

CESAJ-RD (1200A)
Regional General Permit SAJ-86 (SAJ-2004-01861)

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 Environmental Assessment Statement of Findings for the above referenced Regional General Permit (RGP).

1.0 Permit Considered for Authorization: To simplify and expedite processing of Department of the Army permits for minor, substantially similar activities, the Jacksonville District, U.S. Army Corps of Engineers (Corps) proposes to reissue Regional General Permit SAJ-86 (SAJ-86) to authorize discharges of dredged or fill material into waters of the United States not subject to Section 10 of the Rivers and Harbors Act of 1899 (hereafter referred to as non-Section 10) for the construction of residential, commercial, recreational, and institutional projects and restoration activities, and their components, which comprise and are necessary for the construction, use and maintenance of such projects in three large watersheds: the Lake Powell watershed, and various drainage basins of the Choctawhatchee Bay and West Bay watersheds, as shown in Figure 1.

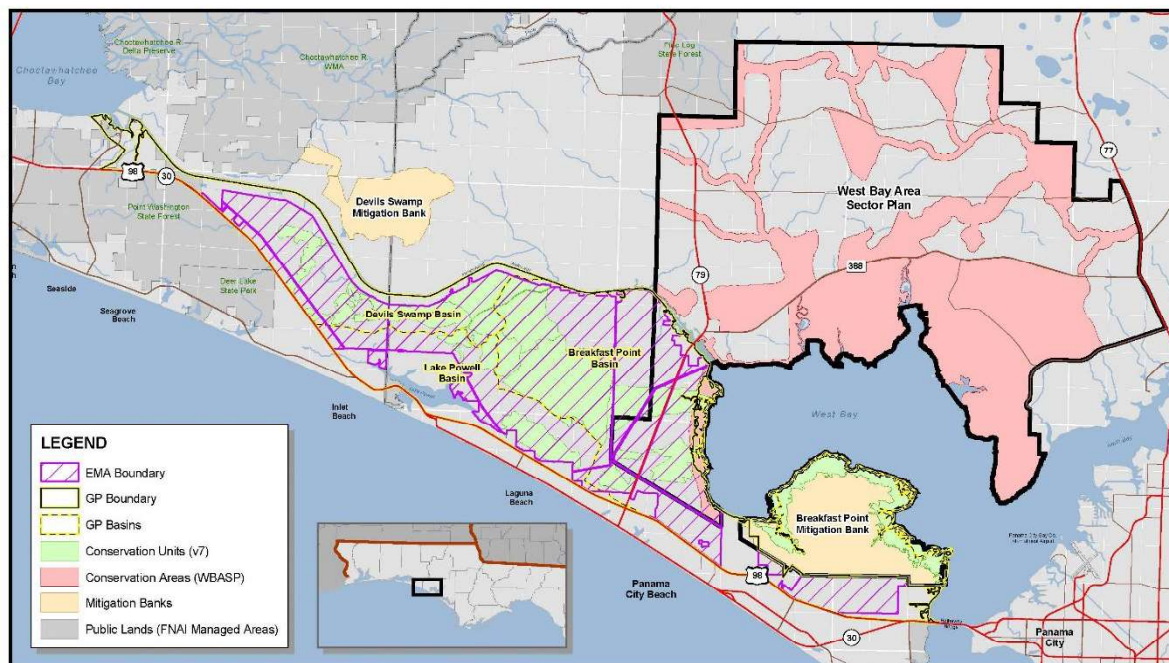


FIGURE 1.
MITIGATION STRATEGY

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1.1 The following documents were developed or reviewed, in part, in formulating the decision on this RGP and are hereby incorporated by reference:

Regional General Permit SAJ-86 and supporting Environmental Assessment and Statement of Findings (EASOF) (22 September 2020)

Regional General Permit SAJ-86 and supporting EASOF (25 March 2015)

Regional General Permit SAJ-86 and supporting EASOF (23 June 2009)

Regional General Permit SAJ-86 and supporting EASOF (20 June 2004)

1.2 Background: The term “General Permit” means a Department of the Army authorization that is issued on a nationwide or regional (District) basis for a category of activities when those activities are substantially similar in nature and cause only minimal individual and cumulative impacts. General permits reduce the burden of the regulatory program on the public and ensure timely issuance of permits while effectively administering the laws and regulations which establish and govern the program. General permits are limited to a duration of five years. After five years, a general permit may be reissued with or without modifications or the Corps may decline to reissue the general permit. An assessment of the cumulative impacts of work authorized under a general permit is performed prior to authorization or reissuance. In most instances, projects which comply with the conditions of a general permit can receive project-specific authorization under the general permit. Projects that do not comply with the conditions of a general permit may still receive authorization via an individual permit, but the application must be individually evaluated under individual permit procedures. Review of an application for an individual permit takes additional time to complete. The term “Regional General Permit” means a Department of the Army authorization that is issued on a regional (District) basis.

The purpose of this RGP is to protect the aquatic environment on a watershed scale within an area of new and rapid, residential and commercial development by developing a forward-looking, flexible and predictable permitting process that would minimize unavoidable direct impacts to aquatic resources and appropriately mitigate for direct, indirect and cumulative impacts within the affected watershed.

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Utilization of the RGP creates efficiency during the permit application review process. Pre-application meetings are held prior to project applications being submitted with a pre-determined checklist of information being provided, thus reducing review time when an application is submitted and reducing regulatory burden.

The framework for developing this RGP utilizes a watershed approach to mitigate for development within this rapidly growing area of Bay County and Walton County, Florida. The RGP contains project design criteria (PDCs), which are specific qualifications projects must adhere to in order to qualify for use of the RGP (see Section 13.1 for a list of PDCs). For the purposes of the RGP, wetlands within the RGP area are defined as either high-quality or altered. High-quality wetlands are wetlands not previously impacted by silvicultural operations. Altered wetlands are previously impacted by silvicultural operations. Upon full build-out of the RGP area, use of the RGP would limit the total developable acres to no more than 125 acres of high quality wetlands, which would be less than 2% of the high quality wetlands in the RGP area. In addition, no more than 20% of altered wetlands per individual project could be impacted, which would result in an estimated loss of 1,386 acres of altered wetlands within the 48,150-acre RGP area. All remaining wetlands not filled on individual project sites would be preserved. Remaining high quality wetlands would be buffered by preserved uplands and altered wetlands. The only impacts that would be authorized in high quality wetlands would be road crossings and linear infrastructure, such as utilities. These impacts would be reviewed for minimization measures such as the use of existing silviculture roads when possible and designs in which hydrologic conveyance is not reduced or impaired. No wetland fill would be authorized under the RGP that would sever a jurisdictional connection or isolate a jurisdictional area. Altogether, a total of approximately 1,500 acres of wetlands could be directly impacted, which would represent approximately 5% of the total area of wetlands within the RGP area. All of these proposed direct wetland impacts would be compensated for with compensatory mitigation.

The RGP would result in preservation of approximately 70% of the total developable RGP area (combined wetlands and uplands), with development consolidated in the remaining 30%, thus minimizing and mitigating for secondary impacts associated with projects that would be authorized by the RGP.

SAJ-86 was originally issued by the Corps on 30 June 2004 and was reissued on 23 June 2009, 25 March 2015, and 22 September 2020. SAJ-86 was developed along with an Ecosystem Management Agreement (EMA) between the Florida Department

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of Environmental Protection (FDEP) and the St. Joe Company (St. Joe) by an interagency team comprised of the Corps, FDEP, U.S. Environmental Protection Agency (EPA), U.S. Fish and Wildlife Service (FWS), Northwest Florida Water Management District (NFWFMD), and St. Joe. For the 2009 reissuance of SAJ-86, the interagency team included the above, except for the NFWFMD, but with the inclusion of the Florida Fish and Wildlife Conservation Commission (FWC). For the 2015 and 2020 reissuances of SAJ-86, the interagency team was comprised of the same members as those for the 2009 reissuance. The purpose of this Environmental Assessment and Statement of Findings (EASOF) is to document the evaluation of SAJ-86 for reissuance for a fifth five-year period.

The RGP area includes 2 regional mitigation banks (MBs) (Figure 1), which total 7,685 acres, and ten Conservation Units (CUs), which total 13,200 acres (Figure 1). CUs are specific geographic areas within the RGP area that were identified as containing high-quality or otherwise important wetlands and would be reserved from development under the RGP. CUs were developed by the interagency team during the development of SAJ-86 and FDEP's EMA 1 to avoid/minimize impacts to high quality wetland areas within the Bay-Walton Sector Plan (BWSP). Under the RGP, these areas would be progressively placed into conservation easement (CE) as a condition of each individual project verification. When the total authorized acreage of wetlands within the RGP area is eventually developed over the lifetime of the RGP, these CUs would be fully encompassed by CE. Although forestry practices are still allowed within the CUs, more adaptive, less industrial forestry practices are required to be utilized through the use of the Principles of Forestry Management Plan, developed by the Interagency Team during the development of the RGP. The objective of the Plan is to prescribe management activities that will restore and enhance the vegetative communities and function of historic ecosystems. The two mitigation banks, Devils Swamp MB and Breakfast Point MB, were developed simultaneously with the development of SAJ-86 and EMA 1 by the interagency team. They are located within the same watershed as the RGP area.

The SAJ-86 project area encompasses approximately 48,150 acres lying south of the Gulf Intracoastal Waterway (ICW) in Bay and Walton Counties, Florida, including approximately 39,000 acres that were owned by St. Joe at the time SAJ-86 was originally issued. The RGP was developed to address existing and anticipated developmental pressures within certain portions of the BWSP area. The BWSP area encompasses approximately 110,500 acres in Bay and Walton Counties, Florida. SAJ-86 was the first of three RGPs, including SAJ-105 and SAJ-114, that were

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developed in an effort to address predicted development pressures within the BWSP area with a forward-thinking watershed approach to regulating impacts. Pre-planning efforts allow agencies to address potential impacts on a larger scale and to protect areas of important habitat and resources prior to development of the area. Permit processing times are reduced from those of an individual standard permit because issues such as impacts to historic resources, endangered species, avoidance and minimization and compensatory mitigation have been addressed at the watershed level. Measures have been incorporated into the general permit that ensure projects are substantially similar in nature and cause only minimal individual and cumulative impacts while also increasing predictability in the application review process.

SAJ-86, 105, and 114 were developed simultaneously with FDEP EMAs 1, 2, and 3. EMAs are an alternative to traditional permitting that provide a comprehensive, cooperative approach to regional development while delivering greater environmental benefits. To enter an EMA, applicants must demonstrate that the proposed activities will result in a net ecosystem benefit beyond the standards required by traditional permitting.

SAJ-105 was issued on 12 November 2015 and reissued on 21 December 2020; it is centered around the Northwest Florida Beaches International Airport and consists of approximately 43,977 acres. SAJ-114 was issued on 21 August 2020 and encompasses 41,585 acres north of Highway 98 and west of Highway 79 in Bay County and Walton County. They are in the service area for Breakfast Point MB and Devils Swamp MB, and both contain CUs. SAJ-105 and SAJ-114 authorize similar activities to SAJ-86 but encompass different geographic areas within the BWSP. Impact thresholds are tailored to reflect the specific resources in those areas.

Since its last reissuance on 22 September 2020, 32 SAJ-86 verifications have been issued authorizing a total of 181.69 acres of fill in aquatic resources during this timeframe (see Table 1 below). Further analysis of the impact data shows that the impacted acreage includes 9.57 acres of high quality wetlands and 172.12 acres of altered wetlands. Over the 5-year term, in accordance with the conditions of SAJ-86, 1,391 acres have been committed to conservation easements, and 120.65 mitigation bank credits have been withdrawn to offset impacts. This information is summarized in the table below.

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Table 1. SAJ-86 Ledger 2020 - 2025.

Total Projects Authorized	Total Acres of Impact	Total High Quality Impacts (ac)		Total Altered Impacts (ac)	Total Acreage Recorded in Conservation Easement	Mitigation Credits Withdrawn
32	181.69	9.57		172.12	1,391.01	120.65

During the period of 22 December 2020 to 15 February 2024, the State of Florida was the permitting authority for Section 404 of the Clean Water Act. During this period, the FDEP issued verifications under SAJ-86 for both EMA and 404 permits.

Compliance/Enforcement:

During the period of 22 December 2020 to 15 February 2024, FDEP conducted compliance and enforcement of permits issued under their authority for Section 404 of the Clean Water Act. Outside of this period, no compliance actions for noncompliance within SAJ-86 project areas were initiated or completed by the Corps.

2.0 Location: This RGP applies to non-Section 10 waters of the United States located in three large watersheds: The Lake Powell watershed, and various drainage basins of the Choctawhatchee Bay and West Bay watersheds (Figure 1). The RGP area also includes two small areas, which drain either directly to the Gulf of America, or through the Camp Creek Lake watershed into the Gulf of America. The RGP area is located within southeastern Walton County and southwestern Bay County. More specifically, the proposed RGP project area is located south of the ICW and north of U.S. Highway 98 (U.S. 98), extending from eastern West Bay west to Choctawhatchee Bay. In Bay County, Township, Range, and Sections are: T2S, R16W, S17-20 & 28-33; T2S, R1 7W, S13-17 & 19-36; T3S, R15W, S28-33; T3S, R16W, S4-9, 15-18, 20-22, & 25-27; and T3S, R 17W, S1-6 & 10-13. In Walton County, Township, Range, and Sections are: T2S, R18W, S31; T2S, R19W, S25, 26, 35 & 36; T3S, R18W, S3-6, 8-11, 13-16, 23-26, 35 & 36; and T3S, R19W, S1 & 2.

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

4.0 Scope of Review for National Environmental Policy Act (i.e., scope of analysis), Section 7 of the Endangered Species Act (i.e., action area), and Section 106 of the National Historic Preservation Act (i.e., permit area):

4.1 Determination of scope of analysis for National Environmental Policy Act (NEPA)

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The scope of analysis for this agency action includes, at a minimum, the specific activities requiring a Department of the Army (DA) permit based on the Corps' legal authority (33 CFR 333.18(c)(1)). The Corps considered the factors outlined in 33 CFR 333.18(c)(2) for assessing the presence of sufficient federal control and responsibility to determine whether the scope of analysis should be extended to other portions of the action.

Based on the factors outlined in 33 CFR 333.18(c)(2), the Corps has determined that the scope of analysis for this agency action includes only the specific activities requiring a DA permit based on the Corps' legal authority.

Final description of scope of analysis: For this analysis, the scope is limited to non-Section 10 waters of the United States and adjacent uplands in the geographic area within which activities could be authorized under the SAJ-86.

4.2 Determination of the Corps' action area for Section 7 of the Endangered Species Act (ESA)

For this analysis, the action area is limited to non-Section 10 waters of the United States and adjacent uplands within the geographic area within which activities could be authorized under the SAJ-86.

4.3 Determination of the Corps' permit area for Section 106 of the National Historic Preservation Act (NHPA)

The permit area includes non-Section 10 waters of the United States and adjacent uplands within the geographic area within which activities could be authorized under the SAJ-86.

Final description of the permit area: For this analysis, the permit area is limited to non-Section 10 waters of the United States within the geographic area within which activities could be authorized under the SAJ-86.

5.0 Purpose and Need:

The purpose for this RGP is to provide a simplified and expedited means to authorize minimally impacting, common activities in waters of the United States. This RGP is

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needed to reduce regulatory burden on the public and reduce Jacksonville District Regulatory Division's workload for these types of minor projects that are similar in nature and have minimal impacts both individually and cumulatively. Additionally, this RGP is an effective tool to encourage voluntary avoidance and minimization of aquatic resource impacts.

The basic project purpose comprises the fundamental, essential, or irreducible purpose of the project, and is used by the Corps to determine whether the project is water dependent for the purpose of considering practicable alternatives that do not involve a discharge. The activities covered under this RGP include discharge of dredged or fill material for residential, commercial, recreational, and institutional development projects. As described below, the activities covered are substantially similar in nature and impact to water quality and the aquatic environment, would have only minimal impact when considered individually, and would have only minimal cumulative adverse effects on water quality and the aquatic environment.

Basic Project Purpose: Construction of residential, commercial, recreational, and institutional projects and environmental restoration activities. These are not water dependent activities.

Overall Project Purpose: To allow construction of residential, commercial, recreational and institutional projects and their attendant features, including roads, utility lines and stormwater treatment facilities, and environmental restoration activities, 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 mechanism that would minimize unavoidable impacts to aquatic resources, and mitigate for direct, indirect and cumulative impacts within the affected watersheds of an approximately 48,150-acre area in southeastern Walton County and southwestern Bay County, Florida.

6.0 Date of Public Notice and Summary of Comments:

6.1 Important Dates:

On 1 May 2025, the Corps and FDEP held a joint public meeting at the Panama City Government Center to solicit comments for the reissuance of SAJ-86, SAJ-105, and SAJ-114, and the reissuance of their corresponding EMAs.

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On 26 June 2025, the Corps published a public notice on Jacksonville District's Regulatory web page and sent a notification on the electronic distribution system.

On 3 July 2025, the Corps initiated consultation with the State Historic Preservation Officer (SHPO) and relevant tribes.

6.2 Public notice comments: No comments were received during the public notice period.

6.2.1 U.S. Environmental Protection Agency (EPA): No comments received.

6.2.2 U.S. Fish and Wildlife Service (FWS): No comments received.

6.2.3 National Marine Fisheries Service (NMFS): No comments received.

6.2.3.1 Habitat Conservation Division: No comments received.

6.2.3.2 Protected Resources Division: No comments received.

6.2.4 State and local agencies: No comments received.

6.2.5 Federally Recognized Tribes: No comments received.

6.2.6 Individual(s) and Organized Groups: No comments received.

6.3 Corps Response to Comments: No comments received.

6.4 Public hearing/meeting: No requests for a public hearing were received during the public comment period. However, as noted above, the Corps held a joint public meeting with the FDEP on 1 May 2025 for both the reissuance of SAJ-86 and the reissuance of the EMA. The meeting was attended by approximately 27 members of the public and local governmental agencies. No substantive comments were provided during the meeting.

7. General Permit determinations:

7.1 Activities under this RGP are similar in nature and similar in their impact upon water quality and the aquatic environment. The proposed work described in

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Paragraph 1 of this document includes a precise description of the activities to be permitted under this general permit. All the activities under this RGP occur in the same geographic area; the impacts are all to waters of the United States. The terms and conditions of SAJ-86 further constrain the types, size, and impacts of the activities. This determination was upheld by the United States District Court for the Middle District of Florida on 19 November 2006 and affirmed by the United States Court of Appeals for the Eleventh Circuit on 7 December 2007. See paragraph 2a of the EASOF issued on 23 June 2009 for additional information regarding the judicial history of SAJ-86.

7.2 Activities would have only minimal adverse effects when performed separately. The permit terms and conditions require that the activities avoid and minimize effects to aquatic resources and comply with listed species, essential fish habitat, historic resources and navigation requirements, as well as requirements for coordination in the event the activity would alter a federal project. The terms and conditions ensure that the individual activities to be authorized under the SAJ-86 are minimal in nature and scope. Activities that do not meet the terms and conditions of the SAJ-86 would be reviewed under a different permit mechanism, such as a different regional general permit, nationwide permit or individual permit. This determination was upheld for a previous iteration of SAJ-86 by the United States Court, Middle District of Florida on 19 November 2006 and affirmed by the United States Eleventh Circuit Court of Appeals on 7 December 2007. See paragraph 2a of the Supplemental EASOF (SEASOF) issued on 23 June 2009 for additional information regarding the judicial history of SAJ-86.

7.3 Activities would have only minimal cumulative adverse effects. Upon full build-out of the RGP area, SAJ-86 would limit the total developable acres within the RGP area to no more than 125 acres of high quality wetlands, which would be less than 2% of the high quality wetlands in the RGP area. In addition, no more than 20% of altered wetlands per individual project could be impacted, which would result in an estimated loss of 1,386 acres of altered wetlands within the 48,150-acre RGP area. All together a total of approximately 1,500 acres of wetlands could be directly impacted, which would represent approximately 5% of the total area of wetlands within the RGP area. All of these proposed direct wetland impacts would be compensated for with compensatory mitigation. The RGP area includes 2 regional mitigation banks, which total 7,685 acres, and ten CUs, which total 13,200 acres. All remaining wetlands not filled on individual project sites would be preserved. Remaining high quality wetlands would be buffered by preserved uplands and altered

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wetlands. Overall, the total wetland loss that could occur under the RGP would be approximately 5.0% of the total area of wetlands in the RGP area. The RGP would result in preservation of approximately 70% of the total developable RGP area (combined wetland and upland), with development consolidated in the remaining 30%, thus minimizing and mitigating for secondary impacts associated with projects that would be authorized by the RGP. In combination with the terms and conditions of the permit and the cumulative effects analysis in this document, SAJ-86 would have only minimal individual and cumulative adverse effects. This determination was upheld for a prior iteration of SAJ-86 by the United States District Court for the Middle District of Florida on 19 November 2006 and affirmed by the United States Court of Appeals for the Eleventh Circuit on 7 December 2007. See paragraph 2a of the SEASOF issued on 23 June 2009 for additional information regarding the judicial history of SAJ-86.

8. Alternatives: An evaluation of alternatives is required pursuant to NEPA and the Corps' public interest review. NEPA requires consideration of a reasonable range of alternatives, including the no action alternative. The consideration of alternatives required under 40 CFR Sec. 230.10(a) are not directly applicable to general permits. (40 CFR 230.7(b)(1)). Section 8.1 provides a description of the alternatives. Section 8.2 compares the alternatives.

8.1 Description of the Alternatives:

No Action Alternative: Under the No Action Alternative, the Corps would not issue an RGP, and permittees would have to seek authorization for the covered activities through another permit mechanism, such as an individual permit. Impacts and mitigation measures would be determined on a case-by-case basis. While overall wetland impacts may be similar, without issuance of the RGP, more impacts to high quality wetlands would be authorized, resulting in a higher overall functional loss. Without a watershed approach to permitting within the RGP area, impacts and mitigation areas could be more fragmented, instead of planned, consolidated development and focused preservation of important resource areas and corridors for wildlife movement. No pre-planning efforts to address issues such as impacts to historic resources, endangered species, avoidance and minimization and compensatory mitigation would increase review time and result in a loss of efficiency both for the applicant and the Corps.

Alternative 1: Reissue with no changes: Under Alternative 1, the RGP would be

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reissued without proposed formatting changes, including 1) re-organization of the permit including the use of PDCs to define the criteria for a project to qualify for use of the RGP; 2) consolidation/editing of special conditions to more concise, standard wording; 3) general editing for clarity and reduction of redundancy. The permit instrument would not transition to the most updated format utilized and vetted by the Jacksonville District for RGPs. Special conditions would not be consolidated and standardized to those approved by the Jacksonville District.

Alternative 2: Reissue with changes (preferred alternative): Under Alternative 2, the RGP would be reissued with the proposed formatting changes. The permit instrument would transition to the most updated format utilized and vetted by the Jacksonville District for RGPs. The new format is consistent with current policies and is potentially more enforceable than previous formats of the RGP. The permit format would be modernized for clarity and consistency purposes, and edited to remove redundant wording, streamlining the permit. Special conditions would be consolidated and standardized to those approved by the Jacksonville District.

8.2 Alternatives Evaluation

No Action Alternative: Under the No Action Alternative, the Corps would not reissue the RGP, and permittees would have to seek authorization for covered activities through another permit mechanism, such as an individual permit. Impacts and mitigation measures would be determined on a case-by-case basis. The holistic watershed approach to permitting and development utilized in the RGP would be abandoned. Preservation/mitigation amounts that were agreed upon by an interagency team and major landowner in the area would also be abandoned. Although other permit procedures would remain in place for development projects, abandonment of the RGP would negate the development of multiple avoidance/minimization/mitigation measures that were progressive in nature, such as preservation within the established CUs and agreed upon preservation amounts within individual project sites. Impacts and mitigation measures would be determined on a case-by-case basis, with no regional framework for impact avoidance, minimization, and mitigation. This could result in increased fragmentation of preserved areas and an abandonment of the CUs. 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 predict and potentially limit. Individual project reviews would not be watershed-focused but would be more project-focused, potentially leading to more fragmented

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preservation. Benefits to protected species such as the flatwoods salamander and eastern indigo snake from the preservation of large, unfragmented areas could be diminished. Additionally, permit review times would increase, resulting in a loss of efficiency both for the Corps and the applicant. Not reissuing the RGP would preclude streamlining the permitting process, which is a major priority for the Corps. Individual projects, which authorize substantially similar activities, could potentially require review under individual permit procedures with a 120-day review time metric instead of a 60 day review time metric under the RGP. Each individual project would be required to undergo a full alternatives analysis including off-site alternatives and a public notice period. Established, predictable project review times would cease, which could make development planning more difficult for permittees. Less Corps resources would be available for more complex projects if the RGP is not reissued.

Alternative 1: Reissue with no changes: Under Alternative 1, the RGP would be reissued without the proposed formatting changes, including re-organization of the permit to include the use of PDCs to define the criteria for a project to qualify for use of the RGP, consolidation/editing of special conditions to more concise, standard wording, and general editing for clarity and reduction of redundancy. No substantive changes to the RGP are proposed during this reissuance; therefore, the RGP would continue to be utilized to preserve the holistic watershed approach to permitting and development agreed upon by the interagency team and the major landowner/applicant using the RGP, St. Joe. Mitigation activities within the bank areas would continue, providing beneficial functional lift within these large-scale preservation areas, and progressive preservation within the CUs would continue as developed in the RGP framework. Efficiency of permit review times (60 days vs. 120 days for IPs) would continue. Corps resources would be available to review more complex projects if the RGP is reissued. However, under Alternative 1, the permit instrument would not transition to the most updated format utilized and vetted by the Jacksonville District for RGPs. Special conditions would not be consolidated and standardized to those consistent with current policies, resulting in a stronger, more enforceable permit instrument. An older permit format could be susceptible to enforceability issues if not updated in accordance with current District policies.

Alternative 2: Reissue with changes: Under Alternative 2, the RGP would be reissued with the proposed formatting changes. No substantive changes to the RGP are proposed during this reissuance; therefore, the RGP would continue to be utilized to preserve the holistic watershed approach to permitting and development agreed upon by the interagency team and the major landowner/applicant using the RGP, St.

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Joe. Mitigation activities within the bank areas would continue, providing beneficial functional lift within these large-scale preservation areas. Progressive preservation within the CUs would continue as developed in the RGP framework. Previously established overall caps on wetland impacts within the RGP area would remain in place, as well as the previously established required preservation on individual project sites. Secondary and cumulative impacts can be predicted and limited under the watershed approach of the RGPs. Efficiency of permit review times (60 days vs. 120 days for IPs) would continue. This provides major benefit to the Corps as well as the permittee, who has an established and predictable format for the pre-application and application process and predictable permit processing times, which can make development planning much easier for permittees. Instead of conducting potentially lengthy individual project consultations for listed species such as telephus spurge and flatwoods salamander, consultation was completed with FWS on a regional basis during development of the RGP. Specific consultation procedures were developed as efficiencies and important conservation areas for ESA species in the RGP area were identified and preserved, which benefits wildlife on a large scale. Corps resources would be available to review more complex projects if the RGP is reissued. Additionally, under this Alternative, the permit instrument would transition to the most updated format utilized and vetted by the Jacksonville District for RGPs. Special conditions would be consolidated and standardized to those consistent with current policies, resulting in a stronger, more enforceable permit instrument.

Selecting the preferred Alternative would continue to provide a forward-looking, predictable permitting mechanism with a predictable process for permittees, while producing an updated version of the permit that adheres to current policy, reduces redundancy, ensures enforceability, and provides a clearer, streamlined permit. Given the environmental benefits of the proposed RGP reissuance and the reduction in regulatory burden, the Corps determined that Alternative 2 is the environmentally preferable alternative under NEPA.

9.0 Evaluation of the 404(b)(1) Guidelines:

9.1 Factual Determinations (See 40 CFR § 230.11 for further instruction on completing this section):

SAJ-86 authorizes the discharge of fill and/or dredged material under Section 404 of the Clean Water Act for the following activities:

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Construction of residential, commercial, recreational, and institutional projects and restoration activities, and their components, which comprise and are necessary for the construction, use and maintenance of such projects in non-Section 10 waters, including wetlands, which are located in three large watersheds: The Lake Powell watershed, and various drainage basins of the Choctawhatchee Bay and West Bay watersheds.

9.1.1 Physical Substrate: Only clean fill and rock material (e.g., soil, rock, sand, marl, clay, stone, and/or concrete rubble) would be used for wetland fills. However, the proposed placement of these fill materials within wetlands would alter the physical nature of the existing soils through the introduction of these non-hydric soils and materials. The substrate would further be altered through the placement of impervious surfaces over most areas of fill for the construction of roads, parking lots, and buildings. The placement of fill and the excavation of wetlands would directly and permanently impact the substrate within the footprint of individual projects authorized by the RGP. Under the proposed RGP, approximately 1,500 of the approximately 30,000 acres of wetlands (approximately 5%) in the RGP area would be authorized for impact. Fill material would be placed in such a manner as to minimize the potential for impact outside of the footprint of individually authorized projects. Therefore, permittees would be required prior to and during construction, to implement and maintain erosion and sediment control best management practices (BMPs) needed to retain sediment on-site and to prevent violations of state water quality standards.

9.1.2 Water Circulation, Fluctuation, and Salinity: It is not expected that the placement of fill or excavation of wetlands for projects that would be authorized under this RGP would, either individually or cumulatively, directly affect the circulation, fluctuation and salinity of the various receiving waterbodies (West Bay, Choctawhatchee River and Bay, Lake Powell, Camp Creek Lake, and Gulf of America) of the watersheds in which the RGP area is located. Indirect effects on these receiving waterbodies 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 and to the water quality protection measures required by the RGP and concurrent requirements of State permit/water quality certifications for individual projects. In addition, the RGP does not authorize any activities in any Section 10 water of the United States. The RGP area is located within the Gulf Coastal Lowlands physiographic division, characterized by very flat topography on a series of coast-parallel plains or terraces. The area is within the last two terraces with elevations

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between sea level and approximately 40 feet. Such flat topography with sandy soils results in poorly defined stream systems and a landscape composed of a complex mosaic of intermixed uplands and wetlands. Authorized projects may impact interior open waters, such as streams and ponds, within the RGP area itself. However, as an impact avoidance measure, terms of the RGP would require all road or bridge crossings in wetlands to be designed so that the hydrologic conveyance is not reduced or impaired and no wetland fill would sever a jurisdictional connection or isolate a jurisdictional area. It is anticipated that most direct wetland impacts would occur along the perimeters of large wetlands in altered wetlands, since such wetlands in the RGP area consist of high quality wetland cores with perimeter altered wetlands that have been impacted by past silvicultural activities. Overall, the potential alteration of flow patterns over the landscape of the RGP area and its constituent, individual sub-basins would be minimal.

9.1.3 Suspended Particulates/Turbidity: It is not expected that projects authorized by the RPG would significantly release suspended particulate matter into or affect turbidity of receiving waters or wetlands, streams or other waters adjacent to permitted impact areas. Permits would be conditioned to require the implementation and maintenance of erosion and sediment control Best Management Practices (BMPs) needed to retain sediment on-site and to prevent violations of state water quality standards, including turbidity standards.

9.1.4 Contaminants: The source of fill material that would be used for individual projects is unknown, but the RGP would require the use of clean fill material. The FDEP EMA requires that surface water management systems for all projects authorized by this RGP must to be designed, constructed, operated, and maintained in compliance with the most current version of the FDEP Stormwater System Design and Review Criteria Manual. The manual incorporates water quantity and quality components, which exceed the state's rule criteria in Rule 62-25, Florida Administrative Code, as now required in northwest Florida. By using the manual, the RPG would require that stormwater treatment meet State Environmental Resource Permitting (ERP) standards, which would be a higher level of treatment than that now required in northwest Florida. In the Lake Powell basin, all projects would be required to treat stormwater at the ERP Outstanding Florida Waters (OFW) standards, though under normal ERP rules, only discharges directly into Lake Powell itself, would normally be required to be treated at this higher level.

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9.1.5 Aquatic Ecosystem and Organisms: Under the proposed RGP, a maximum of 125 acres of high quality wetlands and no more than approximately 1,400 acres of altered wetlands, for a total of approximately 1,500 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 which 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 damming effect of fills. However, the proposed RGP would minimize such impacts over what could be expected to occur under normal permitting procedures. 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 developed. The RGP would result in preservation of approximately 70% of the total developable RGP area (combined wetland and upland), with development consolidated in the remaining 30% of the landscape, thus minimizing and mitigating for secondary impacts associated with projects that would be authorized by the RGP. In addition to minimization of wetland impacts, the proposed RGP would include establishment of upland and/or altered wetland buffers adjacent to high quality wetlands, preservation of ten CUs totaling over 13,200 acres, and compensatory mitigation through the purchase of mitigation bank credits or permittee-responsible mitigation. The mitigation banks, CUs, and wetlands preserved on individual project sites would comprise and enhance a network of wildlife corridors and significant wetland and upland habitats, which both traverse and are located immediately adjacent to the RGP area, thus linking ecological resources from Choctawhatchee Bay to West Bay.

9.1.6 Proposed Disposal Sites: The fill material would be contained at the site of placement. Therefore, an analysis of mixing zones is not applicable.

9.1.7 Determinations regarding cumulative and secondary impacts on the aquatic ecosystem. Secondary effects are relevant to the determination of whether the proposed discharge causes/contributes to significant degradation.

Cumulative effects:

The amount of development and impacts to the RGP area have been similar to those anticipated. Current trends in population growth and development in the area imply that this rate of development will continue and potentially increase during the next 5-year term of the RGP if reissued, resulting in approximately 180-200 acres of fill,

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1400 acres placed into CE, and 120 mitigation bank credits. However, development of the RGP area is still far from being fulfilled.

Table 2 provides a cumulative summary of impacts and preservation through the use of SAJ-86 during its last reissuance in 2020. Table 3 provides a cumulative summary since the first issuance of SAJ-86 in 2004.

Table 2. Cumulative Impacts 2020-2025.

Total Wetlands in RGP Area (acres)	30,099
Total Allowable Acres of Impact	1,511
Total Acres of Wetlands Impacted	181.69
Percentage of Total Wetlands Impacted	0.60%
Wetlands Preserved in CE (acres) (mitigation bank areas excluded)	1,391.01
Percentage of Wetlands Preserved (mitigation bank areas excluded)	4.62%
Mitigation Bank Credits Purchased	120.65

Table 3. Cumulative Impacts 2004-2025.

Total Wetlands in RGP Area (acres)	30,099
Total Allowable Acres of Impact	1,511
Total Acres of Wetlands Impacted	423.97
Percentage of Total Wetlands Impacted	1.41%
Total Wetlands Preserved in CE (acres) (mitigation bank areas excluded)	3,240.59
Percentage of Wetlands Preserved (mitigation bank areas excluded)	10.8%
Mitigation Bank Credits Purchased	262.93

Historically, the area of Bay and Walton Counties contained in the RGP did not experience much development pressure and were used to propagate trees for pulp and paper production. However, after the sale of their paper mill in 1996, St. Joe shifted its focus from silviculture to real estate development.

Since the RGP was first issued in 2004, pine plantations in the RGP area have decreased from approximately 81% of land acres to approximately 70%. Development of the RGP area was moderately slow for the first few years under the RGP. However, development increased in the Panama City area after the loss of

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housing due to Hurricane Michael in 2018 and the real estate boom beginning in 2020. Currently, approximately 70% of the area is actively managed pine plantation under ownership of St. Joe. Housing needs are high in the Bay County area, and development of the RGP area has steadily increased since 2018.

As the Panama City, Panama City Beach, and southeastern Walton County populations grew, expansion of population centers moved west into the RGP area, followed by commercial, governmental, and institutional developments. It is reasonable to expect that development pressures will increase in this area as population grows and desirable infrastructure such as shopping centers, hospitals, and schools are built. Reissuance of the RGP would ensure that avoidance, minimization, and mitigation measures would continue to be employed as established in the original watershed development/permitting plan of the RGP. Areas within the CUs would continue to be placed into CE as individual projects are authorized. Wetlands unimpacted on individual project sites would continue to be preserved. And mitigation bank credits would continue to be purchased, allowing for enhancement and functional lift within the banks.

Reissuance of the RGP would continue to provide a plan for development on a landscape scale that is ecologically driven and watershed focused. Unlike normal permitting procedures, in which a series of projects are permitted over time within a particular area, and it is extremely difficult to ascertain secondary and cumulative impacts of the succession of these projects over time on adjacent ecosystems, the proposed RGP would afford the opportunity to address and determine these impacts upfront on a landscape scale while allowing for more long-term predictability in the number of wetlands that would be impacted than is afforded by normal permitting procedures. If future development in the 48,150 acre RGP area conforms to the RGP's terms and conditions, upon full build-out of the RGP area, no more than approximately 5% of the wetlands in the RGP area would be developed, and approximately 70% of the total area would be preserved and development would be consolidated. Projects verified under the RGP would continue to be conditioned under their water quality certification to follow the most current version of the FDEP Stormwater System Design and Review Criteria Manual. The manual incorporates water quantity and quality components that exceed the state's rule criteria in Rule 62-25, Florida Administrative Code, as now required in northwest Florida. These stormwater system requirements would enhance water quality in nearby open water areas, minimizing secondary and cumulative impacts from runoff. Requiring buffers around existing wetlands also contributes to minimization of secondary impacts.

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The RGP would continue to be re-evaluated every 5 years which allows for assessment of unanticipated effects and modification of the permit as deemed appropriate.

When considering the overall impacts that would result from this project, in relation to the overall impacts from similar past, present, and reasonably foreseeable future projects, the cumulative impacts are not considered to be significantly adverse. Compensatory mitigation would be required to help offset the impacts. It is likely similar activities would be proposed in the future, and these would be subject to the appropriate review process at that time.

Secondary effects:

Components of the aquatic environment that 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, changes in stormwater 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. 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, stormwater would be treated to a higher standard that is normally required in the Florida panhandle, and the placement of fill for, and thus the installation of septic tanks and drain fields in wetlands would be prohibited. The ten CUs constitute approximately 27% of the RGP area. Land management within the CUs would change from intensive silvicultural production to selective timbering and land management to enhance conservation and habitat restoration. Benefits to wildlife would include preserved areas creating an enhanced network of wildlife corridors which would preserve the linkage of ecological resources from Choctawhatchee Bay to West Bay.

Given the above, cumulative and secondary impacts from the proposed RGP would be minimal.

9.2 Restrictions on discharges:

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This RGP does not authorize any activities involving the discharge of dredged or fill material that would:

- a. Cause or contribute, after consideration of disposal site dilution and dispersion, to violations of any applicable State water quality standard
- b. Violate any applicable toxic effluent standard or prohibition under Section 307 of the Clean Water Act
- c. Jeopardize the continued existence of species listed as endangered or threatened under the Endangered Species Act of 1973, as amended, or result in the destruction and/or adverse modification of a listed species' critical habitat
- d. Violate any requirement to protect any marine sanctuary designated under title III of the Marine Protection, Research, and Sanctuaries Act of 1972.

Based on the factual determinations detailed above in Section 9.1, the proposed discharge has been evaluated to determine whether any of the restrictions on discharge would occur. All projects authorized under this RGP must be constructed in compliance with the terms and conditions in the permit instrument to ensure any adverse impacts are no more than minimal. The discharge of fill or dredged material would not cause or contribute to significant degradation of waters of the United States. All appropriate and practicable steps have been taken to minimize the potential adverse impacts of the discharge on the aquatic ecosystem.

SAJ-86 would only authorize the use of clean fill and rock material (e.g., soil, rock, sand, marl, clay, stone, and/or concrete rubble). As described above, under the RGP, upon full build-out of the RGP area no more than approximately 5% of the wetlands would be developed, and approximately 70% of the area would be preserved and development would be consolidated. The restrictions described above and the incorporation of multiple PDCs and special conditions in SAJ-86 would ensure the proposed activities would not cause or contribute to significant degradation of waters of the U.S., including adverse effects on human health; life stages of aquatic organisms; ecosystem diversity, productivity and stability; and recreational, esthetic, and economic values. The activities authorized by SAJ-86 would not jeopardize the continued existence of Federally listed threatened or endangered species. See

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Section 12.1 for a discussion of ESA considerations. The activities authorized by SAJ-86 would not violate State water quality standards. See Section 12.5 for a discussion of Section 401 of the Clean Water Act considerations. There are no marine sanctuaries in the area of the proposed RGP. Appropriate and practicable steps have been taken to minimize potential adverse impacts from any discharge to the aquatic ecosystem.

9.3 Findings: The discharges to be authorized by this RGP comply with the Section 404(b)(1) guidelines.

10.0 Public Interest Review (33 CFR 320.4 and RGL 84-09): The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general needs and welfare of the people (Reference 33 CFR 320.4(a)).

10.1 Only those public interest factors which are relevant to the proposal will be considered and discussed below:

10.1.1 Conservation: Under the proposed RGP, almost 70% of the approximately 48,150 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 28,600 acres of wetlands and 5,200 acres of uplands would be conserved. The land would be used for conservation purposes, including preservation of uplands and wetlands, and restoration and enhancement of uplands and wetlands. Approximately 13,200 acres of wetlands and uplands have been placed into ten CUs, that would only be used for conservation purposes, wetland or habitat mitigation, limited passive recreational purposes, and in the case of one CU, the Cypress and Wet Pine Flats Conservation Unit, used as an alternative area for disposal of effluent, which is currently discharged directly into West Bay. Other lands that are preserved include two mitigation banks totaling 7,685 acres, as well as all unimpacted wetlands on individual project sites. The proposed RGP would minimize direct impacts to wetlands by confining over 90% of potential wetland impacts to those wetland systems that have already been highly impacted by previous and

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ongoing silvicultural activities. The 2% of wetland impacts that would occur in high quality wetlands upon full build-out of the RGP area would be confined to necessary road crossings and bridges to gain access 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. The Corps has concluded that overall impacts to conservation would be beneficial.

10.1.2 Economics: The proposed RGP area is located within a coastal region which is undergoing rapid tourist-oriented development and primary home/second home/retiree residential development, which in turn is promoting growth in businesses to serve tourists and residents. The local real estate markets in Walton and Bay Counties have demonstrated, through both high sales volumes and increasing prices for real estate products, that there is a strong desire by the real estate buying public for the types of commercial and residential development that have and would likely occur in the RGP area. Individual projects authorized by the proposed RGP provide considerable permanent and temporary employment through construction and service positions. The ad valorem property tax base for Bay and Walton Counties has increased, and would likely continue to 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 would require additional expenditures of local and state revenues over what is currently needed. The Corps has concluded that overall impacts to economics would be beneficial.

10.1.3 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 silviculture-impacted 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. However, beauty is in the eye of the beholder. Some people see beauty in undeveloped land, while others see beauty in mixed use development. The Corps has concluded that impacts to aesthetics would be negligible.

10.1.4 General Environmental Concerns: Reissuance of the RGP would result in a watershed planning approach to development within the permit area. Impacts to

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resources would be minimized, and wetland impacts within sub-watersheds would be limited to 20% of altered wetlands within the developable area and 2% of high quality wetlands with the full build-out of the RGP permit area. Through the use of CUs, wetland preservation, and mitigation sites, wildlife corridors would be preserved, and habitats would remain intact. Water quality standards for OFW would be required for the RGP area. Projects that meet the terms and conditions of the RGP would have an expected smaller cumulative environmental impact than traditional development. The Corps has concluded that impacts to general environmental concerns would be neutral (mitigated).

10.1.5 Wetlands (Including the Corps Wetland Policy (see 33 C.F.R. 320.4(b)):

10.1.5.1 Wetland Functional Value: During the development of SAJ-86 and the two mitigation banks, a technical group under the direction of the interagency team, developed definitions of and determined functional scores for altered and high quality wetlands. The team determined that all wetlands that were not planted in pine, excluding roadside ditches, would be classified as high quality wetlands. High quality wetlands in the permit area include cypress domes or strands, bay/gallberry swamps, harvested cypress swamps, titi monocultures, and Hypericum bogs. Altered wetlands were determined to be those wetlands that are planted in pine (i.e. pine plantations) or are roadside ditches. Pine plantations in wetlands (hydric pine plantations) are highly disturbed ecosystems in which bedding (a site preparation practice where soil is mounded into elevated rows, or beds, to provide a more favorable planting environment for tree seedlings) disrupts micro and macro surface hydrology, wildlife and vegetative species diversity is greatly reduced, and there is cyclic gross disturbance by timbering and planting operations.

Wetland Rapid Assessment Procedure (WRAP) was used to score the functional quality of wetlands. WRAP scores the functional value of wetlands on a scale of 0 to 1.0 functional units (FUs). In the early 2000s, during development of the RGP and mitigation banks, WRAP was the current wetland assessment procedure and was utilized to score the bank credits and functional units in the RGP area. The current assessment method, UMAM, was developed in 2004. Because the mitigation banks were scored using WRAP but subsequent permittee-responsible mitigation is assessed using UMAM, both assessment methodologies are utilized.

The technical team reviewed and inspected many high quality and altered wetland sites in the proposed RGP area. Based on site evaluations and given the range of

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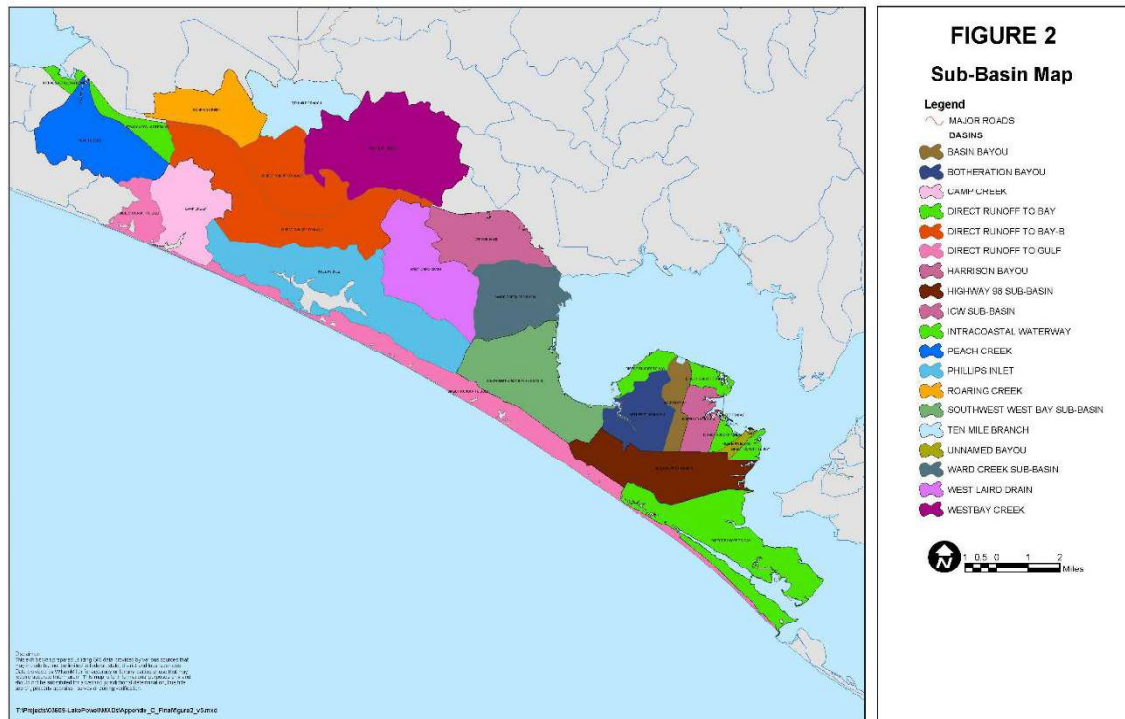
functional quality scores across the RGP area, the team determined that each acre of impact to altered wetlands would be valued at 0.65 FU, and each acre of impact to high quality wetlands would be valued at 0.92 FU, using the standard WRAP scoring at that time. For compensatory mitigation credits and debits defined in terms of functional units using the UMAM assessment method, each acre of impact to altered wetlands shall be valued at 0.53 FU, and each acre of impact to high quality wetlands shall be valued at 0.87 FU .

10.1.5.2 Permitting Subwatersheds: Watershed basins, subbasins, and receiving water bodies were identified to aid in establishing total thresholds for wetland impacts at the watershed level. They were also used to define where compensatory mitigation for wetland impacts would be assigned.

(1) Permitting Basins. The RGP incorporates all or part of nineteen subbasins (Figure 2), which were identified and delineated by the Interagency Team technical group using United States Geological Survey (USGS) drainage basin information and maps. These subbasins were grouped into three larger basins: Breakfast Point, Devils Swamp and Lake Powell Basins. These are part of two major watersheds: St. Andrews Bay and Choctawhatchee River and Bay. The sub-basins were created and reviewed for their appropriateness in regard to the amount of impact that may occur within specific drainages and watersheds. Of particular concern was distribution of impacts in the "Direct-Runoff-to-Bay" basin that flows directly into West Bay from the west. Several named and unnamed streams and overland flow systems collectively form this basin. In order to better protect the quality and quantity of waters flowing into the bay, this drainage basin was divided into three sub-basins. Finally, because of the various existing public drainage and mosquito control ditching projects immediately south of and on Breakfast Point Peninsula caused the creation of several artificial basin boundaries, the several basins south of the peninsula along US Highway 98 were consolidated into a single "Highway 98" subbasin. The entire RGP team determined that no more than 20% of the altered wetlands in any sub-basin may be impacted at full build-out of the RGP area. As required by a special condition of the RGP, a ledger of wetland impacts by sub-basin must be maintained by St. Joe to ensure that this threshold is not exceeded. Any other permits issued within the RGP area would also be recorded in the ledger. The allowable impacts to high quality wetlands would not be apportioned among permitting basins, since such impacts 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.

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(2) Mitigation Basins. In order to ensure that mitigation for impacts occurs in the appropriate drainage basins and watersheds, mitigation basins were identified. Any impacts that occur in the Lake Powell basin must be mitigated within that basin. Impacts that occur in the Devils Swamp or Breakfast Point basins must be mitigated within them.

10.1.5.3 Wetland Impacts: For the purpose of developing the RGP, FWS Wetland Inventory Maps and Natural Resources Conservation Science 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. Location and delineation 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 altered or high quality. At total build-out of the RGP area, the RGP would allow a maximum impact of 20% of the altered wetlands and 1.7% of high quality wetlands in individual sub-basins,

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excluding areas within CUs and the two mitigation banks. This equates to a maximum loss of approximately 1,386 acres of altered wetlands and 125 acres of high quality wetlands upon full build-out of the approximately 30,000 acres of wetlands within the 48,150-acre RGP area. Of the 1,511 acres that could be impacted, 423.97 acres, or 28%, have been impacted to date. See Section 9.1.7 for a table of the current impacts authorized, preservation, and mitigation. 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 compared to typical permitted projects. The total wetland loss that could occur under the RGP at full build-out of the RGP area would be approximately 5.0% of the total area of wetlands in the RGP area.

10.1.5.4 Wetland Mitigation: The sequential order of mitigation requires first avoidance, minimization, and then compensatory mitigation. Avoidance and minimization for wetland impacts authorized under the proposed RGP would include minimization of wetland impacts through preservation of ten CUs totaling over 13,200 acres, buffers around high quality wetlands, and preservation of unimpacted wetlands on individual project sites. Compensatory mitigation would include the purchase of mitigation bank credits, or permittee-responsible mitigation within the CUs or preserved wetlands on individual project sites. The CUs form an almost continuous connection from east to west across the RGP area from West Bay to Point Washington State Forest and north to NFWFMD lands connecting to Choctawhatchee River and Bay. The CUs also connect the West Bay and Devil's Swamp basins with lands in the Lake Powell watershed.

The CUs encompass many significant environmental features, such as important wildlife habitat, natural communities, high quality wetlands, and surface flow connections with Lake Powell and West Bay. The CUs are typical of the region; they are largely in fire-suppressed pine plantation with interspersed shrub and cypress swamps. The historical communities that they encompassed, had they not been altered, would have been north Florida flatwoods with major components of southeastern pine savanna and mixed hardwood and cypress swamps. There are also some areas in the northcentral and northwestern CUs that historically would have been xeric pine lands with depressional wetland inclusions. Although forestry practices are still allowed within the CUs, more adaptive, less industrial forestry practices are required to be utilized through the use of the Principles of Forestry Management Plan. This plan is required by the FDEP EMA and PDC 7d (See Section 13 for PDCs). The objective of the Plan is to prescribe management activities that will

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restore and enhance the vegetative communities and function of historic ecosystems. Restoration forestry practices replace historical intensive silvicultural practices within the CUs. Harvest operations, controlled burning and other restoration prescriptions are used to convert the existing even-aged pine monoculture to a mosaic of even and uneven-aged management regime.

The mitigation banks total over 7,600 acres and would provide compensatory mitigation for direct wetland impacts. Additional compensatory mitigation may be authorized by the RGP within the CUs and in preserved wetlands within individual project sites. 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. Overall, the mitigation banks, CUs, 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 public resources from Choctawhatchee Bay to West Bay.

10.1.5.5 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 identification and delineation of wetlands must be in accordance with the Corps of Engineers Wetlands Delineation Manual (1987) and the Regional Supplement: Atlantic and Gulf Coastal Plain Region (2010). Under the RGP, wetlands may be delineated using aerial photointerpretation and ground-truthing, and, as necessary, mapped using the Global Positioning System (GPS) and other Geographical information System (GIS) mapping techniques. In much of the project area, historical aerial photography would be used to obtain pre-pine plantation wetland community signatures. If a proposed project construction line falls within 250 feet of a wetland boundary estimated using the above method, then a field wetland determination would be required for that segment of the proposed project.

For the above reasons, the Corps has concluded that impacts to wetlands would be neutral (mitigated).

10.1.6 Historic Properties: Each activity for which a verification request is made under SAJ-86 would be evaluated in accordance with Section 106 of the National Historic Preservation Act (NHPA) and the guidelines of 33 C.F.R. part 325, Appendix

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C. If the proposed activity requires consultation under the NHPA, the proposed activity would not be authorized under this RGP until consultation with the State Historic Preservation Officer (SHPO) and any other appropriate consulting parties is initiated and completed.

As the RGP is administered, Corps project reviewers determine whether a proposed project is within a polygon containing a recorded historic site. This information 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 a copy of their correspondence to the SHPO requesting coordination of each project. 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 to address inadvertent discoveries made during individual project construction activities. The Corps has concluded that impacts to historic properties would be negligible.

10.1.7 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, under the EMA, projects that would be authorized under the proposed RGP would be required to meet more stringent criteria for required stormwater management systems than normally required under state law in northwest Florida. These more stringent stormwater criteria are included in the proposed EMA and would be referenced in and required by the RGP. In addition, impacts to wetlands have been avoided and minimized through upfront preservation of ten CUs, would be preserved on individual project sites, and would be mitigated through the purchase of mitigation bank credits. The mitigation banks, CUs and wetlands preserved on individual project sites would comprise and enhance a network of wildlife corridors and significant habitats within and adjacent to the RGP area. See Section 12.1 for ESA considerations and Section 12.2 below for EFH

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considerations. The Corps has concluded that impacts to fish and wildlife values would be neutral (mitigated).

10.1.8 Flood Hazards: The proposed RGP area is located in a coastal landscape between the Gulf of America to the south with Choctawhatchee Bay and River, West Bay and the ICW to the north. The eastern and western ends of the RGP area extend onto two peninsulas between the Gulf and bays, which for local, regional and state planning purposes, make much of the RGP area the equivalent of a barrier island. The RGP area is susceptible to tropical cyclone-induced storm surges on both the gulf and bay sides, as well as susceptible to wind damage. The state is addressing the problem of hurricane evacuation by the ongoing expansion of multiple major evacuation routes including US 98, an east-west oriented highway leading to the northbound highways SR 79, and US 331. The major flood hazard for the individual projects that would be authorized under the proposed RGP would likely be flooding in areas near the bays and Gulf, Lake Powell, and the various onsite streams and wetlands, which drain to these waterbodies, as well as from onsite backup of stormwater runoff during tropical storm events. Stormwater 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 waterbodies, particularly if there is a storm surge. However, it is unlikely that project impacts would significantly alter final flood elevation of such an event. 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 stormwater flow and onsite absorption of stormwater. However, in order to minimize negative impacts from projects that would be authorized under the proposed RGP, under the EMA, such projects would be required to meet more stringent criteria for required stormwater management systems, than normally required under state law in northwest Florida. Concerns were raised about the potential for flooding of residential and commercial areas south of the Breakfast Point MB, which could result from the manipulation of drainages to restore historical hydrological conditions within the bank. The hydrological alterations proposed for Breakfast Point MB were designed to not negatively affect offsite drainage patterns. The Corps has concluded that impacts to flood hazards would be neutral (mitigated).

10.1.9 Floodplain Values: The proposed RGP area is comprised of lands bordering the eastern end of Choctawhatchee Bay, the ICW, Lake Powell, and West Bay, within a landscape composed of a complex mosaic of uplands and wetlands, which drain to

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these waterbodies via various streams and drainages. Over one-third of the RGP area is within the 100-year floodplains of these waterbodies, streams, drainages and wetlands. Because of the distribution of the designated 100-year floodplains and their associated waterbodies and wetlands, some degree of impact to floodplains is 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 stormwater management systems than is normally required in northwest Florida. These more stringent stormwater criteria will be required by the RGP. Mitigation for wetland impacts authorized under the proposed RGP would also minimize and mitigate for impacts to floodplains. These mitigative actions would include upfront minimization of wetland impacts, upfront preservation of ten CUs (totaling over 13,200 acres), and compensatory mitigation through wetland enhancements and restoration within two mitigation banks (totaling approximately 7,600 acres), the CUs, or within preserved wetlands on individual project sites. The mitigation banks, CUs, and wetlands 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. The Corps has concluded that impacts to floodplain values would be neutral (mitigated).

10.1.10 Land Use: The proposed RPG overlaps three local governmental jurisdictions: Walton County, Bay County and the City of Panama City Beach. All three have comprehensive plans to guide and plan development. Current land use designations within Bay and Walton Counties allow for 2 units per acre on land designated as Conservation (CSV) within the suburban service area. This land use designation covers approximately 10,400 acres of the RGP area. The Agriculture/Timber (AGT) designation allows for 1 unit per 10-20 acres within Bay County and 1 unit per 40 acres within Walton County and covers approximately 23,000 acres of the RGP area. Panama City Beach land use designations for the approximately 3,700 acres within the RGP area have unit densities, which range from 2:1 to 45:1 for residential and supporting retail/commercial/industrial uses. Under the RGP, the ten CUs and two mitigation banks would preempt 21,153 acres from development, which are currently designated for land uses that allow for varying densities, such as 1:20 in the AGT designation, 2:1 in the CSV designation and 8:1 in

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the residential (R1A) designation. Although the RGP authorizes activities in areas that may not currently have those specific land use designations on the Panama City Beach, Bay County or Walton County Future Land Use Maps (FLUM), the RGP would provide an environmental framework within which development could take place, regardless of when or where it may occur. The Florida Department of Community Affairs (DCA), which reviews and approves local comprehensive plans, requires policies that protect wetlands and regionally significant resources as part of any comprehensive plan. These policies could potentially be satisfied within the RGP area, since approximately 21,000 acres are protected within the CUs and mitigation banks, 95% of the wetlands in the RGP area would be preserved, significant upland acreages would be included within the CUs and mitigation banks, projects would be required to meet ERP stormwater standards, a high level of connectivity of natural areas would be preserved, and high quality wetlands would be buffered. Any individual project that could be authorized by the RGP would require approval from local governments to meet their 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. The Corps has concluded that impacts to land use would be negligible.

10.1.11 Navigation: The proposed RGP is limited to non-Section 10 waters of the United States and would have no effect on navigation. The Corps has concluded that there would be no impacts to navigation.

10.1.12 Shore Erosion and Accretion: The RGP does not authorize any impact to Section 10 waters and does not include shoreline stabilization activities. Areas adjacent to large flowing streams and tributaries would have preserved buffers adjacent to them. These buffers would be maintained in their natural condition, reducing the effects of erosion and sedimentation within the project area. Therefore, activities authorized by SAJ-86 would have no more than minimal beneficial or adverse effect on near-shore coastal processes that influence erosion or accretion of shoreline areas. The Corps has concluded that there would be no impacts to shore erosion and accretion.

10.1.13 Recreation: Much of the approximately three-quarters of the proposed RGP area, which is owned by St. Joe, is in pine silvicultural production. St. Joe also currently leases much of these lands to private hunt clubs. The proposed RGP area borders various waterbodies, which are used for public recreation, including

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Choctawhatchee Bay and River, West Bay, Lake Powell and the Gulf of America; and state lands open to public use and recreation, including Point Washington State Forest, Deer Lake State Park, Choctawhatchee Water Management Area, and Camp Helen State Park. 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 stormwater 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 is allowed within the Breakfast Point MB, Devil's Swamp MB, and CUs. Residential and commercial facilities authorized under the RGP would likely increase the number of people residing and vacationing in the RGP area, thus potentially increasing the number of people utilizing adjacent open waters and state lands for recreational purposes. The Corps has concluded that impacts to recreation would be negligible.

10.1.14 Water Supply and Conservation: 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 Bay County will have a county-wide system using Deer Point Lake, and that southern Walton will continue to use the pipeline to northern Walton County for potable water. The Corps has concluded that impacts to water supply and conservation would be negligible.

10.1.15 Water Quality: 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 would include an additional level of treatment that is 50% above the treatment that is required for a non-OFW. In the Lake Powell basin, all projects would be required to treat stormwater at the ERP OFW standards, though under normal ERP rules, only discharges directly into Lake Powell itself would normally be required to be treated at this higher level. In addition, the RGP would require that ERP stormwater retention standards be followed, that are designed to prevent off-site flooding, and which are also not normally required in northwest Florida. The Corps has concluded that impacts to water quality would be neutral (mitigated).

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10.1.16 Energy Needs: Development subject to the proposed RGP would result in additional need for energy supplies to meet the increased demand from expansion of residential, commercial, institutional and recreational projects within the RGP area. While this demand would exist if development occurred without implementation of the RGP, demand may occur sooner due to the increased efficiency of the permit process. Existing resources should be sufficient to meet these increased demands. The RGP does not authorize energy generation using raw materials. However, the RGP could be used to authorize energy infrastructure projects including substations and power lines projects if projects meet the terms and conditions of the RGP. The Corps has concluded that impacts to energy needs would be negligible.

10.1.17 Safety: Projects authorized by the RGP would be required to meet current safety standards established by FDOT and those implemented by local governments and municipalities. The Corps has concluded that impacts to safety would be negligible.

10.1.18 Food and Fiber Production: Approximately 81% of the area included in this RGP is owned and managed by St. Joe. Approximately 75% of this area is maintained as mixed age timber stands under an active silviculture operation. Construction of residential, commercial, recreational and institutional development would result in a reduction in fiber production. However, since 1993, St. Joe has shifted its focus from silviculture to real estate and has begun converting timber stands to residential communities within northwest Florida. This conversion from silviculture to real estate development would have reduced fiber production in the area without implementation of the RGP. The RGP would result in better planned development, reduced wetland impacts within sub watersheds, and preservation of forested areas within project areas. Use of the RGP would require preservation of the CUs, which would continue to be managed using forestry management practices as defined in the Principles for Forest and Wildlife Management of Conservation Units within the Bay-Walton Ecosystem Management Agreement and RGP-86. The Corps has concluded that impacts to food and fiber production would be negligible.

10.1.19 Mineral Needs: There is no evidence of mineral resources within the RGP area. Development within the RGP boundary would require increased demand for mineral resources used to create construction material. However, this demand is not expected to increase due to implementation of the RGP. The Corps has concluded that there would be no impacts to mineral needs from the proposed RGP.

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10.1.20 Considerations of Property Ownership: The RGP would establish an efficient permitting mechanism to authorize impacts to waters of the United States associated with the development of privately-owned land for new residential and commercial developments. 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. The Corps has concluded that impacts to property ownership would be beneficial.

10.2 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 multi-watershed scale in southwestern Bay County and southeastern Walton County, which 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 facilitate additional public benefits, such as development activities that would provide employment opportunities, which could result in a significant increase in the local tax base, and which could provide opportunities for people to live and recreate in a high quality natural and manmade environment. Private needs and benefits would include facilitating private land use, economic return on property, and a predictable, streamlined permitting process.

10.3 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 were no comments received regarding conflicts about resource use during the public notice comment period.

10.4 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 ten CUs, and compensatory mitigation through the purchase of mitigation bank credits, or wetland enhancements and restoration within two the CUs or within preserved wetlands on individual project sites. The mitigation banks, CUs and wetlands 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, thus

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linking public resources from Choctawhatchee Bay to West Bay. 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.

Overall, it has been shown in the public interest review and with the inclusion of PDCs and special conditions listed in Section 13 below, 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.

11.0 Mitigation: Development of the RGP included coordination and consultation with public and agencies to identify impacts and mitigation. Any project-specific mitigation requirements will be documented in the verification (See 33 CFR 332.4(b)(3), (c)(1)(ii) and 332.3(g), (k).

Avoidance and minimization: To address the sequential order of mitigation, including avoidance, minimization, and compensatory mitigation for regulated work authorized under the proposed RGP, avoidance and minimization measures on individual project sites include minimization of wetland impacts, establishment of upland and/or altered wetland buffers adjacent to high quality wetlands, and progressive preservation of ten CUs totaling over 13,200 acres. In addition, for each road crossing of wetlands or other waters of the United States proposed at a point where no previous crossing existed, an existing silviculture road crossing within the sub-basin must be removed and the wetland connection restored (restoration in this section is defined as re-establishment of natural soil surface grades and natural re-vegetation.) Once all existing silviculture crossings have been restored within a particular sub-basin this requirement shall lapse. Additionally, the mitigation banks, CUs and wetlands 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, thus linking public resources from Choctawhatchee Bay to West Bay. Preservation of these habitats and corridors minimizes impacts to species on a watershed scale.

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Compensatory Mitigation: Under the RGP, overall compensatory mitigation would include wetland enhancements within both the CUs and permittee-responsible mitigation sites, and the purchase of mitigation bank credits. Compensatory mitigation for individual project wetland impacts authorized under the proposed RGP would be satisfied by 1) the purchase of mitigation bank credits from mitigation banks, 2) off-site permittee-responsible mitigation on CUs, or 3) on-site permittee-responsible mitigation. The purchase of mitigation bank credits would not be an option for a project within the Lake Powell basin. Mitigation for projects within the Lake Powell basin would only be located within the Lake Powell basin (i.e. within the project site, or within a CU in the Lake Powell basin). The first priority for compensatory mitigation of permitted wetland impacts in the RGP area, except for impacts within the Lake Powell basin, would be through the purchase of mitigation bank credits. The Corps would review plans for permittee-responsible compensatory mitigation projects on a case-by-case basis. Such projects would require Corps approval. Compensatory mitigation would be required to be implemented prior to or concurrent with impacts authorized under the RGP. Compensatory mitigation projects would be maintained in perpetuity in the enhanced/restored ecological condition.

Mitigation Banks: As part of the development of the original iteration of this RGP and the EMA, St. Joe elected to establish two mitigation banks to serve two of the three major mitigation basins within the RGP area. The banks are used for compensatory mitigation for loss of wetland functions from impacts to waters of the United States, including wetlands, which would result from activities authorized under the proposed RGP. Federal and State agencies participated in the review of the mitigation banks as part of the Mitigation Bank Review Team (MBRT). The Devil's Swamp Mitigation Bank (SAJ-2004-01864) serves the Devil's Swamp Basin and the Breakfast Point Mitigation Bank (SAJ-2004-01865) serves the Breakfast Point Basin within the RGP area. The Federal Mitigation Banking Instruments for both mitigation banks, which govern the establishment, use, operation, and maintenance of the banks, were entered into by and among St. Joe, the Corps, EPA, and FWS in 2004.

As described in Section 10.1.5.1, compensatory mitigation credits from the two mitigation banks created simultaneously with SAJ-86 were defined in terms of FUs as determined using the WRAP. The technical team reviewed and inspected many high quality and altered wetland sites in the proposed RGP area. Based on site evaluations and given the range of functional quality scores across the RGP area, the team determined that each acre of impact to altered wetlands would be valued at 0.65 FU, and each acre of impact to high quality wetlands would be valued at 0.92

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FU, using the standard WRAP scoring. For compensatory mitigation credits and debits defined in terms of functional units using the modern UMAM assessment method, each acre of impact to altered wetlands shall be valued at 0.53 FU, and each acre of impact to high quality wetlands shall be valued at 0.87 FU .

The two mitigation banks together upon complete satisfaction of all success criteria would have a total of 1,578.5 freshwater FU WRAP credits. Under the RGP, the maximum number of FU credits required to offset authorized impacts would be approximately 1025 (125 acres of high quality wetlands X 0.92 FU + 1400 acres of altered wetlands X 0.65 FU = 1025 FUs). Therefore, approximately 500 FU credits could be available above that needed to offset direct wetland impacts allowed under the RGP. Potentially some of these excess credits could be used to provide compensatory mitigation for projects that would not qualify for the RGP, but in consideration of the goals of the RGP, would otherwise be permissible as Individual Permits, Letters of Permission, or Nationwide Permits. Table 3 provides the current status of the mitigation banks. As of July 2025, the Breakfast Point MB had 65 available credits. 295 credits have been withdrawn to date. Of the 998 potential credits, 360 have been released. The Devils Swamp MB has 54 available credits. 153.5 credits have been withdrawn to date. Of the 527 potential credits, 208 have been released.

Table 3. Breakfast Point and Devils Swamp MB Ledger, 2004-2025.

Bank Name	Maximum potential credits	Credits released to date	Credits purchased to date
Breakfast Point	998	360	295
Devils Swamp	527	208	153.5

12.0 Compliance with Other Laws, Policies, and Requirements: While development of the PGP/RGP included coordination and consultation at the programmatic level, any required project-specific compliance will be documented in the memoranda for the record supporting individual verifications.

12.1 Section 7(a)(2) of the ESA: Include known species and habitat present, effect determination(s) and basis for determination, dates, etc.

Protection of threatened and endangered species was one of the primary concerns addressed by the interagency team in the development of the proposed RGP. It was

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recognized that management for protected species on a landscape scale would benefit efforts to aid the recovery of such species. Concern for protected species figured in the design of the location and configuration of the CUs and mitigation banks, and in the management plans that would govern them. On 30 October 2003, a draft Biological Assessment (BA) was provided by the consultants for St. Joe to the Corps and FWS for review and comments. Subsequent to review and comment by the interagency team, including the Corps and FWS, the consultants provided a final BA to the Corps and FWS on 22 December 2003. By letter dated 23 December 2003, 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 is not likely to adversely affect four faunal species and two plant species: Bald eagle (*Haliaeetus leucocephalus*), Gulf sturgeon (*Acipenser oxyrinchus desotoi*), Red-cockaded woodpecker (*Picoides borealis*), West Indian manatee (*Trichechus manatus latirostris*), Telephus spurge (*Euphorbia telephioides*), and Godfrey's butterwort (*Pinguicula ionantha*). The Corps also stated that the proposed action "may affect, likely to adversely affect" the Flatwoods salamander (*Ambystoma cingulatum*), and that the proposed action would have "no effect" on other listed species. In addition, the Corps requested the initiation of formal consultation concerning the impacts of the project on the listed species named above. The Corps requested that the FWS prepare a Biological Opinion (BO) concerning potential effects of the RGP on the above federally listed species and enclosed a copy of the BA to aid in the FWS's preparation of a BO. The BA was subsequently supplemented with the Corps concurrence on 28 January 2004, to add additional information regarding the flatwood salamander, on 5 February 2004, to add a flatwood salamander checklist for RGP individual project review procedures, and on 6 May 2004, to add additional information and a RGP individual project review procedure for the Telephus spurge.

On 24 May 2004, the Corps received the final BO, dated 19 May 2004, from the FWS. The BO stated that the FWS concurred with the BA's determination of "likely to adversely affect" for the Flatwoods salamander but determined that the RGP would not jeopardize the continued existence of the species. The FWS identified Terms and Conditions to minimize the potential incidental take of the Flatwoods salamander. The FWS also concurred with the determination of "not likely to adversely affect" for several other species, as stated in the BA. The FWS stated that concurrence is based upon implementation of the avoidance and minimization measures identified in the BA and its supplements. The FWS included these avoidance and minimization measures in the Conservation Measures section of the BO. The Corps concurs with the findings of the BO. The proposed RGP would not jeopardize the continued

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existence or critical habitat of any threatened or endangered species with the inclusion of a special condition, which makes the authorization under the Corps permit conditional upon the applicant's compliance with the BO's mandatory terms and conditions, which would implement the reasonable and prudent measures that are associated with the "incidental take" for *A. cingulatum*. In addition, the conservation measures in the BO are captured in various PDCs and special conditions of the RGP, such as the RGP's restrictions on impacts to altered and high quality wetlands and required preservation and management of the mitigation banks and CUs. Specific to individual protected species, PDCs require that RGP applicants provide evaluations and documentation regarding the Flatwoods salamander, Bald eagle and Telephus spurge at both the required pre-application meeting, and subsequently, as part of the RGP individual project permit application.

The FWS, as a member of the interagency team, participated in the review of SAJ-86 for reissuance in September 2024. No new species within the RGP impact area have been placed on the threatened and endangered species list since the SAJ-86 re-issuance in September 2020. The process of obtaining SAJ-86 authorization includes requirements for the permittee to consult with the FWC and the Corps to consult with FWS in the initial phases of planning and by requesting their presence and consultation at preapplication meetings for every project within the SAJ-86 boundary.

On 24 September 2024, an interagency meeting was held with members of FWS, FWC, and the Corps to discuss reissuance of SAJ-86, SAJ-105, and SAJ-114. Topics included candidate species for listing under the Endangered Species Act (ESA) and potential restoration projects associated with mitigating impacts to future listed species. It was noted that no new species within the SAJ-86 area have been listed since its last reissuance. A request for concurrence with the existing BO was sent to FWS on 31 October 2025. On 5 November 2025, FWS responded by letter with the following determination: "The Corps of Engineers proposes to authorize the discharge of fill and dredged material into non-tidal waters of the United States, including wetlands, for residential, commercial, recreational, and institutional development in portions of the Choctawhatchee Bay, Lake Powell, and West Bay basins pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), to include special conditions. This RGP has been functioning well. Individual project approval requires an evaluation to determine if an individual project conforms to the requirements and criteria of this RGP, including an interagency pre-application meeting. Explicit requirements are noted for Reticulated flatwoods salamander (*Ambystoma bishop*), Bald eagle (*Haliaeetus leucocephalus*), Telephus spurge

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(*Euphorbia telephioides*), Eastern indigo snake (*Drymarchon corais coupen*), as well as coordination with the FWC regarding any needed fish and wildlife surveys or measures needed to avoid, minimize, or mitigate adverse impacts to state listed/protected fish and wildlife species and their habitats. We have taken a fresh look at the proposed reissuance of the RGP SAJ-86, considered its performance during prior 15+ years, as well as measures included in its implementation specific to endangered species and their habitats. Based on the information provided, each application to use the RGP will consider these species, along with implementation of standard protection measures. We concur with the proposed *Telephus spurge* mitigation site and hereby amend the BO to include that site. The Service concurs with your determinations for potential effects of the RGP as described.” In accordance with the findings in the 2004 EASOF and the 2009, 2015, and 2020 SEASOFs and this 2025 EASOF, the proposed reissuance of SAJ-86 would not jeopardize the continued existence or critical habitat of any threatened or endangered species. A special condition would be added to SAJ-86 requiring the Permittee to stop work and ask the Corps to re-evaluate effects on the species or designated critical habitat, and if needed, complete Section 7 consultation with the United States Fish and Wildlife Service if any species or critical habitat should become federally listed within the range of the permitted action.

Consultation with the National Marine Fisheries Service-Protected Resources Division (NMFS-PRD) was not required as no ESA-listed species under NMFS-PRD’s purview fall within the RGP project area.

Based on a review of the above information, the Corps has determined that it has fulfilled its responsibilities under Section 7(a)(2) of the ESA.

12.2 Magnuson-Stevens Fishery Conservation and Management Act, Essential Fish Habitat: The RGP was reviewed under the Magnuson-Stevens Act (MSA) due to the proximity to tidal resources. It was determined that EFH consultation was not required due to the following factors: 1) No comments were received from the National Marine Fisheries Service Habitat Conservation Division (NMFS HCD) during the public notice comment period; 2) The RGP does not allow impacts to tidal waters; 3) Within the RGP boundary, most of the larger flowing streams and their adjacent wetlands are included in designated CUs, in which development and related impacts are highly restricted. There is little likelihood of sedimentation or salinity fluctuations within these waters. Therefore, impacts to downstream waters that may provide essential fish habitat are expected to be minimal and unlikely.

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Based on a review of the above information, the Corps has determined that it has fulfilled its responsibilities under the EFH provisions of the MSA.

12.3 Section 106 of the National Historic Preservation Act:

Each activity for which a verification request is made under SAJ-86 would be evaluated in accordance with Section 106 of the National Historic Preservation Act (NHPA) and the guidelines of 33 C.F.R. part 325, Appendix C. If the proposed activity requires consultation under the NHPA, the proposed activity would not be authorized under this RGP until consultation with the State Historic Preservation Office (SHPO) and any other appropriate consulting parties is initiated and completed.

The public notice and draft permit instrument for the reissuance of SAJ-86 were published on 26 June 2025. Coordination letters dated 3 July 2025 were sent to the following six federally recognized tribes identified as to having interest in Corps actions within the Bay and Walton Counties, Florida area: Seminole Tribe of Florida, Poarch Band of Creek, Seminole Nation of Oklahoma, Muscogee (Creek) Nation, Absentee Shawnee Tribe of Oklahoma, and the Miccosukee Tribe in Florida. The letters provided copies of the public notice that was issued for the RGP and the current draft of the RGP. No responses were received from the six federally recognized tribes. The Corps has determined that it has fulfilled its responsibilities under Section 106 of the NHPA.

12.4 Tribal Trust Responsibilities:

Was government-to-government consultation conducted because proposed activity requiring DA authorization has the potential to significantly affect protected tribal resources, tribal rights (including treaty rights) and/or Indian lands or because consultation was requested? No; There are no tribal lands within the RGP area, and a review of the project area produced no results for protected tribal resources. No request for consultation was received from tribal governments during the public notice comment period.

12.5 Section 401 of the Clean Water Act – Water Quality Certification (WQC) (33 U.S.C. 1341):

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By letter dated 4 August 2025, the Corps requested general WQC from FDEP under Section 401, Public Law 92-500, 33 U.S.C. Section 1341, for SAJ-86 and provided a 60-day reasonable period of time for the FDEP to act on the request. By letter dated 12 August 2025, the FDEP provided a general grant of WQC for SAJ-86, which included the following condition:

“Prior to construction, activities qualifying for RGP SAJ-86 must receive an Individual Project Approval under Section IX of the St. Joe Ecosystem Management Agreement for Bay County and Walton County, Florida (Bay-Walton Sector Plan).”

The Corps reviewed the WQC in accordance 40 C.F.R. § 121.8. The WQC and condition are in conformance with the requirements in 40 C.F.R. § 121.7 and was received by the Corps within the reasonable period of time. The WQC condition is Condition 13 and is applicable to all activities of the RGP. On 12 August 2025, the Corps provided CWA Section 401(a)(2) notification to the EPA per 40 C.F.R. § 121.12 for their review of potential effects to neighboring jurisdictions. By email dated 20 August 2025, EPA stated that they will not issue a “may affect” determination pursuant to CWA Section 401(a)(2). This concluded the WQC process.

12.6 Section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 USC 1456(c)) (CZMA):

By letter dated 4 August 2025, the Corps applied to the State of Florida for Coastal Zone Consistency Concurrence under Sections 380.23 and 373.428, F.S., and Section 307 of the federal Coastal Zone Management Act (16 U.S.C. 1456) and 15 C.F.R. 930 for SAJ-86. By letter dated 12 August 2025, the FDEP provided CZCC for SAJ-86 with the following condition:

“Prior to construction, activities qualifying for RGP SAJ-86 must receive an Individual Project Approval under Section IX of the St. Joe Ecosystem Management Agreement for Bay County and Walton County, Florida (Bay-Walton Sector Plan).”

The FDEP provided the following informational statement: “The Corps under C.F.R 325.2(b)(2) may presume Coastal Zone Management consistency for the above exempt activities by operation of s 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under chapter 253, F.S. and, as applicable, chapter 258, F.S. and the rules F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this RGP before the applicable

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SSL authorization is granted.” The CZCC condition is Condition 21 of the RGP. This concluded the CZCC process.

12.7 Wild and Scenic Rivers Act: (Only applies to portions of Loxahatchee and Wekiva Rivers in Florida)

Is the project located in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system? No

12.8 Effects on Federal Projects (33 USC 408):

Does the project require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because of potential for modifications to a federal project? When applicable.

Authorization under Section 14 of the Rivers and Harbors Act of 1899, (33 U.S.C. § 408) (Section 408) provides that the Secretary of the Army, on recommendation of the Chief of Engineers, may grant permission for the alteration, occupation, or use of a public work in certain circumstances so long as the alteration, occupation, or use is not injurious to the public interest and would not impair the usefulness of the existing Corps project. Because the SAJ-86 authorizes activities within and adjacent to the right of way for the ICW, approval pursuant to Section 408 may also be necessary. The RGP area lies within the Corps Mobile District’s civil works area of responsibility for Section 14 of the RHA. Extensive coordination with the Mobile District concerning potential impacts to Corps projects led to the development of a special condition which is included in the RGP and would require case specific review and, if applicable, approval in accordance with 33 U.S.C. § 408 prior to verification.

13.0 Terms and Conditions:

13.1 Project Design Criteria required to qualify for verification under SAJ-86:

(Please note, references to Exhibits in this Section refer to Permit Exhibits.)

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

a. Impacts to altered wetlands shall not exceed 20% of the total altered

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

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

(1) An individual project impacts only 15% of the altered wetlands in the project site and the remaining on-site wetlands are preserved through a conservation easement. A subsequent project owned by the same applicant within that sub-basin may impact more than 20% of the altered wetlands in the project site, as long as the total impact to altered wetlands within the sub-basin does not exceed 20%.

(2) An individual project impacts 30% of the altered wetlands on the project site. As a part of the project, the applicant must provide an offsite area within the sub-basin (in this case, an area equivalent to 10% of the altered wetlands on the site) to be preserved through a conservation easement so as not to exceed the maximum 20% impact to altered wetlands for all approved projects within the sub-basin.

c. Impacts to high quality wetlands:

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

(2) The aggregate total filling or clearing of high quality wetlands within the RGP area shall not exceed 125 acres for this permit instrument.

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(3) The first preference for new road crossings of high quality wetlands and associated waters of the United States, will be at existing silviculture road crossings. Road crossings at locations other than existing silviculture crossings are allowed if the crossing is designed and constructed to minimize impacts.

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

Rationale: Compliance with the Public Interest Review Criteria under 33 CFR 320.4 and Section 404(b)(1) Guidelines under the Clean Water Act (40 CFR 230 et seq.).

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

Rationale: Compliance with the Public Interest Review Criteria under 33 CFR 320.4 and Section 404(b)(1) Guidelines under the Clean Water Act (40 CFR 230 et seq.).

3. High Quality Wetland Buffers: Buffers will be required around all high quality wetlands in individual project sites. Except at road crossings, buffers adjacent to high quality wetlands shall be an average of 50 feet wide, with a minimum 30-foot width. Buffers shall be placed under conservation easement, which must substantially comply with the conservation easement instrument template included in permit Exhibit 4.

Rationale: Compliance with the Public Interest Review Criteria under 33 CFR 320.4 and Section 404(b)(1) Guidelines under the Clean Water Act (40 CFR 230 et seq.).

4. No discharge of dredged or fill material is allowed that would sever hydrologic connection in high quality wetlands.

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Rationale: This PDC ensures minimization of secondary and cumulative impacts in compliance with Section 404(b)(1) Guidelines under the Clean Water Act (40 CFR 230 et seq.).

5. Discharge of dredged or fill material may sever hydrologic connection in altered wetlands; however, the altered wetlands severed by the discharge are treated as impacted wetlands for purposes of this RGP. The required 4:1 preservation to impact ratio for altered wetland impacts must be met, and compensatory mitigation must be provided for the area of altered wetlands within the severed area.

Rationale: This PDC ensures minimization of secondary and cumulative impacts in compliance with Section 404(b)(1) Guidelines under the Clean Water Act (40 CFR 230 et seq.).

6. Proposed projects must include appropriate compensatory mitigation to replace functions lost as a result of permitted impacts in accordance with the following:

a. Compensatory mitigation consistent with the 2008 Mitigation Rule for individual project wetland impacts may be satisfied using:

(1) Federal mitigation bank credits from approved mitigation banks.

(2) Permittee-responsible mitigation within designated conservation units in accordance with a mitigation plan approved by the Corps.

(3) Onsite permittee-responsible mitigation in accordance with a mitigation plan approved by the Corps.

b. Mitigation for projects within the Lake Powell basin must be consistent with the 2008 Mitigation Rule and in accordance with a mitigation plan approved by the Corps, and may be accomplished by either:

(1) Permittee-responsible mitigation within the project site.

(2) Permittee-responsible mitigation within a designated conservation unit within the Lake Powell basin.

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c. The Corps on a case-by-case basis may approve compensatory mitigation projects located within the conservation units or within individual project sites in accordance with the 2008 Mitigation Rule. Conservation easements shall be placed over areas on which compensatory mitigation projects are located, in the form of Exhibit 4. The activities as described within Exhibit 4 are allowed within compensatory mitigation project areas within conservation units or within individual project sites, unless otherwise prohibited or modified by the specific compensatory mitigation plan for the site.

d. For compensatory mitigation credits and debits defined in terms of functional units using the UMAM assessment method, each acre of impact to altered wetlands shall be valued at 0.53 FU, and each acre of impact to high quality wetlands shall be valued at 0.87 FU. For mitigation bank credits and debits that were previously defined in terms of functional units using the WRAP assessment method, each acre of impact to altered wetlands valued at 0.65 FU, and each acre of impact to high quality wetlands valued at 0.92 FU.

e. Compensatory mitigation will occur prior to or be implemented concurrent with permitted impacts.

f. Compensatory mitigation required for projects authorized by this RGP will be maintained in perpetuity in the enhanced/restored ecological condition, as described in the individual project's compensatory mitigation plan, which must meet the requirements in 33 CFR 332.4(c)(2) through (14).

Rationale: This special condition ensures that the permit clearly outlines the approved compensatory mitigation plan consistent with the 2008 Final Mitigation Rule, specifically 33 CFR 332.4(c)(2) through (14).

7. Conservation units:

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

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

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c. As part of individual project authorizations under the RGP, perpetual conservation easements shall be placed on portions of conservation units equal to the percentage of the total acreage of approved projects in each sub-basin. Conservation Easements placed within CUs shall be recorded using the form in Exhibit 5, with proof provided to the Corps within 6 months of commencement of project construction.

To determine the acreage of the conservation units that must be placed under an easement for each individual project authorization:

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

d. The Principles of Forestry Management Plan (Exhibit 27) shall be utilized for all land management practices, as required in the FDEP EMA.

e. St. Joe must ensure that conservation easements are placed on sold or transferred conservation unit parcels prior to transfer.

Rationale: Compliance with the Public Interest Review Criteria under 33 CFR 320.4 and Section 404(b)(1) Guidelines under the Clean Water Act (40 CFR 230 et seq.).

8. Conservation easements (CEs): There are 2 types of CEs recorded within the RGP area. CEs placed on lands within CUs have different allowable uses than CEs on lands outside of CUs. PDC 7 above discusses CUs and their CE requirements. This section addresses the placement of all other conservation easements, as required by this RGP.

a. Perpetual CEs will be placed on all unimpacted wetlands on each project site; and will include any required buffers. CEs must be in place prior to commencing any activities authorized by this RGP or according to the timeframe specified in the approval. The easement shall be in the form of Exhibit 4.

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b. Perpetual CEs will be placed on areas within the subbasin, but outside of the CUs to compensate for individual project impacts greater than the allowed ratio. The easement shall be in the form of Exhibit 4.

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

Rationale: Pursuant to 33 CFR 332.7, mitigation areas must be provided long-term protection through real estate instruments or other available mechanisms, as appropriate.

9. Wetland Identification: For the purposes of this RGP, in order to establish one wetland line for impacts on all individual project verifications, the identification and delineation of wetlands is the most landward line identified in accordance with the Corps of Engineers Wetlands Delineation Manual (1987) and the Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Atlantic and Gulf Coastal Plain Region (2010)) or the State of Florida methodology prescribed in Chapter 62-340, F.A.C. Wetland boundaries may be identified using aerial photo-interpretation (API) and ground-truthing, and, if necessary, mapped using the Global Positioning System (GPS) and other Geographical Information System (GIS) mapping techniques. In much of the project area, historical aerial photography will be used to obtain pre-pine plantation wetland community signatures. A documented field verification based on ground-truthing with flagged wetland delineation lines, will be required.

Rationale: Compliance with the Public Interest Review Criteria under 33 CFR 320.4 and Section 404(b)(1) Guidelines under the Clean Water Act (40 CFR 230 et seq.).

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

Rationale: Compliance with the Public Interest Review Criteria under 33 CFR 320.4 and Section 404(b)(1) Guidelines under the Clean Water Act (40 CFR 230 et seq.).

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13.2 Pre-Application Notification and Application Procedures:

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

- a. Scope of the project - Type of project and how it comports with activities authorized by the RGP.
- b. Location / project boundaries - Exhibits showing general project location within the project area boundaries and specific location (1"=200' or other appropriate scale).
- c. Proposed impacts. The number, type, location, and acreage of all impacts to waters of the United States, as well as drawings and other exhibits that sufficiently depict that the proposed project fully complies with this RGP. Under current guidance, the Preliminary Jurisdictional Determination form provided in Exhibit 19 may be utilized for each Individual Project Approval under this RGP. Atlantic and Gulf Coastal Plain Region data forms should be submitted with the draft application prior to the formal pre-application meeting.
- d. Maps of high quality and altered wetlands onsite. The existing high quality/altered wetland map shall be used as a starting point for delineation of altered versus high quality wetlands (Exhibit 2). During or after wetland boundaries have been established, the resulting wetland areas will be classified and mapped by quality, as defined above. The procedure will use a combination of GPS technology, visual inspection of photography, timber stand data and ground-truthing.

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

f. Compensatory Mitigation: Applicant must provide documentation that the project complies with PDC 6 above.

g. Reticulated flatwoods salamander (*Ambystoma bishopi*): A site evaluation for the reticulated flatwoods salamander shall be performed and documented through completion of the RGP-86 Flatwoods Salamander Pre-application Evaluation (Exhibit 20). The completed site evaluation shall be provided at the pre-application meeting.

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

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

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

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

k. Documentation of coordination by the applicant with the State Historic Preservation Officer (SHPO) regarding potential impacts on cultural and historical resources associated with a project is required. When a Cultural Resource

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Assessment Survey (CRAS) has been conducted, SHPO's written response to the report shall be included with the applicant's coordination documentation.

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

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

13.3 Condition requirements

Are special conditions required to ensure minimal effects, ensure the authorized activity is not contrary to the public interest and/or ensure compliance of the activity with any of the laws above? Yes

The following special conditions are included to ensure compliance with the permit, to protect endangered species and historic properties, to ensure adherence to water quality standards, and to ensure the utilization of BMPs during project activities.

13.4 Conditions

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

a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

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Rationale: This special condition is included in all Department of the Army permits and is required to ensure Corps oversight of the project (33 CFR 325, App. A, and 325.4 Conditioning of Permits).

2. Cultural Resources/Historic Properties:

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

b. If, during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with native cultures or early colonial settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps at the addresses listed in the Reporting Address Special Condition within the same business day (8 hours). The Corps shall coordinate with the SHPO to assess the significance of the discovery and devise appropriate actions.

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition and, if deemed necessary by the SHPO or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease, and the Permittee shall immediately notify the medical examiner, Corps, and State Archaeologist

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within the same business day (8-hours). The Corps shall then notify the appropriate SHPO. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the SHPO and from the Corps.

Rationale: Compliance with Section 106 of the National Historic Preservation Act (NHPA), or is implementing regulation (36 CFR part 800), 33 CFR 325, App. A, and 325.4 Conditioning of Permits.

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

Rationale: Avoidance and Minimization measure to prevent the displacement of fill into waters of the United States and ensure stabilization of all exposed soils during and after construction so as to not cause unauthorized impacts to waters of the United States. This condition is necessary to ensure that contaminated material is not placed within waters of the U.S. (33 CFR 325.4(a)(3), 40 CFR 230 et seq.)

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

Rationale: Compliance with Section 404(b)(1) of the CWA (40 CFR 1500 et seq.; 40 CFR 230 et seq.)

5. Onsite Wetlands and Offsite Preservation Areas: All unimpacted onsite wetlands and offsite preservation areas must be placed under a conservation easement substantially in the form of the template included in Exhibit 4.

Rationale: Compliance with the Public Interest Review Criteria under 33 CFR 320.4 and Section 404(b)(1) Guidelines under the Clean Water Act (40 CFR 230 et seq.).

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6. Offsite Preservation Location: Locations outside of an individual project boundary may be approved for use as the required preservation for a project. These offsite preservation locations must be abutting a designated Conservation Unit or existing preservation area and must consist of a mosaic of upland and altered and high quality wetlands. See PDC 1.b.2 for an example of an offsite preservation scenario. Offsite preservation locations must be placed into conservation easement in the form of Exhibit 4.

Rationale: Compliance with the Public Interest Review Criteria under 33 CFR 320.4 and Section 404(b)(1) Guidelines under the Clean Water Act (40 CFR 230 et seq.).

7. Buffers: Buffers will be required around all high quality wetlands within a project site. Except at road crossings, buffers adjacent to high quality wetlands shall be an average of 50 feet wide, with a minimum 30-foot width. Buffers shall be placed under conservation easement, using the form in Exhibit 4. All buffers, whether upland or wetland, will be preserved and maintained in a natural condition, except boardwalks for dock access and at-grade trails. Buffers may be enhanced or restored to a more natural condition. Application of fertilizers, herbicides, or pesticides is prohibited in all buffers, except for the use of herbicides for the eradication of exotic and invasive plants.

Rationale: Compliance with the Public Interest Review Criteria under 33 CFR 320.4 and Section 404(b)(1) Guidelines under the Clean Water Act (40 CFR 230 et seq.).

8. Crossings: For each crossing proposed at a point where no previous crossing existed, an existing silviculture road crossing within the sub-basin must be removed and the wetland connection restored. Restoration in this section is defined as re-establishment of natural soil surface grades and natural re-vegetation. Restoration activities must occur no later than February 15th of each year following the date of the initiation of construction of the new crossing. Projects authorized 45 days prior to February 15th may be completed by the following year. Once all existing silviculture crossings have been restored within a particular sub-basin this requirement shall lapse.

Rationale: See Sections 1.2 for an explanation of crossing requirements and discussion in Section 9.1.2, 10.1.1, Section 11, and PDC 1 above. This condition ensures compliance with Public Interest Review Criteria under 33 CFR 320.4 and Section 404(b)(1) Guidelines under the Clean Water Act (40 CFR 230 et seq.). The

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reporting deadline of February 15 allows for time to complete end-of-year restoration activities and fulfill subsequent reporting requirements.

9. Conservation Easements:

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

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

c. 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 or mitigation. Any existing liens or encumbrances on the property must be subordinated to the conservation easement. At the time of recordation of the conservation easement, a copy of a title insurance policy written in favor of the DEP must be provided to the Corps in an amount equal to the current market value of the property.

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

e. Grantee shall not assign its rights or obligations under a conservation easement except to another organization qualified to hold such interests under the applicable state and federal laws, including §704.06 Florida Statutes, and committed to holding the conservation easement exclusively for conservation purposes. The Grantee shall notify the Corps in writing of any intention to reassign the conservation easement to a new grantee and must approve

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selection of the grantee. The new grantee must accept the assignment in writing and deliver a copy of the acceptance to the Corps. The conservation easement must then be re-recorded and indexed in the same manner as any other instrument affecting title to real property, and a certified copy of the recorded conservation easement shall be furnished to the Corps.

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

g. The required conservation unit acreages must be placed under conservation easement within 6 months from the date of issuance of individual project approval. Conservation easements in Conservation Units shall use the form in Exhibit 5.

Rationale: Pursuant to 33 CFR 332.7, mitigation areas must be provided long-term protection through real estate instruments or other available mechanisms, as appropriate.

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

- a. The total acreage of impact approved.
- b. The location and acreage of any mitigation activity undertaken.
- c. The number and acreage of conservation easements recorded. Conservation easements for projects authorized 45 days prior to February 15th may be recorded in the following year.
- d. Conservation units conveyed to other owners.
- e. The number and location of high quality wetland road crossings restored.
- f. Activities undertaken within conservation units including the total number of acres of land disturbance.

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g. Other activities that may impact this RGP.

Rationale: Pursuant to 33 CFR 332.6, the Permittee must monitor compensatory mitigation sites to determine if the project is meeting its performance standards. The submission of monitoring reports to assess the development and condition of the mitigation is required. Pursuant to 33 CFR 332.6(b), a monitoring period that is sufficient to demonstrate that the mitigation project has met performance standards is required and shall not be less than 5 years. For any authorizations within the RGP area that are not obtained by St Joe, the Corps shall provide St Joe the information to include in their annual report.

11. **Ledger:** The St. Joe Company will maintain a GIS-based ledger and map depicting the amount, type and percentage of wetland impact and mitigation implemented in the EMA area. The Corps will provide The St. Joe Company with information regarding the amount, type and percentage of wetland impact and mitigation implemented in areas not owned by The St. Joe Company. Updated ledger balance sheet shall be submitted with each individual request for project approval. The ledger shall include the following by sub-watershed:

- a. Total high quality and altered wetlands in the EMA area.
- b. Total project size - uplands and wetlands total.
- c. Project impacts - high quality and altered wetlands amount and percent of total.
- d. Mitigation required and location.
- e. Cumulative project impacts (acreage total and percentage).
- f. Total high quality and altered wetlands remaining in the EMA area.

Rationale: Pursuant to 33 CFR 332.6, the Permittee must monitor compensatory mitigation sites to determine if the project is meeting its performance standards. The submission of monitoring reports to assess the development and condition of the mitigation is required. Pursuant to 33 CFR 332.6(b), a monitoring period that is sufficient to demonstrate that the mitigation project has met performance standards is required and shall not be less than 5 years. For any authorizations within the RGP

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area that are not obtained by St Joe, the Corps shall provide St Joe the information to include in their annual report.

12. Sale of Conservation Units: Prior to the sale or transfer of a conservation unit to a governmental entity or 501(c)(3) non-governmental organization, the St. Joe Company shall place conservation easements on such property to assure the perpetual conservation use of the conservation units. The perpetual conservation easement shall be in the form of Exhibit 5. Within seven days of conveyance of any portion or interest of a conservation unit, The St. Joe Company shall provide a complete copy of the RGP, including the U.S. Fish and Wildlife Service's (FWS) revised Biological Opinion (BO) dated March 3, 2005, and the re-issued BO letter dated May 19, 2009 (Exhibit 25) to the new owner. Within fourteen days of any such conveyance The St. Joe Company will provide a letter signed by the appropriate representatives of The St. Joe Company and the new owner to the Corps stating that the exchange has taken place.

Rationale: Pursuant to 33 CFR 332.7, mitigation areas must be provided long-term protection through real estate instruments or other available mechanisms, as appropriate.

13. Biological Opinion: This RGP does not authorize the take of an endangered species. In order to legally take a listed species, separate authorization under the Endangered Species Act (ESA) is required (e.g., an ESA section 10 permit, or a biological opinion (BO) under ESA section 7, with "incidental take" provisions with which permittees under this RGP must comply). The enclosed FWS's revised BO dated March 3, 2005, and the re-issued BO letters dated May 19, 2009 and November 5, 2025, contain mandatory terms and conditions to implement the reasonable and prudent measures that are associated with the "incidental take" that is specified in the BO (Exhibit 25). Authorization under this RGP is conditional upon your compliance with all of the mandatory terms and conditions associated with incidental take of the attached BO, which terms and conditions are incorporated herein by reference. Failure to comply with the terms and conditions associated with incidental take of the BO, where a take of the listed species occurs, will constitute an unauthorized take, and will also constitute non-compliance with this RGP. The FWS is the appropriate authority to determine compliance with the terms and conditions of its BO, and with the ESA.

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Rationale: Required pursuant to Section 7 of the ESA for either NMFS or FWS, in accordance with the Biological Opinion dated 19 May 2009.

14. Proposed species and critical habitat: If any species or critical habitat should become federally listed within the range of the permitted action, the Permittee is required to stop work and ask the Corps to re-evaluate effects on the species or designated critical habitat, and if needed, complete Section 7 consultation with the United States Fish and Wildlife Service or National Marine Fisheries Service to address potential impacts to the species and/or designated critical habitat.

Rationale: Required to ensure compliance with ESA Section 7 and 50 C.F.R. 402.16(a) in the event a proposed species/critical habitat listing should become final and the Corps still maintains discretionary control or authority over aspects of a permit action.

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

- a. A plan view drawing of the location of the authorized work footprint, as shown on the permit drawings, with transparent overlay of the work as constructed in the same scale as the permit drawings on 8½-inch by 11-inch sheets. The plan view drawing should show all "earth disturbance," including wetland impacts and water management structures.
- b. A list of any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the attached "As-Built Certification by Professional Engineer" form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or "As-Built Certification by Professional Engineer" form does not constitute approval of any deviations by the Corps.
- c. Include the Department of the Army permit number on all sheets submitted.

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Rationale: This special condition provides confirmation the project was constructed as permitted. Required to ensure Corps oversight of the project (33 CFR 325, App. A, and 325.4 Conditioning of Permits)

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

Rationale: Implementing regulations and policies pertaining to Regulatory permitting require the evaluation of proposed activities and their compatibility with the purposes of a federal project. The Section 408 analysis provides information relating to an activities' compatibility with the purposes of a federal project for Regulatory purposes. This special condition is required pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C 408), as well as Engineering Circular 1165-2-220, Director's Policy Memorandum 2018-10, 33 CFR 320.4(g)(5), and CESAJ SOP No. 1145-2-3 dated 6 July 2020.

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

- a. Construction or placing buildings, roads, signs, billboards or other advertising, utilities or other structures on or above the ground
- b. Dumping or placing soil or other substances or materials as landfill or dumping or placing of trash, waste or unsightly or offensive materials

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c. Removing, destroying or trimming trees, shrubs, or other vegetation, except the following: Removing, destroying or trimming trees, shrubs, or other vegetation, except the following: The removal of dead trees and shrubs or leaning trees that could cause damage to property is authorized; the destruction and removal of noxious, nuisance or exotic invasive plant species as listed on the most recent Florida Exotic Pest Plant Council's List of Invasive Species is authorized; and activities authorized by the Permit or described in the Management Plan or otherwise approved in writing by the Corps.

d. Excavation, dredging or removal of loam, peat, gravel, soil, rock, or other material substance in such a manner as to affect the surface

e. Surface use, except for authorized purposes that permit the land or water area to remain in its naturally restored, enhanced, or created condition

f. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation, including, but not limited to, ditching, diking, clearing, and fencing

g. Activities or uses detrimental to such aforementioned retention of land or water areas in their naturally restored, enhanced, or created condition; and Acts or use detrimental to the preservation of the structural integrity or physical appearance of sites or properties having historical, architectural, or cultural significance.

Rationale: Pursuant to 33 CFR 332.4, long-term site protection is required for mitigation sites and must be provided through real estate instruments, or available mechanisms, as appropriate considering legal constraints. The Mitigation Rule recognizes situations may occur where it is not possible or feasible to require site protection through traditional real estate or legal instruments, and in these cases, permit conditions may be the only option to protect the site in perpetuity. (19594-01, 19646 (April 10, 2008)).

18. 40 CFR 121.7(d) Condition of General Water Quality Certification: Prior to construction, activities qualifying for RGP SAJ-86 must receive an Individual Project Approval under Section IX of the St. Joe Ecosystem Management Agreement for Bay County and Walton County, Florida (Bay-Walton Sector Plan).

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Rationale: Compliance with 40 CFR 121.7(d) Condition of General Water Quality Certification requirements.

19. 15 CFR 930.4(a)(1) Florida Coastal Zone Management Program: Prior to construction, activities qualifying for RGP SAJ-86 must receive an Individual Project Approval under Section IX of the St. Joe Ecosystem Management Agreement for Bay County and Walton County, Florida (Bay-Walton Sector Plan).

Rationale: Compliance with 15 CFR 930.4(a)(1) Florida Coastal Zone Management Program Requirements.

14.0 Findings and Determinations:

14.1 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.

14.2 Presidential Executive Orders (EO):

14.2.1 EO 11988, Floodplain Management: Alternatives to location within the floodplain, minimization and compensatory mitigation of the effects were considered above.

14.2.2 EO 13112, Invasive Species: Management of invasive and exotic plant species would be required by the management plan for the conservation units and by the mitigation banking instruments for the mitigation banks. The use of herbicides would be prohibited in all lands preserved under SAJ-86, except when used for control of exotic and invasive plant species.

14.2.3 EO 13212 and EO 13302, Energy Supply and Availability: The project would not increase the production, transmission, or conservation of energy, or strengthen

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pipeline safety.

14.2.4 EO 14156, National Energy Emergency: The action is not one that meets the definitions for the purpose of the order.

14.2.5 EO 14241, American Mineral Production as amended by EO 14261: The action is not one that meets the definitions for the purpose of the order.

14.3 Findings of No Significant Impact: 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.

14.4 Compliance with the Section 404(b)(1) Guidelines: Having completed the evaluation above, I have determined that the proposed discharge complies with the 404(b)(1) guidelines.

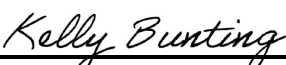
14.5 Public interest determination: Having reviewed and considered the information above, I find that the proposed project is not contrary to the public interest. The permit will be issued with appropriate conditions included to ensure

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minimal effects, ensure the authorized activity is not contrary to the public interest and/or ensure compliance of the activity with any of the authorities identified in Section 12.

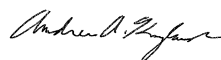
PREPARED BY:



Kelly A. Bunting
Project Manager

Date: 5 November 2025

REVIEWED BY:



Andrew A. Kizlauskas
Chief, North Permits Branch

Digitally signed by Andrew A. Kizlauskas
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Date: _____

APPROVED BY:

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For Brandon L. Bowman
Colonel, EN
Commanding

Date: _____