(1) The total number of acres that can be impacted within Type I and Type II Conservation Units by Land Disturbance associated with activities allowed by Special Conditions 12.d.(4), (6), (8) & (10) and 12.e. is 98.51 acres, which is 1% of the total number of acres within the Conservation Units.

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

(3) Areas that are temporarily impacted by Land Disturbance activities will not count toward the 98.51 acre limit, if natural soil surface grades have been re-established and appropriate vegetation is naturally re-emerging no later than the 365th day following the date that the temporary Land Disturbance began. Replanting of some areas of Land Disturbance may be required on a case-by-case basis, as determined by the Corps, during the Corps's review of proposed Land Disturbance activities.

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

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

g. Written approval from the Corps is required for any uses, activities or facilities (projects) proposed to be constructed in Conservation Units under Special Conditions 12.d(4), (6), (8) and (10) and Special Condition 12.e ("Conservation Unit Project Approval"). Written approval for projects within Conservation Units is required prior to initiation of construction. If the approved project is located in navigable waters of the United States (i.e. Section 10 Waters), authorization under Section 10 of the Rivers and Harbors Act of 1899 is required. If the approved project also involves the discharge of dredged or fill material into Section 10 Waters, authorization under Section 404 of the Clean Water Act (other than this RGP) is also required. Conservation Unit Project Approval shall be conducted consistent with Special Condition 18, and will include use of the SAJ-114 Conservation Units Checklist (Exhibit 22) applicable to allowances of uses, activities and facilities in the Conservation Units. In applying for Conservation Unit Project Approval an applicant will be required to include an avoidance and minimization impact analysis with respect to the proposed uses, activities and facilities. Review by the Corps will include an evaluation of the total scale of the facility to ensure that the proposed use, activity or facility is limited and consistent with the preservation objectives of the Conservation Units.

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

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

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

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

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

i. Sale or transfer of property within a Conservation Unit may only be made to a governmental entity or a non-profit conservation/natural resource management entity. Prior to conveying a Conservation Unit or any portion thereof or interest therein, The St. Joe Company shall record conservation easements on such property, if not already subject to a conservation easement pursuant to Special Condition 12.i above, to assure the perpetual conservation use of the Conservation Unit as described in Special Conditions 12.c, 12.d, 12.e, 12.f, 12.g and 12.h above. The perpetual conservation easement shall be in the form of Exhibit 23 for Type I Conservation Units, Exhibit 24 for Type II Conservation Units and Exhibit 25 for Conservation Units used for Compensatory Mitigation. Conservation easements in the form of Exhibit 25 shall replace any other conservation easements for Conservation Units used for compensatory mitigation. Within seven days of conveyance of any portion or interest of a Conservation Unit, The St. Joe Company shall provide to the new owner a complete copy of the RGP, including the SAJ-114 Biological Assessment (Exhibit 26), and the recorded conservation easement. Written assurance that a complete copy of the RGP has been given and received shall be provided to the Corps by The St. Joe Company

within fourteen days of any such conveyance. The written assurance shall consist of a letter to the Corps stating that the conveyance has taken place and shall be signed by the appropriate representatives of The St. Joe Company and the new owner.

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

a. Perpetual conservation easements placed on Type I Conservation Units, as described in Special Conditions 12.i and 12.j, shall be in the form of Exhibit 23, Conservation Easement for Conservation Units Type 1.

b. Perpetual conservation easements placed on Type II Conservation Units, as described in Special Conditions 12.i and 12.j, shall be in the form of Exhibit 24, Conservation Easement for Conservation Units Type 2.

c. Perpetual conservation easements placed on wetlands not authorized for impact on each project site, including any buffers as required by Special Condition 7 above, and for compensatory mitigation conducted offsite and outside of a mitigation bank, shall be in the form of Exhibit 25, Conservation Easement for Mitigation/Preservation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (4) Mitigation required and location.
- (5) Cumulative project impacts (acreage total and percentage).
- (6) Total high quality and altered wetlands remaining in the EMA area.

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

- (1) The total project acres approved;
- (2) The location and acreage of any mitigation activity undertaken;
- (3) Conservation Easements recorded;
- (4) Conservation Units conveyed to other owners;
- (5) Activities undertaken within Conservation Units including the total number of acres of Lands Disturbance;
- (6) Other activities that may impact this RGP.

15. For the purposes of this RGP, the identification and delineation of wetlands must be in accordance with the most recent guidance and wetland delineation manual and/or manual supplement issued by the Corps (which as of this date are the *Corps of Engineers Wetlands Delineation Manual (1987)* and the *Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Atlantic and Gulf Coastal Plain Region (2010)*), or the State of Florida methodology prescribed in Chapter 62-340, F.A.C., *Delineation of the Landward Extent of Wetlands and Surface Waters*, or a combination of both, in order to establish one jurisdictional wetland line for all Individual Project Approvals that is the most landward line of wetlands. Applicants shall complete a preliminary jurisdictional determination for each Individual Project Approval under this RGP utilizing the Corps's most recent guidance. Under current guidance, the Preliminary Jurisdictional Determination form provided in Exhibit 27 should be utilized. Wetlands shall be delineated on the individual project site by the placement of individual "flags," the location of which shall be documented by survey. The surveys may be performed by Global Positioning System or by conventional methodology. The surveys must be performed in accordance with the Jacksonville District Wetland Delineation Survey Policy also provided in Exhibit 27.

16. Listed and Protected Species:

a. This RGP does not authorize the take of any listed species. In order to legally take a listed species, separate authorization under the Endangered Species Act (ESA) is required. Exhibit 26 is the SAJ-114 Biological Assessment for this RGP.

b. Bald Eagle: In order to avoid potential impacts to the bald eagle nests located within the RGP area measures will be implemented as dictated by the *National Bald Eagle Management Guidelines (May 2007)* (U.S. Fish and Wildlife Service (USFWS)) (Exhibit 28); and the *FWC Bald Eagle (*Haliaeetus leucocephalus*) Management Plan Handbook (June 2008)* (Florida Fish and Wildlife Commission (FWC)) (Exhibit 29).

c. Eastern Indigo Snake: The Permittee shall comply with FWS's *Standard Protection Measures for the Eastern Indigo Snake* dated August 12, 2013 (Exhibit 30).

d. Reticulated Flatwoods Salamander: Locations of ponds that have been determined to have the potential to support reticulated flatwoods salamander are depicted on Figure 6 of the SAJ-114 Biological Assessment (Exhibit 26). If the proposed project is within 1500 feet of a documented potential pond, then a re-initiation of consultation with USFWS will occur.

e. State Species: If any state listed/protected species are encountered, coordination with FWC will be initiated. The USFWS and FWC web-sites include references to state-listed species.

17. To ensure projects do not adversely affect the Gulf Intracoastal Waterway (GIWW) federal project, the following procedures will be required:

a. Any work occurring within 100 feet of the GIWW vehicular access points, right-of-way (ROW), or existing and proposed dredge material disposal areas, as depicted on Exhibit 31, shall be designed and constructed in accordance with the SAJ-114 Conditions for Work Adjacent to the Gulf Intracoastal Waterway, Right-of-way, Dredge Material Disposal Areas, and Vehicular Access Points (Exhibit 32).

b. Any project that includes surface water management system(s) that discharge directly or indirectly to any of the drainage features depicted on Exhibit 31, must adhere to the following procedures:

(1) Upon completion of engineering plans and calculations for surface water management systems, the applicant shall submit the final plans to CESAM-OP-GE.

(2) CESAM-OP-GE will notify CESAJ-RD within 30 days after receipt of the final plans if the project would require further evaluation under 33 USC Section 408 (Taking possession of, use of, or injury to harbor or river improvements).

(3) If CESAM determines that a Section 408 review is required due to adverse effects to the GIWW, the applicant will submit a Section 408 request in accordance with procedural guidance from USACE. The decision on a Department of the Army permit application will not be rendered prior to the decision on the Section 408 request.

18. Cultural and Historical Resources:

a. Documentation of coordination by the applicant with the State Historic Preservation Officer (SHPO) in regard to potential impacts on cultural and historical resources associated with a project proposed to be authorized under this RGP, is required as a component of the Individual Project Approval process, as described in Special Condition 19 below. The documentation shall include the SHPO's written response to the applicant's coordination.

b. No structure or work shall adversely affect, impact or disturb properties listed in the National Register of Historic Places (NRHP) or those eligible for inclusion in the NRHP.

c. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Corps. The Corps shall then notify the SHPO and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

d. A cultural resources assessment may be required of the permit area, if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO and the Corps.

e. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work in the vicinity shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist. The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall

not resume without written authorization from the State Archeologist, SHPO and the Corps.

19. Individual Project Approval.

a. To commence the review of an application for an individual project approval, the applicant shall prepare an application using the form *Joint Application for Environmental Resource Permit/Authorization to Use State-Owned Submerged Lands/Federal Dredge and Fill Permit #62-330.060(1)*, or other joint application form acceptable to both the Corps and DEP. The application shall include all of the information required in the Individual Project Approval Checklist (Exhibit 33). The application and Individual Project Approval Checklist shall be submitted to the Corps and DEP at least two weeks prior to a formal application meeting with the Corps and DEP to review the application. Appropriate representatives from USFWS, U.S. Environmental Protection Agency (EPA), FWC, National Marine Fisheries Service (NMFS) and NFWFMD shall be invited to the meeting. The application shall be considered to be in draft form until the day of the meeting, at which time the formal review of the application shall commence. No regulated work may proceed until after written authorization under this RGP has been issued. For ease of scheduling purposes, formal application meetings shall be pre-scheduled for one day per calendar month, but may be cancelled if no applications are received within the two weeks prior to the pre-scheduled formal application meeting.

b. An applicant may request an informal pre-application meeting with appropriate representatives from the Corps and DEP to discuss a proposed project and clarify any necessary procedural and substantive criteria of the RGP. Appropriate representatives from USFWS, EPA, FWC, NMFS and the NFWFMD shall be invited to the pre-application meeting. There are no specific submittal requirements for this informal pre-application meeting, but the applicant shall provide an appropriate type and level of information on any procedural or substantive criteria that needs clarification. An information pre-application meeting does not commence the formal review of an individual project approval application. Pre-application meetings shall be scheduled on an as needed basis.

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

21. Failure to comply with any of the conditions of this RGP will constitute noncompliance and could result in enforcement action by the Corps.

22. As-Built Certification: Within 60 days of completion of the work authorized by this permit, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification By Professional Engineer form (Exhibit 34) to the Corps. The as-built drawings shall be signed and sealed by a registered professional engineer and include the following:

a. A plan view drawing of the location of the authorized work footprint, as shown on the permit drawings, with transparent overlay of the work as constructed in the same scale as the permit drawings on 8½-inch by 11-inch sheets. The plan view drawing should show all "earth disturbance," including wetland impacts and water management structures.

b. A list of any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the attached As-Built Certification By Professional Engineer form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification By Professional Engineer form does not constitute approval of any deviations by the Corps.

c. Include the Department of the Army permit number on all sheets submitted.

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

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

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 quality certification has been issued for your project you must comply with the conditions specified in the certification as Special Conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

FURTHER INFORMATION:

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

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

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

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

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

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

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

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

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

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision. Such a reevaluation may result in a determination that it is appropriate to use the suspension modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209 170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

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

BY AUTHORITY OF THE SECRETARY OF THE ARMY

Jason A. Kirk, P.E.
Colonel, U.S. Army
District Comander

**DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST
FOR REGIONAL GENERAL PERMIT SAJ-114**

PERMIT NUMBER: _____

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

To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Panama City Permits Section Office, 1002 West 23rd Street, Suite 350, Panama City, FL 32404-3648.

(TRANSFEREE SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT) (BLOCK)

(NAME PRINTED)

(MAILING ADDRESS)

(CITY, STATE AND ZIP CODE)

List of Exhibits for Regional General Permit SAJ-114

- Exhibit 1: Ecosystem Management Agreement
- Exhibit 2: Sediment and Erosion Control
- Exhibit 3: SAJ-114 Boundary Map
- Exhibit 4: SAJ-114 High Quality/Altered Wetlands Map
- Exhibit 5: SAJ-114 March 2013 Aerial Photo
- Exhibit 6: SAJ-114 Sub-Watershed Map
- Exhibit 7: SAJ-114 Conservation Units Map
- Exhibit 8: Conservation Unit Map & Description – Barrett Branch Conservation Unit
- Exhibit 9: Conservation Unit Map & Description – Boutwell Branch Conservation Unit
- Exhibit 10: Conservation Unit Map & Description – Bunker Cove Conservation Unit
- Exhibit 11: Conservation Unit Map & Description – Devils Swamp Conservation Unit
- Exhibit 12: Conservation Unit Map & Description – Doe Head Swamp Conservation Unit
- Exhibit 13: Conservation Unit Map & Description – Kelly Pond Conservation Unit
- Exhibit 14: Conservation Unit Map & Description – Otter Creek Conservation Unit
- Exhibit 15: Conservation Unit Map & Description – Pigeon Creek Conservation Unit
- Exhibit 16: Conservation Unit Map & Description – Poley Islands Conservation Unit
- Exhibit 17: Conservation Unit Map & Description – Sister River Conservation Unit
- Exhibit 18: Conservation Units Map & Description – State Forest Conservation Unit
- Exhibit 19: Conservation Unit Map & Description – Three Mile Branch Conservation Unit
- Exhibit 20: Conservation Unit Map & Description – Tiller Branch Conservation Unit
- Exhibit 21: Principles for Forest & Wildlife Management of Conservation Units

Exhibit 22: SAJ-114 Conservation Units Checklist

Exhibit 23: Conservation Easement for Conservation Units Type I

Exhibit 24: Conservation Easement for Conservation Units Type II

Exhibit 25: Conservation Easement for Mitigation/Preservation

Exhibit 26: SAJ-114 Biological Assessment

Exhibit 27: Preliminary Jurisdiction Determination Form & Jacksonville District Wetland Delineation Survey Policy.

Exhibit 28: *National Bald Eagle Management Guidelines (May 2007) (USFWS)*

Exhibit 29: *FWC Bald Eagle (Haliaeetus leucocephalus) Management Plan Handbook (June 2008) (FWC)*

Exhibit 30: *Standard Protection Measures for the Eastern Indigo Snake (USFWS) (August 12, 2013).*

Exhibit 31: GIWW, Right-of-way (ROW), Dredge material disposal areas, Vehicular Access points, and Outfall locations

Exhibit 32: *SAJ-114 Conditions for work adjacent to the Gulf Intracoastal Waterway, right-of-way, dredge material disposal easements, and vehicular access points*

Exhibit 33: Individual Project Approval Checklist

Exhibit 34: As-Built Certification By Professional Engineer form