2007 RGP-86 and Ecosystem

Management Agreement Annual Report

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The St. Joe Company Ecosystem Management Agreement and SAJ-RGP-86 Annual Report 2007

In November 2006, the injunction which had prevented authorizations was lifted by Judge Corrigan's ruling in support of SAJ-86. A subsequent request by NRDC and Sierra Club to the (U.S.) Eleventh Circuit Court of Appeals for a stay of SAJ-86 was denied on January 31, 2007. Plaintiffs filed an appeal with the Eleventh Circuit and oral arguments were held November 7, 2007. On December 7, 2007, the Eleventh Circuit issued their ruling in favor of SAJ-86 saying,

"The permit both strategically manages development in the entire Permit Area and provides the Corps wide powers to control adverse impacts associated with any particular individual project. We ultimately agree with the district court's reasoning that the Permit, largely through these special conditions, is within the scope of Section 404(e), limiting the type of activities allowed so they are "similar in nature" and mitigating any environmental impacts so they are minimal. We conclude this Permit is within Congress' grant of authority to the Corps to issue general permits."

On January 21, 2008 NRDC and Sierra Club filed a motion for re-hearing with the Eleventh Circuit Court of Appeals, *en banc*.

The year 2007 marked the first full year SAJ-86 was in effect. Seven projects were granted both EMA and SAJ-86 authorizations. This report tracks the authorized projects and also contains the 2007 Project Ledger, 2007 Subbasin Ledger, Devils Swamp Mitigation Bank Ledger and Breakfast Point Mitigation Bank Ledger.

2007 Projects

- West Bay Landings: A residential development located east of Hwy 79 and north of Powerline road. Total project acreage is 494.83 acres located in the Southwest West Bay subbasin. EMA authorization issued May 5, 2006; modified by FDEP April 20, 2007. RGP authorization issued September 28, 2007. FDEP consolidated WRP issued October 24, 2007. Corps Section 10 issued February 1, 2008.
- Pier Park Loop Road: A connector road between Hwy 98 and State Road 79. Total project acreage is 58.25 located in the Southwest West Bay subbasin. EMA authorization received January 4, 2006. RGP authorization issued March 8, 2007.
- Beckrich Road Extension: A public access road for a Kindergarten through eighth grade public school, 7.5 acres in size. Located north of U.S. Hwy 98 and east of Home Depot in the Highway 98 subbasin. EMA authorization received November 28, 2006. RGP authorization received January 11, 2007.
- Breakfast Point K-8 School: A Bay District School located north of U.S. Hwy 98, east of Home Depot, 39.94 acre project area in the Highway 98 subbasin. Authorizations issued to Bay District Schools with The St. Joe Company as co-applicant. EMA authorization issued March 16, 2007. RGP authorization issued April 30, 2007.

2007 Projects

- Panama City Beach Mixed Use PDA: A residential development located north of U.S. Hwy 98, east of Beckrich Road in the Highway 98 subbasin. Total project acreage is 59.43 acres. EMA authorization issued May 8, 2007. RGP authorization issued May 29, 2007.
- WaterSound North: A mixed use development located north and south of WaterSound Parkway in the Direct Runoff to Bay subbasin and Phillips Inlet subbasin. Total project acreage is 565.62 acres. EMA authorization issued June 29, 2007. RGP authorization issued June 19, 2007.
- Pier Park Northwest Hotel: A hotel development located north of U.S. Hwy 98. Total project acreage is 3.11 acres in the Southwest West Bay subbasin. EMA authorization issued October 23, 2007. RGP authorization issued December 18, 2007.

2007 Ledger

The 2007 Project table (Figure 1) includes all seven projects with final authorizations granted. Four of the ten subbasins within the SAJ-86 / EMA area had active projects and proposed wetland impacts. All impacts for the Beckrich Road Extension, Panama City Beach Mixed Use PDA, Breakfast Point K-8, and WaterSound North have been completed. Impacts authorized for West Bay Landings, Pier Park NW Hotel (both recent authorizations), and Pier Park Loop Road have not been initiated yet. Counting all impacts *authorized*, the Southwest West Bay subbasin received 2.87% of low quality wetland impacts to date (2004 – 2007). To date, the Highway 98 subbasin has received 2.42% of low quality wetland impacts. The Phillips Inlet subbasin has received 2.83% total low quality wetland impacts to date. The Direct Runoff to Bay subbasin has received 0.21% total low quality wetland impacts through 2007.

The developable area (totals of all subbasins, minus conservation units) total of low quality wetlands is now 6,846.09 acres. The developable area total of high quality wetlands is now 3,751.76 acres.

2007 Project Ledger

FIGURE 1:	2007 Projects														
Permitting Basin	Subbasin	Project	Tot_Prj_Ac	HQ	HQ_IMP	LQ	LQ_IMP	WTL	UPL	Onsite_ CE	Offsite_CE	CU_MIT_CE	CU_CE	CR_MIT	Status
Breakfast Point	SWWB	West Bay Landings	494.83	86 64	1.17	111.02	9.85	197.66	294.34	189.15	n/a	n/a	143.57	8.15	CU CE Pend others per auth.
Breakfast Point	SWWB	Pier Park Loop Road	58.25	1.55	0	14.94	10.13	16.49	47.76	4 81	35.71	n/a	16.9	6.58	CU CE Pend others complete
Breakfast Point	Hwy 98	Beckrich Extension	7.5	0.45	0.01	1.53	0.3	1.98	5.52	1 67	n/a	n/a	n/a	0.21	CE Complete
Breakfast Point	Hwy 98	Breakfast Point K-8	39.94	3 29	0	6.9	1.48	10.19	29.75	8.71	n/a	n/a	n/a	0.96	CE Complete
Breakfast Point	Hwy 98	Panama City Beach Mixed Use PDA	59.43	1.59	0.09	3.13	0.49	4.72	54.71	4.14	n/a	n/a	n/a	0.4	CE Complete
Breakfast Point	SWWB	Pier Park NW Hotel	3.11	0	0	2.04	2.04	2.04	1.07	0	8.16	n/a	0.9	1.33	CU CE Pend others per auth.
Devils Swamp	DRB	WaterSound North	101.1	16.99	0.08	12.56	2.3	29.55	71.55	34.17	n/a	n/a	11.72	1.57	CE Complete
Lake Powell	Phillips Inlet	WaterSound North	464.52	18.07	0 81	123.3	19.71	141.37	323.15	113.8	n/a	52 84	53 26	0	CE Complete
Totals			1228.68	128.58	2.16	275.42	46.3	404	827.85	356.45	43.87	52 84	225.45	19.2	

Tot_Prj_Ac	Total Project Acres
HQ	High Quality Wetlands
HQ_IMP	High Quality Wetland Impacts
LQ	Low Quality Wetlands
LQ_IMP	Low Quality Wetland Impacts
UPL	Uplands
Onsite_CE	Onsite Conservation Easements
Offsite_CE	Offsite Conservation Easements
CU_MIT_CE	Conservation Unit Mitigation Conservation Easement
CU_CE	Conservation Unit Conservation Easement
n/a	Not Applicable

2007 Subbasin Ledger

FIGURE 2:

2007 Subbasins*

Subbasin	Change?	Tot_A	Tot_LQ	Tot_HQ	Tot_LQ_IMP	%**	Tot_HQ_IMP	%**	Tot_LQ_Remain	Tot_HQ_Remain
Highway 98	Y	1,850.11	1,043.18	234.78	27.57	2.64	0.81	0.42	1015.61	233.97
Southwest Westbay	Y	3,315.62	1,094.67	738.74	31.58	2.88	1.61	0.18	1063.09	737.13
Phillips Inlet	Y	3,466.42	746.84	542.8	21.16	2.83	0.81	0.14	725.68	541.99
Direct Runoff Bay	Y	2,746.60	1,084.36	576.84	2.3	0.21	0.08	0.01	1,082.06	576.76
Camp Creek	N	798.26	314.64	254.76	0	0	0	0	314.64	254.76
ICW	N	2,913.18	1,311.30	742.69	0	0	0	0	1,311.30	742.69
Intracoastal	N	338.54	74.37	119.47	0	0	0	0	74.37	119.47
Peach Creek	N	0.41	0	0.09	0	0	0	0	0	0.09
Ward Creek	N	2,202.83	1,156.81	520.78	0	0	0	0	1,156.81	520.78
West Laird Drain	N	274.95	102.53	24.12	0	0	0	0	102.53	24.12
								Total	6,846.09	3751.76

* Cumulative (04 - 07)

** From Total

2007 Conservation Easements

The Beckrich Road Extension, Breakfast Point K-8 Public School, Panama City Beach Mixed Use Development, WaterSound North and Pier Park Loop Road onsite and offsite conservation easements have been completed. The Beckrich Road Extension, Breakfast Point K-8 Public School and Panama City Beach Mixed Use Development all occur in the Highway 98 subbasin which does not have a Conservation Unit and therefore each of these projects do not have a conservation unit conservation easement requirement as per 14.c. of SAJ-86 and X.11. of the EMA. Pier Park Northwest Hotel and West Bay Landings recently completed permitting, have not commenced construction to date and as per the individual project authorizations that link onsite and offsite easements to “prior to commencement of construction,” do not have onsite and offsite easements yet recorded. Pier Park Northwest Hotel, West Bay Landings and Pier Park Loop Road conservation unit (Southwest West Bay CU) conservation easements have been completed .

Mitigation and Banks

Mitigation Banks

The Florida Department of Forestry (FDOF) and all Northwest Florida counties executed a burn ban that was in effect for virtually the entire growing season. As soon as the ban was lifted burns were implemented at both Devils Swamp and Breakfast Point mitigation banks. In addition, required mechanical operations were undertaken as directed by the mitigation banking instrument (MBI) for Phase II at Breakfast Point, and Phases I and II at Devils Swamp. At this point, the initial burning and all mechanical treatment for Phase I at Breakfast Point is complete. At Devils Swamp, the initial burning and all mechanical operations are complete for Phases I and II as per the MBI. A credit release request for these activities was submitted in 2007. All credit withdrawals per the individual project approvals are current. West Bay Landings and Pier Park NW are not included in the ledgers yet, but will be prior to commencement of construction.

Mitigation and Banks

Other Mitigation

- Lake Powell Headwaters CU: mechanical treatment performed in 2007, burn prescription written and scheduled for a controlled burn.
- South American Swamp CU: mechanical treatment performed in 2007, burned required acreage plus 25 additional surrounding acres.
- Southwest Westbay CU: mechanical treatment performed, first burn completed.

Mitigation and Banks

Breakfast Point Mitigation Bank
FDEP Permit Number 0227473-001
November 28, 2007

Name	Release Mod / Impact Permit #	Issuing Agency	Ledger Modification	Credits Added	Credits Used	Balance
BPMB	Release Phase I	FDEP	3-17-2006	16.63		16.63
BPMB	Release Phase II	FDEP	3-17-2006	67.69		76.29
NG	03-0233723-002-EA	FDEP	3-27-2006		8.6	67.69
HW	03-244084-002-EA	FDEP	3-28-2006		6.48	61.21
PCBCP	03-0209847-005-EA	FDEP	3-29-2006		6.28	54.93
BRE	03-270076-003-EA	FDEP	1-29-2007		0.21	54.72
PPLR	03-0236383-001-EA	FDEP	5-2-2007		6.58	48.14
K-8	03-0258023-006-EA	FDEP	11-28-2007		0.96	47.18
MUD	03-0258023-009-EA	FDEP	11-28-2007		0.40	46.78

Mitigation and Banks

Breakfast Point Mitigation Bank

U.S. Army Corps of Engineers # SAJ-2004-1865 (NW-GAH)

November 28, 2007

Name	Release Mod / Impact Permit #	Issuing Agency	Ledger Modification	Credits Added	Credits Used	Balance
BPMB	Release Phase I	COE		16.63		16.63
BPMB	Release Phase II	COE		59.66		76.29
NG	SAJ-2004-8077	COE			8.6	67.69
HW	SAJ-2004-10294	COE			6.48	61.21
PCBCP	SAJ-2004-3965	COE			6.28	54.93
WTRFL	SAJ-2004-7095	COE			1.5	53.43
FBPTR	SAJ-2004-8222	COE			0.8	52.63
PPD	SAJ-2004-8221	COE			0.32	52.31
BRE	SAJ-2006-6671	COE			0.21	52.10
PPLR	SAJ-2006-9182	COE			6.58	45.52
K-8	SAJ-2006-6658	COE			0.96	44.56
MUD	SAJ-2007-1364	COE			0.40	44.16

Mitigation and Banks

Devil Swamp Mitigation Bank
Permit Number 0227475-001
January 17, 2008

Total Potential Credits = 526.8*

Name	Release Mod / Impact Permit #	Issuing Agency	Ledger Modification	Credits Added	Credits Used	Balance
DSMB	Release Phase I	DEP	July 9, 2007	46.3		46.3
WSN	0221322-019-EA	DEP	Nov. 28, 2007		1.57	44.73

Mitigation and Banks

Devil Swamp Mitigation Bank
Permit Number SAJ-2004-1864
January 17, 2008

Total Potential Credits = 526.8*

Name	Release Mod / Impact Permit #	Issuing Agency	Ledger Modification	Credits Added	Credits Used	Balance
DSMB	Release Phase I	COE		46.3		46.3
WSN	SAJ-2002-679	COE			1.57	44.73

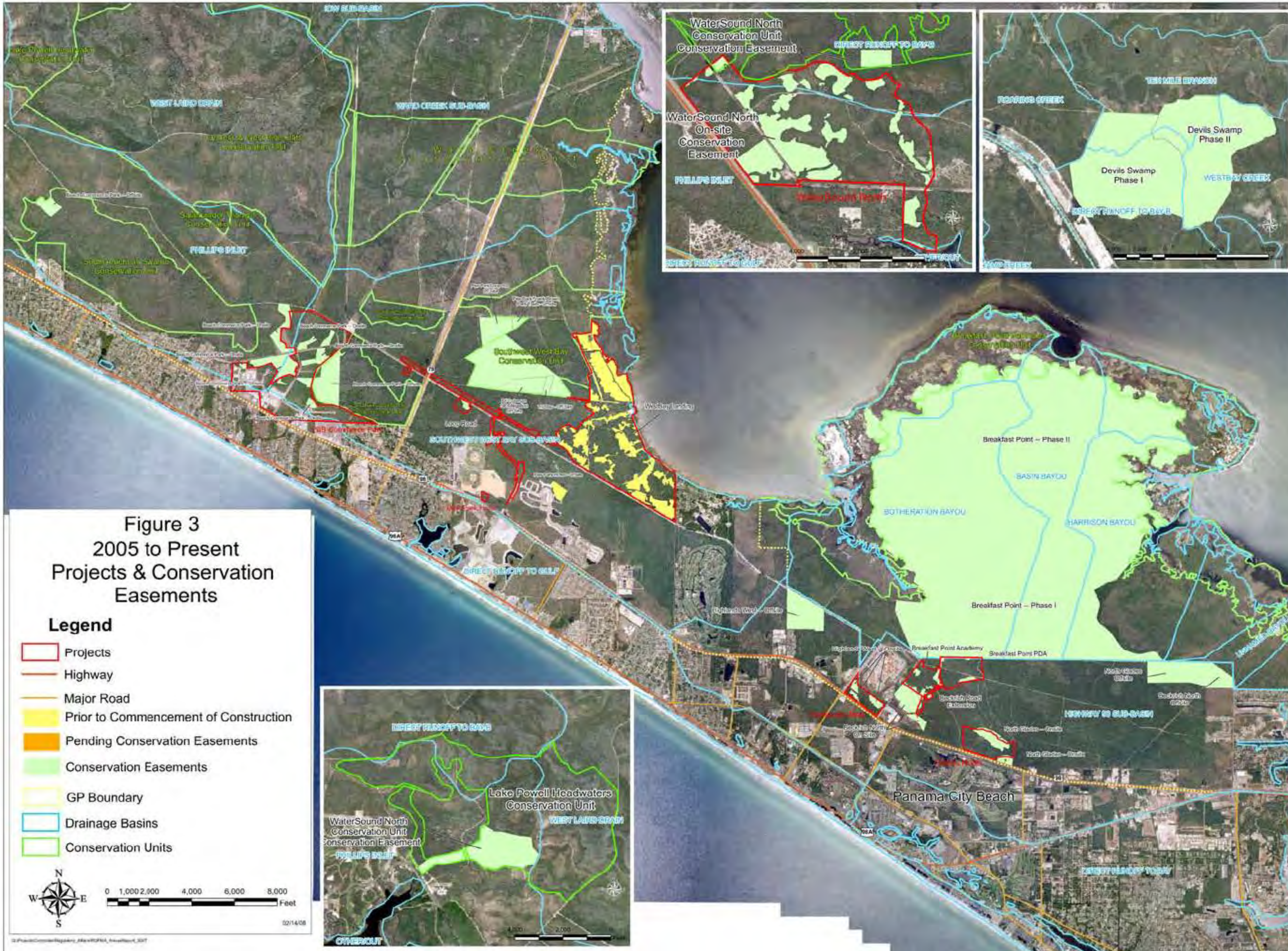
Figure 3
2005 to Present
Projects & Conservation
Easements
Legend
Projects
Highway
Major Road
Prior to Commencement of Construction
Pending Conservation Easements
Conservation Easements
GP Boundary
Drainage Basins
Conservation Units
N
W
E
S
0 1,000 2,000 4,000 6,000 8,000
Feet
02/14/08
WaterSound North
Conservation Unit
Conservation Easement
DIRECT RUNOFF TO BAYS
WaterSound North
On-site
Conservation
Easement
PHILLIPS INLET
DIRECT RUNOFF TO GULF
TEN MILE BRANCH
ROARING CREEK
Devils Swamp
Phase II
Devils Swamp
Phase I
WESTBAY CREEK
DIRECT RUNOFF TO BAY B
WEST LAIRD DRAIN
WARD CREEK SUB-BASIN
Southwest West Bay
Conservation Unit
West Bay Landing
Loop Road
SOUTHWEST WEST BAY SUB-BASIN
Breakfast Point – Phase II
BASIN BAYOU
BOTHERATION BAYOU
HARRISON BAYOU
Breakfast Point – Phase I
Breakfast Point Academy
Breakfast Point PDA
Beckrich Road
Extension
Beckrich North
On Site
Panama City Beach
Lake Powell Headwaters
Conservation Unit
WaterSound North
Conservation Unit
Conservation Easement