

CESAJ-RD-NP
File #SAJ-2010-01997 (RGP-GAH)
Regional General Permit SAJ-105

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Environmental Assessment and Statement of Finding for Above-Numbered Regional General Permit

This document constitutes the Environmental Assessment, 404(b)(1) Guidelines Evaluation, Public Interest Review, and Statement of Findings.

1. Proposed Regional General Permit SAJ-105 (RGP) (including information as published in the public notice).

a. Applicant: Those wishing to construct works within non-navigable and non-tidal waters of the United States, including non-tidal wetlands, in a portion of Bay County, Florida, as described below.

b. Waterway and Location: The proposed RGP is limited to non-navigable and non-tidal waters of the United States, including non-tidal wetlands, which are located in the West Bay watershed within Bay County, Florida. The RGP project area encompasses approximately 43,977 acres, including approximately 42,889 acres owned by The St. Joe Company (St. Joe) (see Exhibit 1). The area subject to the proposed RGP encompasses portions of the West Bay Sector Plan (WBSP) area. Townships, Ranges and Sections are: T1S, R14W, S22; T1S, R15W, S15 - S23 & S25 - S36; T1S, R16W, S13 - S15, S22 - S29 & S32 - S36; T2S, R14W, S5 - S8, S16 - S21 & S30; T2S, R15W, S1 - S13, S16 - S22, S24, S25 & S35; T2S, R16W, S1 - S5, S8 - S17 & S20 - S26; and T3S, R15W, S1, S2, S11 & S12, all in Bay County, Florida.

c. Latitude and Longitude (Center of RGP Project Area): Latitude 30° 21' 37" North
Longitude 85° 47' 14"
West

d. Project Purpose and Need:

(1) Basic: Construction of residential, commercial, recreational and institutional projects.

(2) Overall: Construction of residential, commercial, recreational and institutional projects and their attendant features, including roads, utility lines and storm water treatment facilities within an area of rapid suburban development located within the WBSP area, while protecting the aquatic environment on a watershed scale by authorizing a forward-looking, flexible and predictable permitting program, that would minimize unavoidable direct impacts to highest quality aquatic resources, minimize impacts to lower quality aquatic resources, and mitigate for direct, indirect and cumulative impacts within the West Bay/St. Andrew Bay watershed in Bay County, Florida.

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e. Water Dependency Determination: See Section 5.b.(1) below.

f. Proposed Work: To authorize the discharge of dredged or fill material into non-tidal waters of the United States, including non-tidal wetlands, 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, and storm water management facilities. Examples of commercial projects include retail stores, light industrial facilities (e.g., business activity such as commercial distribution, assembly or manufacturing processes with no primary use of raw materials), manufacturing facilities, research facilities, warehouses, distribution facilities, hotels, restaurants, business parks, and shopping centers. Examples of recreational projects include playgrounds, playing fields, golf courses, hiking trails, bike paths, horse paths, stables, nature centers and campgrounds. Examples of institutional projects include schools, fire stations, governmental office buildings, roads, judicial buildings, public works buildings, libraries, hospitals, and places of worship.

The RGP would protect the aquatic environment on a watershed scale within an area of new, and likely in the near future, rapid development by a forward-looking, flexible and predictable permitting program that would minimize unavoidable direct impacts to highest quality aquatic resources, minimize impacts to lower quality aquatic resources, and mitigate for direct, indirect and cumulative impacts within the affected watershed.

This RGP applies only to the area shown within the SAJ-105 Boundary in Exhibit 1. The RGP encompasses approximately 60% of the WBSP area. The RGP would exclude the Northwest Florida Beaches International Airport and the airport's associated wetland mitigation areas, St. Joe's RiverCamps on Crooked Creek residential development, and the WBSP area south of the Gulf Intracoastal Waterway (GIWW). The WBSP area south of the GIWW is covered by the U.S. Army Corps of Engineers' (Corps) RGP SAJ-86.

Overall, under the proposed RGP no more than 15% of converted wetlands would be impacted for residential, commercial, recreational, and institutional projects within specific sub-watersheds on a per project basis, and all remaining wetlands associated within a project site would be placed under a conservation easement. The only impacts that would be authorized in unconverted wetlands would be necessary, minimized road crossings and linear infrastructure, such as utilities. No more than a total of 229 acres of unconverted wetlands (2.0% of the approximately 11,149 acres of unconverted wetlands within the RGP area) would be impacted under the RGP. No more than approximately 1,171 acres of converted wetlands (8.5% of the approximately 13,691 acres of converted wetlands within the RGP area) would be impacted. Remaining unconverted wetlands would be buffered by preserved uplands and preserved converted wetlands. Total wetland impacts (approximately 1,400 acres) would be approximately 5% of all wetlands within the RGP area (approximately 24,840 acres). Overall, approximately 67% of the total area of the RGP would be preserved with the remaining 33% developed. Mitigation

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would include upfront minimization of wetland impacts, upfront preservation of five conservation units totaling approximately 18,380 acres of wetlands and uplands, and compensatory mitigation through wetland enhancements and restoration within mitigation banks servicing the RGP area, within conservation units, or in preserved wetlands within individual project sites. The conservation units and preserved wetlands on individual project sites would conserve and enhance a network of wildlife corridors and significant habitats, which both traverse and are located immediately adjacent to the RGP area, linking ecological resources to West Bay. The proposed RGP would provide improved predictability and efficiency of the federal wetland permitting program in an area of almost 43,977 acres, of which approximately 97% is owned by St. Joe with the remaining 3% under numerous other ownerships.

In order to determine whether an individual project conforms to the requirements and criteria of this RGP, the proposed RGP would require an individual project approval process, which would begin with a meeting attended by the applicant and representatives of the Corps and the Florida Department of Environmental Protection (DEP) to review the applicant's draft application. Representatives of the FWS, EPA, National Marine Fisheries Service (NMFS), and Northwest Florida Water Management District (NFWFMD) would be invited to attend and participate in the meeting. At these meetings the Corps would solicit comments regarding the project from the DEP, FWS, EPA, NMFS, and NFWFMD in its evaluation as to whether the proposed project conforms to the RGP.

Application to the Corps for individual projects would be made using the form *Joint Application for Works in the Waters of Florida Form #62-312.900* or other joint application form acceptable to both the Corps and DEP along with a completed Individual Project Approval Checklist, which is specific to this RGP. The checklist provides documentation for the Corps evaluation whether the applicant's project complies with the special conditions of this RGP. No regulated work would be allowed to proceed until after written authorization pursuant to this RGP had been issued to the applicant.

Wetland jurisdiction was assessed using both the Corps and DEP's wetland delineation methodology. A two-tiered system of wetland classification was developed to identify and evaluate the functional value of wetlands found within the RGP area. The two classes are called converted (low quality) and unconverted (high-quality) wetlands. The two classes differentiate between wetlands, which have been converted to pine plantation (converted) from those wetlands that have not been converted to pine plantation (unconverted) (see Exhibit 3).

g. Avoidance, minimization and compensatory mitigation information: Under the proposed RGP five conservation units would be established. The conservation units would incorporate most of the West Bay Preservation Area (WBPA) within the RGP area, and are comprised of approximately 18,380 acres of high quality wetlands and uplands (see Exhibit 2). The conservation units would be managed using sustainable forestry practices, uneven age management regimes and best management practices, in accordance with, and as defined in the *Principles for Forest and Wildlife Management of*

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Conservation Units within the West Bay Ecosystem Management Agreement and RGP SAJ-105. 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, including under certain conditions, nature centers, and in some portions of the conservation units, road and utility crossings.

For projects authorized under the proposed RGP, the only impacts that would be authorized in unconverted wetlands would be necessary, minimized road crossings and linear infrastructure, such as utilities. No more than 15% of converted wetlands would be impacted for residential, commercial, recreational, and institutional projects within each specific sub-watershed on a per project basis, and all remaining wetlands within a project site would be placed under a conservation easement. No more than a total of 229 acres of unconverted wetlands (2.0% of the approximately 11,149 acres of unconverted wetlands within the RGP area) would be impacted under the RGP. No more than approximately 1,171 acres of converted wetlands (8.5 % of the approximately 13,691 acres of converted wetlands within the RGP area) would be impacted. Total wetland impacts would be approximately 1,400 acres or 5% of all wetlands within the RGP area (approximately 24,840 acres). Overall, as a result of the combination of the preservation of wetlands and uplands through the establishment of the conservation units, buffers, and individual project impact limitations, approximately 67% of the total area of the RGP would be preserved with the remaining 33% developed. See Tables 1 and 2.

Mitigation would include upfront minimization of wetland impacts, upfront preservation of the five conservation units, and compensatory mitigation through wetland enhancements and restoration within mitigation banks servicing the RGP area, within conservation units, or in preserved wetlands within individual project sites. Compensatory mitigation projects within the conservation units or within individual project sites would be reviewed and approved by the Corps on a project-by-project basis under the proposed RGP.

The conservation units and preserved wetlands on individual project sites would conserve and enhance a network of wildlife corridors and significant habitats, which both traverse and are located immediately adjacent to the RGP area, linking ecological resources to West Bay. The proposed RGP would provide improved predictability and efficiency of the federal wetland permitting program in an area of almost 43,977 acres, of which approximately 97% is owned by St. Joe with the remaining 3% under numerous other ownerships.

h. History of the RGP: The Optional Sector Planning Program was created by the State of Florida in 1998 as a demonstration project and was initially limited to five "optional sector plans." The WBSPP one was of those initial optional sector plan projects. Approval of a sector plan is accomplished in two stages: first, a long-term master plan is developed and approved; and then implementation of the master plan is accomplished through the

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development and approval of detailed specific area plans. The WBSP was initiated as part of the planning process to relocate the Panama City Airport to an area within the service region for the airport, where airport operations could expand in the future, and associated enterprises and businesses could be located to take advantage of proximity to an airport. The WBSP is centered on Bay County's now relocated airport, Northwest Florida Beaches International Airport. Construction of Phase 1 of the new airport was permitted by the Corps on 16 August 2007 (Department of the Army Permit #SAJ-2001-05264 (IP-GAH)). The development of the WBSP included identification of special areas suitable for conservation and preservation. These areas encompassed most of the streams within the WBSP area, and were placed under the land use designated of WBPA in the WBSP. The WBPA includes approximately 39,273 acres, which comprises approximately 54% of the WBSP area.

RGP SAJ-105, and DEP's corresponding Ecosystem Management Agreement (EMA) with St. Joe, were cooperatively developed by a team of representatives from the Corps, DEP, U.S. Fish and Wildlife Service (FWS), Florida Fish and Wildlife Commission (FWC), Environmental Protection Agency (EPA) and St. Joe to address existing and anticipated developmental pressures within certain portions of the WBSP area. The WBSP area encompasses approximately 72,500 acres, surrounding West Bay in Bay County, Florida.

The interagency team's effort to develop a strategic plan to create RGP SAJ-105 and DEP's EMA with St. Joe was modeled on the development of RGP SAJ-86, and the DEP's first EMA with St. Joe. RGP SAJ-86 encompasses an area of approximately 48,150 acres, lying south and west of West Bay and includes the portion of the WBSP area south of West Bay and the GIWW. RGP SAJ-86 was initially issued on 30 June 2004, and was subsequently reissued for an additional five years on 23 June 2009. The development of both RGPs was in response to the change of St. Joe's business plan from paper production and silvicultural management to large-scale suburban development comprised of residential, commercial, recreational and institutional projects.

The new airport, within the proposed SAJ-105 RGP area, is expected to be the dominant generator of industrial, commercial, residential and institutional development. The prospect of development in large areas used for pine silviculture and various outdoor recreational activities, such as hunting, which are comprised of large areas of wetlands and many streams, raised concerns by many regarding how this development would proceed, how regulatory permits would be obtained; and what would be the ultimate effect of new and large-scale development on the natural resources of the area. Of special concern were potential impacts to the aquatic environment, particularly the West Bay watershed and to the St. Andrew Bay estuary.

Beginning in October 2008 the team began meeting on a regular basis to develop a comprehensive, watershed based approach to deal with expected development within the WBSP area centered on the new airport. Early on it was decided by the team to build on many of the planning components of the WBSP, particularly the preservation of large

ecologically sensitive areas within the WBPA. The team also used the various processes and regulatory mechanisms developed for RGP SAJ-86 and the DEP's first EMA with St. Joe, as templates for the WBSP area. The team modified and augmented those processes and mechanisms, as needed, during the development of the proposed RGP and corresponding EMA. The team defined and evaluated a series of issues including wetland delineation, wetland functional quality, identification of permitting and mitigation sub-watersheds, conservation units, indirect and cumulative impacts, impact assessment, impact amounts, types of impacts, impact clustering, land use, mitigation, buffers, storm water treatment, federally endangered and threatened species, and state listed species. The team conducted numerous, issue specific meetings, and extensive field evaluations and inspections regarding various aspects of the proposed RGP and EMA, including evaluation of wetland functional assessments, flatwoods salamander habitat assessments, field verification of GIS data, and development of the management plan for conservation units.

i. Existing Conditions: The RGP area is located within the Gulf Coastal Lowlands physiographic division characterized by relatively flat topography on a series of coast-parallel plains or terraces. The area is within the last two terraces with elevations between sea level and approximately 40 feet. The southern part of the RGP area is very flat with sandy soils, which results in poorly defined stream systems and a landscape composed of a complex mosaic of intermixed uplands and wetlands. The northern part of the RGP area is higher in elevation with better defined streams incised into the landscape, but still comprised of an intermixed system of wetlands and uplands.

The area covered by the RGP overlaps six sub-watersheds, which are all components of the West Bay portion of the St. Andrew Bay watershed. Most of the RGP area is relatively undeveloped, and is used primarily for pine silviculture. Silvicultural practices in the RGP area include logging of natural vegetative communities, followed by bedding and row planting of pine trees, creating large areas of contiguous pine plantation. After the pines are harvested from the pine plantations, the plantations are re-bedded and replanted with rows of pine seedlings. Most of the pine plantations in the RGP area have undergone at least two such cycles of bedding and planting. These pine plantations have been planted on the uplands and in the "drier" portions of wetlands. Pine plantations located in wetlands and mesic uplands have generally been planted with slash pines (*Pinus ellioti*). More xeric uplands have generally been planted with sand pines (*Pinus clausa*). The planted or "converted" wetlands, if not planted with pines, and if natural fires were allowed, would mostly consist of wet pine flatwoods and savannas. With the suppression of the natural fire regime, these otherwise wet pine flatwoods and savannas, if not actively managed as pine plantations, often develop into dense stands of titi (*Cliftonia monophylla* and *Cyrilla racemiflora*), intermixed with slash pines. Even the "wetter" portions of the hydric pine plantations can become overgrown with titi. The resulting landscape is now a complex of relatively intact hardwood and cypress swamps, surrounded by hydric pine flatwoods (generally overgrown with titi), hydric pine plantations in wetland areas, and pine plantations on the uplands. The National Wetlands Inventory classifies approximately 56% of the land cover as uplands and 42% as wetlands. Based

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on review of historical aerial photography it appears that the former extent of habitats that supported protected plant and animal species was many times greater than at present, thus showing that silvicultural practices have greatly reduced the potential for protected species to occur throughout the RGP area.

Located in the near center of the RGP area, but not subject to nor included within the proposed RGP, is the Northwest Florida Beaches International Airport, which opened in 2010. The airport is located within a 4,038-acre parcel, of which, approximately 1900 acres have been impacted by the construction and operation of the new airport and its ancillary components, such as a car rental area, sewage treatment plant and access road. Also within the boundaries of the RGP, but not included in the area subject to the RGP, are three large wetland mitigation areas, which total almost 10,000 acres, and are associated with the new airport. These mitigation areas are undergoing wetland and upland restoration and enhancements in compensation for impacts associated with the airport.

Another area of development within the RGP boundaries, but not included in the area subject to the proposed RGP, is St. Joe's approximately 1,375-acre residential development known as RiverCamps at Crooked Creek. RiverCamps consists of very low density residential areas within over 700 acres of wetlands placed under conservation easement. At this time the only other large developed area within the boundaries of the proposed RGP is St. Joe's Venture Crossings development for commercial and light industry uses, which is located immediately south of the new airport on the west side of the airport access road.

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

3. Scope of Analysis:

a. National Environmental Policy Act (NEPA): The scope of analysis for this project was confined to the proposed RGP project area and receiving waters located within the large watershed (West Bay) in which the RGP project area is located. The project area comprises the permit area for the proposed RGP. Most of the project area (97%) is owned by St. Joe, representatives of which have stated to the Corps that significant development in the form of residential, commercial, recreational and institutional projects is strongly anticipated for the area within the proposed RGP surrounding the new airport. Properties not owned by St. Joe are expected to be developed in the foreseeable future as well.

The project area is currently used primarily for pine silviculture, with areas of ongoing suburban development mostly confined along County Road 388, and particularly within and adjacent to the relocated airport. The project area is comprised of a very complex mosaic of uplands and wetlands. Of the approximately 43,977 acres encompassed within the project area, approximately 24,840 acres are wetlands and 18,643 acres are uplands (roads and open water bodies comprise about 494 acres). The location and configuration of wetlands and other waters of the United States, such as streams and jurisdictional ditches, make the

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area virtually undevelopable without some degree of regulated impact to non-tidal wetlands and other non-tidal waters of the United States.

Regulated activities, which would be authorized by the proposed RGP, would occur throughout the designated developable portions of the RGP area. Authorized activities would include the placement of fill in regulated wetlands for the construction of residential, commercial, recreational and institutional projects, including multiple and single unit residential developments, retail stores, light industrial facilities, restaurants, business parks, shopping centers, playgrounds, playing fields, golf courses, stables, nature centers, campgrounds, schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, hospitals, and places of worship, roads, bridges, and utility line installation. The construction and operation of these various developments under the proposed RGP, whether located in wetlands, other waters of the United States, unregulated isolated wetlands, or on uplands, would have direct, indirect and cumulative impacts on onsite wetlands and waters; but no direct and only minimal indirect impact on aquatic resources outside the RGP project area, which include wetlands and receiving water bodies.

While no specific information has been received, which demonstrates that any specific project that would be authorized by the proposed RGP would be in receipt of or expected to receive Federal financial aid, the possibility exists, especially for roads or other infrastructure projects, that such projects may be initiated in the future.

The extent of cumulative Federal control and responsibility for the project site would include authorities under the National Historic Preservation Act and the Endangered Species Act.

b. National Historic Preservation Act (NHPA) "Permit Area": Activities outside the waters of the United States within the project site boundaries for all projects that would be authorized under the proposed RGP are included, because all of the following tests are satisfied: Such activity would not occur but for the authorization of the work or structures within the waters of the United States; such activity is integrally related to the work or structures to be authorized within waters of the United States (or, conversely, the work or structures to be authorized must be essential to the completeness of the overall project or program); and such activity is directly associated (first order impact) with the work or structures to be authorized. Therefore, the scope of review under the NHPA includes those projects that could be authorized by this RGP and within the area subject to this RGP, as shown in Exhibit 1.

c. Endangered Species Act "Action Area": The Action Area is composed of all the areas that are to be affected directly or indirectly by this Federal action (i.e., issuance of this proposed RGP), and consists of the RGP project area and the adjacent, downstream water bodies including West Bay, the Crooked Creek Basin and a portion of Pine Log Creek. The RGP project area consists of the approximate 43,977 acre area, which is subject to the proposed RGP SAJ-105 (Figure 1).

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d. Public Notice and Public Meeting Comments:

(1) Public notice: The Corps issued a public notice for the RGP on 23 August 2011 and sent this notice to all interested parties, including appropriate State and Federal agencies and to property owners located within the RGP area. The public notice was issued with a 52-day comment period to allow at least 30 days for comments to be received after a public meeting was held.

(2) Public meeting: A public meeting jointly sponsored by the Corps and the DEP was held on 14 September 2011, 1800 CST to 2000 CST to present the proposed RGP and EMA to the interested public. Representatives of the Corps and DEP presented details of the strategic plan that would be implemented by the RGP and EMA and presented details of the proposed RGP and EMA. The representatives answered questions and heard comments from the public. Representatives from St. Joe also provided remarks and answered questions. The meeting was held at the Panama City Beach City Commission Meeting Room in City Hall in Panama City Beach, Florida. Approximately twelve members of the public attended.

(3) The Corps has reviewed all of the comments submitted in response to the circulation of the public notice and received at the public meeting, and has considered them in the public interest review. The Corps has summarized the comments below:

(a) Public notice comments:

(i) U.S. Environmental Protection Agency (EPA): The EPA was a member of the team that developed the proposed RGP. By letter dated 13 October 2011, the EPA stated:

“Overall, the EPA agrees with the Corps assertion in the PN that the proposed RGP would develop a forward-looking, flexible, and predictable permitting program that would comply proactively with our joint Corps and EPA wetland mitigation sequencing requirements under the Clean Water Act, section 404(b)(1) Guidelines. The two-tiered wetland classification system and the limits to total wetland impacts, as described in the PN for the RGP, would avoid and minimize direct impacts to highest quality aquatic resources, minimize impacts to lower quality aquatic resources, and provide compensatory mitigation for direct, indirect, and cumulative impacts within the affected watershed.

“The wetland assessment and mitigation approaches – including wetland impact avoidance – in the proposed RGP for West Bay watershed are substantially similar to the approaches for the existing RGP SAJ-86 that covers other areas of Bay County and adjacent Walton County. The EPA commented recently on the 5-year renewal of RGP SAJ-86 through our letter dated 1 May 2009, and an earlier comment letter dated 4 May 2004, when RGP SAJ-86 was established.”

EPA referenced receipt of a copy of a comment letter from Mr. Edward Cole dated

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14 September 2011 on behalf of The Northern Trust Company in response to the Corps public notice. The letter raised concerns in regard to proposed groundwater withdrawals by Bay County under a proposed Individual Water Use Permit that would be issued by the NFWFMD. EPA said that the letter requests the Corps prepare an Environmental Impact Statement (EIS) pursuant to NEPA in regard to potential impacts from the proposed groundwater withdrawals. The EPA stated that the agency had no comment at this time in regard to the proposed groundwater withdrawals, but that the Corps carefully evaluate the appropriate environmental review necessary under NEPA for issuance of the RGP. The EPA stated that EPA staff would be glad to coordinate further with the Corps and recommend appropriate NEPA compliance for issuance of the proposed RGP, and that the agency recognized that interagency discussions in regard to the proposed well-fields and groundwater pumping had been held earlier in the year during interagency RGP/EMA meetings. Mr. Cole's letter is more fully summarized in Section 3.d.(3)(a)(iv) below and his comments are addressed by the Corps in Section 6.b.(3) below.

(ii) The Florida Department of Transportation (FDOT) in a letter dated 9 November 2011 stated concerns in regard to the RGP's required compensatory mitigation ratios, the required 5.67 to 1.0 acre preservation ratio for impacts to converted wetlands, required Outstanding Florida Water (OFW) standard for surface water management treatment systems, and required heightened sediment and erosion standards. However, the FDOT did acknowledge these requirements and will work with the permitting agencies to obtain as many of these standards as possible, but cannot commit to these standards until such time that the full implications of implementing these standards are known. See Section 6.b.(1) below for the Corps response to this comment.

(iii) Mr. George Willson by email dated 16 September 2011, had a concern that it appeared that there are boundary discrepancies between areas designated as conservation units and the WBPA, which should overlap, as depicted on a map that Mr. Willson provided with his email. The map depicted the northern portion of the proposed RGP area beginning at a line running east-west at approximately the south end of the new airport site. See Section 6.b.(2) below for the Corps response to this comment.

(iv) Mr. Edward Cole on behalf of The Northern Trust Company (Northern Trust), as the Sole Trustee of the James L. Knight Charitable Term Trust, in a letter dated 14 September 2011, stated support for the interagency cooperative development of the RGP and EMA as a serious and meaningful way to preserve critical ecological and natural resources and to guide future development in the area, and that the submitted comments are to assist and ensure that relevant information and issues are considered before the RGP and EMA are completed. Northern Trust owns approximately 55,000 acres in Washington and Bay Counties, 7,000 acres of which is located in Bay County. Some of Northern Trust's land in Bay County is located within the RGP area. The letter raised concerns that neither the RGP nor the EMA analyzed nor considered the potential for impacts from proposed groundwater withdrawals by Bay County under a proposed Individual Water Use Permit that would be issued by the NFWFMD. The letter

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said that the groundwater withdrawals issue affects the methodology, measures, and permitting determinations of the RGP and EMA; and the identification and acceptability of cumulative environmental impacts on the area. The letter said that both surface water features and surficial and Floridan aquifer levels in the area would decline from the proposed groundwater withdrawals, and that further review and study is needed, particularly with regard to the following: (1) location of the groundwater production wells in conservation units is an inconsistent land use under the proposed RGP; (2) well field withdrawals will result in a cone of groundwater depression; (3) well field withdrawals will result in negative changes in regional hydrology; (4) the proposed well field permit does not require mitigation to address impacts to well field withdrawals; (5) anticipated impacts to natural resources and recreational values from well field withdrawals; (6) preparation of an EIS to address the impacts of the proposed well field withdrawals in conjunction with the impacts that would be permitted under the RGP; and (7) a modified biological assessment (BA) should be prepared to address impacts of the proposed well field withdrawals on protected species. See Section 6.b.(3) below for the Corps responses to these comments.

(v) Audubon of Florida (AF) in a letter dated 29 September 2011 stated that Bay County's proposed water well field is probably within the boundaries of the RGP and EMA. The letter stated that the organization has previously supported the West Bay Sector Plan, RGP SAJ-86 and DEP's first EMA with St. Joe; but that the proposed well field undermines the proposed RGP, and that the agencies are not taking into consideration the effects of large-scale groundwater withdrawals on wetlands and other surface waters. AF is concerned that lands that would be protected under the RGP and EMA would be at risk from the well fields, and that the potential cumulative impacts on wetlands and environmental values of the protected lands should be given consideration by the reviewing agencies. Overall, AF requested that the Corps give consideration of the impact of the proposed well fields and condition the permit for no groundwater withdrawals from the permitted areas unless the applicant can affirmatively prove no harm (AF identified St. Joe as the applicant in its comment letter). See Section 6.b.(4) below for the Corps responses to these comments.

(vi) The Nature Conservancy (TNC) in a letter dated 23 September 2011 stated support for the proposed RGP and EMA. However, TNC stated it had two concerns: (1) there appears to be a large discrepancy between the acreage designated as WBPA under the WBSP, and the acreage included as preservation as conservation units within the RGP area; and (2) can the proposed RGP be modified to include lands designated as WBPA, but which are located in the RGP SAJ-86 area (but outside of the proposed RGP SAJ-105 area) into conservation units under the proposed RGP; or that these WBPA lands within the RGP SAJ-86 area, be placed separately under conservation easements. See Section 6.b.(5) below for the Corps responses to these comments.

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(b) Public meeting comments:

(i) Mr. John Robert Middlemas representing TNC: (1) expressed concerns regarding protection of lands located on the western shore of West Bay within the WBPA but excluded from RGP/EMA conservation units; (2) requested clarification on apparent acreage discrepancies between WBPA and conservation units; (3) expressed concerns over the conservation of any WBPA lands not included with conservation units within the RGP area; (4) TNC is supportive of the RGP/EMA; and (5) TNC will provide the Corps with formal, written comments (see Section 6.b(5) below for the Corps responses to these comments). In addition, Mr. Middlemas asked several questions, which were answered by either Corps or DEP representatives at the meeting, as follows: (1) What is the term of the EMA? DEP responded that the EMA is perpetual but is reviewed every 5 years. (2) Can major changes be made to conservation units during the EMA 5-year review? DEP responded that minor changes can be made during the 5-year review and that major changes to the conservation units would be material changes that would result in a thorough re-evaluation of the EMA. (3) Can conservation units be changed and expressed concerns whether preservation areas will remain preserved in perpetuity? The Corps answered that the conservation unit areas would remain preserved for the life of the permit and that conservation easements over conservation units would be recorded progressively, as the area was developed. Also, the Corps responded that thorough compliance checks were performed on the preserved conservation easement areas within the RGP SAJ-86 area and that those conservation easements were found to be in compliance with minimal exceptions, which have since been resolved.

(ii) Mr. George Willson representing Northern Trust: (1) requested that the Corps revise the BA and perform an EIS to evaluate the effects from Bay County's proposed water well field; (2) delivered a verbal summary of the comment letter from Mr. Cole (see 3.d(1)(d) above; (3) stated that a high level of technical work had been performed on behalf of Northern Trust that indicates adverse impacts from the proposed wells would occur on lakes and wetlands on Northern Trust property and within adjacent RGP/EMA areas; (4) stated that the information provided by the NFWFMD was not reliable for properly determining the effects of the wells and that this information is inaccurate and clearly flawed with no baseline data; (5) stated that large sums of money have been spent by Northern Trust for several studies including hydrologic modeling, which show that the wells would cause significant impacts to karst lakes, wetlands, stream flow, bogs, and other environmentally sensitive areas; (6) stated that the Corps has water monitoring and analysis expertise and that the Corps should perform a study of the proposed water well field effects in an EIS based on the proposed well field permit; (7) stated that the permitted volumetric flow rate is excessive based on the county's water need; (8) stated his support for the RGP/EMA planning effort and mechanism, but the proposed well-field undermines them; (9) stated that the recreational and environmental effects from the wells should be analyzed under an EIS and within the BA because of the anticipated significant change in hydrology; (10) stated that mitigation should be required by the proposed RGP and EMA for impacts from the proposed well-field; (11) stated that

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Northern Trust is willing to provide to the Corps all of the data collected by Northern Trust; (12) stated concern that there is no limitation on the number of times a conservation easement can be transferred; (13) stated concern that preservation of WBPA lands within the RGP and EMA are “set-asides within set-asides” which changes the preservation value of the land for purposes of the RGP and EMA; and (14) stated that the BA’s wood stork counts are incorrect. Mr. Willson provided to the Corps at the meeting a copy of the letter from Mr. Cole, described in Section 3.d.(3)(a)(iv) above, and a separate 8-page handout in regard to the proposed Bay County water well-field. See Section 6.b.(6) below for the Corps responses to these comments.

(iii) Mr. Chris Knight representing the Florida Department of Agriculture and Consumer Services (FDACS) had two questions that were answered at the meeting: (1) Would the number of dirt roads within the RGP/EMA areas increase? The Corps responded that preexisting roads would be used for projects when possible and the utilization of the RGP and EMA would likely result in fewer un-stabilized roads in the area due to required Best Management Practices including stabilization requirements, and due to requirements of the RGP and EMA to remove silviculture roads that block hydrological connections, as part of certain project impact authorizations. (2) FDACS has concerns in regard to wetland draining and discharge (water quality) impacts from silvicultural ditches within the RGP area. St. Joe responded that effects on ditches would depend on their locations and that not all ditches would be filled, only ones that are deemed nonfunctional or harmful. St. Joe also stated that the ditches in the RGP area are all associated with silviculture roads rather than having been designed to drain wetlands for silviculture use. DEP stated that changing the forestry management practices within the RGP and EMA areas are expected to reduce erosion by increasing stabilization along silviculture ditches.

4. Alternatives Analysis:

a. Proposed Project Context: In the context of this proposed RGP, there are two alternatives: (1) issuance of the RGP, and (2) the no action alternative, which would be that this RGP would not be issued. The following facts provide context to the alternatives analysis: (1) the development of the WBSP by Bay County; (2) the establishment of the WBPA within the WBSP area; (3) the adoption of the 2009 Comprehensive Land Plan by Bay County that incorporated the WBSP; (4) the adoption of the Airport Detailed Specific Area Plan (Airport DSAP) by Bay County; (5) the construction and operation of the new airport, as detailed by the Airport DSAP, and permitted by the Corps; (6) the adoption by Bay County of the West Bay Detailed Specific Area Plan (WBDSAP) for the area west and south of the new airport; (7) that St. Joe owns 97% of the proposed RGP area, (8) the creation and use of SAJ-86, which covers over 48,000 acres adjacent to the southwest of this proposed RGP, and in conjunction with this proposed RGP would cover almost the entire shoreline of West Bay; (9) the WBSP, the WBDSAP, and St. Joe’s business plans for the RGP area, all focus on the new airport and future development around the new airport, and are drivers for likely extensive and increasingly rapid suburban development centered on the new airport; (10) how this development would impact the aquatic

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environment, protected species, and other important natural resources in the area and region; and (11) how this development could be efficiently and appropriately regulated to protect the aquatic and overall environment.

In the late 1990's St. Joe publicly proclaimed that it was changing its business from primarily a silviculture/pulp mill operation to a commercial/residential development company. Despite the downturn in the national and regional economies of recent years, the company continues to propose various types of developments within its holdings. Compared to many other regions of Florida, Northwest Florida is largely undeveloped with many natural ecological systems still relatively intact and functioning. With the increasing development pressure, it is expected that without a cooperative and proactive environmental approach, the landscape within the proposed RGP would be further fragmented, and densely developed, mirroring many areas found in South and Central Florida. Areas important to protected species, such as the Reticulated Flatwoods Salamander and Bald Eagle, would benefit from unfragmented large-scaled preservation.

b. Avoidance (No action, uplands, and availability of other sites): Adoption of the no action alternative would mean that each permit application received within the proposed RGP area would be evaluated on an individual basis as a Nationwide Permit, a Letter of Permission, or an Individual Permit. Regulatory evaluations and decisions would be made independently on each permit application, as they are submitted to the Corps over time. Environmental consequences of the succession of projects that would be permitted and built, including potential secondary and cumulative impacts to the surrounding ecosystem, would be difficult to ascertain. Conservation units, which incorporate much of the WBPA within the proposed RGP area and would under the RGP be more protected and ecologically enhanced by the RGP's required conservation unit management plan, would not be established. Endangered species and cultural resource reviews would be done on a case-by-case, project-by-project basis only. Compensatory mitigation projects would more likely be piecemealed, small-scaled, scattered and disjointed in the landscape. Piecemealed mitigation projects would be managed by a host of different entities, and coordination of management efforts of preserved lands would likely not occur. The landscape would likely become a patchwork of projects of varying sizes, in which more uplands would be developed, buffers around unconverted wetlands would not be required, and an extensive network of interconnected wetlands and environmentally sensitive uplands would not be as well protected and preserved.

Overall, without the RGP there would not be a regulatory plan for the Corps to use within an area of rapid suburban development located within the WBSP area for protecting the aquatic environment on a watershed scale. By authorizing a forward-looking, flexible and predictable permitting program through this RGP, the Corps would minimize unavoidable direct impacts to highest quality aquatic resources, minimize impacts to lower quality aquatic resources, mitigate for direct, indirect and cumulative impacts within the West Bay watershed. The RGP would preserve and enhance a network of conservation lands that would link environmentally valuable lands and resources within the region.

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c. Minimization: Due to the complex mosaic of wetlands and uplands dispersed throughout the landscape within the RGP area, some wetland impact is unavoidable and is warranted to achieve a more compact development pattern to enable avoidance of more valued wetlands, and in some cases ecologically valuable uplands. If future development in the RGP area conforms to the RGP's terms and conditions, no more than approximately 5% of the wetlands in the RGP area would be impacted by dredge and fill activities. Approximately 67% of the RGP area would be preserved and development would be consolidated within the remaining 33% of the landscape (see Table 2). Use of established mitigation banks to compensate for wetland impacts from individual projects would help to focus mitigation into larger, higher quality and geographically and ecologically desirable areas within the St. Andrew Bay watershed, of which West Bay is a component. There would be potential for the establishment of a new mitigation bank in the RGP area, particularly within one or more of the conservation units.

d. Project As Proposed: The project, as proposed, would result in the establishment of an RGP for a large portion of the West Bay watershed, as described in Section 1 above. The proposed RGP builds on, compliments and enhances the conservation efforts accomplished by Bay County in the development of the WBSP and by Bay County's adoption of the WBSP in the 2009 Comprehensive Land Plan. The WBSP is Bay County's blueprint to govern land use for development of the new Northwest Florida Beaches International Airport, as well development within the area surrounding the new airport. The environmental impacts of the various activities that would be authorized under this RGP are similar, in that, the regulated work that would be authorized is 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 for suburban development within a large portion of the WBSP area centered on the new airport. Allowable activities have been described in as much detail as is needed to be consistent with the regulatory purpose of this RGP to capture the various components of suburban development. All projects that would be authorized under this proposed RGP must comply with the various special conditions of this RGP, which would minimize adverse impacts to the environment, as described below. The RGP strictly limits the areas allowed to be impacted, the total area of wetlands to be allowed to be impacted, the type of wetlands allowed to be impacted, and incorporates individual project review by the Corps to assure that the comprehensive watershed plan, as specified by the RGP, is implemented.

Under the RGP storm water would be treated by systems designed to meet OFW water quality standards. The placement of fill for the installation of septic tanks and drain fields in wetlands would be prohibited. The RGP would allow light industrial facilities, but not industrial facilities with primary use of raw materials, thus excluding potential sources of pollution associated with heavy industry. Heavy industrial facilities requiring a Department of the Army permit, therefore could not be authorized under this RGP, but would have to be evaluated through one of the other Corps regulatory permitting vehicles, as determined to be appropriate. Dredged or fill material discharged into waters of the United States in accordance with this RGP must be clean and free from items such as trash, debris, automotive parts asphalt, construction materials, concrete rubble with

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exposed reinforcement bars, and soils contaminated with any toxic substrate, in toxic amounts in accordance with Section 307 of the Clean water Act.

Beneficial environmental consequences include the establishment of six geographically contiguous conservation units, which would be located in the most environmentally sensitive areas in the sub-watersheds comprising the RGP area. The conservation units would constitute approximately 42% of the RGP area. Land management within the conservation units would change from intensive silvicultural production to selective timbering and land management to enhance conservation and habitat restoration.

At build-out under the RGP, approximately 65% of the RGP area would be placed under conservation easements and would comprise a preserved and enhanced network of wildlife corridors and significant wetland and upland habitats. This network would link valuable ecological resources from Choctawhatchee Bay and River to the St. Andrew Bay estuarine system. Compensatory mitigation projects within portions of these preserved areas would enhance the network of wildlife corridors and greenways.

Under the RGP environmental predictability in terms of secondary and cumulative impacts can be ascertained, and detrimental impacts minimized. No more than approximately 5% of the overall wetlands in the area would be developed. In addition, buffers would be established around unconverted (high-quality) wetlands, and uplands would also be preserved when they would enhance nearby wetlands. Development would be confined primarily to uplands and a minimized percentage of converted (low-quality) wetland areas, which have been impacted by previous silvicultural operations. Impacts to the unconverted (high quality) wetlands are limited and would consist of necessary road and utility crossings.

The proposed RGP would allow the Corps to impose additional special conditions for individual project authorizations deemed necessary by the Corps to minimize adverse environmental impacts. Endangered species consultation would be done on a regional basis, thus allowing for more comprehensive reviews and saving resources of other Federal agencies. The RGP would allow the permitting process to be more efficient and allow Corps regulatory personnel to spend additional time to address other environmentally sensitive areas of the region. The RGP would provide project proponents a high degree of regulatory predictability thus providing project proponents incentive to design projects to meet the terms and conditions of the RGP.

e. Conclusion of the Alternatives Analysis: Given the environmental benefits of the proposed regional permit and the concomitant regulatory streamlining, issuance of the proposed regional general permit is considered the least damaging practicable alternative.

5. Evaluation of the 404(b)(1) Guidelines:

a. Factual Determinations:

(1) Physical substrate: The placement of fill and dredged material into non-tidal wetlands and other non-tidal waters, and the excavation of non-tidal wetlands and other non-tidal waters, would directly and permanently impact the substrate within the footprint of individual projects authorized by the proposed RGP. Only clean fill and rock material (e.g., soil, rock, sand, marl, clay, stone, and/or concrete rubble) would be used for wetland fills (See Section 5.a.(4) below). However, the proposed placement of these fill materials within wetlands would alter the physical nature of the existing soils through the introduction and/or movement of these soils and materials, and through the placement of impervious surfaces over most areas of fill for the construction of various components normally found in suburban developments, such as roads, parking lots, and buildings. Under the proposed RGP approximately 1,400 of the approximately 24,840 acres of wetlands (approximately 5%) in the RGP area would be directly impacted. Fill material would be placed in such a manner as to minimize the potential for impact outside of the footprint of individually authorized projects. The proposed RGP would require enhanced sediment and erosion controls during construction of projects and storm water treatment facilities (see Section 5.a.(3) below).

(2) Water circulation, fluctuation, and salinity: It is not expected that the placement of fill material into non-tidal wetlands or other non-tidal waters for projects that would be authorized under this RGP would, either individually or cumulatively, directly affect the circulation, fluctuation and salinity of the major receiving water bodies (West Bay, Burnt Mill Creek and Crooked Creek), located within the West Bay watershed in which the RGP would be implemented. Authorized projects may impact interior open waters, such as streams and ponds. However, within the RGP area, almost all of the larger flowing streams and their immediately adjacent wetlands and some uplands would be included within conservation units, in which development and related impacts are highly restricted by special conditions of the RGP (see Section 6.a.(1) below). Those streams not within conservation units, are almost entirely embedded within unconverted wetlands, in which allowable activities under the proposed RGP are limited to linear infrastructure, such as roads and bridge crossings, and utility crossings (see Section 6.a.(4)(c) below). Indirect effects on the receiving water bodies by RGP authorized activities are expected to be of a scale that would not measurably alter their ecological balance due to the size of the receiving waters, due to the placement of almost all of the large streams within conservation units, limited impacts to streams embedded within unconverted wetlands, and due to the water quality protection measures required by the RGP and concurrent requirements of State permit/water quality certifications for individual projects (see Sections 5.a.(3) and 5.a.(12) below). In addition, the RGP does not authorize any activities in any navigable or tidal, water of the United States (i.e. waters subject to Section 10, Rivers and Harbors Act of 1899). Under the RGP all road or bridge crossings in wetlands would be designed and maintained so that hydrologic conveyances would not be reduced or impaired; and no wetland fills would be authorized that would sever a

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jurisdictional connection or isolate a jurisdictional area. It is anticipated that most direct wetland impacts would occur in converted wetlands along the perimeters of large wetland systems. These large wetland systems generally consist of high quality wetland cores, which have not been converted to pine plantations, with perimeters of low quality wetlands, which have been converted by past silvicultural activities into pine plantations. Overall, the potential alteration of flow patterns over the landscape of the RGP area and its constituent, individual sub-watersheds would be minimal.

(3) Suspended particulate/turbidity: Projects authorized by the RGP would not be expected to significantly release suspended particulate matter into or affect turbidity of receiving waters or wetlands, streams or other waters adjacent to permitted impact areas. Almost all of the flowing streams and their immediately adjacent wetlands and some uplands, located within the RGP area, would be included within conservation units, or are embedded within unconverted wetlands, in which development and related impacts are highly restricted by special conditions of this RGP. The RGP requires a special condition that surface water management systems for all projects authorized by the RGP would be designed, constructed, operated, and maintained in compliance with the applicable rules adopted under Part IV of Chapter 373, Florida Statutes (F.S.), including the Applicant's Handbook incorporated by reference in those rules; and would include an additional level of treatment that is 50% above the treatment that is required for a non-OFW. However, although the surface water management systems would be designed to meet OFW standards, water quality standards appropriate to the receiving waters shall be applied for determining compliance with water quality standards. All projects would be required to implement heightened sediment and erosion control measures, as set forth in the RGP, which would implement and maintain erosion and sediment control best management practices needed to retain sediment on-site and to prevent violations of state water quality standards, including turbidity standards.

The following special condition of the proposed RGP would require the storm water treatment and sediment and erosion controls:

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

(4) Contaminant availability: The RGP would require the use of clean fill material. As described above, surface water management systems for all projects authorized by this RGP would be designed, constructed, operated, and maintained in

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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 must include an additional level of treatment that is 50% above the treatment that is required for a non-OFW, even though the receiving water body, West Bay, is not an OFW. In addition, all projects would be required to implement heightened sediment and erosion control measures, as set forth in the RGP.

The following special condition of the proposed RGP would require that dredged or fill material discharged into waters of the United States in accordance with this RGP must be clean:

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.

(5) Aquatic ecosystem effects: Under the proposed RGP, a maximum of 229 acres of unconverted wetlands and no more than approximately 1,171 acres of converted wetlands for a total of approximately 1,400 acres of wetlands, would be directly impacted. Within the footprint of the area of wetlands that would be directly impacted, wetland plants and organisms and the habitats that support them, would be eliminated. Secondary impacts on remaining wetlands adjacent to areas impacted by projects authorized by the RGP would include decreased wildlife usage and changes in hydrology due to the localized habitat fragmentation and disruption of surface water flows. However, the proposed RGP would minimize such impacts over what could be expected to occur under normal permitting procedures. Based on the terms and conditions of the RGP, upon total allowable build-out, no more than approximately 5% of the wetlands in the RGP area would be developed. Approximately 67% of the RGP area would be preserved and development would be consolidated within the remaining 33% of the landscape. In addition to minimization of wetland impacts, the proposed RGP would include establishment of upland and/or low quality wetland buffers adjacent to high quality wetlands, upfront preservation of five conservation units totaling over 18,380 acres, and compensatory mitigation through wetland preservation, enhancement and restoration. The conservation units, and wetlands and upland buffers preserved on individual project sites, would comprise, enhance and link within and outside the RGP area, a network of wildlife corridors, significant wetland and upland habitats, and public and private conservation lands, composed of valuable ecological resources from west of Choctawhatchee Bay and River to West Bay, the greater St. Andrew Bay area, and lands eastward.

(6) Proposed disposal site: The fill material would be contained at the site of placement. Therefore, an analysis of mixing zones is not applicable.

(7) Cumulative and Secondary Impacts:

(a) Cumulative effects: The RGP would provide a plan for development on a landscape scale that is ecologically driven and focused. Under individual permitting procedures, individual projects are permitted over time within a particular area, which makes evaluation of secondary and cumulative impacts on adjacent ecosystems difficult. Conversely, the proposed RGP would afford the opportunity to address and determine these secondary and cumulative impacts upfront on a landscape scale. The proposed RGP and DEP's corresponding EMA build on the efforts of Bay County in the establishment of the WBSP, the two DSAPs that implement the WBSP within two areas of the WBSP, and the WBPA, as identified in the WBSP. The proposed RGP would complement the Corps RGP SAJ-86, which covers most of the West Bay watershed outside of this proposed RGP's area. If future development in the 43,977 acre RGP area conforms to the RGP's terms and conditions, no more than approximately 5% of the wetlands in the RGP area would be developed, and approximately 67% of the area would be undeveloped and preserved. Development would be consolidated within the remaining 33% of the RGP area.

Development in Southwest Florida can be used as a comparison to demonstrate the greater impacts to the environment that could occur without the proactive actions that would be implemented by the proposed RGP. In 2000 the Corps issued an EIS in regard to development in southwest Florida (SFEIS). The percentages of wetlands comprising the RGP area versus the SFEIS area are 56% and 52% respectively. The SFEIS, which is not yet at build-out, has seen 72.3% of the uplands and 8.1% of the wetlands developed. Only 19.7% of the SFEIS is undeveloped.

The preserved lands within the proposed RGP area would comprise an enhanced network of wildlife corridors and significant wetland and upland habitats, which would preserve the linkage of ecological resources from Choctawhatchee Bay and River to the St. Andrew Bay estuary, including West Bay. The RGP would require more stringent storm water standards than normally required in northwest Florida, thus minimizing cumulative impacts of storm water runoff to receiving waters. Overall, this proposed RGP along with the established RGP SAJ-86, would help protect the ecological values of approximately 93,000 contiguous acres of land over several adjacent watersheds: The St. Andrew Bay estuarine system (including West Bay), Choctawhatchee Bay and River, and Lake Powell.

(b) Secondary effects: Components of the aquatic environment, which could be subjected to the secondary effects of the RGP, would include wetlands and other waters that would remain intact within the RGP area, as projects are authorized and built; as well as wetlands and other waters adjacent and downstream of the RGP area. Secondary effects generally associated with fill activities in wetlands include changes in water circulation and flow patterns (see Section 5.a.(2) above), changes in storm water runoff volumes and quality, release of leachate from septic tanks, and reduction in habitat size and/or connectivity for species that are dependent on or use the aquatic environment.

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Under the proposed RGP secondary effects would be reduced from those that could be expected to occur under normal permitting procedures, and such secondary effects that would occur would be minimal. Under the RGP storm water would be treated to a higher standard that is normally required in the Florida panhandle, and the placement of fill for the installation of septic tanks and drain fields in wetlands would be prohibited. The five conservation units constitute approximately 42% of the RGP area. Land management within the conservation units would change from intensive silvicultural production to selective timbering and land management to enhance conservation and habitat restoration. At build-out under the RGP, approximately 65% of the RGP area would be placed under conservation easements and would comprise an enhanced network of wildlife corridors and significant wetland and upland habitats, which would preserve the linkage of ecological resources from Choctawhatchee Bay and River to the St. Andrew Bay estuarine system. Compensatory mitigation projects within portions of these preserved areas would enhance the network of wildlife corridors and greenways.

b. Restrictions on Discharges:

(1) The activity does not need to be located in a special aquatic site to fulfill its basic project purpose indicated in Section 1.d.(1). It has been demonstrated in Section 4. above that there are no practicable nor less damaging alternatives which could satisfy the project's basic purpose. The activity is located in a special aquatic site (wetlands, sanctuaries, and refuges, mudflats, vegetated shallows, coral reefs, and riffle & pool complexes).

(2) The proposed activity does not violate applicable State water quality standards, Section 307 prohibitions or effluent standards. The proposed activity does not jeopardize the continued existence of federally listed threatened or endangered species or affects their critical habitat. The proposed activity does not violate the requirements of a federally designate marine sanctuary.

(3) The activity will not cause or contribute to significant degradation of waters of the United States, including adverse effects on human health; life stages of aquatic organisms' ecosystem diversity, productivity and stability; and recreation, esthetic, and economic values.

(4) Appropriate and practicable steps have been taken to minimize potential adverse impacts of the discharge on the aquatic ecosystem (see Section 8. below for description of mitigation actions).

6. Public Interest Review: All of the public interest factors have been reviewed. The public interest factors identified below are relevant to this proposal. Both cumulative and secondary impacts on these public interest factors were considered.

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a. Public Interest Factors:

(1) Conservation and general environmental concerns: Under the proposed RGP, almost 67% of the approximately 43,977 acres within the RGP area, would not be developed for commercial, residential, institutional, and intensive recreational (such as golf courses and ball fields) purposes. Approximately 23,440 acres of wetlands and 5,175 acres of uplands would be preserved. These preserved lands would be used for conservation purposes, including preservation of uplands and wetlands, and restoration and enhancement of uplands and wetlands (See Table 2).

Approximately 18,380 acres of high quality wetlands and uplands, located and incorporating the vast majority of the streams located within the RGP area, would be placed within five conservation units. These conservation units would be preserved and used for conservation purposes, wetland or habitat mitigation, enhanced forestry management, limited recreational purposes, and limited allowances for road and utility crossings. The five conservation units would incorporate most of the WBPA located within the RGP area. Lands within the conservation units are designated as being one of two types of conservation units (i.e., Type I Conservation Units and Type II Conservation Units). See Exhibit 2 above, which is a map showing conservation units location and type. The conservation unit type explicitly identifies the activities, which may occur in the specific type of conservation unit. Allowed activities that result in "Land Disturbance", as defined in the RGP, would not be allowed to impact more than 1.0% of the total number of acres located within the conservation units (i.e., 183 acres out of the 18,380 currently comprising the conservation units). In addition, any authorized Land Disturbance acreage within converted wetlands in a conservation unit would be offset by preserving an equal acreage of converted wetlands outside of the conservation unit, located within the same sub-watershed. The conservation units would be managed using sustainable forestry practices, uneven age management regimes and best management practices, in accordance with, and as defined in the *Principles for Forest and Wildlife Management of Conservation Units within the West Bay Ecosystem Management Agreement and RGP SAJ-105*. In addition, no timbering of cypress or wetland hardwoods or clear cutting would be permitted, except as allowed in the Forest and Wildlife Management Plan.

The interagency team had specific concerns in regard to an area of interconnected tributary streams within the Crooked Creek/West Bay Type II Conservation Unit, located between the new airport and SR 79. The team identified these tributaries as the "Hydrologically Sensitive Area," and determined that additional limitations on road crossings and storm water outfalls were warranted, above the limitations for other Type II conservation units. For this area road crossings over natural streams and tributaries are required to be bridged where practicable and scrutinized for minimization during the individual project approval review whether or not the proposed crossing would be a bridge or non-bridge (i.e. fill) crossing. Non-bridge crossings would be limited to a maximum of six in the Hydrologically Sensitive Area. For each non-bridged crossing constructed at a point where no previous crossing existed, an existing silviculture road crossing within the same sub-watershed would be removed, and the wetland connection, including any

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associated natural stream or tributary within the area of the road removal, would be restored.

For the identification, preservation, management and implementation of the allowable uses and restrictions within the RGP's conservation units, the RGP would be specially conditioned as follows:

12. Conservation Units:

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

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

c. Conservation Units can only be used for conservation purposes, wetland or habitat mitigation, limited recreational purposes, sustainable forestry, and other uses, activities and facilities as authorized by Special Conditions 12.d. and 12.e. Activities, which would result in "Land Disturbance", are prohibited 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 West Bay Ecosystem Management Agreement and RGP SAJ-105 (Forest and Wildlife Management Plan, Exhibit 13). No timbering of cypress or wetland hardwoods or clear cutting is permitted except as allowed in the Forest and Wildlife Management Plan.

(3) Hunting, fishing and birding.

(4) Passive recreational facilities include hiking and biking trails,

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

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

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

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

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

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

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

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

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wetland crossing, (iii) The topography of the wetland and associated upland, and (iv) The degree to which a roadway would adversely affect the movement of wildlife expected to use the wetland. Road and bridge crossings shall be designed and constructed to minimize wetland and upland impacts and must comply with Special Condition 5.c above.

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

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

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

(2) In designing stormwater management systems adjacent to these

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

g. Land Disturbance:

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

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

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

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

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

h. Written approval from the Corps is required for any uses, activities or facilities (projects) proposed to be constructed in Conservation Units under Special

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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 Conservation Unit Checklist (Exhibit 15) applicable to allowances of uses, activities and facilities in the Conservation Units. In applying for Conservation Unit Project Approval an applicant will be required to include an avoidance and minimization impact analysis with respect to the proposed uses, activities and facilities. Review by the Corps will include an evaluation of the total scale of the facility to insure that the proposed use, activity or facility is limited and consistent with the preservation objectives of the Conservation Units.

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

(1) Acreages of Conservation Units required to be progressively placed under conservation easements shall be calculated as follows: Using the EMA area only, divide a given project’s total approved site acreage (including upland, 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.

(3) To comply with condition 12.i. the Intracoastal Waterway Sub-watershed and the Crooked Creek West Bay Sub-watershed shall be combined and treated as a single sub-watershed.

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

corresponding watersheds.

j. Sale or transfer of property within a Conservation Unit may only be made to a governmental entity or a non-profit conservation/natural resource management entity. Prior to conveying a Conservation Unit or any portion thereof or interest therein, The St. Joe Company shall record conservation easements on such property, if not already subject to a conservation easement pursuant to Special Condition 12.i above, to assure the perpetual conservation use of the Conservation Unit as described in Special Conditions 12.c, 12.d, 12.e, 12.f, 12.g and 12.h above. The perpetual conservation easement shall be in the form of the conservation easement template as described in Special Condition 13 below. Conservation easements, as described in Special Condition 13.d below, shall replace any other conservation easements for Conservation Units, when a conservation unit is used for compensatory mitigation. Within seven days of conveyance of any portion or interest of a Conservation Unit, The St. Joe Company shall provide to the new owner a complete copy of the RGP, including the Biological Assessment (Exhibit 17), 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.

Other lands that would be conserved would be wetlands on individual project sites, which are not directly impacted, and preserved buffers comprised of uplands and converted wetlands around unconverted wetlands. The proposed RGP would minimize direct impacts to wetlands, by confining over 80% of potential wetland impacts to those wetland systems that have already been highly impacted by previous and ongoing silvicultural activities (i.e. converted wetlands). The less than 20% of wetland impacts that would occur in unconverted wetlands would be confined to necessary road crossings, bridges and linear infrastructure to gain access or to provide services to developable uplands. Most of the road crossings would take advantage of upgrading existing silvicultural road crossings. Overall, no more than approximately 5% of wetlands in the RGP area would be directly impacted. See Section 6.a.(4) below for more detail in regard to wetland impacts and preservation. Preserved upland and unconverted wetland buffers for converted wetlands would be a minimum of 30 feet wide and on average at least 50 feet wide, as required by the following special condition:

7. Buffers:

a. Unconverted wetlands shall be buffered from development by uplands and/or converted wetlands with the exception of those activities, as allowed in unconverted wetlands by Special Condition 5.b(1) above. Upland and/or converted wetland buffers adjacent to unconverted wetlands shall be an average of 50 feet wide for each individual project, but no less than 30 feet wide at any measurement

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except at road crossings. This shall not be construed to require creation of upland or converted wetland buffers within unconverted wetlands.

b. Unconverted wetlands, converted 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 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 have been approved by the Corps and shall be placed over all buffers before the date of commencement of any regulated activities authorized for the project for which the buffers are being preserved, or according to the timeframe as may be specified in the Corps authorization for the project (see Special Condition 13).

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

In order to assure that individual projects comply with the special conditions of the RGP and the requirements for conservation and protection of the environment embodied in those special conditions, the proposed RGP and corresponding EMA require an individual project approval process, which would begin with a meeting attended by the applicant and representatives of the Corps and the DEP to review the applicant's draft application. Representatives of the FWS, EPA, NMFS, FWC, and NFWFMD would be invited to attend and participate in the meeting. At these meetings the Corps would solicit comments regarding the project from the DEP, FWS, EPA, NMFS, FWC and NFWFMD in its evaluation as to whether the proposed project conforms to the RGP. Application to the Corps for individual projects would be made using the form *Joint Application for Works in the Waters of Florida Form #62-312.900* or other joint application form acceptable to both the Corps and DEP along with a completed Individual Project Approval Checklist. The checklist provides documentation for the Corps evaluation whether the proposed project complies with the special conditions of this RGP. No regulated work would be allowed to proceed until after written authorization pursuant to this RGP had been issued to the applicant. The RGP also includes a pre-application meeting and review process, if desired by a prospective applicant. The following special condition requires the individual project approval process:

18. Individual Project Approval.

a. To commence the review of an application for an individual project approval, the applicant shall prepare an application using the form Joint Application for Works in the Waters of Florida Form #62-346.900(1), or other joint application form acceptable to both the Corps and DEP. The application shall include all of the information required in the Individual Project Approval Checklist (Exhibit 22). 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.

The RGP would allow, on a case-by-case basis, the Corps to impose additional special conditions for individual project authorizations that are deemed necessary by the Corps to minimize adverse environmental impacts by the following special condition:

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

The following special condition of the proposed RGP would assure through the placement of conservation easements, the perpetual protection and conservation of lands within: (1) conservation units (as those lands in conservation units are set aside as the RGP is implemented over time), (2) preserved wetlands, and upland and wetland buffers, as required on individual project sites, and (3) and lands used for compensatory mitigation:

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

a. *Perpetual conservation easements placed on Type I Conservation Units, as described in Special Conditions 12.i and 12.j, shall be in the form of the conservation easement template, Exhibit 16. Conservation easements for Type I Conservation Units shall state that the conservation easement is over a Type I Conservation Unit and that the land under the conservation easement is subject to Special Conditions 12.c, 12.d, 12.g and 12.h of Regional General Permit SAJ-86.*

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 the conservation easement template, Exhibit 16. Conservation easements for Type II Conservation Units shall state that the conservation easement is over a Type II Conservation Unit and that the land under the conservation easement is subject to Special Conditions 12.c, 12.d, 12.e, 12.g and 12.h of Regional General Permit SAJ-86.*

c. *Perpetual conservation easements placed on the Hydrologically Sensitive Area as described in Special Conditions 12.i and 12.j, shall be in the form of the conservation easement template, Exhibit 16. Conservation easements for Hydrologically Sensitive Areas shall state that the conservation easement is over a Hydrologically Sensitive Area and that the land under the conservation easement is subject to Special Conditions 12.c, 12.d, 12.e, 12.f, 12.g and 12.h of Regional General Permit SAJ-86.*

d. *Perpetual conservation easements placed on wetlands not authorized for impact and preserved on each project site, as required by Special Condition 5.c above, including any buffers as required by Special Condition 7 above, and for compensatory mitigation conducted offsite and outside of a mitigation bank, as required by Special Condition 10 above, shall be in the form of the conservation easement template, Exhibit 16. Conservation easements shall state that the conservation easement is over these preservation areas and buffers or for compensatory mitigation areas, as appropriate. The conservation easement shall also state that the land under the conservation easement is subject to Special Condition 5.c of Regional General Permit SAJ-86 for preserved wetlands, Special Condition 7.c of Regional General Permit SAJ-86 for buffers, or Special Condition 11 of Regional General Permit SAJ-86 for lands used for compensatory mitigation.*

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

- 1) *All conservation easements shall provide that DEP is the Grantee.*
- 2) *The Permittee shall have the draft conservation easement, a legal*

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

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

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

In order to assure that the various conservation and environmental protection measures that would be required under the RGP are implemented, as well as documented for compliance review into the future, the RGP would require St. Joe to maintain a ledger of activities throughout the RGP area, and to provide annual reports to the Corps, as required in the following special condition:

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

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

- (1) Total unconverted, and converted, wetlands in the EMA area.*
- (2) Total project size — uplands and wetlands.*
- (3) Project impacts — unconverted and converted amount and percent of total.*
- (4) Mitigation required and location.*
- (5) Cumulative project impacts (acreage total and percentage).*
- (6) Total unconverted and converted wetlands remaining in the EMA area.*

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

- (1) The total project acres approved;*
- (2) The location and acreage of any mitigation activity undertaken;*
- (3) Conservation Easements recorded;*
- (4) Conservation Units conveyed to other owners;*
- (5) Activities undertaken within Conservation Units including the total*

number of acres of Lands Disturbance;

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

(7) Other activities that may impact this RGP.

(2) Economics: The proposed RGP area is located within the Northwest Florida coastal region, which had been undergoing rapid tourist-oriented development and primary home/second home/retiree residential development in the 1990's and early to mid 2000's, but has slowed down due to the recession and its aftermath of the past several years. The latest shock to the local economy was the BP oil spill during the spring and summer of 2010. Since 2011 tourism has greatly picked up in the region, and it is expected that as the national and regional economies continue to recover commercial and residential development will increase in the Bay County area. The RGP is centered on the new airport, which is promoted by local governments and businesses, as a focus for economic growth in the future. The WBDSAP specifically addresses development within a portion of the WBSP by Bay County, and is focused on the new airport. Most of the WBDSAP area would be within the proposed RGP area. Individual projects authorized by the proposed RGP would likely provide considerable additional permanent and temporary employment. The *ad valorem* property tax base for Bay County would increase, as well as sales tax collections, thereby providing additional revenues for county services and schools. However, increased infrastructure needs and governmental services to new residents and businesses would require additional expenditures of local and state revenues over what is currently spent.

(3) Aesthetics: Projects authorized by the proposed RGP would have impacts on the aesthetic environment. A mostly undeveloped landscape of relatively undisturbed cypress domes and mixed forest/shrub swamps, intermixed among extensive areas of silvicultured wet and dry pine flatwoods, would be replaced by a mosaic of mixed use developments intermixed in a landscape of preserved uplands and wetlands, significant portions of which would undergo ecological restoration and enhancement.

(4) Wetlands:

(a) Wetland functional value: The interagency team determined that silvicultural management is the most significant factor impacting wetlands in the RGP area. Pine plantations in wetlands (i.e., hydric pine plantations) are highly disturbed ecosystems in which bedding disrupts micro and macro surface hydrology, wildlife and vegetative species diversity is greatly reduced, and there is cyclic gross landscape and habitat disturbance by timbering and planting operations.

The team developed definitions and determined functional values for two broad classes of wetlands based on whether a particular wetland is impacted by ongoing silvicultural management or not. For the purposes of this RGP wetlands are defined as

either converted or unconverted. Converted wetlands are jurisdictional wetlands that have been planted in pine trees, as shown by an exhibit for the RGP, which is an aerial photograph of the RGP area dated March 2007. To the extent that silvicultural activities in any area of converted wetlands, as shown in the aerial photograph, have ceased for more than 5 years after the final cut, such wetlands would be identified as unconverted wetlands. Converted wetlands are hydric pine plantations, and for the purposes of this RGP, also include ditches and borrow pits. Unconverted wetlands are all other jurisdictional wetlands, and include cypress domes/strands, bay/gallberry swamps, cypress swamps, titi swamps, seepage slopes, *Hypericum* bogs, emergent marsh and other similar areas. Unconverted wetlands are considered to be of relatively high quality and high ecological function, and therefore of relatively high functional value; while converted wetlands are of relatively lower quality and low ecological function, and thus of relatively low functional value. Exhibit 3 shows the approximate location and extent of converted and unconverted wetlands within the RGP area. The following special condition defines the two classes of wetlands for the purposes of the proposed RGP, and sets the limits of the location of converted wetlands based on a specific aerial photograph:

*4. This RGP authorizes impacts to wetlands, which are defined for the purposes of this RGP, as converted or unconverted wetlands (Exhibit 4, Converted /Unconverted Wetlands Map). Converted wetlands are jurisdictional wetlands that have been planted in pine trees, as shown by Exhibit 5 (RGP SAJ-105 Aerial Photo dated March 2013). To the extent that silvicultural activities in any area of converted wetlands, as shown by Exhibit 5, have ceased for more than 5 years after the final cut, such wetlands shall be identified as unconverted wetlands. Converted wetlands are hydric pine plantations. The class of converted wetlands also includes ditches and borrow pits. Unconverted wetlands are all other jurisdictional wetlands, and include cypress domes/strands, bay/gallberry swamps, cypress swamps, titi swamps, seepage slopes, *Hypericum* bogs, emergent marsh and other similar areas.*

The team used the State of Florida's Uniform Mitigation Assessment Method (UMAM) to score the functional value of wetlands for this RGP and the state's EMA with St. Joe. UMAM is the current wetlands assessment method used by the State of Florida that has been adopted for use in Florida by the Corps Jacksonville District. The team reviewed 45 reference sites, which composed a set of the representative wetland communities present within the RGP area. The reference sites were classified using the Florida Natural Areas Inventory (FNAI) wetland classification system. The reference sites were located throughout the RGP area and were reviewed by the team between August and November 2009.

Hydric pine plantations posed certain issues when using UMAM, since there is variation in the functional quality of hydric pine plantations based on the age of the stand due to changes in ground cover, shrub density, and leaf litter on the ground during the cycle of silvicultural management. Because of this range in variation it was decided to score hydric pine plantations as if they were at a mid-point in their stand rotation, which

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was set at about 15 years. The FNAI category of Wet Prairie was used for converted wetlands. The first attempt at scoring these wetlands varied between 0.33FU and 0.50 FU. The Corps representatives on the team asserted that these scores were too low and did not reflect the buffer and water quality benefits provided by the extensive silvicultural lands. The team accepted the Corps assertion to revise the scores. While the revised scores reflect the considerable negative impacts to wetland hydrology, community structure and location/landscape, which the current and intense silvicultural operations have on wetlands, they also reflect the ecological benefits provided by these relatively undeveloped lands. The revised scores provide a safe margin of error to assure that more than enough compensatory mitigation would be required for direct impacts to converted wetlands.

The team determined one score for all unconverted wetlands to make the RGP easier to use. To determine the unconverted UMAM score, a weighted average was used from the reference site UMAM scores. The weighting was based on the relative size of the land area occupied by each of the four FNAI wetland categories, which were represented by the reference sites and scored. Average scores varied between 0.87 FU for three of the wetland categories (and over 99% of the wetland area) and 0.73 FU for one of the wetland categories (less than 1%).

Based on the above, the team determined that each acre of impact to converted wetlands would be valued at 0.53 FU, and each acre of impact to unconverted wetlands would be valued at 0.87 FU.

The proposed RGP is located within the service areas of two existing mitigation banks, Breakfast Point Mitigation Bank (BPMB) and Devils Swamp Mitigation Bank (DSMB), which do not have credit ledgers based on UMAM. The other mitigation banks (Sand Hill Lakes Mitigation Bank, Sweetwater Mitigation Bank and Nokuse Plantation Mitigation Bank), whose service areas also overlap parts of the proposed RGP area, have credit ledgers based on UMAM.

WRAP was used to determine the wetland functional values of the wetlands for the credit ledger for both BPMB and DSMB. WRAP was also used to score the functional values of wetlands for RGP SAJ-86. Wetlands defined as converted wetlands for this RGP, are essentially the same class of wetlands (which have been impacted by silvicultural activity), which are defined as low quality wetlands for RGP SAJ-86. Low quality wetlands were valued at 0.65 functional units under WRAP. Wetlands defined as unconverted wetlands for this RGP are equivalent to those defined as high quality by RGP SAJ-86. High quality wetlands were valued at 0.92 functional units under WRAP. The proposed RGP would allow the use of RGP SAJ-86 WRAP values solely in the case when the appropriate mitigation bank for compensatory mitigation for a project authorized by the proposed RGP is a "WRAP only" bank. It would be appropriate to use the WRAP scoring that was used for RGP SAJ-86 in this case, since the wetland and upland ecosystems in the areas under both the proposed RGP and under RGP SAJ-86 are similar. Both RGP areas are located within a contiguous area of approximately 93,000 acres, located east

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from the Choctawhatchee River and Bay through the West Bay watershed. This contiguous area is located within the Gulf Coastal Lowlands physiographic division, which is characterized by relatively flat topography on a series of coast-parallel plains or terraces with the southern part of the area being very flat with sandy soils, and the northern part higher in elevation with better defined streams incised into the landscape, but still comprised of an intermixed system of wetlands and uplands. The undeveloped portions of this contiguous area have been used almost exclusively for pine silviculture with pine plantations having been established on the uplands and in the “drier” portions of wetlands. These pine plantation wetlands, if not planted with and managed for pines, and if natural fires were allowed, would generally consist of wet pine flatwoods and savannas. Wet pine flatwoods and savannas that have not been planted in pine, and where fire has been suppressed, have mostly become thick stands of titi intermixed with slash pines. Overall, throughout the areas under the two RGPs, the landscape is a similar complex of relatively intact hardwood and cypress swamps, surrounded by hydric pine flatwoods (generally overrun with titi), hydric pine plantations, and pine plantations on the uplands. Therefore, for the proposed RGP, the functional values that would be used for authorized projects to utilize mitigation banks with WRAP ledgers only, each acre of impact to converted wetlands would be valued at 0.65 FU, and each acre of impact to unconverted wetlands would be valued at 0.92 FU.

(b) Permitting sub-watersheds: In order to protect watersheds and receiving water bodies within the proposed RGP geographic area, sub-watersheds were delineated to establish the upper limits for wetland impacts. The RGP incorporates all or part of six sub-watersheds (see Exhibit 4), which were identified and delineated by the interagency team using United States Geological Survey (USGS) drainage basin information and maps.

The interagency team determined that no more than 15% of the converted wetlands within the developable area (i.e., portion of sub-watershed not located within any conservation units) of any sub-watershed may be impacted (see Section 6.d.(3), “Wetland Impacts,” below). A ledger of wetland impacts by sub-watershed would be required under the RGP to ensure that this threshold is not exceeded. The allowable impacts to unconverted wetlands would not be apportioned among permitting sub-watersheds. Impacts to unconverted wetlands are limited to necessary road crossings, and would be evaluated by the Corps during the individual project review process, as required by the proposed RGP. This approach allows flexibility in addressing future transportation needs within the large area encompassed by the RGP and the region in which the RGP area is located.

(c) Wetland impacts: For the purpose of developing the RGP, FWS Wetland Inventory Maps and Natural Resources Conservation Service soil survey maps and information along with current and historical aerial photographs of the RGP area, were used on a landscape scale to approximately delineate wetlands and to determine wetland and upland acreages. Locations and delineations of hydric pine plantations were determined using pine plantation data from St. Joe. The proposed RGP would authorize

impacts to wetlands that are defined as converted and unconverted wetlands. The RGP would allow a maximum impact of 15% of the converted wetlands in individual sub-watersheds, excluding areas within conservation units within any particular sub-watershed. The RGP would offer incentives to consolidate that acreage in fewer areas by allowing more than 15% fill on individual sites, so long as the individual sub-watershed has no more than 15% of its converted wetlands filled (excluding conservation units). Those wetlands not authorized for impacts would be preserved and placed under conservation easements. Based on the data developed and reviewed by the interagency team and the technical sub-team, the direct effects of the individual RGP authorized projects would be a maximum loss of approximately 1,171 acres of converted wetlands and 229 acres of unconverted wetlands throughout the approximately 43,977-acre RGP area. The indirect effects of the RGP would be to those wetlands that are adjacent to the directly affected wetlands and uplands; however these would be greatly limited under the RGP as a result of required buffers and erosion control measures. The 229 acres of unconverted wetlands that could be impacted under the RGP would represent about 2.0% of the unconverted wetlands in the RGP area; and the 1,171 acres of converted wetlands, which could be impacted under the RGP, would represent approximately 8.5% of the converted wetlands in the RGP area. The total wetland loss that could occur under the RGP would be approximately 5% of the total area of wetlands in the RGP area. Tables 1 and 2 attached show approximate, allowable wetland impacts in acreage and percentage terms by sub-watershed and in total for the RGP area. The following special condition would require the wetland impact limitations discussed above:

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

a. Impacts to converted wetlands:

(1) Impacts to converted wetlands shall not exceed 15% of the total converted wetlands in any one sub-watershed. The area within a particular sub-watershed to be used to make the 15% calculation does not include areas within Conservation Units located within the sub-watershed (Conservation Units are described in Special Condition 12). Sub-watersheds are depicted in Exhibit 6 (Sub-Watershed Map). The 15% calculation is the equivalent of a 5.67:1.00 preservation to impact ratio on an areal basis.

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

(a) An applicant proposes an individual project, which would impact 10 acres of the 100 acres of converted wetlands located within the proposed project site and preserve the remaining 90 acres of converted wetlands through placement under a conservation easement. This example would result in a

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converted wetland overage of 33.3 acres, since 56.7 acres of converted wetland preservation would be required to comply with the 15% allowable impacts to converted wetlands within a specific 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 converted wetlands, proposes to impact all 5 acres of converted wetlands for the project. The applicant may use 28.4 acres of the 33.3-acre overage of preserved converted wetlands from the first project to comply with the 15% requirement for the second project.

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

b. Impacts to unconverted wetlands:

(1) Shall be limited to road and bridge crossings, boardwalks and paths, linear infrastructure (which includes stormwater conveyances, but not stormwater ponds), utility corridors, and any other linear access facilities necessary to support the associated development. Crossings shall be designed and constructed to minimize wetland impacts to the maximum extent practicable. The impacts shall usually not exceed a width of 100 feet of combined filling or clearing at each crossing, but may 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 unconverted wetlands for crossings and other linear infrastructure within the RGP area shall not exceed 225 acres within the EMA area and 4 acres outside the EMA area.

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

(4) For each crossing proposed at a point where no previous crossing existed, an existing silviculture road crossing within the same sub-watershed must be removed and the wetland hydrologic connection including any associated natural stream or tributary within the area of removal, shall be restored. Restoration in this section is defined as re-establishment of natural soil surface grades and 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 unconverted wetlands shall be designed so that reduction of capacity or impairment of the hydrologic conveyance is minimized to the maximum extent practicable. Bridging, co-locating utilities and infrastructure and directional boring of unconverted wetlands is required to the maximum extent practicable. The following factors shall be considered when determining if bridging or directional boring of the unconverted wetlands is practicable: (i) The degree of water flow within the unconverted wetland, (ii) The length of the unconverted wetland crossing, (iii) The topography of the unconverted wetland and associated upland, and (iv) The degree to which a roadway would adversely affect the movement of wildlife expected to use the unconverted wetland.

c. All wetlands not authorized for impact on each project site shall be preserved in their natural condition. Conservation easements shall have been approved by the Corps and shall be placed over all such wetlands before the date of commencement of any regulated activities authorized for the project for which the wetlands are being preserved, or according to the timeframe as may be specified in the Corps authorization for the project (see Special Condition 13). Individual project sites, including offsite preservation areas (e.g., such as those described in Special Condition 5.a(2)(b) above), shall have reasonable boundaries that include intermixed and adjacent unconverted wetlands.

(d) Wetland mitigation: Overall mitigation for wetland impacts authorized under the proposed RGP would include upfront minimization and avoidance of wetland impacts, upfront preservation of five conservation units totaling approximately 18,380 acres, buffers around high quality wetlands, and compensatory mitigation through wetland enhancements and restoration within appropriate mitigation banks, the conservation units, or within preserved wetlands on individual project sites. The mitigation banks, conservation units and wetlands preserved on individual project sites would comprise and enhance a network of wildlife corridors and significant habitats, and especially a mosaic of interconnecting wetlands, which both traverse and are located immediately adjacent to the RGP area, thus linking ecological resources from Choctawhatchee Bay to the St. Andrew Bay system including West Bay.

Compensatory mitigation would be required to occur prior to or be implemented concurrent with authorized impacts under the RGP. Compensatory mitigation projects would be maintained in perpetuity in the enhanced/restored ecological condition. See Section 8. below for additional information regarding compensatory mitigation.

(e) Wetland delineation: In order to accurately determine wetland locations and boundaries on individual project sites for calculation and identification of proposed wetland impacts, the RGP would require that 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. Under the RGP wetlands must be delineated by flagging located either by Global Positioning System or survey. The following special condition would require the wetland delineation procedures, as discussed above:

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 most recent guidance. Under current guidance the Preliminary Jurisdictional Determination form attached as Exhibit 20, 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 "Survey Policy," as described in Exhibit 21.

(5) Historic and cultural resources:

(a) To ensure that projects authorized under this RGP would not adversely affect historic and cultural resources, the Corps archeologist performed a Resources at Risk (RAR) Geographical Information System analysis that was conducted specifically to address existing and potential historic and cultural resources within the proposed RGP area. The analysis was conducted utilizing Google Earth Pro with a KMZ/KML data layer of the RGP area separated into 59 separate polygons. Each polygon was analyzed utilizing the Corps RAR tool specifically targeting presence of known historic and cultural resources and resource surveys conducted within each polygon. The analysis provided an overview with general locations of sites that may contain historic and cultural resources within the RGP area. The Historic and Cultural RAR analysis indicated that 51 total recorded sites exist within the RGP area. Two of the recorded sites are listed in the National Register of Historic Places. As of the month the RAR was conducted (June 2012), a total of 99 cultural resource surveys have been performed within the RGP area.

(b) As the RGP is administered, Corps project reviewers would consult this Historic and Cultural RAR analysis to determine whether a proposed individual project is within a polygon containing a recorded site. This information, in addition to

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review utilizing the Jacksonville District Section 106 Key will assist Corps project reviewers with making resource effect determinations and with determining whether additional internal coordination with a Corps archaeologist, additional coordination with the State Historic Preservation Office, and additional coordination with the Tribal Historic Preservation Offices is needed prior to authorizing individual projects under the RGP. In addition, as part of each individual project review, the applicant must provide to the Corps documentation of coordination with the State Historic Preservation Officer.

(c) In order to protect cultural and historical resources, and in order to appropriately administer the Corps responsibilities in regard to cultural and historical resources under this proposed RGP, the RGP would be specially conditioned as follows:

17. 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 18 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-

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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.

(d) Coordination letters dated 27 June 2012 were sent to the following eight federally recognized tribes identified as to having interest in Corps actions within the Bay County, Florida area: Seminole Tribe of Florida, Poarch Band of Creek, Quassarte Tribal Town, Kialegee Tribal Town of the Creek Nation, Muscogee (Creek) Nation, Seminole Nation of Oklahoma, Thlopthlocco Tribal Town, and the Alabama-Coushatta Tribe of Texas. The letters provided copies of the public notice that was issued for the RGP and the current draft of the RGP. The letter identified the cultural and historical resources special condition to aid in the tribes' reviews of the proposed RGP. By email dated 23 July 2012, Mr. Bryant J. Celestine, the THPO for the Alabama-Coushatta Tribe of Texas, stated: "Regarding any concerns our tribe may have, the absence of National Register of Historic Places-listed properties should not indicate no historic properties or traditional properties of cultural significance within the Area of Potential Effect. Only a formal cultural resources reconnaissance or complete soil disturbance will provide this conclusion. Furthermore, an assessment, including field visit, for the absence of traditional properties of cultural significance may only be conducted by a federally recognized tribe. At this time, we have no immediate objections to the issuance of the regional general permit. Adherence to Special Condition 17 is anticipated." By letter dated 13 August 2012, Mr. Paul N. Backhouse, the THPO for the Seminole Tribe of Florida, stated no objections to the RGP at this time, but requested to be notified if cultural resources, which are potentially ancestral or historically relevant to the tribe, are discovered. No responses were received from the other six federally recognized tribes.

(6) Fish and wildlife values: Potential impacts to fishery resources would be limited to impacts on water quality by loss of the filtering capacity of impacted, interior wetlands. Wildlife would be affected by the loss of uplands and wetlands that under the RGP would be converted from undeveloped land and land currently used for intensive silviculture into various residential, commercial, institutional, and recreational purposes. However, water quality and quantity impacts would be minimized, since projects that would be authorized under the proposed RGP, would be required to meet more stringent criteria for required storm water management systems, than normally required under state law in northwest Florida. In addition, impacts to wetlands would be mitigated under the proposed RGP through upfront minimization of wetland impacts, upfront preservation of ten conservation units, and compensatory mitigation through wetland enhancements and restoration within mitigation banks, the conservation units, or within preserved wetlands on individual project sites. The mitigation banks, conservation units and wetlands preserved on individual project sites would comprise and enhance a network of wildlife corridors and significant

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habitats within and adjacent to the RGP area. See Section 7.a. below for Endangered Species Act considerations and Section 7.b. below for Essential Fish Habitat considerations.

(7) Flood hazards: The RGP area is characterized by relatively flat topography on a series of coast-parallel plains or terraces located immediately along and north of West Bay. The area is comprised of two terraces with elevations between sea level and approximately 40 feet. The southern part of the RGP area is very flat with sandy soils, which results in poorly defined stream systems and a landscape composed of a complex mosaic of intermixed uplands and wetlands. The northern part of the RGP area is higher in elevation with better defined streams incised into the landscape, but still comprised of an intermixed system of wetlands and uplands. The southern part of the RGP area is susceptible to tropical cyclone induced storm surges along the West Bay shoreline and along major streams, such as Crooked Creek and Burnt Mill Creek, which terminate at the bay. The RGP area is susceptible to wind damage, as well. The state continues to address the problem of hurricane evacuation by the recent four-laning of various highways that service the area, such as US98, SR 77 and SR 79. The major flood hazard for the individual projects that would be authorized under the proposed RGP would likely be flooding in areas near West Bay, and the various onsite streams and wetlands, which drain to the bay, as well as from onsite backup of storm water runoff during tropical storm events. Storm water during such events may not be able to flow off individual project sites due to the backup of rainwater within the surrounding wetlands and low uplands connecting the sites to the aforementioned water bodies, particularly, if there is a storm surge. However, it is unlikely that project impacts would significantly alter final flood elevation of such an events. Removal of vegetation and hardening of surfaces on uplands and wetlands filled for this project, however, may reduce the onsite dampening effect that vegetation and natural ground can have on storm water flow and onsite absorption of storm water. However, surface water management systems for all projects authorized by this RGP would be required to 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 must include an additional level of treatment that is 50% above the treatment that is required for a non-OFW, even though the receiving water body, West Bay, is not an OFW. This requirement would reduce the potential for flooding by increasing the treatment, and thus the retention capacity, of the storm water treatment system for a particular project.

(8) Floodplain values: The RGP area is located on and north of West Bay on a series of relatively flat coast-parallel plains or terraces, located immediately along and north of West Bay with poorly defined stream systems and a complex mosaic of intermixed uplands and wetlands. The northern part of the RGP area is higher in elevation with better defined streams incised into the landscape, but still comprised of an intermixed system of wetlands and uplands. Over one-third of the RGP area is located within the 100-year floodplains of these water bodies, streams, drainages, and wetlands. Because of the extremely scattered distribution of the designated 100-year floodplains and their associated water bodies and wetlands, some degree of impact to floodplains is

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unavoidable if private use and development of privately owned lands is to proceed. Placement of fill material in wetlands on individual projects that would be authorized under the RGP would reduce the water holding capacity and dampening effect on the release of water to receiving waters, which wetlands provide. However, these negative impacts to the water holding capacity of 100-year floodplains from projects that would be authorized under the proposed RGP would be minimized by such projects being required to meet more stringent criteria for required storm water management systems than is normally required in northwest Florida (see Section 6.a.(7) above). The conservation units and wetlands and buffers preserved on individual project sites would comprise and enhance a network of wildlife corridors and significant habitats, including floodplains, which both traverse and are located immediately adjacent to the RGP area.

(9) Land use: The proposed RPG area is completely located within the local governmental jurisdiction of Bay County, Florida. It is also completely located within the WBSP area. As detailed in Section 1.f. above, the development of the WBSP and the adoption of the Airport DSAP and WBDSAP by Bay County, along with the development of the new airport allowed by the WBSP, prompted the interagency team to develop this RGP and DEP's corresponding EMA.

Bay County adopted its current comprehensive land plan in October 2009. Chapter 12 of the comprehensive land is the Sector Plan Element, which adopted the WBSP into the comprehensive land plan. The comprehensive plan identified that the objective of the WBSP is to provide a long-range vision for the preservation and development of the specific area surrounding West Bay to direct growth, development and resource protection within the area. The goals of the WBSP are: (1) emphasize urban form, (2) protect regionally significant resources and facilities, (3) mitigate impacts to these resources and facilities, (4) ensure intergovernmental coordination, (5) address extra-jurisdictional impacts, (6) limit urban sprawl, (7) protect wildlife and natural systems, (8) advance the efficient use of land and other resources, and (9) create quality communities and jobs. The comprehensive land plan states that the vision of the WBSP is to: (1) protect ecological systems and provide connectivity to West Bay by wildlife habitat and environmental resources through interconnected corridors, (2) promote development that fosters a sense of place by focusing on a "village" approach to nurture healthy social conditions, and (3) garner places for economic advancement that would consist of regional employment opportunities and commercial centers at the heart of each village. The individual Detailed Specific Area Plans (DSAPs) developed within the WBSP area would focus development standards that protect environmental resources, promote community and assure human and ecological connectivity, create employment opportunity and promote a more compact urban form. So far the county has adopted two DSAPS within the WBSP area: the Airport DSAP and WBDSAP. The identified general strategy to achieve the goals and vision of the sector plan involves the following concepts and activities: (1) preserve the ecosystem to the fullest extent possible, (2) continuous update of an accurate and reliable overlay map identified as the WBSP to depict general land uses and transportation systems, (3) work with the Bay County School Board to coordinate location of future needed educational facilities, (4) provide guidelines for planned unit or

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mixed use development projects, including an appropriate percentage of affordable housing, (5) promote economic development, and (6) provide adequate public recreation and open space for area residents.

Any individual project that could be authorized by the RGP would require approval from Bay County and meet the county's land use requirements and limitations. Authorization of an individual project under the RGP does not obviate the need for permittees to obtain other Federal, State or local authorizations required by law, nor grant any property rights or exclusive privileges.

(10) Recreation: Most of the approximately 97% of the proposed RGP area, which is owned by St. Joe, is in pine silvicultural production. St. Joe also currently leases some of these lands to private hunt clubs. The proposed RGP area borders various water bodies, which are used for public recreation, including West Bay, Crooked Creek, Burnt Mill Creek, and the GIWW; and is adjacent to Pine Log State Forest, which is open for public use and recreation. Many areas subject to the proposed RGP can be expected to change in use from silvicultural production and hunting to areas of mixed residential, commercial, recreational and institutional uses and their attendant features, including roads, utility lines and storm water treatment facilities. Facilities for future private and public recreational activities that could be authorized by the RGP would include golf courses, ball fields, biking trails, hiking trails, and horse trails. Hunting by private leaseholders would be allowed within the conservation units. Residential and commercial facilities authorized under the RGP would likely increase the number of people residing and vacationing nearby and in the RGP area, thus potentially increasing the number of people utilizing adjacent open waters and state lands for recreational purposes. The RGP would allow specific categories of recreational activities within the conservation units. Type I conservation units would allow 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. Though trails and boardwalks may cross wetlands, all other facilities would only be located in uplands. Nature centers would also be allowed in Type I conservation units, but only on uplands. Type II conservation units would allow the same recreational uses as allowed for Type I conservation units, plus additional recreational facilities including, but not limited to, boat ramps, fishing piers, parks, picnic areas and pavilions, playgrounds/tot lots, and nature facilities. However, sports or ball fields, such as baseball fields, soccer fields, tennis courts, basketball courts and golf courses, would be completely excluded from both Type I and Type II conservation units.

(11) Water supply: It can be expected that development subject to the proposed RGP would result in additional need for potable water supplies to meet the increased demand from expansion of residential, commercial, institutional and recreational projects within the RGP area. Existing water resources should be sufficient to meet these increased demands with the assumption that the RGP area will be serviced by Bay County, which obtains its water supply from the Deer Lake reservoir. A 1991 agreement between the NFWMD and Bay County allows the county to meet the county's current

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and future water needs from the Deer Lake reservoir through 2040. In 2010 Bay County requested a permit from the NFWFMD to construct and operate a water well field that would be located within the proposed RGP area. In July 2012 a State of Florida administrative law judge issued an order recommending denial of the permit. In September 2012 the NFWFMD adopted as a Final Order, the administrative law judge's Recommended Order to deny the water use permit. In October 2012 the Bay County Board of Commissioners voted not to appeal NFWFMD's Final Order. See Section 6.b.(3) below for more information in regard to the proposed water well field.

(12) Water quality: All projects would require Clean Water Act Section 401 water quality certification before authorization would be issued under the proposed RGP. Surface water management systems for all projects authorized by this RGP would be required to 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 required for a non-OFW.

The EMA would be the state's water quality certification for projects authorized by this RGP within the RGP area that is also covered by DEP's EMA (approximately 97% of the RGP area). For projects located outside of the EMA area, separate water quality certification would be required. See Sections 5.a.(3) and (4) above for additional information in regard to water quality and this RGP.

The RGP would prohibit the discharge of fill or dredged materials into wetlands for the installation of septic tanks or drainfields.

The following special conditions of the proposed RGP would require water quality certification from the DEP before authorization would be issued under the proposed RGP, and that septic tanks and drainfields would not be located in wetlands, as described above:

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

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

(13) Considerations of property ownership: The RGP would allow the use of privately owned land for the creation of profits and other purposes by individuals, corporations or other private entities involved in the production of new residential, recreational and commercial developments. Institutional uses would also be authorized for both private and public entities. At the same time the proposed RGP would protect and enhance the public's interests in the protection of the environmental attributes of the RGP area.

b. Corps Analysis of Comments Requiring a Response:

(1) Comment by FDOT in a letter dated 9 November 2011:

(a) Comment summary: The FDOT stated concerns in regard to the RGP's required compensatory mitigation ratios, the required 5.67 to 1.0 acre preservation ratio for impacts to converted wetlands, required OFW standard for surface water management treatment systems, and required heightened sediment and erosion standards for FDOT projects. FDOT acknowledged these requirements and plans to work with the permitting agencies to obtain as much of these standards as possible, but cannot commit to these standards.

(b) Corps response: Except under certain, specific conditions, the Corps cannot refuse to review any permit application. Issuance of an RGP is not one of the disqualifiers for acceptance of a permit application by the Corps, even if the proposed project is located within the area covered by a specific RGP, and the proposed project does not meet the specific criteria of that specific RGP. However, since this proposed RGP constitutes a multi-agency, watershed planning strategy for the West Bay watershed, it is the Corps position that the proposed RGP would set the framework for evaluation and authorization of all proposed projects requiring a Department of the Army permit from the Corps within the RGP area, including FDOT road projects.

(2) Comment by Mr. Willson by email dated 16 September 2011:

(a) Comment summary: It appears that there are boundary discrepancies between areas designated as conservation units and the WBPA, which should overlap, as depicted on a map provided by Mr. Willson.

(b) Corps response: Most of the boundaries of the proposed conservation units for this RGP match the boundaries of the WBPA, as was agreed to by Bay County, Florida in accordance with Figure 1-4 of the report, *Ecological Assessment, Natural Resource Values and Regional Conservation Significance of the West Bay Preservation Area, Bay County, Florida (August 2003)*. This report was prepared and

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submitted by TNC. The Bay County Comprehensive Plan (adopted on 20 October 2009) includes Map 12.1, dated October 2009, which shows the same boundaries of the WBSP as Figure 1-4 of TNC's report. The only discrepancies between the WBPA as shown in Map 12.1 of the county's comprehensive plan and the conservation units, as proposed for this RGP, are the gaps agreed to by the interagency team for roads, outparcels not owned by St. Joe, and changes reflecting the additions of land to Pine Log State Forest. It appears that Mr. Willson used an earlier version of the WBSP map, which was not adopted into the comprehensive plan by Bay County.

(3) Comments by Mr. Cole on behalf of Northern Trust in a letter dated 14 September 2011:

(a) Comments summary: Though the letter stated support for the development of the RGP, concerns were identified regarding potential impacts of proposed groundwater withdrawals by Bay County in the RGP area. Concerns centered on potential effects of the proposed well field on methodology, measures, and permitting determinations of the RGP; the identification and acceptability of cumulative environmental impacts on the area; and particularly that proposed groundwater withdrawals for the well field could cause the levels of surface water features, surficial aquifers, and the Floridan aquifer to decline. The letter specifically stated that an EIS should be prepared to address the impacts of the proposed well field withdrawals in conjunction with the impacts that would be permitted under the RGP, and that a modified BA should be prepared to address impacts of the proposed well field withdrawals on protected species. Other concerns identified were that the location of the groundwater production wells in conservation units is an inconsistent land use under the proposed RGP, that well field withdrawals will result in a cone of depression and negative changes in regional hydrology, that the proposed well field permit does not require mitigation to address impacts to well field withdrawals, and the proposed well field permit fails to address anticipated impacts to natural resources and recreational values from well field withdrawals

(b) Corps response: Northern Trust, Washington County, and two individual citizens filed petitions with the NFWFMD in 2010 challenging the proposed issuance of an individual water use permit by the NFWFMD to Bay County to construct and operate a new potable water well field. The well field was proposed to be located in northern Bay County, close to Washington County and Northern Trust lands, and within the proposed RGP area. On 26 July 2012, the Florida Administrative Law Judge, presiding over the Administrative Hearing in response to the petitions, issued a Recommended Order that the NFWFMD enter a final order that denies the application of Bay County for the individual water use permit. On 26 September 2012 the NFWFMD adopted as a Final Order, the administrative law judge's Recommended Order to deny the water use permit. In 16 October 2012 the Bay County Board of Commissioners voted not to appeal NFWFMD Final Order.

The construction and operation of Bay County's proposed groundwater well field is a separate and non-federal action from this proposed RGP. The withdrawal of

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groundwater is not an activity directly regulated by the Corps under the Federal statutes granting the Corps its regulatory and permitting authority. The proposed groundwater withdrawal activity is not the result of, nor is it linked directly, to any regulated activity or project requiring the regulated discharge of dredged or fill materials into waters of the United States. The permitting authority for the proposed groundwater withdrawal project lies with the NFWFMD. Authorization of the proposed groundwater withdrawal project by the NFWFMD is neither dependent nor contingent on the issuance of this RGP by the Corps. It is appropriate for the Corps to consider the potential for cumulative impacts of other reasonably foreseeable actions that could affect resources and ecosystems of concern in regard to the RGP under review in this EA/SOF. However, with the issuance of the NFWFMD's Final Order, the Corps does not view the construction and operation of the well field as a reasonably foreseeable action.

(4) Comments by AF in a letter dated 29 September 2011:

(a) Comments summary: Though the AF has previously supported the WBSP and RGP SAJ-86, Bay County's proposed well field would compromise the ecological integrity and benefits of the proposed RGP. The agencies are not taking into consideration the effects of large-scale groundwater withdrawals on wetlands and other surface waters, and lands that would be protected under the RGP and EMA would be at risk from the well field. Potential cumulative impacts on wetlands and environmental values of the protected lands should be given consideration by the reviewing agencies. AF requested that the Corps give consideration of the impact of the proposed well fields and condition the permit for no groundwater withdrawals from the permitted areas unless the applicant can affirmatively prove no harm.

(b) Corps response: In response to AF's concerns in regard to the proposed Bay County well field within the RGP area, see section 6.b.(3)(b) above.

(5) Comments by Mr. Middlemas of the TNC at the public meeting on 14 September 2011 and in a letter dated 23 September 2011:

(a) Comments summary: Mr. Middlemas stated support for the proposed RGP, but had concerns regarding protection of lands located on the western shore of West Bay within the WBPA, but excluded from RGP/EMA conservation units; and that approximately 4,000 acres WBPA of lands within the RGP area would not be included within conservation units in the RGP area.

(b) Corps response: One of the goals of the interagency team that developed this proposed RGP and the DEP's EMA, was to build on Bay County's past efforts in the establishment of the WBPA within the WBSP area to be included under this proposed RGP. The interagency team created conservation units to cover most of the lands that had been designated as WBPA within the proposed RGP area. The proposed RGP would help assure, enhance and implement the conservation requirements already established by the 2009 Bay County Comprehensive Plan for those WBPA lands to be

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included within the proposed conservation units (see 6.a.(1) on page 25 above).

Approximately 1,110 acres of the WBPA is located along the west shore of West Bay. This area is not located within the proposed RGP area, but is located within the RGP SAJ-86 area. These lands were not placed within a conservation unit under RGP SAJ-86. Since this area is not located within the proposed RGP area, it is not appropriate to make them subject to this proposed RGP.

On page 29 of TNC's report, *Ecological Assessment, Natural Resource Values and Regional Conservation Significance of the West Bay Preservation Area, Bay County, Florida (August 2003)*, TNC states that the WBPA would total 39,159 acres in size with the inclusion of an additional 1,924 acres of land, as identified and requested by the TNC in the report. The 39,159 acres is delineated on Figure 1-4 of the report. The 2009 Bay County Comprehensive Plan incorporated the TNC's boundary recommendations on Map 12.1 of the plan. Map 12.1 is the basis for the depiction of the boundaries of the portions of the WBPA that would be included within conservation units under the proposed RGP. In April 2012 at the request of the Corps in consideration of TNC's concerns, St. Joe ran a GIS analysis of the WBPA and proposed conservation units within the proposed RGP area. The analysis determined that the WBPA within the WBSP totals 39,273 +/- acres. The minor discrepancy of an additional 114 acres is attributable to GIS technology advancements and refined analysis of St. Joe's study, as opposed to that accomplished in 2003 for the TNC report. The GIS WBPA boundary data was divided into different acreage components, as shown in the three large categories below:

WBPA Area (Acres) Within RGP SAJ-105 Area - Within Conservation Units

Type I Conservation Units: 10,982 +/- acres

Type II Conservation Units: 7,398 +/- acres

Total: 18,380 +/- acres

WBPA Area Within RGP SAJ-105 Area – Not Within Conservation Units

Other Ownerships (Non-St. Joe): 881 +/- acres

(St. Joe Lands within the WBPA

Transferred to Pine Log State Forest

(2008 & 2010): 452 +/- acres;

Not owned by St. Joe nor Florida Division of

Forestry: 429 +/- acres)

Road Widening Gaps: 632 +/- acres

GIS "Slivers": 9 +/-

Water (Tidal areas): 255 +/- acres

Total: 1,777 +/- acres

**Total Minus Land Transferred to Pine Log State Forest
and Water (Tidal Lands): 1070 +/- acres**

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WBPA Not Within RGP SAJ-105 Area

Other Ownerships (Non-St. Joe): 941 +/- acres
Airport Mitigation: 9,624 +/- acres
Breakfast Point: 7,187 +/- acres
Rivercamps and Water: 253 +/- acres
West Bay Western Edge: 1,110 +/- acres
Total: 19,115 +/- acres

Total of All Three Categories: 39,272 +/- acres

For the purposes of this RGP not all lands designated as WBPA by Bay County's 2009 Comprehensive Plan within the proposed RGP area would be placed within conservation units. Of the approximately 20,158 +/- acres of WBPA within the RGP area, 452 are already preserved and conserved by having been transferred to Pine Log State Forest from St. Joe in 2008 and 2010. Approximately 429 acres are owned by landowners other than St. Joe and the Florida Division of Forestry. An additional 632 acres of WBPA were not placed within the proposed conservation units where the interagency team agreed that road corridors would likely be placed in the future, as the area develops. Approximately 255 acres comprise tidal wetlands and open waters, which are state sovereign lands. An additional 9 acres are the sum of many minor discrepancies in boundaries. Overall, approximately 94% of the WBPA within the RGP area, exclusive of WBPA lands now part of Pine Log State Forest and tidal, state sovereign land, would be located within the boundaries of the RGP's conservation units. The difference in the area of land within the WBPA versus lands either within the proposed conservation units or otherwise in state conservation ownership or easement equals approximately 1070 +/- acres.

(6) Comments of Mr. George Willson representing Northern Trust at the public meeting on 14 September 2011:

(a) Comments summary: The Corps should revise the BA and perform an EIS to evaluate the effects from Bay County's proposed water well field due to the potential for adverse impacts from the proposed wells on lakes and wetlands on Northern Trust property and within adjacent RGP/EMA areas. Mr. Willson also stated concern that preservation of WBPA lands within the RGP and EMA are "set-asides within set-asides" which changes the preservation value of the land for purposes of the RGP and EMA; and that the BA's wood stork counts are incorrect.

(b) Corps response: In response to Northern Trust's concerns, as presented by Mr. Willson, in regard to the proposed Bay County well field within the RGP area, see section 6.b.(2)(b) above. In reference to Mr. Willson's concern that preservation of WBPA lands within the RGP and EMA are "set-asides within set-asides" which changes the preservation value of the land for purposes of the RGP and EMA, see sections 1.d.(2),

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6.a.(1) and 6.b.(4)(b) above in regard to the goals in establishing the conservation units to incorporate most of the WBPA within the proposed RGP area, and the RGP's special conditions in regard to allowable and prohibited activities that build on and enhance the conservation efforts under the WBSP of the lands within the conservation units. A modified BA for the proposed RGP was submitted to the FWS on 3 April 2012. The modified BA states that no wood stork rookeries have been documented or observed within the RGP Action Area, however, individuals that may utilize wetlands within the RGP area for foraging have been observed. The closest breeding site to the RGP area is 50 miles to the east. It was determined in the BA that the RGP would "may affect, not likely to adversely affect" the wood stork because foraging habitat is of low quality and no rookeries have been observed within the Action Area. By letter dated 26 April 2012 the FWS concurred with the modified BA.

c. Overall, it has been shown in Sections 6.a. above, Sections 7. and 9. below, the Corps review of and response to comments in Section 6.b. above, and with the inclusion of the various special conditions, as stated in this EA/SOF, that the proposed RGP would have minimal adverse impact on the public interest, including relevant public interest factors, cumulative and secondary impacts, and Federally threatened or endangered species.

7. Effects, Policies and Other Laws.

a. Endangered Species Act: Protection of threatened and endangered species was one of the primary concerns addressed by the interagency team in the development of this proposed RGP. It was recognized that management for protected species on a landscape scale would benefit efforts to aid the protection and recovery of such species. Landscape scale management could also help prevent conditions to develop that would require the listing of additional species in the future. Concern for protected species was a major factor in the design of the location and configuration of the conservation units and in the management plans that would govern them.

A draft BA was prepared by a consultant for review and comments as part of the interagency team process to develop this RGP. Subsequent to review and comment by the interagency team the consultant provided a final BA to the Corps in March 2011. After modifications were made by the Corps, a copy of the final BA was provided to the FWS under cover letter dated 20 April 2011. The Corps stated to the FWS that the Corps concurred with the findings of the BA, and that the proposed action (i.e., the proposed RGP) may affect, but not likely to adversely affect four faunal species and six plant species: Reticulated Flatwoods Salamander (*Ambystoma bishop*), Piping Plover (*Charadrius melodus*), Eastern Indigo Snake (*Drymarchon corais couperi*), Red-cockaded Woodpecker (*Picoides borealis*), Telephus Spurge (*Euphorbia telephioides*), Harper's Beauty (*Harperocallis flava*), White Birds-in-a-Nest (*Macbridea alba*), Crystal Lake Nailwort (*Paronychia chartacea* spp. *minima*), Godfrey's Butterwort (*Pinguicula ionantha*), and Florida Skullcap (*Scutellaria floridana*). The Corps also stated that the proposed action would have "no effect" on other listed species. The Corps requested the initiation of informal consultation

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concerning the impacts of the project on the listed species named above and within the BA, and requested concurrence from the FWS with the effects determinations in the BA.

The FWS responded by letter dated 10 May 2011 to the Corps request for concurrence. The FWS concurred with the effect determinations stated in the Corps letter, but requested that the Corps submit a revised BA to address several candidate mussel species, and to address potential cumulative effects from an anticipated FDOT project within the RGP area. The BA was also amended to include new information in regard to the Wood Stork.

A copy of the amended, final BA was provided to the FWS under cover letter dated 20 April 2012. The Corps stated to the FWS that the Corps concurred with the findings of the amended BA, and that the proposed action (i.e., the proposed RGP) may affect, but not likely to adversely affect ten faunal species and six plant species: Reticulated Flatwoods Salamander (*Ambystoma bishop*), Piping Plover (*Charadrius melodus*), Eastern Indigo Snake (*Drymarchon corais couperi*), Tapered Bigtoe Mussel (*Fusconaia burkei*), Southern Sandshell Mussel (*Hamiota australis*), Wood Stork (*Mycteria americana*), Fuzzy Bigtoe Mussel (*Plerobema strodeanum*), Red-cockaded Woodpecker (*Picoides borealis*), Southern Kidneyshell Mussel (*Ptychobranthus jonesi*), Choctaw Bean Mussel (*Villosa choctawensis*), Telephus Spurge (*Euphorbia telephioides*), Harper's Beauty (*Harperocallis flava*), White Birds-in-a-Nest (*Macbridea alba*), Crystal Lake Nailwort (*Paronychia chartacea spp. minima*), Godfrey's Butterwort (*Pinguicula ionantha*), and Florida Skullcap (*Scutellaria floridana*). The Corps also stated that the proposed action would have "no effect" on other listed species. The Corps requested the initiation of informal consultation concerning the impacts of the project on the listed species named above and within the BA, and requested concurrence from the FWS with the effects determinations in the BA.

The FWS responded by letter dated 26 April 2012 to the Corps 20 April 2012 request for concurrence with the amended final BA. The FWS stated that based on the information provided in the Corps letter requesting concurrence, the BA, interagency review meetings, discussions, consideration of linear projects, studies and surveys, that it concurs with the Corps determinations of "no effect" and "may affect, not likely to adversely affect" for federally listed, proposed and candidate species identified in the BA that are within the RGP SAJ-105 action area, and that cumulative effects were considered in the context of the informal consultation.

By letter dated 27 April 2012 to the Florida State Clearinghouse, the FWC stated that they had worked closely with the interagency team that developed the proposed RGP and DEP's corresponding EMA. The FWC stated that the proposed RGP addresses fish and wildlife resources and that the RGP is consistent with their authorities under the Coastal Zone Management Act and Florida's Coastal Zone Management Program.

The Corps, FWS and FWC as part of the team to develop this RGP, agreed that in order to protect threatened and endangered species in general, other federal and state protected species, and specifically the Bald Eagle, Eastern Indigo Snake, and the

Reticulated Flatwoods Salamander, the RGP would be specially conditioned as follows:

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 22 is the 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)), attached as Exhibit 23; and the FWC Bald Eagle (Haliaeetus leucocephalus) Management Plan Handbook (June 2008) (Florida Fish and Wildlife Commission (FWC)), attached as Exhibit 24.*

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

d. *Reticulated Flatwoods Salamander: Three ponds were identified as having moderate to high quality habitat for the reticulated flatwoods salamander. These ponds are identified as numbers 74, 83 and 101 and their locations are depicted on Figure 6 of the Biological Assessment. Sampling was conducted twice during 2010 during very favorable conditions and no larvae or adults were observed. In order to provide assurance that the salamander does not occur within these ponds, two years of sampling with no individuals being found is required to prove that the flatwoods salamander does not inhabit these ponds. The sampling, using approved sampling methods, will have to be conducted during favorable sampling conditions (i.e. adequate water and time of year). The sampling events must occur within 5 years of each other. With respect to any ponds or areas where salamanders are determined to be present and with respect to the three ponds referenced above until it is determined that they are not present, primary and secondary buffer zones will be established according to the USFWS "Recommended Timber Management Practices for the Flatwoods Salamander" informational sheet and the FWC management plan for the flatwoods salamander (FWC 2001). These recommendations include establishing a primary zone of 538 feet, which allows for a selective harvest during dry periods on a 10-year interval and a secondary zone which extends to 1476 feet from the pond's edge and allows for a mix of clear cutting and selective harvest during dry periods on 10-year*

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intervals (see Figure 11 of the Biological Assessment). Additional restrictions include maintaining minimum basal areas within those zones, restrictions on soil disturbance and limited use of chemicals. If salamanders are determined not to be present, primary and secondary buffer zones will not be established or will be eliminated if previously established.

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

b. Essential Fish Habitat (EFH): Adverse impacts to EFH would be minimal from the proposed project. The proposed RGP would not authorize any activities that would be located in tidal waters, and thus not in any EFH. Any activities regulated by the Corps that may occur in tidal waters within or adjacent to the RGP area, would require separate authorization from the Corps with evaluation for potential impacts to EFH, as part of the Corps review for that authorization.

c. Historic Properties: Through previous coordination with potentially affected tribes, baseline research performed by the Corps archeologist, utilization of the Jacksonville District Section 106 Key, and through inclusion of the special condition within the RGP stated in Section 6.a.(5) above, the Corps has determined that projects authorized under this RGP would not adversely affect historic properties or cultural resources.

d. Cumulative & Secondary Impacts. See Section 5.a.(7) above.

e. Corps Wetland Policy. The proposed minimized wetland impacts that would be authorized under the proposed RGP are necessary to realize the overall project purpose, which is the construction of residential, commercial, recreational and institutional projects and their attendant features within an area of rapid residential and commercial development, while protecting the aquatic environment on a watershed scale by authorizing a forward-looking, flexible and predictable permitting program, that would minimize unavoidable direct impacts to highest quality aquatic resources, minimize impacts to lower quality aquatic resources, and mitigate for direct, indirect and cumulative impacts within the affected watersheds of an approximately 43,977-acre area in Bay County. The proposed RGP would require compensatory mitigation for individual projects in the form of wetland restoration and enhancements within a landscape of uplands and wetlands that is heavily impacted by ongoing silvicultural operations. The proposed work is expected to result in minimal adverse environmental impacts. The benefits of the project would outweigh the detrimental impacts. Therefore, the project is in accordance with the Corps wetland policy. See Section 5. above for application of the 404(b)(1) guidelines to the proposed RGP, as required by the Corps wetland policy.

f. Water Quality Certification under Section 401 of the Clean Water Act: Concurrent with the development and evaluation of the RGP, the DEP developed an EMA

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with St. Joe, which addresses DEP regulatory approvals for development within the 42,889 acres of land owned by St. Joe within the RGP area. The EMA would set forth the procedures and criteria to be followed by DEP and St. Joe for pre-application meetings, application submittal, review and approval for individual projects within the EMA area. On 29 May 2015, DEP issued/executed the EMA under Section 403.0752, F.S., and Title 62, Florida Administrative Code, to authorize dredging and filling in waters of the State, and the construction and maintenance of storm water facilities, associated with residential, commercial, recreational and institutional projects, including supporting infrastructure. Issuance of the EMA constitutes certification of compliance with state water quality standards pursuant to Section 401 of the CWA, 33 U.S.C. 1341, for properties located within the EMA area. Projects outside the EMA area, would require a separate water quality certification before the Corps could authorize such projects under the RGP. See Section 6.a.(12) above for additional information in regard to water quality certification.

g. Coastal Zone Management (CZM) Consistency/Permit: By letter dated 13 April 2012 the Corps provided a consistency determination for the proposed RGP to the DEP and requested a CZM consistency determination from DEP. By letter dated 5 June 2012 the DEP replied that the state has no objection to issuance of RPG SAJ-105 and concurs that it is consistent with the enforceable policies included in the Florida Coastal Management Program (FCMP).

h. Other Authorizations: Authorizations, such as development orders and building permits, would be required from Bay County, Florida for many of the activities that would be authorized under the proposed RGP.

i. Significant Issues of Overriding National Importance: There are no known significant issues of overriding national importance associated with the proposed RGP.

8. Compensation and other mitigation actions:

a. Description of impacts: The RGP, as proposed, would at a maximum result in the direct impact of approximately 1,171 acres of converted (low quality wetlands) and at most 229 acres of unconverted (high quality), non-tidal wetlands within the approximately 43,977-acre RGP area. The RGP defines converted wetlands, as those wetland areas under active silvicultural production of pine trees, and jurisdictional ditches and borrow pits. Construction of residential, commercial, recreational and institutional projects and their attendant features would be allowed in converted wetlands under the proposed RGP, but would be limited to a maximum impact of 15% of the low quality wetlands in individual sub-watersheds, excluding areas within conservation units within any particular sub-watershed. All other wetland areas are defined as unconverted for purposes of this RGP. Impacts to unconverted wetlands would be limited to road and bridge crossings, boardwalks and paths, linear infrastructure (which includes storm water conveyances, but not storm water ponds), utility corridors, and any other linear access facilities necessary to support the associated development. Crossings would be designed and constructed to minimize wetland impacts to the maximum extent practicable. The impacts would usually

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not exceed a width of 100 feet of combined filling or clearing at a crossing, but would be limited to a maximum width of 160 feet. Florida Department of Transportation roads may be allowed up to a maximum width of 200 feet. Impacts to converted wetlands would be associated with the construction of residential, commercial, recreational and institutional projects, and their components, which comprise or are necessary for the construction, use and maintenance of such projects. See Section 6.a.(4) above for more details in regard to wetlands, their classification under the RGP, and allowable activities. All jurisdictional wetlands that could be impacted by this project are contiguous to other waters that eventually drain to West Bay. Indirect impacts would occur in portions of remaining wetlands that are adjacent to the directly affected wetlands and uplands.

b. Mitigation Actions:

(1) Overall mitigation for regulated work authorized under the proposed RGP would include upfront minimization of wetland impacts, establishment of upland and/or converted wetland buffers adjacent to unconverted wetlands, upfront preservation of five conservation units totaling over 18,380 acres, and compensatory mitigation through wetland enhancements and restoration within appropriate mitigation banks, within the conservation units, or within preserved wetlands on individual project sites. The conservation units and wetlands and uplands preserved on individual project sites would comprise and enhance a network of wildlife corridors and significant habitats, which both traverse and are located immediately adjacent to the RGP area, and would link valuable ecological resources from Choctawhatchee Bay and River through West Bay and the St. Andrew Bay estuarine system.

(2) Compensatory mitigation for individual project wetland impacts, authorized under the proposed RGP, would be satisfied by: (1) mitigation banks; or (2) individual, permittee-responsible mitigation projects, located within either conservation units or individual project sites. The Corps on a case-by-case basis would review plans for individual compensatory mitigation projects located within the conservation units or on individual project sites. Such projects would require Corps approval, as part of the RGP project approval evaluation. Currently portions of the proposed RGP are located within the service areas of the following mitigation banks: Breakfast Point, Devils Swamp, Nokuse, Sand Hill Lakes and Sweetwater.

Except in the specific circumstance, as described below, compensatory mitigation credits and debits would be defined in terms of functional units (FU) as determined using the *Uniform Mitigation Assessment Method (UMAM)*, as set forth in *Chapter 62-345, Florida Administrative Code*. Each acre of impact to converted wetlands would be valued at 0.53 FU, and each acre of impact to unconverted wetlands would be valued at 0.87 FU (see Section 6.a.(4)(a) above).

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)*,

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Technical Publication REG-001, September 1997, then for that specific circumstance the compensatory credits and debits would be defined in terms of functional units (FU), as determined using WRAP. Each acre of impact to low quality wetlands would be valued at 0.65 FU, and each acre of impact to high quality wetlands would be valued at 0.92 FU (see Section 6.a.(4)(a) above). Of the five mitigation banks listed above, two currently have WRAP only ledgers: Breakfast Point and Devils Swamp.

Implementation of a compensatory mitigation project would be required to occur prior to or be implemented concurrent with authorized impacts under the RGP. Compensatory mitigation projects would be maintained in perpetuity in the enhanced/restored ecological condition. The following special conditions of the proposed RGP would require compensatory mitigation and that any compensatory mitigation project must be maintained in its enhanced or restored condition in perpetuity:

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 preference 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 permittee responsible 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 converted wetlands shall be valued at 0.53 FU, and each acre of impact to unconverted wetlands shall be valued at 0.87 FU.*

e. *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 converted wetlands valued at 0.65 FU, and each acre of impact to unconverted wetlands valued at 0.92 FU.*

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

g. All lands on which compensatory mitigation will be located shall have conservation easements approved by the Corps placed over such lands before the date of commencement of any regulated activities authorized for the project for which the compensatory mitigation is being required, or according to the timeframe as may be specified in the Corps authorization for the project (See Special Condition 13).

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.

9. General Evaluation Criteria under the Public Interest Review:

a. Describe the relative extent of the public and private need for the proposed structure or work: Public needs and benefits include proactive growth management on a watershed scale centered on West Bay in Bay County, that would protect areas of ecological and cultural significance by minimizing impacts to the aquatic environment, and would provide ecological restoration and preservation on a large landscape scale. Concurrently, the proposed RGP would allow additional public benefits, such as development activities that would provide employment opportunities, would significantly increase the local tax base, and would provide opportunities for people to live and recreate in a high quality natural and man-made environment. Private needs and benefits would include allowance for private desirable land use, economic return on property, and a predictable, streamlined permitting process

b. Describe the practicability of using reasonable alternative locations and methods to accomplish the objective of the proposed work where there are unresolved conflicts as to resource use: There are no unresolved conflicts regarding resource use among the federal and state agencies that participated in the development of the proposed RGP, or from other agencies that did not participate, but responded to the public notice. See Section 6.b. above for the Corps analysis and positions regarding comments and concerns, which were received from various groups and individuals. See Section 4. above regarding the analysis of alternatives for the proposed RGP.

c. Describe the extent and permanence of the beneficial and/or detrimental effects, which the proposed work is likely to have on the public, and private uses to which the area is suited: Detrimental impacts associated with the loss of upland and wetland values, such as habitat and green space, would be permanent in the construction areas of the various individual projects that would be authorized under the proposed RGP. The beneficial effects under the proposed RGP would include upfront minimization of wetland impacts, upfront preservation of five conservation units, and compensatory mitigation through wetland enhancements and restoration within environmentally appropriate mitigation banks, the conservation units, or within preserved wetlands on individual project sites. The mitigation banks, conservation units, and wetlands preserved on individual project

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sites would comprise and enhance a network of wildlife corridors and significant habitats, which both traverse and are located immediately adjacent to the RGP area, thus linking public resources from Choctawhatchee Bay to West Bay and the rest of the St. Andrew Bay watershed. Overall, an existing landscape of extensive areas of silvicultural pine plantations in significantly altered uplands and wetlands, intermixed with areas of relatively undisturbed cypress domes and mixed forest/shrub swamps, would be replaced by a mosaic of mixed use developments, located on lands that had been subjected to the aforementioned silvicultural operations, intermixed in a landscape of preserved uplands and wetlands. Significant portions of these preserved lands would undergo ecological restoration and enhancement. All preserved uplands and wetlands would be preserved and maintained in perpetuity.

10. Determinations.

a. Public Hearing Request: No requests for a public hearing were received. A public meeting was jointly held by the Corps and DEP on 14 September 2011. See Section 3.d.(2) above.

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

c. Relevant Presidential Executive Orders:

(1) EO 13175, Consultation with Indian Tribes, Alaska Natives, and Native Hawaiians: This action would not have substantial direct effect on one or more Indian tribes. See Section 6.a.(5) above.

(2) EO 11988, Floodplain Management: Alternatives to location within the floodplain, minimization, and compensation of the effects were considered above. See Sections 6.a.(7) & (8) above.

(3) EO 12898, Environmental Justice: In accordance with Title III of the Civil Right Act of 1964 and Executive Order 12898, it has been determined that the project would not directly or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin nor would it have a disproportionate effect on minority or low-income communities.

(4) EO 13112, Invasive Species: Special condition 12 of the proposed RGP would require the control of exotic and invasive vegetation within the 18,380 acres of

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conservation units by the implementation of the management plan for the conservation units, *Principles for Forest and Wildlife Management of Conservation Units within the West Bay Ecosystem Management Agreement and RGP SAJ-105*.

(5) EO 13212 and 13302, Energy Supply and Availability: The project would not be one that would increase the production, transmission, or conservation of energy, or strengthen pipeline safety.

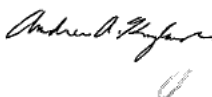
d. Finding of No Significant Impact (FONSI): Having reviewed the information provided by the applicant and all interested parties and an assessment of the environmental impacts, I find that this permit action will not have a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement will not be required.

e. Compliance with 404(b)(1) Guidelines. Having completed the evaluation in Section 5., I have determined that the proposed discharge complies with the 404(b)(1) guidelines.

f. Public Interest Determination: I find that issuance of a Department of the Army permit is not contrary to the public interest.

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PREPARED BY:


Digitally signed by
KIZLAUSKAS.ANDREW.A.1368129140
DN: c=US, o=U.S. Government,
ou=DoD, ou=PKI, ou=USA,
cn=KIZLAUSKAS.ANDREW.A.13681291
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Date: 2015.11.10 10:57:19 -06'00'

Date: 10 November 2015

ANDREW A. KIZLAUSKAS
Chief, Panama City Permitting Section

REVIEWED BY:


Date: 10 November 2015
for
DONALD W. KINARD
Chief, Regulatory Jacksonville District

APPROVED BY:


Date: 11/12/15
for
JASON A. KIRK, P.E.
Colonel, EN
Commanding

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Exhibits and Tables

Exhibit 1: SAJ-105 Boundary Map

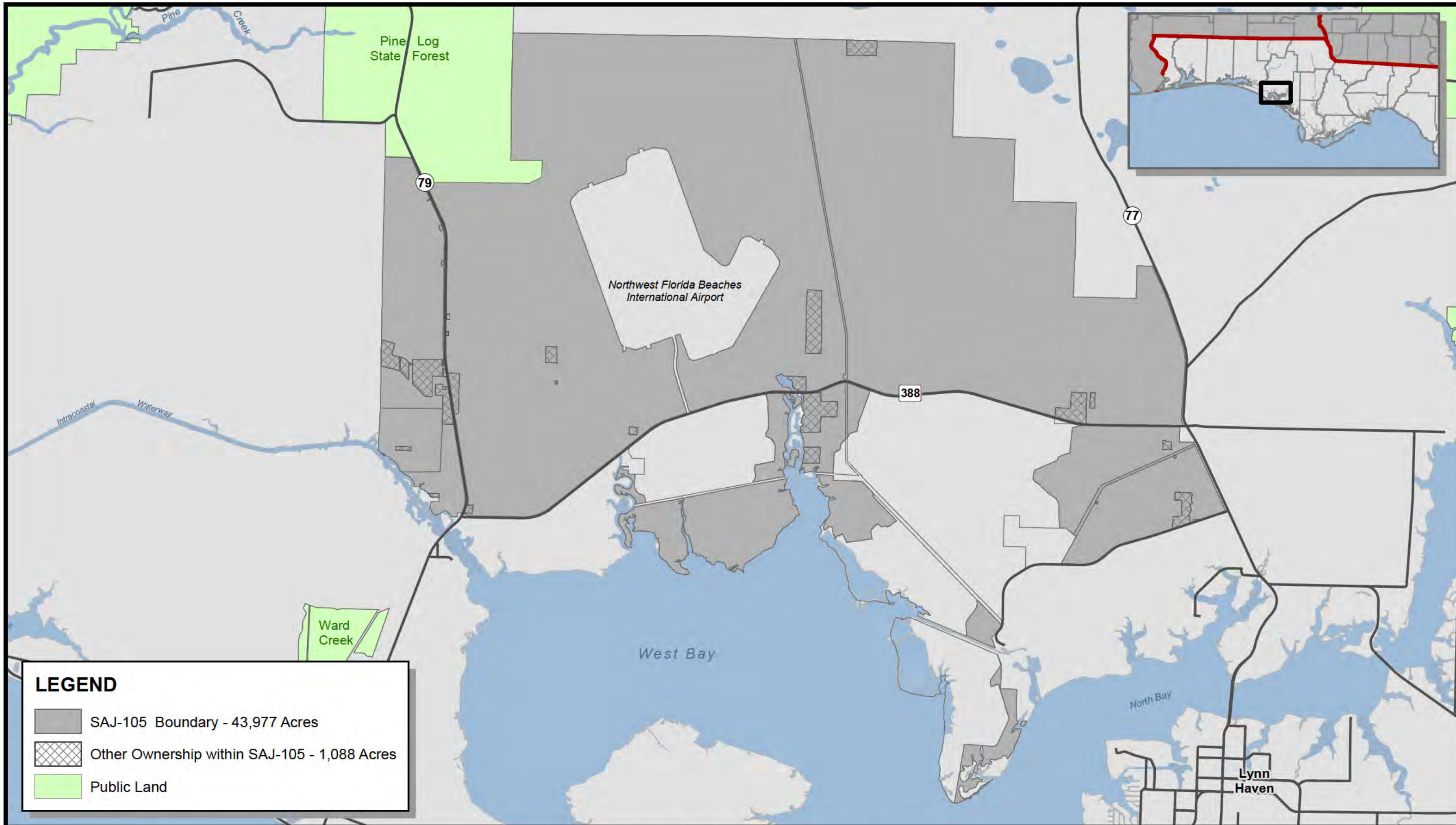
Exhibit 2: SAJ-105 Conservation Units Map

Exhibit 3: SAJ-105 Converted/Unconverted Wetlands Map

Exhibit 4: SAJ-105 Sub-Watershed Map

Table 1: Wetland Impacts by Sub-Watershed

Table 2: Calculation of Impacts within the RGP SAJ-105 Area

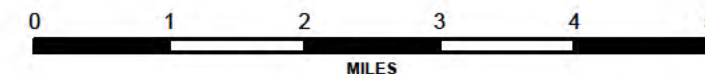
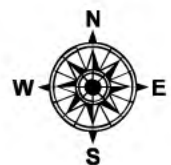


SAJ-105 BOUNDARY MAP

Total Acres - 43,977

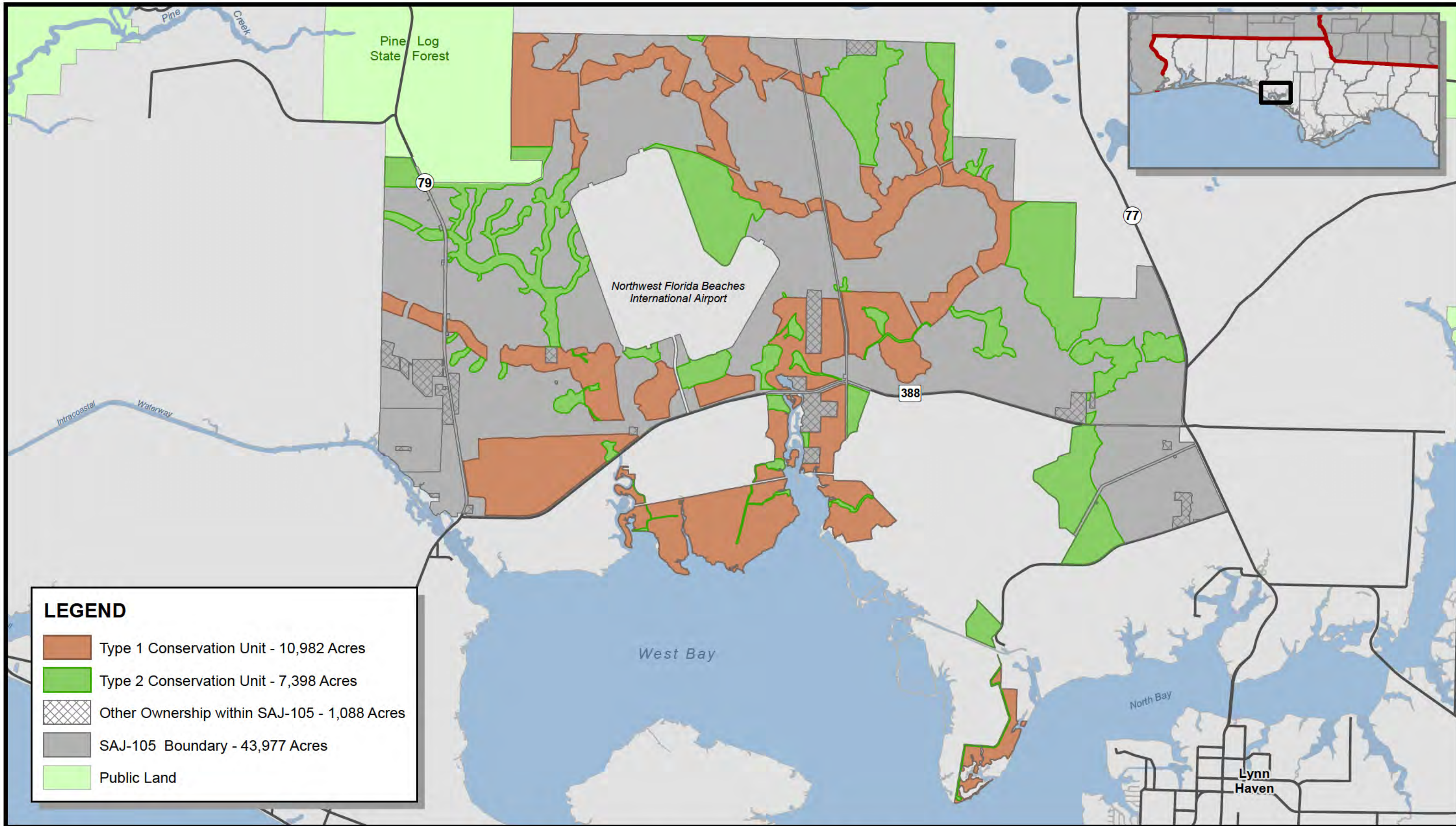
EXHIBIT 1

APRIL 2015



1 INCH = 1.42 MILES

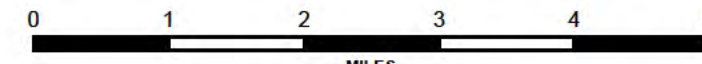
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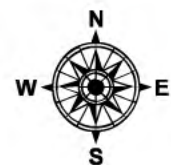
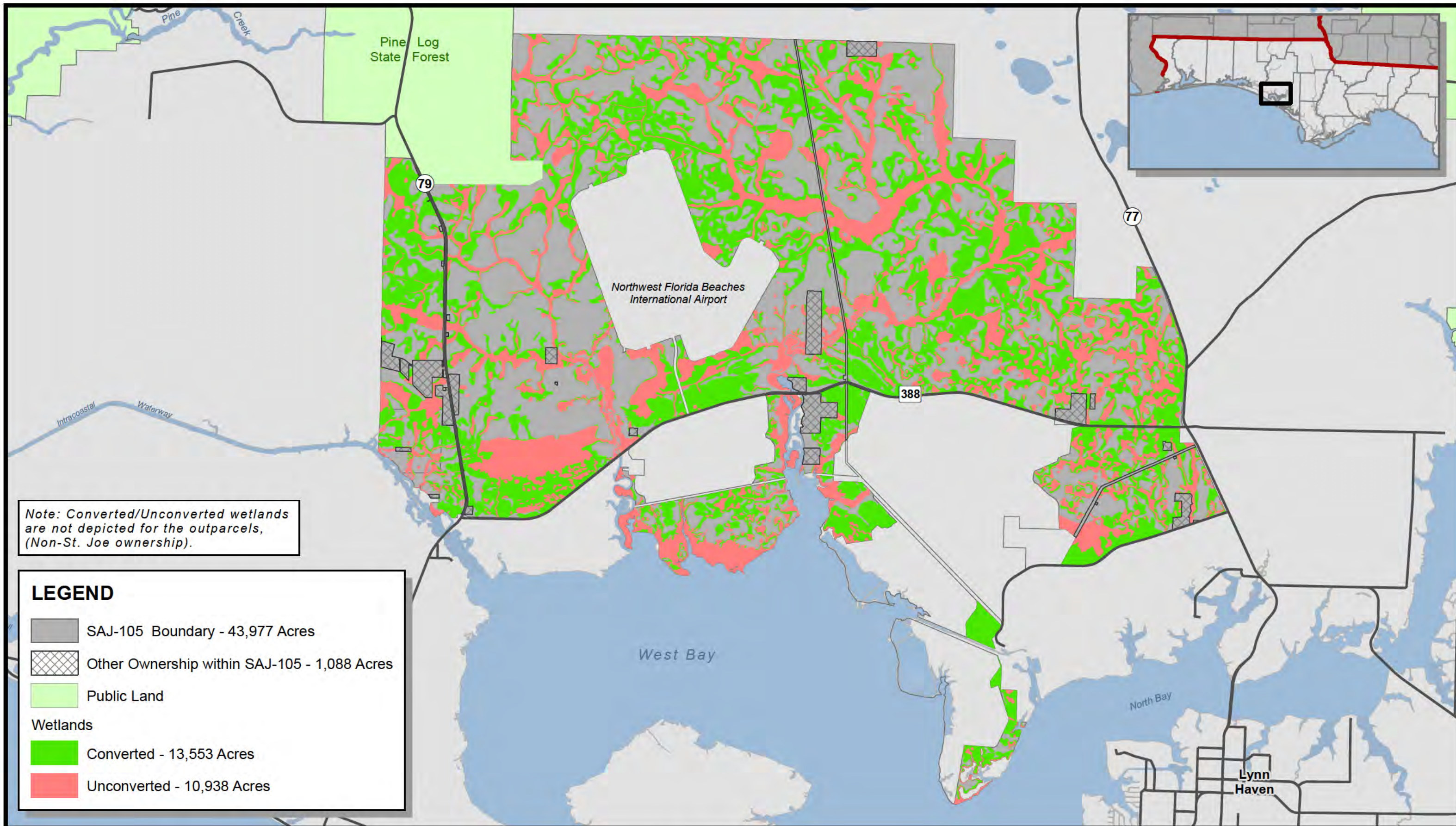
SAJ-105 CONSERVATION UNITS MAP

EXHIBIT 2

APRIL 2015



MILES
1 INCH = 1.42 MILES
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SAJ-105 CONVERTED/UNCONVERTED WETLANDS MAP

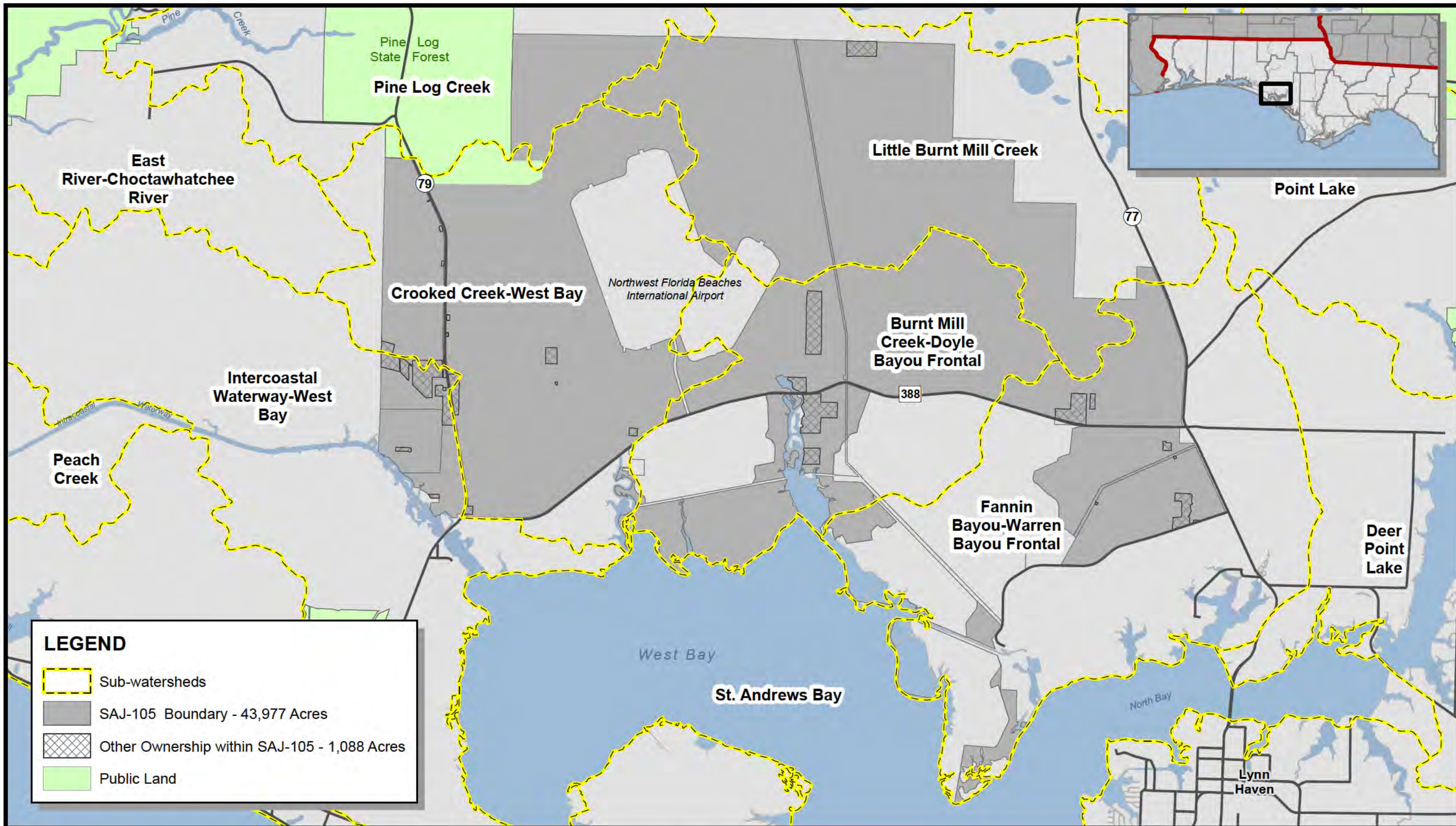
EXHIBIT 3

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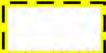
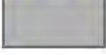
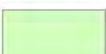


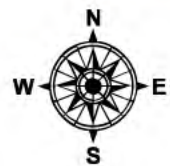
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LEGEND

-  Sub-watersheds
-  SAJ-105 Boundary - 43,977 Acres
-  Other Ownership within SAJ-105 - 1,088 Acres
-  Public Land

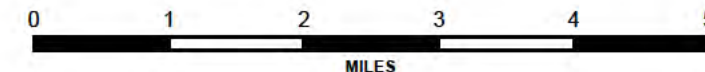


FOR THE PURPOSE OF CALCULATING ANNUAL CONSERVATION UNIT PRESERVATION REQUIREMENTS, THE INTERCOASTAL WATERWAY-WEST BAY AND THE CROOKED CREEK WEST BAY SUB-WATERSHEDS CAN BE CONSIDERED AS ONE UNIT, SINCE THE INTERCOASTAL WATERWAY - WEST BAY SUB-WATERSHED WILL NOT CONTAIN A CONSERVATION UNIT.

SAJ-105 SUB-WATERSHED MAP

EXHIBIT 4

APRIL 2015



1 INCH = 1.42 MILES

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Table 1 - Wetland Impacts by Sub-Watershed
March 2015

Sub-WaterShed Excluding CUs							
Sub-Watershed	Converted Wetlands	Unconverted Wetlands	Total Wetlands	Uplands	Msc. (Waterbodies and roads)	Outparcel	Total
Burnt Mill Creek - Doyle Bayou	1597	589	2186	1627	95	393	4301
Crooked Creek - West Bay	2181	702	2883	4821	138	141	7983
Fannin Bayou - Warren Bayou	1258	934	2192	1200	87	201	3680
Intercoastal Waterway - West Bay	435	374	809	508	20	280	1617
Little Burnt Mill Creek	2085	1039	3124	4050	67	73	7314
Pine Log Creek	121	58	179	523	0	0	702
TOTAL	7677	3696	11373	12729	407	1088	25597

Sub-WaterShed: excludes CU and Outparcels	Converted Wetlands	15%* Potentially Fillable
Burnt Mill Creek - Doyle Bayou	1597	239
Crooked Creek - West Bay	2181	327
Fannin Bayou - Warren Bayou	1258	189
Intercoastal Waterway - West Bay	435	65
Little Burnt Mill Creek	2085	313
Pine Log Creek	121	18
TOTAL	7677	1150

Outparcels					
Sub-Watershed	Acres	Upland	Unconverted	Converted	15%* Potentially Fillable
Burnt Mill Creek - Doyle Bayou	393	276	97	19	3
Crooked Creek - West Bay	141	113	21	7	1
Fannin Bayou - Warren Bayou	201	121	27	53	8
Intercoastal Waterway - West Bay	280	210	43	28	4
Little Burnt Mill Creek	73	19	23	31	5
TOTAL	1088	739	211	138	21

Wetland Impacts	CNV	UNCNV	
JOE	1150 - JOE	225 - JOE	
Non-JOE	21 (Non-JOE)	4 (Non-JOE)	Combined Total
	1171	229	1400

Conservation Units	Converted Wetlands	Unconverted Wetlands	Total	Uplands	Miscellaneous	Outparcel	Total
Burnt Mill Creek - Doyle Bayou	1501	1700	3201	1611	55	0	4867
Crooked Creek - West Bay	1373	2334	3707	852	32	0	4591
Fannin Bayou - Warren Bayou	968	646	1614	499	0	0	2113
Intercoastal Waterway - West Bay	0	0	0	0	0	0	0
Little Burnt Mill Creek	1827	2211	4038	1606	0	0	5644
Pine Log Creek	207	351	558	607	0	0	1165
TOTAL	5876	7242	13118	5175	87	0	18380

Table 2 - Calculation of Impacts within the RGP SAJ-105 Area

A	B	C	D	E	F	G	H	I	J	K
RGP Area	Acres - Wetlands	Acres - Converted Wetlands	Acres - Unconverted Wetlands	Acres Uplands	Wetlands + Uplands	Direct Effects: Wetland Loss	Non-Developable Wetlands	Non-Developable Uplands	Misc- Waterbodies and Major Roads	Potentially Developable Lands
Land In Permitting Sub-Watershed	11,373	7677	3696	12729	24,102	1379	9,994	0	407	14,108
Conservation Units	13,118	5876	7242	5175	18,293	(1%)*	13,121	5175	87	(1%)*
Total **	24,491	13,553	10,938	17,904	42,395	1,379	23,115	5,175	494	14,108
Outparcels	349	138	211	739	1088	21	328	0	0	760
Totals***	24,840	13,691	11,149	18,643	43,483	1,400	23,440	5,175	494	14,868
Total Area = F + J					43,977					

Impacts within the RGP Area

Percent of wetlands potentially fillable in the RGP area: 5%

Percent of wetlands NOT fillable in the RGP area: 95%

Percent of unconverted wetlands potentially fillable: 2%

Percent of unconverted wetlands NOT to be filled in the RGP area: 98%

Percent of wetlands potentially fillable, permitting sub-watershed: 12%

Percent of wetlands NOT to be filled, permitting sub-watershed: 88%

Percent of land area potentially developable in the RGP area: 33%

Percent of land area in conservation: 67%

Permitting sub-watershed = sub-watershed area excluding conservation units
 1%* = Portion of 1% allowed impacted the WBPA that is in SAJ 105; acres of impact are calculated from developable area not CUs;
 land disturbance impacts are limited to less than 183 acres. Impacts to wetlands are limited to access (roads, utilities, recreation, water) impacts to unconverted wetlands will be taken from the 2% cap; disturbance to uplands and impacts to converted will have lost acreage replaced.
 This number is the result of 1171 acres of converted impacts + 229 acres of unconverted impacts
 Column J, Major Roads = 77, 388 & 79
 Column J, Waterbodies = Crooked Creek & Burnt Mill Creek

Numbers are derived from the best available GIS data. While effort has been made to ensure the accuracy of the data. This information has not been surveyed and cannot be verified to the sub-acre level. Therefore, whole numbers are used to represent acreage approximations and percentages.