EXHIBIT 25

BO Appendix III

RGP-86 Telephus Spurge Pre-Application Evaluation

Endangered Species Act formal consultation was conducted between the U.S. Fish and Wildlife Service (Service) and the Corps of Engineers as part of the development of the RGP-86. Consultation was based on the presence of telephus spurge (*Euphorbia telephioides*) at three locations in Gulf and Bay counties and the observance of suitable habitat throughout the action area. Best available methods were used to determine potential impacts to telephus spurge that could be expected from implementation of the permit. However, it is reasonable to expect that with a project area covering more than 47,000 acres (about 1/3 of which is potentially developable) undetected habitat could be present. To avoid and minimize potential take of telephus spurge in these situations, the following survey protocol was developed. This evaluation must be completed by all applicants and performed by a qualified plant ecologist/field botanist.

Step 1: Preliminary Project Site Review

Applicants and/or their consultants shall contact the Service for the latest information on the telephus spurge. The proposed project site shall be reviewed to determine if any known occurrences of the telephus spurge are present in the vicinity.

Step 2: Procedures for Reviewing Other Data to Determine Whether Additional Field Surveys Should be Conducted:

The telephus spurge occurs in a variety of soil types and plant communities ranging from sandhill to mesic flatwoods to pine savannahs. Suitable soil types are primarily the drier Leon sand and Pottsburg sand, although the plant is sometimes found in mesic soils, particularly within the ecotone surrounding sandy soils. Most of the known locations have been impacted by silviculture. Telephus spurge has been found in pine plantations with bedding present. Specific project sites must be reviewed using the procedures outlined below to determine the presence or absence of the telephus spurge.

1. Review the project site using NRCS soils data for Bay and Walton Counties, high-resolution infrared and/or true color aerials (scale of 1 inch=400 feet), and historic aerials of your project area.

2. Look for the following positive indicators:

- Suitable soils. Suitable soil types include Leon sand, Pottsburg sand, and Hurricane sand.

- Open canopy. Features to look for on the infrared aerials include the absence of a dense, closed canopy cover. Absence is a positive indicator. Dense canopy cover like titi appears dark red and smooth. The absence of a dense canopy shows up lighter often with patchy red areas throughout.

3. The presence of one or more positive indicators means that the site is potential telephus spurge habitat.

- If yes, then you must conduct field surveys to determine whether telephus spurge is present. **Continue to step 3.**
- If no, then **you are finished with the telephus spurge evaluation. Go to step 4.**

Step 3: Field Assessment of Potential Telephus Spurge (*Euphorbia telephioides*) Habitat

Before beginning any field work, develop search pattern recognition of *Euphorbia telephioides* by examining photographs or herbarium species or by visiting field locations. See: www.plantatlas.usf.edu and www.fws.gov/panamacity/species/plants.html for a photo reference collection.

Select potential survey polygons based on presence of Leon sand or Pottsburg sand. After reviewing aerial photography and conducting preliminary site inspections, add those areas that have a relatively open canopy and remnant native groundcover. Be sure to include roadsides, open trails, utility easements, burned areas, and wetland ecotones. Eliminate areas that are densely vegetated with shrubs and trees or are obviously wet most of the year.

Selected polygons should be field surveyed for presence or absence of telephus spurge using a qualitative transect method. The surveys should be supervised by a qualified botanist. Straight line transects at 20-foot intervals should be laid out to cover the entire polygon. Alternate on each side of the transect with 10-foot square quadrants. (Figure 1) The quadrant boundaries can be estimated and visually scanned for telephus spurge. Areas with extremely dense vegetation can be overlooked.

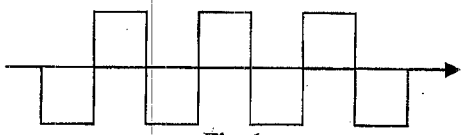

Fig. 1

Surveys can be conducted anytime from April through September. The plant generally dies back at the end of the growing season and does not re-grow to a noticeable height until several weeks after the last frost. Ideal survey months are May through August.

Step 4: Telephus Spurge Findings

	Yes	No
1. Positive indicators were detected in Step 2.	___	___
2. Field surveys detected presence of telephus spurge. **If yes, re-initiation of consultation is required.**	___	___
3. Appropriate documentation is included to support these findings. Negative and positive survey data are provided to USFWS in a GIS format.	___	___

Signature _____ Date_____

Ecologist/Botanist who performed the evaluation