



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Proposed Reissuance of Regional
General Permit SAJ-86
SAJ-2004-01861

Published: June 26, 2025
Expires: July 28, 2025

**Jacksonville District
Proposed Reissuance of Regional General Permit SAJ-86
Residential, Commercial, Recreational, and Institutional Fill
and Restoration Activities in the Choctawhatchee Bay, Lake
Powell, and West Bay Basins Bay and Walton Counties,
Florida**

TO WHOM IT MAY CONCERN: To simplify and expedite processing of Department of the Army permits for minor, substantially similar activities, the Jacksonville District, U.S. Army Corps of Engineers (Corps) proposes to reissue the Regional General Permit (RGP) SAJ-86 to authorize discharges of dredged or fill material into non-tidal waters of the United States for the construction of residential, commercial, recreational, and institutional projects and restoration activities, and their components, which comprise and are necessary for the construction, use and maintenance of such projects in non-navigable and non-tidal waters, including wetlands, which are located in three large watersheds: The Lake Powell watershed, and various drainage basins of the Choctawhatchee Bay and West Bay watersheds.

Minor activities that would be covered under the SAJ-86 include the following, pursuant to Section 404 of the Clean Water Act (33 U.S.C §1344).

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 and restoration activities, 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. Residential developments include multiple and single unit developments. Examples of commercial developments include retail stores, light industrial facilities, research facilities, warehouses, distribution facilities, hotels, 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. Restoration activities include those designed to manipulate the physical, chemical, or biological characteristics of a site with the goal of returning or enhancing natural/historic ecological functions to a former or degraded aquatic resource.

Activities would occur within waters of the United States in three large watersheds: The Lake Powell watershed, and various drainage basins of the Choctawhatchee Bay and West Bay watersheds. The RGP area also includes two small areas, which drain either directly to the Gulf of America (Gulf) or through the Camp Creek Lake watershed into the Gulf. The RGP area is located within southeastern Walton County and southwestern Bay County. More specifically, the proposed RGP project area is located south and north of the Intracoastal Waterway (ICW) and north of U.S. Highway 98 (US 98), extending from eastern West Bay west to Choctawhatchee Bay. Ten proposed conservation units (Exhibits 6-16) and two mitigation banks (Exhibits 17 & 18) are located within the boundaries of the RGP. In Bay County, Township, Range, and Sections are: T2S, R16W, S17-20 & 28-33; T2S, R1 7W, S13-17 & 19-36; T3S, R15W, S28-33; T3S, R16W, S4-9, 15-18, 20-22, & 25-27; and T3S, R 17W, S1-6 & 10-13. In Walton County, Township, Range, and Sections are: T2S, R18W, S31; T2S, R19W, S25, 26, 35 & 36; T3S, R18W, 83-6, 8-11, 13-16, 23-26, 35 & 36; and T3S, R19W, S1 & 2.

BACKGROUND: SAJ-86 was developed along with an Ecosystem Management Agreement between the Florida Department of Environmental Protection (FDEP) and The St. Joe Company (St. Joe) by an interagency team comprised of the Corps, FDEP, U.S. Environmental Protection Agency (EPA), U.S. Fish and Wildlife Service (FWS), Northwest Florida Water Management District (NFWFMD), and St. Joe. For the 2009 reissuance of SAJ-86 the interagency team included the above, except for the NFWFMD, but with the inclusion of the Florida Fish and Wildlife Conservation Commission (FWC). For the 2014 reissuance of SAJ-86, the interagency team was comprised of the same members as that for the 2009 reissuance.

The purpose of the RGP is to protect the aquatic environment on a watershed scale within an area of new, and 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 appropriately mitigate for direct, indirect and cumulative impacts within the affected watershed.

RGP SAJ-86 was originally issued by the Corps on 30 June 2004 and was reissued on 23 June 2009, 25 March 2015, and 22 September 2020. The SAJ-86 project area encompasses approximately 48,150 acres, including approximately 39,000 acres that were owned by St. Joe at the time SAJ-86 was originally issued.

The Corps anticipates utilization of the RGP SAJ-86 to address future requests for minor work within the authorized geographic area. This RGP improves efficiencies for the review and verification of minor activities, thus improving service to the regulated public. This RGP will be coordinated with Federal and State resource agencies to address federal laws such as the National Historic Preservation Act (NHPA) and the Fish and Wildlife Coordination Act.

The term "General Permit" means a Department of the Army authorization that is issued on a nationwide or regional (District) basis for a category of activities when: those activities are substantially similar in nature and cause only minimal individual and cumulative impacts. General permits reduce the burden of the regulatory program on the public and ensure timely issuance of permits while effectively administering the laws and regulations which establish and govern the program. General permits are reviewed every five years. After five years, general permits may be reissued, suspended, or revoked.

An assessment of the cumulative impacts of work authorized under a general permit is performed prior to authorization. In most instances, projects which comply with the conditions of a general permit can receive project specific authorization. Projects that do not comply with the conditions of a general permit may still receive authorization via an individual permit, but the application must be individually evaluated and coordinated with third parties, including the federal and state resource agencies. Review of an application for an individual permit takes additional time to complete as conflict resolution may be required.

AVOIDANCE AND MINIMIZATION:

RGP SAJ-86 would authorize activities that are minor and commonplace. The proposed terms and conditions of the RGP SAJ-86 require activities proposed for authorization to be minimal in nature and avoid aquatic resources to the maximum extent.

Several specific minimization requirements have been incorporated in project design criteria including established impact ratios for individual project sites and within watershed basins, requirements for preservation within designated conservation units, establishment of buffers adjacent to high quality wetlands and an aggregate total impacts to high quality wetlands at 125 acres for the permit instrument.

COMPENSATORY MITIGATION:

Compensatory mitigation consistent with the 2008 Mitigation Rule for individual project wetland impacts may be satisfied using: (1) Federal mitigation bank credits from approved mitigation banks, (2) Mitigation activities within designated conservation units, and (3) Onsite mitigation activities.

CULTURAL RESOURCES:

The Corps is not making an effect determination to historic properties for this permit instrument. Instead, each activity proposed for authorization under the RGP SAJ-86 will be evaluated for compliance with Section 106 of the National Historic Preservation Act (NHPA) and the guidelines of 33 C.F.R. Part 325, Appendix C.

For each activity proposed for authorization under the RGP SAJ-86, the Corps will conduct an individual evaluation of the activity's potential effects to historic properties

and Tribal resources, in accordance with Section 106 of the NHPA and Tribal Trust responsibilities.

No activity shall be authorized under this RGP which is likely to adversely affect historic properties listed on, or eligible for listing on the National Register of Historic Places.

If the proposed activity requires consultation under the NHPA, the proposed activity cannot be authorized under this RGP until consultation with the State Historic Preservation Office and other appropriate consulting parties is initiated and concludes with a determination that the activity has little likelihood to affect a historic property.

ENDANGERED SPECIES:

Impacts to listed species were previously evaluated and a Biological Opinion (BO) was issued May 19, 2009, that includes RGP SAJ-86, RGP SAJ-105 and RGP SAJ-114, and contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with the "incidental take" that is specified in the BO. Authorization under this RGP is conditional upon compliance with all of the mandatory terms and conditions associated with incidental take of the BO.

WATER QUALITY CERTIFICATION:

The Corps will request general water quality certification from the FDEP.

COASTAL ZONE MANAGEMENT CONSISTENCY:

The Corps will request general coastal zone consistency concurrence from the FDEP.

IMPACT ON NATURAL RESOURCES:

Coordination with FWS, 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.

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, historical 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.

COMMENTS:

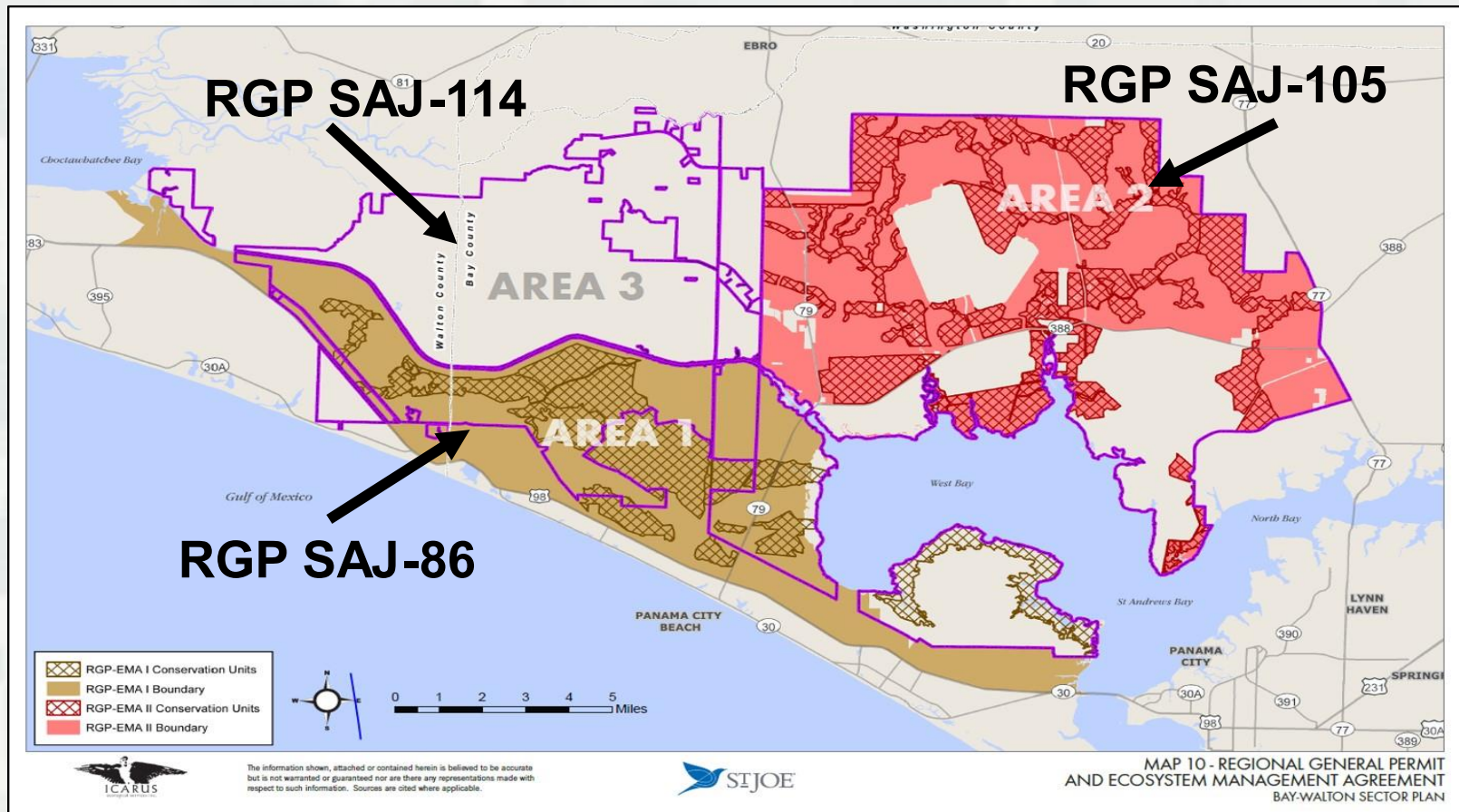
The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to 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 (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COMMENTS regarding the potential authorization of the SAJ-86 should be submitted in writing within 30 days from the date of this notice. Comments should be submitted via the Regulatory Request System public notice module at <https://rrs.usace.army.mil/rrs/public-notices>. Alternatively, you may submit written comments to Kelly Bunting at Kelly.A.Bunting@usace.army.mil.

QUESTIONS concerning this public notice should be directed to Kelly Bunting at Kelly.A.Bunting@usace.army.mil, or by telephone at 850-760-0717, extension 2.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Regional General Permit Geographic Context



*Photo Courtesy of St. Joe Company **BUILDING STRONG®**



**DEPARTMENT OF THE ARMY PERMIT
REGIONAL GENERAL PERMIT
SAJ-2004-01861
SAJ-86**

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

I. Permittee: Recipient of a verification of a Regional General Permit (RGP) SAJ-86 from the Regulatory Division of the U.S. Army Corps of Engineers (Corps), South Atlantic Division, Jacksonville District (SAJ).

NOTE: The term "you" and its derivatives, as used in this permit, means the Permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

II. Effective Date: **Date**

III. Expiration Date: **Date**

This RGP will be valid for a period of five years from the effective date specified above unless suspended or revoked by the District Engineer prior to that date. If SAJ-86 expires or is revoked prior to completion of the authorized work, authorization of activities that have commenced or are under contract to commence in reliance on SAJ-86 will remain in effect provided the activity is completed within 12 months of the date SAJ-86 expired or was revoked.

IV. Issuing Office: Regulatory Division, Jacksonville District.

V. Authorized Activities: The following activities are authorized by SAJ-86, in accordance with the terms and conditions of this permit:

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 and restoration activities, 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.

Residential developments include multiple and single unit developments. Examples of commercial developments include retail stores, light industrial facilities, research facilities, warehouses, distribution facilities, hotels, 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. Restoration activities include those designed to manipulate the physical, chemical, or biological characteristics of a site with the goal of returning or enhancing natural/historic ecological functions to a former or degraded aquatic resource. This permit applies only to the portions of Bay and Walton Counties, Florida as depicted by Exhibit 1, as being within the "SAJ-86 Boundary."

This RGP authorizes impacts to wetlands that are defined as altered and high quality. Altered wetlands are hydric pine plantations (silviculture lands), as estimated on the map of high quality and altered wetlands onsite (Exhibit 2). To the extent that silvicultural activities in any area of altered wetlands, as shown by Exhibit 2, have ceased for more than 5 years after the final cut, such wetlands shall be identified as high quality wetlands. The class of altered wetlands may also include 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.

Project design criteria (PDC) required to qualify for verification under SAJ-86:

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

a. Impacts to altered wetlands shall not exceed 20% of the total altered wetlands in any one sub-basin. The area within a particular sub-basin to be used to make the 20% calculation does not include areas within either mitigation banks or conservation units located within the sub-basin. Sub-basins are depicted in Exhibit 3. The 20% calculation is the equivalent of a 4:1 (80/20) preservation to impact ratio on an areal basis.

b. Projects may impact more than 20% of the altered wetlands within an individual project site, if cumulative altered wetland impacts for all approved individual projects within the sub-basin do not exceed 20%, as defined above, at any time. Examples of how this may occur include:

(1) An individual project impacts only 15% of the altered wetlands in the project site and the remaining on-site wetlands are preserved through a conservation easement. A subsequent project owned by the same applicant within that sub-basin may impact more than 20% of the altered wetlands in the project site, as long as the total impact to altered 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 altered wetlands on the project site. As a part of the project, the applicant must provide an offsite area within the sub-basin (in this case, an area equivalent to 10% of the altered wetlands on the site) to be preserved through a conservation easement so as not to exceed the maximum 20% impact to altered wetlands for all approved projects within the sub-basin.

c. Impacts to high quality wetlands:

(1) Must 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. 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 road crossings within the RGP area shall not exceed 125 acres for this permit instrument.

(3) 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.

(4) All road or bridge crossings in wetlands shall be designed so that the hydrologic conveyance is not reduced or impaired. Bridging is encouraged wherever practicable. The following factors shall be considered when determining if bridging of the wetlands is practicable: (1) the degree of water flow within the wetland, (2) the length of the wetland crossing, (3) the topography of the wetland and associated upland, and (4) the degree to which a roadway would adversely affect the movement of wildlife expected to use the wetland.

2. Lake Powell Basin: Projects must be designed to include appropriate buffers. In Walton County, a 100-foot buffer adjacent to the lake measured from the ordinary high water line (OHWL) to the limits of disturbance must be included in project design. In Bay County, a 30-foot buffer adjacent to the lake measured from the OHWL to the limits of disturbance must be included in project design.

3. High Quality Wetland Buffers: Altered wetlands shall buffer high quality wetlands throughout the RGP area. Except at road crossings, upland and/or altered wetland buffers adjacent to high quality wetlands shall be an average of 50 feet wide, with a minimum 30-foot width. Buffers shall be placed under conservation easement. Activities allowed within buffers and the conservation easement instrument template are included in Exhibit 4.

4. No discharge of dredged or fill material is allowed that would sever hydrologic connection in high quality wetlands.
5. Discharge of dredged or fill material may sever hydrologic connection in altered wetlands; however, severed altered wetlands are treated as impacted wetlands for purposes of this RGP. The required 4:1 preservation to impact ratio for altered wetland impacts must be met, and compensatory mitigation must be provided for the area of altered wetlands within the severed area.
6. Proposed projects must include appropriate compensatory mitigation to replace functions lost as a result of permitted impacts in accordance with the following:
 - a. Compensatory mitigation consistent with the 2008 Mitigation Rule for individual project wetland impacts may be satisfied using:
 - (1) Federal mitigation bank credits from approved mitigation banks
 - (2) Mitigation activities within designated conservation units
 - (3) Onsite mitigation activities.
 - b. Mitigation for projects within the Lake Powell basin must be consistent with the 2008 Mitigation Rule and may be accomplished by either:
 - (1) Permittee-responsible mitigation within the project site, or
 - (2) Permittee-responsible mitigation within a designated conservation unit within the Lake Powell basin.
 - c. The Corps on a case-by-case basis may approve compensatory mitigation projects located within the conservation units or within individual project sites in accordance with the 2008 Mitigation Rule. Conservation easements shall be placed over areas on which compensatory mitigation projects are located. The activities, as described within Exhibit 3, are allowed within compensatory mitigation project areas within conservation units or within individual project sites, unless otherwise prohibited or modified by the specific compensatory mitigation plan for the site.
 - d. Except in the specific circumstance, as described in 4.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, 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 be implemented concurrent with permitted impacts.

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

7. Conservation units:

a. Ten conservation units identified in Exhibits 6 through 16 are excluded from development and are subject to the restrictions, as described below.

b. Conservation units may only be used for conservation purposes, wetland or habitat mitigation, and limited passive recreational purposes as outlined in Exhibit 5.

c. The St. Joe Company shall place perpetual conservation easements on portions of conservation units equal to the percentage of the total acreage of approved projects in each sub-basin. St. Joe must ensure that conservation easements are placed on sold or transferred parcels prior to transfer.

To determine the acreage of the conservation units that must be placed under an easement:

Divide the total acreage within an approved project boundary in a sub-basin (including off-site wetland preservation areas) by the total acreage of land within the sub-basin minus the area of any conservation units with the same sub-basin. This percentage of the conservation units in each sub-basin shall be placed under conservation easement. The cumulative acreage of conservation units conveyed to governmental entities or 501c (3) conservation organization buyers counts toward the acreage placed under a conservation easement.

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

a. Perpetual conservation easements will be placed on conservation units. The easement shall be in the form of Exhibit 5.

b. Perpetual conservation easements will be placed on unimpacted wetlands on each project site; and will include any required buffers. The conservation easements will be in place following individual project approvals, but prior to commencing any activities authorized by this RGP or according to the timeframe specified in the approval. The easement shall be in the form of Exhibit 4.

c. Areas within the subbasin, but outside of the CUs to compensate for onsite impacts greater than the allowed ratio. The easement shall be in the form of Exhibit 4.

d. For areas to be used for compensatory mitigation outside of a mitigation bank, a conservation easement will be placed on the mitigation area prior to commencement of any activities authorized by this RGP. The easement shall be in the form of Exhibit 4.

9. Wetland Identification: For the purposes of this RGP, in order to establish one wetland line for all Individual Project Approvals the identification and delineation of wetlands is the most landward line identified in accordance with 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. Wetland boundaries may be identified using aerial photo- interpretation (API) 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. A documented field verification based on ground-truthing with flagged wetland delineation lines, will be required.

10. Stormwater management systems for projects authorized under this RGP area will be designed, constructed, operated, and maintained in accordance with the Stormwater System Design and Review Criteria Manual, February 2004 (Exhibit ?). A signed statement by a Florida licensed engineer which verifies that the project conforms to the aforementioned manual will be submitted prior to permit verification.

VI. Geographic Area: As shown in Exhibit 1, this RGP applies to non-navigable and non-tidal waters, including wetlands, which are located in three large watersheds: The Lake Powell watershed, and various drainage basins of the Choctawhatchee Bay and West Bay watersheds. The RGP area also includes two small areas, which drain either directly to the Gulf of Mexico, or through the Camp Creek Lake watershed into the Gulf of Mexico. The RGP area is located within southeastern Walton County and southwestern Bay County. More specifically, the proposed RGP project area is located south and north of the Intracoastal Waterway (ICW) and north of U.S. Highway 98 (US 98), extending from eastern West Bay west to Choctawhatchee Bay. Ten proposed conservation units (Exhibits 6-16) and two mitigation banks (Exhibits 17 & 18) are located within the boundaries of the RGP. In Bay County, Township, Range, and Sections are: T2S, R16W, S17-20 & 28-33; T2S, R1 7W, S13-17 & 19-36; T3S, R15W, S28-33; T3S, R16W, S4-9, 15-18, 20-22, & 25-27; and T3S, R 17W, S1-6 & 10-13. In Walton County, Township, Range, and Sections are: T2S, R18W, S31; T2S, R19W, S25, 26, 35 & 36; T3S, R18W, 83-6, 8-11, 13-16, 23-26, 35 & 36; and T3S, R19W, S1 & 2.

VII. Excluded Uses: This RGP does not authorize:

1. Discharge of dredged or fill material into wetlands for septic tanks or drainfields.

2. Stormwater ponds within high quality wetlands.

VIII. Pre-Application Notification and Application Procedures:

1. To be authorized under this RGP, the applicant must first submit a pre-application notification (PAN), including a draft application form ENG 4345 and satisfactory drawings, to the appropriate permitting section. This information will be discussed during standing monthly pre-application meetings with appropriate representatives from the Corps, United States Fish and Wildlife Service (USFWS), United States Environmental Protection Agency (EPA), Florida Department of Environmental Protection (FDEP), Florida Fish and Wildlife Conservation Commission (FWC), and the Northwest Florida Water Management District (NFWFMD) (Team). The application must be provided 14 days prior to the scheduled meeting and include all of the information required in the Individual Project Approval Checklist (Exhibit 26) including the following information:

(a) Scope of the project - Type of project and how it comports with activities authorized by the RGP.

(b) Location / project boundaries - Exhibits showing general project location within the project area boundaries and specific location (1"=200' or other appropriate scale).

(c) Proposed wetland impacts. The number, type, location, and acreage of all wetland impacts, as well as drawings and other exhibits that sufficiently depict that the proposed project fully complies with this RGP. Under current guidance, the Preliminary Jurisdictional Determination form provided in Exhibit 19 may be utilized for each Individual Project Approval under this RGP. Atlantic and Gulf Coastal Plain Region data forms should be submitted with the draft application prior to the formal pre-application meeting.

(d) Maps of high quality and altered wetlands onsite. The existing high quality/altered wetland map shall be used as a starting point for delineation of altered versus high quality wetlands (Exhibit 2). During or after wetland boundaries have been established, the resulting wetland areas will be classified and mapped by quality, as defined above. The procedure will use a combination of GPS technology, visual inspection of photography, timber stand data and ground-truthing.

(e) Prior to submittal of formal application, a site visit must be conducted to verify the wetland limits and quality.

(f) Compensatory Mitigation Applicant must provide documentation that the project complies with PDC 4 above.

(g) Reticulated flatwoods salamander (*Ambystoma bishopi*): A site evaluation for the reticulated flatwoods salamander shall be performed and documented

through completion of the RGP-86 Flatwoods Salamander Pre-application Evaluation Form (Exhibit 20). The completed site evaluation shall be provided at the pre-application meeting.

(h) Bald eagle (*Haliaeetus leucocephalus*): Provide documentation of the location of known bald eagle nests and distance from proposed project area.

If a bald eagle's nest occurs within 660 feet of a project, provide documentation that shows that the applicant followed the U.S. Fish and Wildlife Service's May 2007 National Bald Eagle Management Guidelines and has contacted the Florida Fish and Wildlife Conservation Commission for recommendations relative to Florida's Bald Eagle Management Plan and Permitting Guidelines. Appropriate protections must be incorporated in the project design and documentation must be provided showing how the protections will be implemented.

(i) Telephus spurge (*Euphorbia telephioides*): A site evaluation for Telephus spurge must be performed and documented through the completion of the SAJ-86 Telephus Surge Pre-application Evaluation (Exhibit 23). The completed site evaluation shall be provided at the pre-application meeting.

(j) Eastern indigo snake (*Drymarchon corais couperi*) (EIS): The applicant must provide documentation that impacts to the eastern indigo snake have been evaluated using the EIS Effects Determination Key. The Permittee must comply with the most current USFWS's Standard Protection Measures for the Eastern Indigo Snake (Exhibit 24). The applicant must provide documentation that these protection measures will be implemented during the design and construction of the permitted work.

(k) Documentation of coordination by the applicant with the State Historic Preservation Officer (SHPO) regarding potential impacts on cultural and historical resources associated with a project is required. When a Cultural Resource Assessment Survey (CRAS) has been conducted, SHPO's written response to the report shall be included with the applicant's coordination documentation.

(l) The applicant shall provide documentation whether coordination with the USFWS and/or FWC was required and/or initiated regarding any needed fish and wildlife surveys for the project area, and any measures needed to avoid, minimize, or mitigate adverse impacts to listed/protected fish and wildlife species and their habitats.

2. Once the comments received at the pre-application meeting are incorporated into the application package, the application for an individual project may be formally submitted to the Corps for processing. Authorization of the proposed work would be provided through a verification that the project meets the requirements of the RGP if performed in accordance with the terms and conditions specified in this permit instrument and any project-specific terms and conditions in the verification.

IX. Terms and Conditions:

1. **Reporting Address:** The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:

- a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).
- b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

2. Cultural Resources/Historic Properties:

- a. 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.
- b. 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, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with native cultures or early colonial settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps at the addresses listed in the **Reporting Address Special Condition** within the same business day (8 hours). The Corps shall coordinate with the SHPO to assess the significance of the discovery and devise appropriate actions.
- c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition and, if deemed necessary by the SHPO 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 for finds under his or her jurisdiction, and from the Corps.
- d. 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 and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall

immediately notify the medical examiner, Corps, and State Archaeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO. 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 SHPO and from the Corps.

3. **Erosion Control:** Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the work area into waters of the United States. The erosion control measures shall remain in place and be maintained until all authorized work is completed and the work areas are stabilized.

4. **Fill Material:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance in toxic amounts, in accordance with Section 307 of the Clean Water Act.

5. **Onsite Wetlands and Offsite Preservation Areas:** All unimpacted onsite wetlands and offsite preservation areas must be placed under a conservation easement. Activities allowed within conservation easements and Conservation Instrument are included in Exhibit 3.

6. **Offsite Preservation Location:** Offsite preservation areas must be abutting a designated Conservation Unit or existing preservation area and must consist of a mosaic of upland and altered and high quality wetlands. Activities allowed within conservation easements and Conservation Instrument are included in Exhibit 3.

7. **Buffers:** Buffers must be placed adjacent to high quality wetlands and shall be an average of 50 feet wide, with a minimum 30-foot width. Buffers must be placed under Conservation Easement. Buffers are not required at road crossings

8. **Buffer Requirements:** All buffers, whether upland or wetland, will be preserved and maintained in a natural condition, except boardwalks for dock access and at-grade trails. Buffers may be enhanced or restored to a more natural condition. Application of fertilizers, herbicides, or pesticides is prohibited in all buffers, except for the use of herbicides for the eradication of exotic and invasive plants. Such buffers shall be placed under conservation easements. Activities allowed within buffers placed under conservation easements are included in Exhibit 3.

9. **Crossings:** 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. Restoration in this section is defined as re-establishment of natural soil surface grades and natural re-vegetation. Restoration activities must occur no later than February 15th of each year following the date of the

initiation of construction of the new crossing. Projects authorized 45 days prior to February 15th may be completed by the following year. Once all existing silviculture crossings have been restored within a particular sub-basin this requirement shall lapse.

10. **Conservation Easements:**

(1) The permittee shall have the conservation easement, including a legal description, survey, and scaled drawings of the areas in question, prepared and sent for legal review and approval to the U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section via electronic mail at SAJ-RD-Enforcement@usace.army.mil.

(2) Within 30 days of U.S. Army Corps of Engineers' approval of the proposed easement, the permittee shall record the easement in the public records of Bay or Walton County, Florida. Within 60 days of the Corps approval of the draft conservation easement, the permittee shall forward a certified copy of the recorded easement to the Regulatory Division, at the addresses listed in the **Reporting Address Special Condition**.

(3) 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 current market value of the property.

(4) In the event the permit verification 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.

(5) Grantee shall not assign its rights or obligations under a conservation easement except to another organization qualified to hold such interests under the applicable state and federal laws, including §704.06 Florida Statutes, and committed to holding the 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 the 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.

(6) The conservation easements must be recorded prior to commencing any activities authorized by this RGP or according to the timeframe specified in the verification.

11. Reporting and Monitoring Requirements: By 15 February of every year in which impacts are authorized, St. Joe must provide an Annual Report. The Annual Report must include:

- (1) The total acreage of impact approved
- (2) The location and acreage of any mitigation activity undertaken
- (3) The number and acreage of conservation easements recorded. Conservation easements for projects authorized 45 days prior to February 15th may be recorded in the following year.
- (4) Conservation units conveyed to other owners
- (5) The number and location of high quality wetland road crossings restored.
- (6) Activities undertaken within conservation units including the total number of acres of land disturbance
- (7) Other activities that may impact this RGP.

12. Ledger: The St. Joe Company will maintain a GIS-based ledger and map depicting the amount, type and percentage of wetland impact and mitigation implemented in the EMA area. The Corps will provide The St. Joe Company with information regarding the amount, type and percentage of wetland impact and mitigation implemented in areas not owned by The St. Joe Company.

13. Ledger Requirements: Updated ledger balance sheet 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 total.
- (3) Project impacts - high quality and altered wetlands 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.

14. Recording Conservation Easements: The St. Joe Company shall record conservation easements in Conservation Units as described in PDC 5 above.

15. Sale of Conservation Units: Prior to the sale or transfer of a conservation unit to a governmental entity or 501c(3) private conservation owner, The St. Joe Company shall place conservation easements on such property to assure the perpetual conservation use of the conservation units. The perpetual conservation easement shall be in the form of Exhibit 4. Within seven days of conveyance of any portion or interest of a conservation unit, The St. Joe Company shall provide a complete copy of the RGP, including the U.S. Fish and Wildlife Service's (FWS) revised Biological Opinion (BO) dated March 3, 2005, and the re-issued BO letter dated May 19, 2009 (Exhibit 25) to the new owner. Within fourteen days of any such conveyance The St. Joe Company will provide a letter signed by the appropriate representatives of The St. Joe Company and the new owner to the Corps stating that the exchange has taken place.

16. Biological Opinion: This RGP does not authorize the take of an endangered species. In order to legally take a listed species, separate authorization under the Endangered Species Act (ESA) is required (e.g., an ESA section 10 permit, or a biological opinion (BO) under ESA section 7, with "incidental take" provisions with which permittees under this RGP must comply). The enclosed FWS's revised BO dated March 3, 2005, and the re-issued BO letter dated May 19, 2009, contain mandatory terms and conditions to implement the reasonable and prudent measures that are associated with the "incidental take" that is specified in the BO (Exhibit 25). Authorization under this RGP is conditional upon your compliance with all of the mandatory terms and conditions associated with incidental take of the attached BO, which terms and conditions are incorporated herein by reference. Failure to comply with the terms and conditions associated with incidental take of the BO, where a take of the listed species occurs, will constitute an unauthorized take, and will also constitute non-compliance with this RGP. The FWS is the appropriate authority to determine compliance with the terms and conditions of its BO, and with the ESA.

17. Proposed species and critical habitat: At this time, this project does not fall within the range for any known candidate or proposed species to be federally listed and/or proposed critical habitat to be designated under the Endangered Species Act. If any species or critical habitat should become federally listed within the range of the permitted action, the Permittee is required to stop work and ask the Corps to re-evaluate effects on the species or designated critical habitat, and if needed, complete Section 7 consultation with the United States Fish and Wildlife Service or National Marine Fisheries Service to address potential impacts to the species and/or designated critical habitat.

18. 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 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.

19. **Section 408:** Any proposed work that may alter or occupy a Civil Works project will require case-specific review by the Corps Jacksonville District Engineering Division in accordance with 33 USC 408 (Section 408) and approval from the Jacksonville District Commander or the appropriate delegated authority prior to authorization under this RGP. Under the terms of 33 USC 408, any proposed modification requires a determination that such proposed alteration or permanent occupation or use of a Civil Works project is not injurious to the public interest and will not impair the usefulness of such work. For those Civil Works projects with Non-Federal Sponsors, Section 408 requests must be routed through the appropriate Non-Federal sponsor prior to submittal to the Corps Regulatory Office. Additional conditions may be required pursuant to Section 408 approval.

20. **Perpetual Conservation:** The Permittee shall maintain the mitigation areas in their naturally existing, restored, enhanced or created condition in perpetuity. The Permittee agrees that the only future utilization of these areas will not be in conflict with the intended ecological function of the site and the following uses and/or activities will be prohibited except as required or authorized by this permit:

- a. Construction or placing buildings, roads, signs, billboards or other advertising, utilities or other structures on or above the ground;
- b. Dumping or placing soil or other substances or materials as landfill or dumping or placing of trash, waste or unsightly or offensive materials;
- c. Removing, destroying or trimming trees, shrubs, or other vegetation, except:
 - i. The removal of dead trees and shrubs or leaning trees that could cause damage to property is authorized;
 - ii. The destruction and removal of noxious, nuisance or exotic invasive plant species as listed on the most recent Florida Exotic Pest Plant Council's List of Invasive Species is authorized; and
 - iii. Activities authorized by the Permit or described in the Management Plan or otherwise approved in writing by the Corps.

- d. Excavation, dredging or removal of loam, peat, gravel, soil, rock, or other material substance in such a manner as to affect the surface;
- e. Surface use, except for authorized purposes that permit the land or water area to remain in its naturally restored, enhanced, or created condition;
- f. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation, including, but not limited to, ditching, diking, clearing, and fencing;
- g. Activities or uses detrimental to such aforementioned retention of land or water areas in their naturally restored, enhanced, or created condition; and Acts or use detrimental to the preservation of the structural integrity or physical appearance of sites or properties having historical, architectural, or cultural significance.

X. Discretionary Authority: Conformance with the descriptions and criteria contained herein does not guarantee authorization under this RGP. The District Engineer reserves the right to require that any request for authorization under this RGP be processed as an individual permit.

XI. General Conditions:

1. The time limit for completing the work authorized ends on **Date**.
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 the permit verification, you must obtain the signature and mailing address of the new owner in the space on the transfer page provided below and forward a copy of the permit verification and executed transfer page to this office to validate the transfer of the authorization.
5. 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.

XI. 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)

☒ 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 3 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

6. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 C.F.R. § 325.7 or enforcement procedures such as those contained in 33 C.F.R. § 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to 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 C.F.R. § 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(DISTRICT ENGINEER)
Brandon L. Bowman
Colonel, U.S. Army
District Commander

(DATE)

***Attachments to Department of the Army
Regional General Permit SAJ-86***

Exhibit 1: SAJ-86 Boundary Map/Mitigation Strategy

Exhibit 2: High Quality/Altered Wetlands

Exhibit 3: Hydrologic Unit Code (HUC) Map

Exhibit 4: Conservation Easement

Exhibit 5: Conservation Unit Easement

Exhibit 6: Conservation Units Map

Exhibit 7: Conservation Unit 1 – Point Washington State Forest

Exhibit 8: Conservation Unit 2 - Wildlife Corridor

Exhibit 9: Conservation Unit 3 - Side Camp Road

Exhibit 10: Conservation Unit 4 - Lake Powell Headwater

Exhibit 11: Conservation Unit 5 - Cypress and Wet Pine Flats

Exhibit 12: Conservation Unit 6 - Ward Creek

Exhibit 13: Conservation Unit 7 - South American Swamp

Exhibit 14: Conservation Unit 8 - Southwest West Bay

Exhibit 15: Conservation Unit 9 - Salamander Triangle

Exhibit 16: Conservation Unit 10 - Breakfast Point Peninsula

Exhibit 17: Breakfast Point Mitigation Bank

Exhibit 18: Devils Swamp Mitigation Bank

Exhibit 19: Preliminary Jurisdictional Determination Form

Exhibit 20: RGP-86 Flatwoods Salamander Pre-Application Evaluation

Exhibit 21: National Bald Eagle Management Guidelines (USFWS, May 2007)

Exhibit 22: FWC Bald Eagle (*Haliaeetus leucocephalus*) Management Plan Handbook (FWC, June 2010)

Exhibit 23: RGP-86 Telephus Spurge Pre-application Evaluation

Exhibit 24: Standard Protection Measures for the Eastern Indigo Snake

Exhibit 25: Biological Opinion and Updates

Exhibit 26: Checklist for Department of the Army Regional General Permit SAJ-86 (2020 Reissuance Version) for Residential, Commercial, Recreational, and Institutional Fill in the Choctawhatchee Bay, Lake Powell, and West Bay Basins Bay and Walton Counties, Florida

(Numbering To Be Determined)

Ecosystem Management Agreement

Stormwater System Design and Review Criteria Manual, February 2004

Conservation Unit Road Crossings

Principles for Forest and Wildlife Management of Conservation Units within the General Permit Area and Ecosystem Management Area - Revision 2014

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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. To validate the transfer of the permit verification and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)