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SUBJECT: Department of the Army Environmental Assessment and Statement of Finding for the Authorization of Regional General Permit SAJ-114 (SAJ-2015-03038)

## MEMORANDUM FOR RECORD

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

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

**1.0 Permit Considered for Authorization:** Regional General Permit (RGP) SAJ-114 authorizes the discharge of dredged or fill material into jurisdictional non-tidal waters of the United States (referred to as wetlands from this point forward) for the construction of residential, commercial, recreational and institutional projects, and their components, which comprise and are necessary for the construction, use and maintenance of such projects. Project components may include, but are not limited to, roads, parking lots, garages, yards, utility lines, temporary construction facilities, and stormwater management facilities. In addition, project components may also include temporary construction facilities necessary to support the project. Examples of residential projects include single-family homes, and multiple and single unit developments. Examples of commercial projects include retail stores, light industrial facilities (which means business activity such as commercial distribution, assembly, or manufacturing processes with no primary use of raw materials), research facilities, warehouses, distribution facilities, hotels, restaurants, business parks, and shopping centers. Examples of recreational projects include playgrounds, playing fields, golf courses, hiking trails, bike paths, horse paths, stables, nature centers and campgrounds. Examples of institutional projects include schools, fire stations, governmental office buildings, roads, judicial buildings, public works buildings, libraries, hospitals, and places of worship. This permit applies only to the portions of Walton County and Bay County, Florida, as depicted on the SAJ-114 Boundary Map.

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 (15 November 2015)

Regional General Permit SAJ-105 and supporting Environmental Assessment and Statement of Findings (2 November 2015)

1.2 Background:

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RGP SAJ-114, and the Florida Department of Environmental Protection's (DEP) proposed corresponding Ecosystem Management Agreement (EMA) with The St. Joe Company (St. Joe), were cooperatively developed by an interagency team (the team) of representatives from the U.S. Army Corps of Engineers (Corps), U.S. Fish and Wildlife Service (FWS), U.S. Environmental Protection Agency (EPA), Florida Department of Environmental Protection (DEP), Florida Fish and Wildlife Commission (FWC), and St. Joe to address existing and anticipated developmental pressures within certain portions of the Bay-Walton Sector Plan (BWSP) area. The BWSP area encompasses approximately 110,500 acres in Bay County and Walton County, Florida. Three Regional General Permits were 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 and discussed at the watershed level. Measures have been incorporated into the general permit document that provide protections while also increasing predictability in the application review process. The effort to develop RGP SAJ-114 and DEP's EMA with St. Joe was modeled on the development of RGP SAJ-86, and the DEP's first EMA (EMA 1) with St. Joe, and RGP SAJ-105 and the corresponding DEP EMA 2. SAJ-86 was issued on 30 June 2004 and was renewed on 23 June 2009. SAJ-86 encompasses an area of approximately 48,150 acres, lying south of the Gulf Intracoastal Waterway (GIWW) in Bay County. SAJ-105 was issued on 12 November 2015 and is centered around the Northwest Florida Beaches International Airport, and consists of approximately 43,977 acres. SAJ-114 is the third and final component and encompasses 41,585 acres north of Highway 98 and west of Highway 79 in Bay County and Walton County.

Development of SAJ-114, in combination with SAJ-86 and SAJ-105, is the culmination of a comprehensive, watershed based approach to proactively address expected development within the BWSP area. If SAJ-114 is issued, all of the BWSP area will be encompassed within the three RGPs.

During development of SAJ-114, the team used the various processes and regulatory mechanisms developed for RGP SAJ-86 and RGP SAJ-105 and the DEP's EMAs with St. Joe, as templates for the RGP SAJ-114 area. The team modified, improved, and augmented those processes and mechanisms, as needed to address area-

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specific issues. The team defined and evaluated a series of issues including wetland delineation, wetland functional quality, identification of permitting and mitigation sub-watersheds, conservation units, indirect and cumulative impacts, impact assessment, impact amounts, types of impacts, impact clustering, land use, mitigation, buffers, storm water treatment, federally endangered and threatened species, and state listed species. The team conducted numerous issue specific meetings, and extensive field evaluations and inspections regarding various aspects of the proposed RGP and EMA, including evaluation of wetland functional assessments, flatwoods salamander habitat assessments, field verification of GIS data, and development of the management plan for conservation units.

SAJ-114 was developed to provide a predictable permit review and consistent outcomes for applicants while providing protections of important ecological resources in a rapidly developing area in northwest Florida. Development of the permit instrument and included requirements involved cooperative efforts of a team of state and federal permitting and resource agencies. During development, potential impacts to endangered species, historic properties and wetlands as well as potential avoidance and minimization and compensatory mitigation measures were evaluated and special conditions were included to reduce and minimize those impacts.

Avoidance and minimization measures include restrictions on the cumulative amount of impacts allowed within the permit boundary area (23% of low quality wetlands or no more than 973 acres, and no more than 108.42 acres (less than 1%) of high quality wetlands within the permit boundary area), and inclusion of 7,614 acres, or 18% of the total land area within the RGP area, within 12 conservation units that will be managed to provide habitat and environmental / ecological functions within the permit boundary. Conservation units (CU) will be divided between Type I and Type II conservation units and will be protected by conservation easements that limit the type of activities allowed within each type of CU. Type I CUs include higher quality wetlands and habitats and are protected by more restrictive conservation easements. Type II CUs are less restrictive and allow some development activities including road and bridge crossings and recreational activities. Conservation Units are further described in Section 9.1.1 of this document.

**2.0 Location:** The proposed RGP is limited to non-navigable and non-tidal waters of the United States, including non-tidal wetlands, which are located in the West Bay and Choctawhatchee Bay watershed within Bay County and Walton County, Florida. The RGP project area encompasses approximately 41,585 acres, including approximately 28,327 acres owned by St. Joe. The area subject to the proposed

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RGP encompasses portions of the BWSP area. Townships, Ranges and Sections are: T1S R16W S19, 30, 31; T1S R17W S13-17, 19-36; T2S R16W S6-7, 18; T2S R16W S1, 14-16, 18-36; T2S R17W S1-18; T2S R19W S24-26, 36; and T3S R18W S1-6, 11-13, in Bay County and Walton County, Florida.

Latitude and Longitude (Center of RGP Project Area): Latitude 30° 21' 23" N  
Longitude 85° 57' 10" W

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

**4.0 Purpose and Need:**

4.1 Basic: Construction of residential, commercial, recreational and institutional projects.

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

This RGP will simplify and expedite the permit evaluation process for the covered activities. The area covered by the proposed RGP has been experiencing an expansion in population numbers in recent years. With the expansion in the population, comes a demand for commercial, residential and infrastructure development, which often includes proposed impacts to jurisdictional wetlands. The number of applications for Department of the Army permits would increase as a result. Factors such as avoidance, minimization, and compensatory mitigation as well as impacts to endangered species and historic resources have been addressed during development of the permit instrument and would not be required for verification of individual projects that are designed to meet permit requirements of the RGP. The reduction in project specific review process will ensure timely approvals can be granted to projects that singularly and cumulatively have minor impact on the environment.

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Incorporation of the BWSP elements would further reduce impacts to the environment, in particular the aquatic environment, by managing growth on a landscape scale and by protecting areas of regional ecological and cultural significance within the Project Area. Permitted impacts would not exceed 1,081.42 acres, or 2.6% of the overall RGP project area. This proposed RGP along with the established RGP SAJ-86 and RGP SAJ-105 would help protect the ecological values of approximately 134,500 contiguous acres of land over the St. Andrew Bay estuarine system (including West Bay), Choctawhatchee Bay and River, and Lake Powell. The proposed RGP would not only function as an area-wide conservation plan, but would also provide improved predictability and efficiency of the federal wetland permitting program within the Project Area.

## **5.0 Date of Public Notice and Summary of Comments and Corps Responses:**

5.1 Important Dates: The public notice was issued on 16 August 2016, and disseminated on the electronic distribution system. The public notice was issued with a 52-day comment period to allow at least 30 days for comments to be received after a public meeting was held on 31 August 2016.

5.2 Public notice comments: The Corps has reviewed all of the comments submitted in response to the circulation of the public notice. The Corps has summarized these comments below, with responses indicated in bolded text:

5.2.1 U.S. Environmental Protection Agency (EPA): By letter dated 29 September 2016, the EPA provided the following comments:

5.2.1.1 Special Condition 5: Impacts to wetlands

5.2.1.1.1 5(a)(2)(b) describes an individual project where the applicant could impact greater than 23 percent of altered wetlands onsite so long as they preserve 3.35 acres for every 1 acre of impact elsewhere within the same sub-watershed. In this case, would 23 percent of onsite wetlands require a conservation easement be placed within a CU and the other 77 percent require a conservation easement be placed elsewhere within the same sub-watershed?

**In the example case found in 5(a)(2)(b), the 33.5 acres of preserved altered wetlands would need to be located within the same sub-watershed as the impacts, but outside of conservation units.**

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5.2.1.1.2 5(b)(l) states that Florida Department of Transportation (FDOT) roads can be up to 200 feet wide. The previous width limitations were for clearing and/or filling. Is the 200 feet FDOT limitation for clearing and/or filling or for the road itself with additional roadside disturbance allowed?

**The 200 foot limitation for FDOT roads includes the entire footprint of disturbance associated with the road construction.**

5.2.1.2 Special Condition 12

5.2.1.2.1 Special Condition 12(c) states that land disturbance includes areas covered by impervious surfaces such as roofs, concrete, and asphalt. Land disturbance is prohibited in CUs except those activities allowed by 12(d) and 12(e), neither of which cover removal of existing infrastructure. Would removal of existing infrastructure be allowed in CUs?

**Removal of existing infrastructure would be allowed within the conservation units.**

5.2.1.2.2 5(c) is referenced in 12(d)(8), 12(d)(10), 12(e)(l), and 12(e)(2) for limitations on linear infrastructure. Special Condition 5(c) in SAJ-114 does not discuss limitations for linear projects. Is this reference incorrect? In SAJ-86, Special Condition 5(c) does discuss limitations for linear projects.

**This typo has been corrected.**

5.2.1.3 12(h)(4) allows acreage of CUs conveyed to government entities or non-profits to count toward the acreage required to be placed under conservation easement. This implies that there will not be a legal easement placed over the area. This contradicts 12(i) which requires a conservation easement be placed over the property prior to transfer.

**These conditions are not intended to be exclusive. As required by 12 (j), a conservation easement must be recorded prior to the transfer of property to a governmental entity or non-profit.**

5.2.1.4 The language in 12(i) refers to "l 2(i) above." Should this reference l 2(h)

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instead?

**This typo has been corrected.**

5.2.1.5 It is unclear what the statement" ... Conservation easements in the form of Exhibit 25 shall replace any other conservation easements for CUs used for compensatory mitigation" means in 12(i). Since an easement is not placed over a CU until impacts occur in the sub-watershed, in what case would a Type I or Type II easement be replaced with a mitigation easement? Could this result in "double dipping"?

**This section applies specifically to permittee-responsible compensatory mitigation proposed within CUs where a Type 1 or Type 2 easement has already been recorded. The Exhibit 25 conservation easement template is the most restrictive and appropriate for site protection associated with compensatory mitigation. Under this scenario, compensatory mitigation functional lift would be generated solely from restoration and enhancement activities since the area was already preserved to minimize secondary and cumulative impacts within the RGP area.**

5.2.1.6 Special Condition 13 references 12(i) and 12(j). There is no 12(j) in the special conditions.

**This typo has been corrected.**

5.2.1.7 Projects that do not meet the requirements of the RGP may still be permitted through the Individual Permitting (IP) process. How will areas permitted under an Individual Permit effect the RGP area? Will the RGP acreages be recalculated to exclude the project acreage for the IP? Will impacts through IP count against the impact limitations under the RGP? Will IP impacts within the RGP boundary be included in the annual reports?

**Projects within the RGP area that are authorized through other permit avenues will be included in the ledger and annual reports for SAJ-114.**

5.2.1.8 Devil's Swamp Mitigation Bank

Devil's Swamp Mitigation Bank will be a part of the Devil's Swamp and Poley Islands CUs. The mitigation bank encompasses 3,049.2 acres of the 3,789

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acres in the Devil's Swamp and Poley Islands CUs. Both of the CUs are identified as Type I meaning that the CU can be used for sustainable forestry, recreational trails, linear utilities and infrastructure, and nature centers.

Will the Type I Conservation Easement replace the current conservation easement placed over the bank property? Has the Interagency Review Team (IRT) approved amendments to the Mitigation Banking Instrument (MBI) to allow for Type I activities within the bank footprint? It is the opinion of the EPA that the MBI remain the document governing activities within the mitigation bank unless amendments are made through the IRT.

As projects are authorized through the RGP, conservation easements will be placed incrementally over the CUs. In addition, compensatory mitigation will be required through a mitigation bank or other approved mechanism. The mitigation bank footprint within the CUs should not be used to fulfill the RGP requirement for placing CUs under easement since the mitigation bank will be used to satisfy compensatory mitigation requirements per the Mitigation Rule.

**The Devil's Swamp Mitigation Bank has been removed from the CU and the acreages have been recalculated to reflect this change.**

5.2.2 U.S. Fish and Wildlife Service (FWS): Informal consultation will be required to address potential impacts to listed species.

**Informal consultation was initiated on 29 April 2016 to address potential impacts to 20 species that may be present in the RGP area. On 8 August 2016 the USFWS concurred with the Corps determination that the RGP would have no effect on 17 species, and may affect but would not likely adversely affect 3 species. USFWS requested that during the Individual Project Approval process, if the proposed project is within 1500 feet of a documented potential pond that may provide habitat for reticulated flatwoods salamander, then a re-initiation of consultation with USFWS would occur.**

**A revised Biological Assessment, that included changes to the conservation units, was submitted by the Corps to USFWS on 12 April 2017. Concurrence was received on April 28, 2019.**

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

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5.2.4 State and local agencies: The State Historic Preservation Office requested permit conditions to require coordination of individual projects to insure that no adverse impacts to historic resources occur.

**Permit conditions were added to address impacts to previously undiscovered resources.**

5.2.5 Federally Recognized Tribes: By letter dated 28 October 2016, the Seminole Tribe of Florida indicated that they concur with the requirement for a National Register of Historic Places eligibility criteria determination for unevaluated sites within the APE. Additionally, they requested that they be provided with copies of any reports generated to satisfy this requirement.

**A permit condition was added to address these concerns.**

5.2.6 Individual(s) and Organized Groups: The Defenders of Wildlife and 1000 friends of Florida in a letter date 28 September 2015 stated the following:

5.2.6.1 Long delays before sensitive ecological areas are conserved and easements monitored.

We are concerned that wetlands and other sensitive ecological areas slated for conservation within Conservation Units may not be protected for decades. The EMA calls for the St. Joe Company to mitigate for environmental impacts by dedicating conservation easements over lands set aside in Conservation Units, but these dedications will not be granted until adjacent site development plans are approved. Because the build out of the Sector Plan is stretched over 50 years, it may be decades before some areas are put under easement and a third-party easement holder would be able to legally enforce management and use restrictions in these Conservation Units. Having a third-party conservation easement holder is necessary to ensure the conservation values for which these lands were set aside are protected from being slowly degraded by commercial use of natural resources and inadequate restoration. We recommended that all lands designated for conservation be placed in conservation easements upon approval of the EMA and RGP.

Additionally, we are concerned that the agencies or organizations which eventually receive the conservation easements from St. Joe may not have sufficient resources to monitor, manage and steward the extensive number of acres being placed under easement. Enforcement of easement provisions may be made more difficult as most of the easement lands will be adjacent to

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and potentially encroached upon by development which is only required to have minimal buffers. We recommend that the St. Joe Company establish an endowment or funding mechanism to fund the monitoring, management and stewardship of these conservation easements to ensure that these lands retain their conservation values for which they were set aside. Creating an endowment or funding mechanism is a common practice when conservation easements are donated to non-profit land trusts.

**CUs are a critical aspect of the SAJ-114 watershed approach to minimize secondary and cumulative impacts associated with projects authorized under the RGP. Upon issuance of the RGP, the conservation units are subject to preservation and the allowable uses identified within the RGP. Forestry management within the CUs is required to be conducted through sustainable forestry, uneven age management regimes and best management practices, in accordance with, and as defined in the *Principles for Forest and Wildlife Management of Conservation Units within the Bay-Walton Ecosystem Management Agreement and RGP SAJ-114*. The Corps has determined that the progressive placement of conservation easements over CUs commensurate with corresponding impacts is the most equitable and practicable method of preservation. All conservation easements utilized under SAJ-114 will be granted to DEP. These conservation easements are typical of those already required by the Corps and DEP for the preservation of uplands and wetlands and include governing principles and standards, as to the activities that may occur within these areas. These easements typically do not require endowments or other funding mechanisms for monitoring, management, and stewardship unless they are associated with compensatory mitigation.**

#### 5.2.6.2 Inadequate protection of listed species

The biological assessment reports that field work was completed only for the Reticulated flatwoods salamander. The biological assessment claims this project "may affect, not likely to adversely affect" gopher tortoises, eastern indigo snakes and other listed species since their habitats were destroyed by silviculture of the site for past 40 years, but without field surveys documenting their absence this is only speculation. Additionally, neither the EMA nor RGP commits the St. Joe Company or other developer to do anything beyond following FWC guidelines and providing "placards and posters" to inform construction crews. We recommend that thorough field surveys be conducted

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by the Florida Natural Areas Inventory to determine occurrences and potential impacts to gopher tortoises, eastern indigo snakes and other threatened and endangered species which the EMA identified as potentially occurring within the Conservation Units.

**The Biological Assessment (BA) submitted by the Corps to the USFWS was reviewed by the FFWC, USACE, FDEP, and private sector biologists. The BA documented all federally listed species, other listed species and USFWS-designated critical habitat that could occur within the Action Area. The BA identified the proposed action activities that have the potential to impact, either beneficially or adversely, the documented listed species, satisfying Section 7(a)(2) of the Endangered Species Act. The BA also determined and quantified, to the extent possible, what effects the activities would likely have on the listed species, and assessed conservation measures and strategies appropriate and necessary for the avoidance and minimization of impacts. Twenty species were reviewed as part of the BA, including indigo snakes and state listed gopher tortoises. Onsite inspections of potential suitable habitat for these species were conducted in January and February 2016. The placards and posters are part of the USFWS Standard Protection Measures for indigo snakes and used throughout Florida for projects that may contain habitat for that species. In addition, the Individual Project Approval (IPA) includes checklist items and requirements to show compliance with SAJ-114 which include project site specific surveys for listed species.**

#### 5.2.6.3 Other Comments:

5.2.6.3.1 The RGP (page 2) states, “The 23% calculation is the equivalent of a 3.35:1:00 (77/33) preservation to impact ratio on an area basis.” The correct ratio to equal 100 percent is 77/23.

**This typo has been corrected.**

5.2.6.3.2 The RGP (page 4) and EMA (page 26/15) states restoration of road crossings of high quality wetlands is to be “defined as re-establishment of natural soil surface grades and natural re-vegetation is being allowed to occur no later than the 365th day following the date of the initiation of construction of the new crossing”. The RGP should require proactive restoration by planting

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native vegetation as volunteer regrowth is more readily invaded by exotic vegetation.

**The condition has been changed to add a requirement that planting may be required if natural regrowth has not occurred on the 365<sup>th</sup> day.**

5.2.6.3.3 The RGP (page 4) states, "All wetlands not authorized for impact on each project site shall be preserved." A map should be provided that shows anticipated or likely areas of wetlands that will be impacted or destroyed by development.

**It is not practicable to anticipate the location of every impact that may be subject to the RGP. The RGP was developed to allow planning on a watershed scale with the ability to design site specific projects that meet the terms and conditions of the general permit. Each project that is verified using the RGP will be designed to avoid and minimize impacts at the specific site within the parameters established by SAJ-114. This effort will decrease duplication of effort with DEP's dredge and fill permit program, would minimize unavoidable direct impacts to highest quality aquatic resources, minimize impacts to altered aquatic resources, and would provide predictable mitigation for direct, indirect and cumulative impacts within the watersheds subject to the proposed RGP.**

5.2.7 Individual(s) and Organized Groups: 23 August 2016 Matthew J. Aresco, PhD, Director, Nokuse Plantation commented, "I scanned over the maps and am disappointed in the small size of the conservation areas (<10,000 acres total). USACOE is letting them off too easy. There is also no effort to connect the conservation areas to each other and to existing public lands such as Pine Log SF. This is a great opportunity to create a segment of the NW Florida Greenway from the Choctawhatchee River east, but they are missing the mark. Another issue which is not addressed is that Devils Swamp is already a 3,000 acre wetlands mitigation bank operated by St. Joe. From the maps it looks like they are giving them credit for Devils Swamp as a conservation easement area under the proposed RGP. This issue needs to be examined more closely."

**Provided full project build out is achieved within the boundaries of the RGP, approximately 58% of the RGP area would be placed under conservation easements. The preserved and enhanced areas will include**

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**wetland and upland habitats and would be managed according to the required Wildlife Management Plan. These habitats would provide wildlife corridors and will link ecological resources from Choctawhatchee Bay and River to the St. Andrew Bay system.**

**The Devil's Swamp Mitigation Bank has been removed from the conservation unit and the acreages have been adjusted.**

5.3 Public hearing/meeting: A public meeting jointly sponsored by the Corps and the DEP was held on 31 August 2016, 1700 CST to 1800 CST to present the proposed RGP and EMA to the interested public. Representatives of the Corps and DEP presented details of the strategic plan that would be implemented by the RGP and EMA and presented details of the proposed RGP and EMA. The representatives answered questions and heard comments from the public. Representatives from St. Joe also provided remarks and answered questions. The meeting was held at the Panama City Beach City Council Meeting Room in City Hall in Panama City Beach, Florida. Approximately twelve members of the public attended.

## **6. General Permit determinations:**

6.1 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 Paragraph 1.0 of this document includes a precise description of the activities to be permitted under this RGP. The fill associated with these projects is limited in size to a maximum of 23% per sub-watershed. All activities authorized under this RGP must comply with the EMA issued by Florida DEP. All the activities under this RGP occur in the same geographic area and the impacts are all to nontidal waters of the United States. The Special Conditions of SAJ-114 limit the impacts associated with the allowable activities.

6.2 Activities will have only minimal adverse effects when performed separately. Applicants will be required to demonstrate compliance with the avoidance and minimization criteria within the Special Conditions when seeking authorization for individual projects pursuant to this RGP. Remaining wetlands on the property for a given project will be placed in a conservation easement that will prevent additional onsite impacts and minimize indirect impacts.

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6.3 Activities will have only minimal cumulative adverse effects. SAJ-114 would authorize impacts to up to 23%, or no more than 973 acres, of low quality (altered) wetlands within a specific sub-watershed over the 5 year term of the RGP. Unimpacted wetlands within a project area would be placed under a conservation easement to further reduce future impacts. Impacts to high quality wetlands would be limited to road crossings and linear infrastructure crossings. Total impacts to high quality wetlands from filling or clearing may not exceed 108.42 acres within the RGP permit area. These impacts include a maximum of 100 acres of impact within the EMA boundary and 8.42 acres outside of the EMA boundary. In total, the permit could be used to authorize impacts to 2.6% of the total land within the permit area. In combination with the terms and conditions of the permit and the cumulative effects analysis in Paragraph 11 of this document, SAJ-114 will have only minimal cumulative adverse effects.

**7. Alternatives:** An evaluation of alternatives is required pursuant to NEPA, the Corps public interest review, and, if applicable to the activity, the Section 404(b)(1) Guidelines. NEPA requires consideration of a reasonable range of alternatives, including the no action alternative. The consideration of alternatives required under 40 CFR § 230.10(a) are not directly applicable to general permits. (40 CFR § 230.7(b)(1)). The following narrative lists and compares alternatives.

7.1 Proposed Project Context: In the context of this proposed RGP, the Corps has determined there are two alternatives: (1) issuance of the RGP; and (2) the no action alternative (RGP would not be issued). The following provides context and regulatory basis to the alternatives analysis: (1) the development of the Bay Walton Sector Plan (BWSP) by Bay County and Walton County; (2) the establishment of the Long Term Conservation land use designation within the BWSP area; (3) the adoption of the 2015 Comprehensive Land Plan by Bay County and Walton County that incorporated the BWSP; (4) that St. Joe owns 68% of the proposed RGP area, with 20% of the remaining lands being in public ownership; (5) the development and utilization of the successful similar RGPs SAJ-86, SAJ-105 and development of mitigation banks, which together encompass over 93,000 acres adjacent to the south and east of this proposed RGP; (6) the BWSP, the WBDSAP, and St. Joe's proposed business plans for the RGP area, Hwy 388 corridor and extension to Hwy 98, future development around the new airport, and likely extensive and increasingly rapid suburban development centered on the new airport; (7) the proposed conservation units adjoin public lands to increase the natural buffer around the Choctawhatchee River and landward extent of Choctawhatchee Bay; (8) how development within the RGP area would impact the aquatic environment, protected species and other important natural

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resources; and (9) how development within the RGP area could be efficiently and appropriately regulated to protect the aquatic and overall environment.

7.2 Avoidance (No action, uplands, and availability of other sites): Adoption of the no action alternative would mean that each permit application received within the proposed RGP area would be evaluated on an individual basis as a Nationwide Permit, a Regional General Permit, a Letter of Permission, or an Individual Permit. Regulatory evaluations and decisions would be made independently on each permit application, as they are submitted to the Corps over time. Environmental consequences of the succession of projects that would be permitted and built, including potential secondary and cumulative impacts to the surrounding ecosystem, would be much more difficult to effectively ascertain. Conservation units, which incorporate much of the Long Term Conservation land use designation within the proposed RGP area and would under the RGP be more protected and ecologically enhanced by the RGP's required conservation unit management plan, would not be established. Endangered species and cultural resource reviews would be performed on a case-by-case, project-by-project basis only. The landscape would likely become a fragmented patchwork of projects of varying sizes, in which more uplands would be developed, buffers around unaltered wetlands would not be required, and an extensive network of interconnected wetlands and environmentally sensitive uplands would not be as well protected and preserved.

This alternative would also increase project review time by the Corps and would result in a loss of efficiency. Many of the projects which would be authorized by this RGP are currently evaluated as Standard Permits and require geographic alternatives analysis and public involvement. Despite the extra time and resources that would be required under the No Action Alternative, the resultant final actions would be expected to have few or no changes from the original proposals and decisions would be expected to be consistent with the project design criteria and terms and conditions of the RGP but without a watershed based approach including planned interconnected preservation corridors and defined cumulative wetland impact limits. Thus, no additional environmental protections would result from this lengthier process under the No Action Alternative.

Overall, without the RGP there would not be a regulatory plan for the Corps to use within an area of rapid suburban development located within the BWSP area for protecting the aquatic environment on a watershed scale. Impacts and mitigation measures would be determined on a case-by-case basis, with no regional framework for impact avoidance, minimization, and mitigation. By authorizing a forward-looking,

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flexible, and predictable permitting program through this RGP, the Corps would minimize unavoidable direct impacts to highest quality aquatic resources, minimize impacts to lower quality aquatic resources, and mitigate for direct, indirect, and cumulative impacts within the Choctawhatchee and West Bay watersheds. The RGP would preserve and enhance a network of conservation lands that would link to public and environmentally valuable lands and resources within the region.

7.3 Minimization: Due to the complex mosaic of wetlands and uplands dispersed throughout the landscape within the RGP area, some wetland impact is unavoidable and is warranted to achieve a more compact development pattern to enable avoidance/minimization of more valued wetlands, and in some cases ecologically valuable uplands. If future development in the RGP area conforms to the RGP's terms and conditions, no more than approximately 5.3% of the wetlands in the RGP area would be impacted by dredge and fill activities. Approximately 58% of the RGP area would be preserved and development would be consolidated within the remaining 42% of the landscape. Use of established mitigation banks to compensate for wetland impacts from individual projects would help to focus mitigation into larger, higher quality, geographically and ecologically desirable areas within the St. Andrew Bay and Choctawhatchee Bay watersheds, of which West Bay and the Choctawhatchee River are components. Potential would also exist for the establishment of a new mitigation bank within the RGP area, particularly within one or more of the conservation units.

7.4 Project as Proposed: The project, as proposed, would result in the establishment of an RGP for a portion of the Choctawhatchee Bay and West Bay watersheds. The proposed RGP builds on, compliments and enhances the conservation efforts accomplished by Bay County and Walton County in the development of the BWSP and by both Counties' adoption of the BWSP in the 2015 Comprehensive Land Plan. The environmental impacts of the various activities that would be authorized under this RGP are similar, in that, the regulated work that would be authorized is the discharge of dredged or fill material into non-tidal waters of the United States for the construction of residential, commercial, recreational and institutional projects for suburban development. Allowable activities have been described in as much detail as is needed to be consistent with the regulatory purpose of this RGP to capture the various components of suburban development. All projects that would be authorized under this proposed RGP must comply with the various special conditions of this RGP, which would minimize adverse impacts to the environment, as described below. The RGP strictly limits the areas allowed to be impacted, the total area of wetlands to be allowed to be impacted, the type of wetlands allowed to be impacted,

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and incorporates individual project reviews by the Corps, FDEP, and resource agencies to assure that the comprehensive watershed plan, as specified by the RGP is implemented.

Under the RGP, which incorporates the corresponding EMA criteria, storm water would be treated by systems designed to meet OFW water quality standards. Furthermore, the placement of fill for the installation of septic tanks and drain fields in wetlands would be prohibited. The RGP would authorize light industrial facilities, but not industrial facilities with primary use of raw materials, thus excluding potential sources of pollution associated with heavy industry. Dredged or fill material discharged into waters of the United States in accordance with this RGP must be clean and free from items such as trash, debris, automotive parts asphalt, construction materials, concrete rubble with exposed reinforcement bars, and soils contaminated with any toxic substrate, in toxic amounts in accordance with Section 307 of the Clean Water Act.

Beneficial environmental consequences include the establishment of twelve conservation units, which would be located in the most environmentally sensitive areas in the sub-watersheds comprising the RGP area. The conservation units would constitute approximately 18% of the RGP area. Land management within the conservation units would change from intensive silvicultural production to selective timbering and land management to enhance conservation and habitat restoration.

At full projected build-out under the RGP, approximately 58% of the RGP area would be placed under conservation easements and would comprise a preserved and enhanced network of wildlife corridors and significant wetland and upland habitats. This network would link valuable ecological resources from Choctawhatchee Bay and River to the St. Andrew Bay estuarine system. Management of these areas in accordance with the required Wildlife Management Plan would enhance the network of wildlife corridors and greenways.

Under the RGP environmental cumulative impacts can be more accurately analyzed and detrimental impacts minimized. No more than approximately 5.3% of the overall wetlands in the entire area would be developed. In addition, buffers would be established around high-quality wetlands, and uplands would also be preserved when they would enhance nearby wetlands. Development would be confined primarily to uplands and a minimized percentage of altered (low-quality) wetland areas, which have been impacted by previous silvicultural operations. Impacts to the

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high-quality wetlands are limited to 108.42 acres within the RGP permit area and would consist of necessary road and utility crossings.

The proposed RGP would allow the Corps to apply additional special conditions for individual project authorizations deemed necessary by the Corps to minimize adverse environmental impacts. The RGP would allow the permitting process to be more efficient and allow Corps regulatory personnel to spend additional time to address other environmentally sensitive areas of the region. The RGP would provide permit applicants a high degree of regulatory predictability thus providing them incentive to design projects to meet the terms and conditions of the RGP.

## **8.0 Evaluation of the 404(b)(1) Guidelines:**

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

8.1.1 Physical Substrate: The placement of fill and dredged material into non-tidal wetlands and other non-tidal waters, and the excavation of non-tidal wetlands and other non-tidal waters, would directly and permanently impact the substrate within the footprint of individual projects authorized by the proposed RGP. Only clean fill and rock material (e.g., soil, rock, sand, marl, clay, stone, and/or concrete rubble) would be used for wetland fills (See Section 5.a.(4) below). The proposed placement of fill material would alter the physical nature of the existing substrate through the introduction and/or movement of this fill material, and through the placement of both pervious and impervious surfaces for the construction of various components normally associated with suburban developments, such as roads, parking lots, and buildings. Under the proposed RGP at full build-out, approximately 1,081 of the approximately 20,433 acres of wetlands (approximately 5.3%) in the RGP area would be directly impacted by fill material. Fill material would be placed in such a manner as to minimize the potential for impact outside of the footprint of individually authorized projects. The proposed RGP would require sediment and erosion controls during construction of projects and storm water treatment facilities.

8.1.2 Water circulation, fluctuation, and salinity: The placement of fill material into non-tidal wetlands or other non-tidal waters for projects that would be authorized under this RGP would not be expected to individually or cumulatively affect the circulation, fluctuation and salinity of the major receiving water bodies (West Bay, Choctawhatchee River and Choctawhatchee Bay), located within the Choctawhatchee Bay and St Andrew's Bay watersheds. Authorized projects may

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impact interior open waters, such as streams and ponds. However, within the RGP area, almost all of the larger flowing streams and their immediately adjacent wetlands and some uplands (combined total approximately 1,733 ac) would be included within conservation units, in which development and related impacts are highly restricted by special conditions of the RGP. Those streams not within conservation units, are almost entirely embedded within high quality wetlands, in which allowable activities under the proposed RGP are limited to linear infrastructure, such as roads and bridge crossings, and utility crossings. Indirect effects on the receiving water bodies by RGP authorized activities are expected to be of minimal scale that would not measurably alter their ecological balance, due to the placement of almost all of the large streams within conservation units, limited impacts to streams embedded within high quality wetlands, and due to the water quality protection measures required by the RGP and concurrent requirements of State permit/water quality certifications for individual projects. In addition, the RGP does not authorize any activities in navigable or tidal waters of the United States (i.e. waters subject to Section 10, Rivers and Harbors Act of 1899). Under the RGP all road or bridge crossings in wetlands would be designed and maintained so that hydrologic conveyances would not be reduced or impaired; and no wetland fills would be authorized that would sever a jurisdictional connection or isolate a jurisdictional area. Direct wetland impacts would generally occur in altered wetlands along the perimeters of large high-quality wetland systems. These large wetland systems generally consist of high quality wetland cores, which have not been altered to pine plantations, with perimeters of low quality wetlands, which have been altered by past silvicultural activities into pine plantations. Overall, the potential alteration of flow patterns and resulting impacts to water circulation, fluctuation, and salinity over the landscape of the RGP area and its constituent, individual sub-watersheds would be minimal.

8.1.3 Suspended particulates/turbidity: Projects authorized by the RGP would not be expected to significantly release suspended particulate matter into or affect turbidity of receiving waters or wetlands, streams or other waters adjacent to permitted impact areas. Almost all of the flowing streams and their immediately adjacent wetlands and some uplands located within the RGP area would be included within conservation units or are embedded within high quality wetlands in which development and related impacts are highly restricted by special conditions of this RGP. The RGP includes a special condition that surface water management systems for all projects authorized by the RGP would be designed, constructed, operated, and maintained in compliance with the applicable rules adopted under Part IV of Chapter 373, Florida Statutes (F.S.), including the Applicant's Handbook incorporated by reference in those rules; and would include an additional level of treatment that is 50% above the

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treatment that is required for a non-OFW. However, although the surface water management systems would be designed to meet OFW standards, water quality standards appropriate to the receiving waters shall be applied for determining compliance with water quality standards. All projects would be required to implement heightened sediment and erosion control measures, as described in the Sediment and Erosion Control Plan and set forth in the RGP, which would implement and maintain erosion and sediment control best management practices needed to retain sediment on-site and to prevent violations of state water quality standards, including turbidity standards.

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

*2. Surface Water Management Systems for all projects authorized by this RGP shall be designed, constructed, operated, and maintained in compliance with the applicable rules adopted under Part IV of Chapter 373, F.S., including the Applicant's Handbook incorporated by reference in those rules; and shall include an additional level of treatment that is 50% above the treatment that is required for a non-OFW. Although the Surface Water Management systems will be designed to meet OFW standards, water quality standards appropriate to the receiving waters shall be applied for determining compliance with water quality standards. In addition, all projects shall implement sediment and erosion control measures, as set forth in Exhibit 2 (Sediment & Erosion Control) of the permit instrument.*

8.1.4 Contaminant availability: The RGP would require the use of clean fill material for discharges authorized in wetlands. As described above, surface water management systems for all projects authorized by this RGP would be designed, constructed, operated, and maintained in compliance with the applicable rules adopted under Part IV of Chapter 373, F. S., including the Applicant's Handbook incorporated by reference in those rules; and must include a more restrictive level of treatment that is 50% above the treatment that is required for a non-OFW, even though one of the receiving waterbodies, West Bay, is not an OFW. This allows for consistent heightened protections for all stormwater management regardless of the basin. In addition, all projects would be required to implement heightened sediment and erosion control measures, as set forth in the RGP.

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

*8. Dredged or fill material discharged into waters of the United States in accordance with this RGP must be clean. The material must be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete rubble with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.*

8.1.5 Aquatic ecosystem effects: Under the proposed RGP, a maximum of 108.5 acres of high quality wetlands and no more than approximately 973 acres of altered wetlands for a total of approximately 1,081 acres of wetlands (2.6% of entire area encompassed within the RGP, would be directly impacted at full projected build-out. Within the footprint of the area of wetlands that would be directly impacted, wetland plants and organisms and the habitats that support them, would be eliminated. Secondary impacts on remaining wetlands adjacent to areas impacted by projects authorized by the RGP would include decreased wildlife usage and changes in hydrology due to the localized habitat fragmentation and disruption of surface water flows. However, the proposed RGP would minimize such impacts over what could be expected to occur following typical permit evaluation procedures. Based on the terms and conditions of the RGP, upon total allowable build-out, no more than approximately 5.3% of the wetlands in the RGP area would be developed. Approximately 58% of the RGP area would be preserved and development would be consolidated within the remaining 42% of the landscape. In addition to minimization of wetland impacts, the proposed RGP would include establishment of upland and/or low quality wetland buffers adjacent to high quality wetlands, upfront preservation of thirteen conservation units totaling over 7,614 acres (18% of the RGP area), and compensatory mitigation through wetland preservation, enhancement and restoration. The conservation units in combination with wetland and upland buffers preserved on individual project sites would create and link a network of wildlife corridors through significant wetland and upland habitats including public and private conservation lands from Choctawhatchee Bay and River to West Bay, the greater St. Andrew Bay area, and surrounding lands.

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

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#### 8.1.7 Determinations regarding cumulative and secondary impacts on the aquatic ecosystem

8.1.7.1 Cumulative effects: The RGP would provide a plan for development on a landscape scale that is ecologically driven, focused and sustainable. In order to meet the terms of the RGP, projects would be designed to limit impacts to wetlands on each project site. Impacts would be directed away from high quality wetlands and large, contiguous areas would be preserved through the recording of conservation units. Under individual permitting procedures, individual projects are permitted over time and review is focused on the specific project area, which makes evaluation of secondary and cumulative impacts on adjacent ecosystems less predictable. Conversely, the proposed RGP would afford the opportunity to address and determine these secondary and cumulative impacts upfront on a landscape scale. The proposed RGP and corresponding EMA build on the efforts of Bay County and Walton County in the establishment of the BWSP. The proposed RGP would complement the Corps RGP SAJ-86 and RGP SAJ-105 which combined would cover most of the West Bay watershed. Provided future development in the 41,585 acre RGP area is performed in accordance with the RGP's terms and conditions, no more than approximately 5.3% of the wetlands in the RGP area would be developed, and approximately 58% of the area would be undeveloped and preserved. Development would be consolidated within the remaining 42% of the RGP area. The St. Joe Company owns a majority of the land included in the BWSP and, as party to the development of the RGPs, it is likely that a significant percentage of projects would be designed to comply with the terms of the RGPs and that these projections will be accurate.

Since it was implemented in 2004, SAJ-86 has been used to authorize 37 projects that resulted in impacts to 198.54 acres of low quality wetlands and 15.62 acres of high quality wetlands. Over 1,192 acres have been placed in conservation easements. Currently, the ratio of preservation to impact acreage is 2.39:1, which is higher than the required 1.5:1 required by the regulation.

SAJ-105 was implemented in 2005 and has been used to authorize three projects, one of which was the expansion of SR 388. Authorized projects resulted in impacts to 52.14 acres of wetlands, including impacts to 44.4 acres of converted wetlands and 7.74 acres of unconverted wetlands. Conservation easements have been recorded, protecting 24.36 acres and easements are pending that will protect an additional 133.18 acres. These conservation to impact ratios are consistent with the ratios required by the regulation.

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According to ORM Reports, during the time period from 2000 to 2020, there have been 2,638 permits issued in the St. Andrews Bay watershed, authorizing impacts to 603.42 acres of wetlands. Compensatory mitigation provided for these impacts totaled 349.64 acres.

The preserved lands within the proposed RGP area would comprise a network of wildlife corridors and important wetland and upland habitats, which would preserve the linkage of ecological resources from Choctawhatchee Bay and River to the St. Andrew Bay estuary, including West Bay. The RGP would require storm water standards that comply with outstanding Florida waters (OFW) standards, which is 50% above treatment for non-OFW standards, thus minimizing cumulative impacts of storm water runoff to receiving waters. Overall, this proposed RGP along with the established RGP SAJ-86 and RGP SAJ-105 would help protect the ecological values of approximately 134,500 contiguous acres of land over the St. Andrew Bay estuarine system (including West Bay), Choctawhatchee Bay and River, and Lake Powell.

8.1.7.2 Secondary effects: Components of the aquatic environment, which could be subjected to the secondary effects of the RGP, would include wetlands and other waters that would remain intact within the RGP area as projects are authorized and built; as well as wetlands and other waters adjacent and downstream of the RGP area. Secondary effects generally associated with fill activities in wetlands include changes in water circulation and flow patterns, changes in storm water runoff volumes and quality, release of leachate from septic tanks, and reduction in habitat size and/or connectivity for species that are dependent on or use the aquatic environment. Under the proposed RGP secondary effects would be reduced and/or more efficiently monitored from those that could be expected to occur under normal permitting procedures, and such secondary effects that would occur would be minimal. The RGP requires buffer areas between impact areas and high quality wetlands, reducing the potential for secondary impacts. All natural streams within Conservation Units will be protected by vegetated buffers, offering added protection to these areas. Under the RGP storm water would be treated to a higher standard than is normally required in the Florida panhandle, and the placement of fill for the installation of septic tanks and drain fields in wetlands would be prohibited. The twelve conservation units constitute approximately 18% of the RGP area. Land management within the conservation units would change from intensive silvicultural production to selective timbering and land management to enhance conservation and habitat restoration. At build-out under the RGP, approximately 58% of the RGP area

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would be placed under conservation easements and would comprise a network of wildlife corridors and contiguous wetland and upland habitats, which would preserve the linkage of ecological resources from Choctawhatchee Bay and River to the St. Andrew Bay estuarine system.

8.2 Restrictions on discharges: The work authorized by this RGP is not water dependent but there are no practicable alternatives that would not involve special aquatic sites. The restrictions described above and the incorporation of special conditions in SAJ-114 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-114 will not jeopardize the continued existence of Federally listed threatened or endangered species. The activities authorized by SAJ-114 will not violate State water quality standards. Appropriate and practicable steps have been taken to minimize potential adverse impacts from any discharge to the aquatic ecosystem.

8.3 Findings: The discharges to be authorized by SAJ-114 comply with the Section 404(b)(1) guidelines.

**9.0 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 the following: 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; General needs and welfare of the people (Reference 33 CFR 320.4(a)).

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

9.1.1 Conservation: Under the proposed RGP, almost 56% of the approximately 20,482 acres of wetlands within the RGP area, would be preserved and ecologically managed and not be developed for commercial, residential, institutional, and intensive recreational purposes. Approximately 5,881 acres of wetlands and 1,732

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acres of uplands within conservation units and 3,037 acres of land within previously permitted Devil's Swamp Mitigation Bank would be preserved. These preserved lands would be used for conservation purposes, including preservation of uplands and wetlands, and restoration and enhancement of uplands and wetlands.

Approximately 7,614 acres of high quality wetlands and uplands, located within the RGP area, would be placed within twelve conservation units. These conservation units would be preserved and used for conservation purposes, wetland or habitat mitigation, forestry management, limited recreational purposes, and limited allowances for road and utility crossings. The twelve conservation units would incorporate most of the Long Term Conservation land use located within the RGP area. Conservation units cover 503 acres of land in the Crooked Creek watershed, 2,414 acres within the ICW and West Bay watershed and 4,697 acres within the Choctawhatchee watershed. Lands within the conservation units are designated as being one of two types of conservation units (i.e., Type I Conservation Units and Type II Conservation Units). The conservation unit type explicitly identifies the activities, which may occur in the specific type of conservation unit. Allowed activities that result in "Land Disturbance", as defined in the RGP, would not be allowed to impact more than 100 acres located within the conservation units. In addition, any authorized Land Disturbance acreage within altered wetlands or uplands in a conservation unit would be offset by preserving an equal acreage of altered wetlands or uplands outside of the conservation unit, located within the same sub-watershed. The conservation units would be managed using forestry management practices including uneven age management regimes and best management practices, in accordance with, and as defined in the *Principles for Forest and Wildlife Management of Conservation Units within the Bay-Walton Sector Plan Ecosystem Management Agreement and RGP SAJ-114* (Forest and Wildlife Management Plan). In addition, no timbering of cypress or wetland hardwoods or clear cutting would be permitted, except as allowed in the Forest and Wildlife Management Plan.

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

*12. Conservation Units:*

*a. Beginning on the date that this RGP is issued, twelve Conservation Units (Exhibits 7 through 19) shall be preserved under the conditions listed below by The St. Joe Company.*

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*b. Conservation Units shall be divided between Type I Conservation Units and Type II Conservation Units, as shown in the SAJ-114 Conservation Units Map (Exhibit 7) and Exhibits 8 through 19.*

*c. Conservation Units can only be used for conservation purposes, wetland or habitat mitigation, limited recreational purposes, forestry management, and other uses, activities and facilities as authorized by Special Conditions 12.d and 12.e. Activities, which would result in "Land Disturbance", are prohibited within Conservation Units, except those as allowed in Special Conditions 12.d. and 12.e. Land Disturbance for the purposes of this RGP is defined as any manmade change of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, grading, grubbing, discing, blading, contouring, ripping, and root raking. Land Disturbance includes areas covered by impervious surfaces such as roofs, concrete and asphalt. No new water withdrawal wells shall be installed within the Conservation Units.*

*d. TYPE I CONSERVATION UNITS - The uses, activities and facilities authorized in Type I Conservation Units are limited to the following:*

*(1) Wetland and upland ecological enhancement and restoration.*

*(2) Forest management, which shall be conducted through sustainable forestry, uneven age management regimes and best management practices, in accordance with, and as defined in the Principles for Forest and Wildlife Management of Conservation Units within the Bay-Walton Ecosystem Management Agreement and RGP SAJ-114 (Exhibit 20). No timbering of cypress or wetland hardwoods or clear cutting is permitted except as allowed in the Forest and Wildlife Management Plan.*

*(3) Hunting, fishing and birding.*

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

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

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

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

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

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

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

*(11) Within buffers that are required to be preserved by the Individual Project Approval and that are part of the Property, construction of boardwalks for dock access and on-grade trails will be permitted. Also, application of fertilizers, herbicides and pesticides is authorized to the extent fertilizers, herbicides and pesticides are used to control exotic plant vegetation within the buffers.*

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

*(1) Road and bridge crossings to support associated development. All crossings in wetlands shall be designed so that the hydrologic conveyance is not reduced or impaired. Bridging is required wherever practicable. The following factors shall be considered when determining if bridging of the wetlands is practicable: (i) The degree of water flow within the wetland, (ii) The length of the wetland crossing, (iii) The topography of the wetland and associated upland, and (iv) The degree to which a roadway would adversely affect the movement of wildlife expected to use the wetland. Road and bridge crossings shall be designed and constructed to minimize wetland and upland impacts and must comply with Special Condition 5.c above.*

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

Additional conditions limit the area of allowable land disturbance to 100 acres and restricts the types of activities allowed within CUs. Reporting requirements and steps to offset areas within CUs that are impacts by land disturbing activities. As development occurs in the RGP area, St. Joe Company is required to progressively place conservation easements within CUs within each subwatershed.

Other lands that would be conserved would be wetlands on individual project sites, which are not directly impacted, and preserved buffers comprised of uplands and altered wetlands around high quality wetlands. The proposed RGP would minimize direct impacts to wetlands, by confining over 94% of potential wetland impacts to those wetland systems that have already been highly impacted by

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previous and ongoing silvicultural activities (i.e. altered wetlands). The less than (108.42 acres) of wetland impacts that would occur in high quality wetlands would be confined to necessary road crossings, bridges and linear infrastructure to gain access or to provide services to developable uplands. Most of the road crossings would take advantage of upgrading existing silvicultural road crossings. Overall, no more than approximately 5.3% of wetlands in the RGP area would be directly impacted. Preserved upland and unaltered wetland buffers for altered wetlands would be a minimum of 30 feet wide and on average at least 50 feet wide, as required by the following special condition:

*7. Buffers:*

*a. High quality wetlands shall be buffered from development by uplands and/or altered wetlands with the exception of those activities, as allowed in high quality wetlands by Special Condition 5.b(1) above. Upland and/or altered wetland buffers adjacent to high quality wetlands shall be an average of 50 feet wide for each individual project, but no less than 30 feet wide at any measurement except at road crossings. This shall not be construed to require creation of upland or altered wetland buffers within existing high quality wetlands.*

*b. High quality wetlands altered wetlands and uplands shall buffer natural streams and tributaries located in Conservation Units, except at bridges and road, trail, boardwalk, and utility line crossings. The exact width of the buffer from the natural streams and tributaries located in Conservation Units shall be evaluated and determined during Individual Project review. However, the buffer along natural streams and tributaries draining north to the Choctawhatchee River located in Conservation Units shall be a minimum of 100 feet as measured from the edge of the stream or tributary.*

*c. All buffers, whether upland or wetland, will be preserved and maintained in a natural condition, except for the construction of boardwalks and on-grade trails. Buffers may be enhanced or restored to increase their ecological functions. If approved by the Corps, buffers may also be managed to provide an urban wildfire interface, as may be requested by local emergency management officials. Conservation easements shall be placed over all buffers (see Special Condition 13.c).*

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

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

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

*a. Perpetual conservation easements placed on Type I Conservation Units, as described in Special Conditions 12.i and 12.j, shall be in the form of Exhibit 22, Conservation Easement for Conservation Units Type 1.*

*b. Perpetual conservation easements placed on Type II Conservation Units, as described in Special Conditions 12.i and 12.j, shall be in the form of Exhibit 23, Conservation Easement for Conservation Units Type 2.*

*c. Perpetual conservation easements placed on wetlands not authorized for impact on each project site, including any buffers as required by Special Condition 7 above, and for compensatory mitigation conducted offsite and outside of a mitigation bank, shall be in the form of Exhibit 24, Conservation Easement for Mitigation/Preservation.*

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

*(1) All conservation easements shall provide that DEP is the Grantee.*

*(2) The Permittee shall have the draft conservation easement, a legal description, survey, and scaled drawings of the conservation easement property and a title commitment or report which identifies all mortgages, liens or encumbrances which affect the conservation easement property, prepared and sent to the Regulatory Division, Enforcement Branch, via electronic mail at*

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[SAJ-RD-Enforcement@usace.army.mil](mailto:SAJ-RD-Enforcement@usace.army.mil), or via US Mail at Post Office Box 4970, Jacksonville, Florida 32232-0019, for legal review and approval.

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

*(4) The Permittee must show that it has clear title to the real property and can legally place it under a conservation easement. Along with the submittal of the draft conservation easement, the Permittee shall submit a title insurance commitment, in favor of the grantee, for the property that is being offered for preservation. Any existing liens or encumbrances on the property must be subordinated to the conservation easement. At the time of recordation of the conservation easement, a copy of a title insurance policy written in favor of the DEP must be provided to the Corps in an amount equal to the market value of the property at the time the policy is written.*

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

*(6) Grantee shall not assign its rights or obligations under a conservation easement except to another organization qualified to hold such interests under the applicable state and federal laws, including §704.06, F.S., and committed to holding this conservation easement exclusively for conservation purposes. The Corps shall be notified in writing of any intention to reassign the conservation easement to a new grantee and must approve selection of the grantee. The new grantee must accept the assignment in writing and deliver a copy of this acceptance to the Corps. The conservation easement must then be re-recorded and indexed in the same manner as any other instrument affecting title to real property, and a certified copy of the recorded conservation easement shall be furnished to the Corps.*

In order to assure that the various conservation and environmental protection measures that would be required under the RGP are implemented, as well as documented for compliance review into the future, the RGP would require St. Joe to

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maintain a ledger of activities throughout the RGP area, and to provide annual reports to the Corps, as required in the following special condition:

*14. Monitoring and reporting requirements specific to The St. Joe Company:*

*a. Use of this RGP for any project by The St. Joe Company makes The St. Joe Company responsible for establishing and maintaining a GIS-based ledger and map depicting the amount, type and percentage of wetland impact and mitigation implemented in the EMA area.*

*b. By January 15 of each year, the Corps will provide The St. Joe Company with information for the previous year, regarding the amount, type and percentage of wetland impact and mitigation implemented in the outparcels not owned by The St. Joe Company, which are located outside of the EMA area but within the RGP area.*

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

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

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

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

- (1) The total project acres approved;*

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- (2) *The location and acreage of any mitigation activity undertaken;*
- (3) *Conservation Easements recorded;*
- (4) *Conservation Units conveyed to other owners;*
- (5) *Activities undertaken within Conservation Units including the total number of acres of Lands Disturbance;*
- (6) *Other activities that may impact this RGP.*

In summary, provided full project build out is achieved within the boundaries of the RGP, approximately 58% of the RGP area would be placed under conservation easements. The preserved and enhanced areas will include wetland and upland habitats and will be managed according to the required Wildlife Management Plan. These habitats would provide important wildlife habitat, water quality and wetland functions.

9.1.2 Economics: The proposed RGP area is located within the Northwest Florida coastal region which had been undergoing rapid tourist-oriented development and primary home/second home/retiree residential development in the 1990's and early to mid-2000's. This growth slowed down due to the recession and its aftermath during the late 2000's and early 2010's, however, since 2011 tourism has greatly picked up in the region, and it is expected that as the national and regional economies continue to recover, commercial and residential development will increase in the Bay County and Walton County area. In 2018, Hurricane Michael devastated the area and severely impacted the residential community in Panama City. The resulting shortage of suitable housing has increased development pressure in areas that were not as heavily impacted by the storm, including western portions of Bay County and eastern Walton County. Additionally, the BWSP is centered on the new airport, which is promoted by local governments and businesses, as a focus for economic growth in the future. The RGP SAJ-114 will be the third and final area of the Bay-Walton Sector Plan to be covered by a Regional General Permit. As discussed in earlier section of this document, implementation of the RGP includes up front evaluation of several environmental factors which will allow faster permit application review, and more predictability for applicants. This shortened timeline could result in faster development, contributing to the economic development in the area. Individual projects authorized by the proposed RGP would likely provide considerable additional permanent and temporary employment. The *ad valorem* property tax base for Bay

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County and Walton County would likely increase at a higher rate than without the RGP due to the added permit process efficiency, as well as sales tax collections, thereby providing additional revenues for county services and schools. However, increased infrastructure needs and governmental services to new residents and businesses would require additional expenditures of local and state revenues over what is currently spent.

9.1.3 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 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.

9.1.4 General Environmental Concerns: Issuance of the RGP will result in a watershed planning approach to development within the permit area. Impacts to resources will be minimized and wetland impacts within sub-watersheds will be limited to 23% of altered wetlands within the developable area and 108.42 acres of high quality wetlands within the RGP permit area. Through the use of conservation units, wetland preservation, and mitigation sites, wildlife corridors will be preserved and habitats will remain intact. Water quality standards for ORW will be required for the RGP area. Projects that meet the terms and conditions of the RGP will have an expected smaller cumulative environmental impact than traditional development.

9.1.5 Wetlands (Including the Corps Wetland Policy (see 33 CFR § 320.4(b)):

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

The team developed definitions and determined functional values for two broad classes of wetlands based on whether a particular wetland is impacted by ongoing silvicultural management or not. For the purposes of this RGP wetlands are defined as either altered or high quality. Altered wetlands are jurisdictional wetlands that have been planted in pine trees, as shown by an exhibit for the RGP, which is an aerial photograph of the RGP area dated March 2013. To the extent that silvicultural activities in any area of altered wetlands, as shown in the aerial photograph, have

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ceased for more than 5 years after the final cut, such wetlands would be identified as high quality wetlands. Altered wetlands are hydric pine plantations, and for the purposes of this RGP, also include ditches and borrow pits. High quality wetlands are all other jurisdictional wetlands, and include cypress domes/strands, bay/gallberry swamps, cypress swamps, titi swamps, seepage slopes, *Hypericum* bogs, emergent marsh and other similar areas. High quality wetlands are considered to be of higher ecological function, and therefore of higher functional value; while altered wetlands are of relatively lower quality and low ecological function, and thus of relatively low functional value. The following special condition defines the two classes of wetlands for the purposes of the proposed RGP, and sets the limits of the location of altered wetlands based on a specific aerial photograph:

*4. This RGP authorizes impacts to wetlands, which are defined for the purposes of this RGP as altered or high quality wetlands (SAJ-114 Altered /High Quality Wetlands Map (Exhibit 4)). Altered wetlands are jurisdictional wetlands that have been planted in pine trees (silviculture lands), as shown by the RGP SAJ-114 March 2013 Aerial Photo (Exhibit 5). To the extent that silvicultural activities in any area of altered wetlands, as shown by Exhibit 5, have ceased for more than 5 years after the final cut, such wetlands shall be identified as high quality wetlands.—Altered wetlands are hydric pine plantations. The class of altered wetlands also includes ditches and borrow pits. High quality wetlands are all other jurisdictional wetlands, and include cypress domes/strands, bay/gallberry swamps, cypress swamps, titi swamps, seepage slopes, *Hypericum* bogs, emergent marsh and other similar areas.*

The team used the State of Florida's Uniform Mitigation Assessment Method (UMAM) to score the functional value of wetlands for this RGP and the state's EMA with St. Joe. UMAM is the current wetlands assessment method used by the State of Florida that has been adopted for use in Florida by the Corps Jacksonville District. The team reviewed 9 reference sites, which composed a set of the representative wetland communities present within the RGP area. The reference sites were classified using the Florida Natural Areas Inventory (FNAI) wetland classification system. The reference sites were located throughout the RGP area and were reviewed by the team in August 2015.

During the UMAM review for RGP SAJ-105 in 2008, Hydric pine plantations posed certain issues when using UMAM, since there is variation in the functional quality of hydric pine plantations based on the age of the stand due to changes in ground cover, shrub density, and leaf litter on the ground during the cycle of

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silvicultural management. Because of this range in variation it was decided to score hydric pine plantations as if they were at a mid-point in their stand rotation, which was set at about 15 years. The FNAI category of Wet Prairie was used for altered wetlands. The first attempt at scoring these wetlands varied between 0.33 FU and 0.50 FU. The Corps representatives on the team asserted that these scores were too low and did not reflect the buffer and water quality benefits provided by the extensive silvicultural lands. The team accepted the Corps assertion to revise the scores. While the revised scores reflect the considerable negative impacts to wetland hydrology, community structure and location/landscape, which the current and intense silvicultural operations have on wetlands, they also reflect the ecological benefits provided by these relatively undeveloped lands. The revised scores provide a safe margin of error to assure that sufficient compensatory mitigation would be required for direct impacts to altered wetlands. The team determined one score for all unaltered wetlands to make the RGP easier to use. To determine the unaltered UMAM score, a weighted average was used from the reference site UMAM scores. The weighting was based on the relative size of the land area occupied by each of the four FNAI wetland categories, which were represented by the reference sites and scored. Average scores varied between 0.87 FU for three of the wetland categories (and over 99% of the wetland area) and 0.73 FU for one of the wetland categories (less than 1%). Based on the above, the team determined that each acre of impact to altered wetlands would be valued at 0.53 FU, and each acre of impact to unaltered wetlands would be valued at 0.87 FU.

Due to the extensive review and discussion for SAJ-105, the similar habitat types and adjacent location of RGP SAJ-114, after field review, it was determined by the interagency team to use the same UMAM scores for the wetlands within the SAJ-114 boundary. The team determined that each acre of impact to altered wetlands would be valued at 0.53 FU, and each acre of impact to high quality wetlands would be valued at 0.87 FU.

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

WRAP was used to determine the wetland functional values of the wetlands for the credit ledger for both BPMB and DSMB. WRAP was also used to score the

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functional values of wetlands for RGP SAJ-86. Wetlands defined as altered wetlands for this RGP, are essentially the same class of wetlands (which have been impacted by silvicultural activity), which are defined as low quality wetlands for RGP SAJ-86 and converted wetlands in SAJ-105. Low quality wetlands were valued at 0.65 functional units under WRAP. Wetlands defined as high quality wetlands for RGP SAJ-114 are equivalent to those defined as high quality by RGP SAJ-86. High quality wetlands were valued at 0.92 functional units under WRAP. The proposed RGP would allow the use of RGP SAJ-86 WRAP values solely in the case when the appropriate mitigation bank for compensatory mitigation for a project authorized by the proposed RGP is a "WRAP only" bank. It would be appropriate to use the WRAP scoring that was used for RGP SAJ-86 in this case, since the wetland and upland ecosystems in the areas under both the proposed RGP and under RGP SAJ-86 are similar.

All three of the RGP areas are located within a contiguous area of approximately 130,000 acres, located east from the Choctawhatchee Bay through the West Bay watershed. This contiguous area is located within the Gulf Coastal Lowlands physiographic division, which is characterized by relatively flat topography on a series of coast-parallel plains or terraces with the southern part of the area being very flat with sandy soils, and the northern part higher in elevation with better defined streams incised into the landscape, but still comprised of an intermixed system of wetlands and uplands. The undeveloped portions of this contiguous area have been used almost exclusively for pine silviculture with pine plantations having been established on the uplands and in the "drier" portions of wetlands. These pine plantation wetlands, if not planted with and managed for pines, and if natural fires were allowed, would generally consist of wet pine flatwoods and savannas. Wet pine flatwoods and savannas that have not been planted in pine, and where fire has been suppressed, have mostly become thick stands of titi intermixed with slash pines. Overall, throughout the areas under the three RGPs, the landscape is a similar complex of relatively intact hardwood and cypress swamps, surrounded by hydric pine flatwoods (generally overrun with titi), hydric pine plantations, and pine plantations on the uplands. Therefore, for the proposed RGP, the functional values that would be used for authorized projects to utilize mitigation banks with WRAP ledgers only, each acre of impact to altered wetlands would be valued at 0.65 FU, and each acre of impact to unaltered wetlands would be valued at 0.92 FU.

9.1.5.2 Permitting sub-watersheds: In order to protect watersheds and receiving water bodies within the proposed RGP geographic area, sub-watersheds were delineated to establish the upper limits for wetland impacts. The RGP incorporates

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all or part of six sub-watersheds, which were identified and delineated by the interagency team using United States Geological Survey (USGS) drainage basin information and maps.

The interagency team determined that no more than 23% of the altered wetlands within the developable area (i.e., portion of sub-watershed not located within any conservation units) of any sub-watershed may be impacted (see Section 6.d.(3), "Wetland Impacts," below). A ledger of wetland impacts by sub-watershed would be required under the RGP to ensure that this threshold is not exceeded. The allowable impacts to high quality wetlands would not be apportioned among permitting sub-watersheds. Impacts to high quality wetlands are limited to necessary road or utility crossings and would be evaluated by the Corps during the individual project review process, as required by the proposed RGP. This approach allows flexibility in addressing future transportation and infrastructure needs within the large area encompassed by the RGP and the region in which the RGP area is located.

9.1.5.3 Wetland impacts: For the purpose of developing the RGP, FWS Wetland Inventory Maps and Natural Resources Conservation Service soil survey maps and information along with current and historical aerial photographs of the RGP area, were used on a landscape scale to approximate the extent of wetlands within the permit area and to determine wetland and upland acreages. The exact determination of jurisdictional boundaries will be established for project specific areas prior to permit application. Locations and delineations of hydric pine plantations were determined using pine plantation data from St. Joe. The proposed RGP would authorize impacts to wetlands that are defined as altered and high quality wetlands. The RGP would allow a maximum impact of 23% of the altered wetlands in individual sub-watersheds, excluding areas within conservation units within any particular sub-watershed. The RGP would offer incentives to consolidate that acreage in fewer areas by allowing more than 23% fill on individual sites, so long as the individual sub-watershed has no more than 23% of its altered wetlands filled (excluding conservation units). Those wetlands not authorized for impacts would be preserved and placed under conservation easements. Based on the data developed and reviewed by the interagency team and the technical sub-team, the direct effects of the individual RGP authorized projects would be a maximum loss of approximately 973 acres of altered wetlands and 108.4 acres of high quality wetlands throughout the approximately 41,585-acre RGP area. The indirect effects of the RGP would be to those wetlands that are adjacent to the directly affected wetlands and uplands; however, these would be greatly limited under the RGP as a result of required buffers and erosion control measures. The 108.4 acres of high quality wetlands that could be impacted under

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the RGP would represent about 0.83% of the high quality wetlands in the RGP area; and the 973 acres of altered wetlands, which could be impacted under the RGP, would represent approximately 13.2% of the altered wetlands in the RGP area. The total wetland loss that could occur under the RGP would be approximately 5.3% of the total area of wetlands in the RGP area. The following special condition would require the wetland impact limitations discussed above:

*5. Impacts must meet all of the following criteria:*

*a. Impacts to altered wetlands:*

*(1) Impacts to altered wetlands shall not exceed 23% of the total altered wetlands in any one Hydrologic Unit Code (HUC) 12 sub-watershed. The area within a particular sub-watershed to be used to make the 23% calculation does not include areas within Conservation Units located within the sub-watershed (Conservation Units are described in Special Condition 12). Sub-watersheds are depicted on the SAJ-114 Sub-Watershed Map (Exhibit 6). The 23% calculation is the equivalent of a 3.35:1:00 (77 / 33) preservation to impact ratio on an area basis.*

*(2) An individual project may impact more than 23% of the altered wetlands within an individual project site, if cumulative altered wetland impacts for all approved individual projects within the sub-watershed do not exceed 23%, as defined above, at any given time. Examples of how this may occur include:*

*(a) An applicant proposes an individual project, which would impact 10 acres of the 100 acres of altered wetlands located within the proposed project site and preserve the remaining 90 acres of altered wetlands through placement under a conservation easement. This example would result in an altered wetland overage of 13 acres, since 77 acres of altered wetland preservation would be required to comply with the 23% allowable impacts to altered wetlands within a specific sub-watershed. The same applicant, or succeeding assignee, with a subsequent individual project, located at a different site within the same sub-watershed, and containing a total of 5 acres of altered wetlands, proposes to impact all 5 acres of altered wetlands for the project. The applicant may use 3.85 acres of the 13 acre overage of preserved altered wetlands from the first project to comply with the 23% requirement for the second project.*

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*(b) An applicant proposes an individual project on a site with a total of 10 acres of altered wetlands. The applicant proposes to impact all 10 acres of the altered wetlands for the project. To comply with the 23% allowable impacts to altered wetlands requirement, the applicant would preserve 33.5 acres of altered wetlands through the placement of a conservation easement, elsewhere within the same sub-watershed in which the impact site is located.*

*b. Impacts to high quality wetlands:*

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

*(2) The aggregate total filling or clearing of high quality wetlands for crossings and other linear infrastructure within the RGP area shall not exceed 100 acres within the EMA area and 8.42 acres outside the EMA area.*

*(3) The first preference for new high quality wetland crossings will be at existing silviculture road crossings. Crossings at locations other than existing silviculture roads can be authorized on a case-by-case basis. All crossings, whether at existing silviculture roads or locations other than existing silviculture roads, will be designed and constructed to minimize high quality wetland impacts.*

*(4) For each crossing proposed at a point where no previous crossing existed, an existing silviculture road crossing within the same sub-watershed must be removed and the wetland hydrologic connection including any associated natural stream or tributary within the area of removal, shall be restored. Restoration in this section is defined as re-establishment of natural soil surface grades and natural re-vegetation is being allowed to occur no later than the 365<sup>th</sup> day following the date of the initiation of construction of the new crossing.*

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*(5) All crossings in high quality wetlands shall be designed so that reduction of capacity or impairment of the hydrologic conveyance is minimized to the maximum extent practicable. Bridging, co-locating utilities and infrastructure and directional boring of high quality wetlands is required to the maximum extent practicable. The following factors shall be considered when determining if bridging or directional boring of the high quality wetlands is practicable: (i) The degree of water flow within the high quality wetland, (ii) The length of the high quality wetland crossing, (iii) The topography of the high quality wetland and associated upland, and (iv) The degree to which a roadway would adversely affect the movement of wildlife expected to use the high quality wetland.*

*c. All wetlands not authorized for impact on each project site shall be preserved. Conservation easements shall be placed over all such wetlands (see Special Condition 13.c). Individual project sites, including offsite preservation areas (e.g., such as described in Special Condition 5.a(2)(b) above), shall have reasonable boundaries that include intermixed and adjacent high quality wetlands.*

9.1.5.4 Wetland mitigation: Overall mitigation for wetland impacts authorized under the proposed RGP would include upfront minimization and avoidance of wetland impacts, upfront preservation of twelve conservation units totaling approximately 7,614 acres, buffers around high quality wetlands, and compensatory mitigation through wetland enhancements and restoration within appropriate mitigation banks, the conservation units, or within preserved wetlands on individual project sites.

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.

9.1.5.5 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 the identification and delineation of wetlands must be in accordance with the most recent guidance and wetland delineation manual and/or manual supplement issued by the Corps (which as of this date are the *Corps of Engineers Wetlands Delineation Manual (1987)*, the *Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Atlantic and Gulf Coastal Plain Region (2010)*), and the Navigable Waters Protection Rule (2020),

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or the State of Florida methodology prescribed in Chapter 62-340, F.A.C., *Delineation of the Landward Extent of Wetlands and Surface Waters*, or a combination of both, in order to establish one jurisdictional wetland line for all Individual Project Approvals that is the most landward line of wetlands. Under the RGP wetlands must be delineated by flagging located either by Global Positioning System or survey. The following special condition would require the wetland delineation procedures, as discussed above:

*15. For the purposes of this RGP, the identification and delineation of wetlands must be in accordance with the most recent guidance and wetland delineation manual and/or manual supplement issued by the Corps (which as of this date are the Corps of Engineers Wetlands Delineation Manual (1987) and the Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Atlantic and Gulf Coastal Plain Region (2010)), or the State of Florida methodology prescribed in Chapter 62-340, F.A.C., Delineation of the Landward Extent of Wetlands and Surface Waters, or a combination of both, in order to establish one jurisdictional wetland line for all Individual Project Approvals that is the most landward line of wetlands. Applicants shall complete a preliminary jurisdictional determination for each Individual Project Approval under this RGP utilizing the Corps' most recent guidance. Under current guidance, the Preliminary Jurisdictional Determination form provided in Exhibit 26 should be utilized. Wetlands shall be delineated on the individual project site by the placement of individual "flags," the location of which shall be documented by survey. The surveys may be performed by Global Positioning System or by conventional methodology. The surveys must be performed in accordance with the Jacksonville District Wetland Delineation Survey Policy.*

Wetlands within the RGP boundary have been delineated and identified as either altered or low quality, Special conditions have been included in the permit document to minimize wetland impacts on a sub-watershed and project location basis. Conservation units have been identified to minimize secondary and cumulative effects on wetlands within the sub-watersheds. And lost functions caused by unavoidable impacts to wetlands will be replaced through appropriate compensatory mitigation.

9.1.6 Historic Properties: Initial analysis indicates that there may be unevaluated sites that may be eligible for listing on the National Register of Historic Places. This information was coordinated with the District Archaeologist who generated a map of areas of heightened concern that should be evaluated prior to authorization of

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impacts. This information was forwarded to the State Historic Preservation Officer (SHPO). SHPO responded to the Corps in a letter dated 6 September 2016. SHPO concurred with the Corps determination that the proposed RGP should require evaluations of the National Register criteria for determinations of eligibility of unevaluated cultural resources within the permit's area of potential effect (APE). The following special condition was included in the RGP to address these concerns.

*18. Cultural and Historical Resources:*

*a. Documentation of coordination by the applicant with the State Historic Preservation Officer (SHPO) in regard to potential impacts on cultural and historical resources associated with a project proposed to be authorized under this RGP, is required as a component of the Individual Project Approval process, as described in Special Condition 19 below. The documentation shall include the SHPO's written response to the applicant's coordination.*

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

*c. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Corps. The Corps shall then notify the SHPO and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.*

*d. A cultural resources assessment may be required of the permit area, if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR § 800 or 33 CFR § 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO and the Corps.*

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*e. 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 in the vicinity shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist. The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist, SHPO and the Corps.*

9.1.7 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. However, water quality and quantity impacts would be minimized, since projects that would be authorized under the proposed RGP would be required to meet more stringent criteria for required storm water management systems than normally required under state law in northwest Florida. 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. This development would be similar to development that is expected outside of the RGP area. However, projects that meet the terms and conditions of the RGP will be limited to low quality wetland areas and the percentage of wetlands impacted within the watershed will be restricted. In addition, impacts to wetlands would be mitigated under the proposed RGP through upfront minimization of wetland impacts, upfront preservation of ten conservation units, and compensatory mitigation through wetland enhancements and restoration within mitigation banks, the conservation units, or within preserved wetlands on individual project sites. The mitigation banks, conservation units and wetlands preserved on individual project sites would comprise and enhance a network of wildlife corridors and significant habitats within and adjacent to the RGP area. See Section 12.1. for Endangered Species Act considerations and Section 12.2 for Essential Fish Habitat considerations.

9.1.8 Flood Hazards: The RGP area is characterized by relatively flat topography on a series of coast-parallel plains or terraces located immediately along Choctawhatchee River and GIWW. The area is comprised of two terraces with elevations between sea level and approximately 60 feet. Storm water during large storm 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

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aforementioned water bodies, particularly, if there is a storm surge. However, it is unlikely that project impacts would significantly alter final flood elevation of such events. Removal of vegetation and hardening of surfaces on uplands and wetlands filled for a project may reduce the onsite dampening effect that vegetation and natural ground can have on storm water flow and onsite absorption of storm water. However, surface water management systems for all projects authorized by this RGP would be required to be designed, constructed, operated, and maintained in compliance with the applicable rules adopted under Part IV of Chapter 373, F.S., including the Applicant's Handbook incorporated by reference in those rules; and must include an additional level of treatment that is 50% above the treatment that is required for a non-OFW, even though one of the receiving water bodies, West Bay, is not an OFW. This requirement would reduce the potential for flooding by increasing the treatment, and thus the retention capacity, of the storm water treatment system for a particular project. The following special condition was added to reduce potential flood hazards:

*2. Surface Water Management Systems for all projects authorized by this RGP shall be designed, constructed, operated, and maintained in compliance with the applicable rules adopted under Part IV of Chapter 373, F.S., including the Applicant's Handbook incorporated by reference in those rules; and shall include an additional level of treatment that is 50% above the treatment that is required for a non-OFW. Although the Surface Water Management Systems will be designed to meet OFW standards, water quality standards appropriate to the receiving waters shall be applied for determining compliance with water quality standards. In addition, all projects shall implement heightened sediment and erosion control measures, as set forth in the Sediment & Erosion Control Plan (Exhibit 2).*

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

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dampening effect on the release of water to receiving waters, which wetlands provide. However, these negative impacts to the water holding capacity of 100-year floodplains from projects that would be authorized under the proposed RGP would be minimized by such projects being required to meet more stringent criteria for required storm water management systems than is normally required in northwest Florida (see Section 9.1.8 above). 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 and sustained forestry management of five conservation units, and compensatory mitigation through wetland enhancements and restoration within the conservation units, or within preserved wetlands on individual project sites. The conservation units, wetlands, and buffers preserved on individual project sites would comprise and enhance a network of wildlife corridors and significant habitats, including floodplains, which both traverse and are located immediately adjacent to the RGP area.

9.1.10 Land Use: The proposed RPG area is completely located within the local governmental jurisdictions of Bay County and Walton County, Florida. It is also completely located within the BWSP area. As detailed in Section 1.2. above, the development of the BWSP prompted the interagency team to develop this RGP and DEP's corresponding EMA.

Bay County adopted its current comprehensive land plan in October 2009. Chapter 12 of the comprehensive land is the Sector Plan Element, which adopted the BWSP into the comprehensive land plan in 2015.

The comprehensive plan identified that the objective of the BWSP is to provide a long-range vision for the preservation and development to direct growth, development and resource protection within the area. The goals of the BWSP are: (1) emphasize urban form, (2) protect regionally significant resources and facilities, (3) mitigate impacts to these resources and facilities, (4) ensure intergovernmental coordination, (5) address extra-jurisdictional impacts, (6) limit urban sprawl, (7) protect wildlife and natural systems, (8) advance the efficient use of land and other resources, and (9) create quality communities and jobs. The comprehensive land plan states that the vision of the BWSP is to: (1) protect ecological systems and provide connectivity to West Bay and Choctawhatchee Bay. The ecological systems will link wildlife habitat and environmental resources through interconnected corridors, (2) promote development that fosters a sense of place by focusing on a "village" approach to nurture healthy social conditions, and (3) garner places for

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economic advancement that would consist of regional employment opportunities and commercial centers connected to residential villages.

The individual DSAPs developed within the BWSP area would focus development standards that protect environmental resources, promote community and assure human and ecological connectivity, create employment opportunity and promote a more compact urban form.

The identified general strategy to achieve the goals and vision of the sector plan involves the following concepts and activities: (1) preserve the ecosystem to the fullest extent possible, (2) continuous update of an accurate and reliable Long Term Master Plan identified as the Bay-Walton Sector Plan to depicting long-term conservation/preservation areas, open space, general land uses planned for urban development and transportation systems, (3) work with the Bay County School Board to coordinate location of future needed educational facilities, (4) provide guidelines for planned unit or mixed use development projects, (5) encourage a wide variety of housing types for different ages with an age-restricted component, (6) promote economic development, (7) provide adequate public recreation and open space for area residents and (8) plan and provide for public facilities (transportation, water and sewer) that will be needed to serve the BWSP.

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

9.1.11 Navigation: The proposed RGP is limited to non-navigable and non-tidal waters of the United States, including non-tidal wetlands and, therefore, will have no impact on navigation.

9.1.12 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 will have preserved buffers adjacent to them. These buffers will be maintained in their natural condition, reducing the effects of erosion and sedimentation within the project area. Therefore, activities authorized by SAJ-114 will have no more than minimal beneficial or adverse effect on near shore coastal processes that influence erosion or accretion of shoreline areas.

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9.1.13 Recreation: Approximately 75% of the proposed RGP area, which is owned by St. Joe, is in pine silvicultural production. St. Joe also currently leases some of these lands to private hunt clubs. The proposed RGP area borders various water bodies, which are used for public recreation, including the ICW, Choctawhatchee River, Choctawhatchee Bay; and is adjacent to state lands along the Choctawhatchee Rive and near to Pine Log State Forest, which is open for public use and recreation. Many areas subject to the proposed RGP can be expected to change in use from silvicultural production and hunting to areas of mixed residential, commercial, recreational and institutional uses and their attendant features, including roads, utility lines and storm water treatment facilities. Facilities for future private and public recreational activities that could be authorized by the RGP would include playgrounds, playing fields, golf courses, hiking trails, bike paths, horse paths, stables, nature centers and campgrounds. Hunting by private leaseholders would be allowed within the conservation units. Residential and commercial facilities authorized under the RGP would likely increase the number of people residing and vacationing nearby and in the RGP area, thus potentially increasing the number of people utilizing adjacent open waters and state lands for recreational purposes. The RPG would allow specific categories of recreational activities within the conservation units. Type I conservation units would allow passive recreational facilities including hiking and biking trails, boardwalks, gathering shelters, restrooms, camping platforms, horseback trails and hitching areas, and other facilities of a similar nature. Though trails and boardwalks may cross wetlands, all other facilities would only be located in uplands. Nature centers would also be allowed in Type I conservation units, but only on uplands. Type II conservation units would allow the same recreational uses as allowed for Type I conservation units, plus additional recreational facilities including, but not limited to, boat ramps, fishing piers, parks, picnic areas and pavilions, playgrounds/tot lots, and nature facilities. However, sports or ball fields, such as baseball fields, soccer fields, tennis courts, basketball courts and golf courses, would be completely excluded from both Type I and Type II conservation units.

9.1.14 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. While demand for potable water is not expected to exceed the demand that would exist without implementation of the RGP, demand may occur sooner due to the increased efficiency of the permit process. Existing water resources should be sufficient to meet these increased demands with the assumption that the Bay County portion of the RGP area will be serviced by water

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supply from the Deer Point Lake reservoir. A 1991 agreement between the NFWFMD and Bay County allows the county to meet the county's current and future water needs from the Deer Lake reservoir through 2040. The Walton County portion of the RGP area will be serviced by Regional Utilities of Walton County.

9.1.15 Water Quality: All projects would require Clean Water Act Section 401 water quality certification before authorization would be issued under the proposed RGP. Surface water management systems for all projects authorized by this RGP would be required to be designed, constructed, operated, and maintained in compliance with the applicable rules adopted under Part IV of Chapter 373, F.S., including the Applicant's Handbook incorporated by reference in those rules; and shall include an additional level of treatment that is 50% above the treatment that is required for a non-OFW.

The EMA and individual authorizations under it would constitute the state's water quality certification for projects authorized by this RGP within the RGP area that is also covered by DEP's EMA (approximately 68% of the RGP area). For projects located outside of the EMA area, separate water quality certifications would be required. See Sections 8.1.2 and 8.1.3 above for additional information in regard to water quality and this RGP.

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

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

*1. Projects qualifying for SAJ-114 must be authorized under Part IV of Chapter 373, F.S. by the Florida Department of Environmental Protection (DEP), Northwest Florida Water Management District (NFWFMD) under Section 373.069, F.S., or a local government with delegated authority under Section 373.441, F.S.. Water quality certification for projects located within a portion of the Regional General Permit SAJ-114 (RGP) area may be granted by individual project approvals issued pursuant to the Ecosystem Management Agreement (EMA (Exhibit 1)), executed between the DEP and The St. Joe Company for those projects located within the EMA portion of the RGP area. All of the conditions specified in the EMA water quality certification must be*

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*complied with as Special Conditions to this RGP. All projects outside the EMA area authorized by this RGP will require separate water quality and coastal zone consistency certifications from DEP, NFWMD, or delegated local governments. The conditions specified in such certifications constitute Special Conditions of this RGP for those specific projects*

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

9.1.16 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 occurs 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.

9.1.17 Safety: Projects authorized by the RGP will be required to meet current safety standards established by FDOT and those implemented by local governments and municipalities.

9.1.18 Food and Fiber Production: Approximately 68% of the area included in this RGP is owned and managed by the St. Joe Company. Most of this area is maintained as mixed age timber stands under an active silviculture operation. Construction of residential, commercial, recreational and institutional development will result in a reduction in fiber production. However, since 1993, the St. Joe Company 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 will result in better planned development, reduced wetland impacts within sub watersheds, and preservation of forested areas within project areas. Use of the RGP will require preservation of the Conservation Units, which will 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-114.

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9.1.19 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.

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

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

9.3 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 are no unresolved conflicts regarding resource use among the federal and state agencies that participated in the development of the proposed RGP or from other agencies that did not participate, but responded to the public notice. See Section 5.0. above for the Corps' analysis and positions regarding comments and concerns, which were received from various groups and individuals. See above regarding the analysis of alternatives for the proposed RGP.

9.4 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

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areas of the various individual projects that would be authorized under the proposed RGP. The beneficial effects under the proposed RGP would include upfront minimization of wetland impacts, upfront preservation of five conservation units, and compensatory mitigation through wetland enhancements and restoration within environmentally appropriate mitigation banks. The mitigation banks, conservation units, 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 and the rest of the St. Andrew Bay watershed. Overall, an existing landscape of extensive areas of silvicultural pine plantations in significantly altered uplands and wetlands, intermixed with areas of relatively undisturbed cypress domes and mixed forest/shrub swamps, would be replaced by a mosaic of mixed use developments, located on lands that had been subjected to the aforementioned silvicultural operations, intermixed in a landscape of preserved uplands and wetlands. Significant portions of these preserved lands would undergo ecological restoration and enhancement. All preserved uplands and wetlands would be preserved and maintained in perpetuity.

10.0 Cumulative and Secondary Impacts: (see 33 CFR § 320.4, 40 CFR § 230.11(g)-(h), 230.7, 40 CFR § 230.11(h)(1), 40 CFR § 1508.7, and RGL 84-09):

10.1 Determine/predict the direct, secondary (indirect), and cumulative effects of the proposed activity:

10.1.1 Cumulative effects: The RGP would provide a plan for development on a landscape scale that is ecologically driven and focused. Under individual permitting procedures, individual projects are permitted over time within a particular area, which makes evaluation of secondary and cumulative impacts on adjacent ecosystems difficult. Conversely, the proposed RGP would afford the opportunity to address and determine these secondary and cumulative impacts upfront on a landscape scale. The proposed RGP and DEP's corresponding EMA build on the efforts of Bay County and Walton County in the establishment of the BWSP. The proposed RGP would complement the Corps RGP SAJ-86 and RGP SAJ-105 which combined covers most of the West Bay watershed outside of this proposed RGP's area. If future development in the 41,585 acre RGP area conforms to the RGP's terms and conditions, no more than approximately 5.3% of the wetlands in the RGP area would be developed, and approximately 58% of the area would be undeveloped and preserved. Development would be consolidated within the remaining 42% of the RGP area. Based on current development trends, project build out is expected to

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take approximately 50 years. Regulations and development practices may change during this time period. However, continued use of the RGP will add predictability and protection for both the development community and the resources located within the RGP boundary. The preserved lands within the proposed RGP area would comprise an enhanced network of wildlife corridors and significant wetland and upland habitats, which would preserve the linkage of ecological resources from Choctawhatchee Bay and River to the St. Andrew Bay estuary, including West Bay. The RGP would require more stringent stormwater standards than normally required in northwest Florida, thus minimizing cumulative impacts of storm water runoff to receiving waters. Overall, this proposed RGP along with the established RGP SAJ-86 and RGP SAJ-105 would help protect the ecological values of approximately 134,500 contiguous acres of land over several adjacent watersheds: The St. Andrew Bay estuarine system (including West Bay), Choctawhatchee Bay and River, and Lake Powell.

10.1.2 Secondary effects: Components of the aquatic environment, which could be subjected to the secondary effects of the RGP, would include wetlands and other waters that would remain intact within the RGP area, as projects are authorized and built; as well as wetlands and other waters adjacent and downstream of the RGP area. Secondary effects generally associated with fill activities in wetlands include changes in water circulation and flow patterns, changes in storm water runoff content, 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 storm water would be treated to a higher standard that is normally required in the Florida panhandle, and the placement of fill for the installation of septic tanks and drain fields in wetlands would be prohibited. The twelve conservation units constitute approximately 18% of the RGP area. Land management within the conservation units would change from intensive silvicultural production to forestry management as described in *Principles for Forest and Wildlife Management of Conservation Units within the Bay-Walton Ecosystem Management Agreement RGP-SAJ-114* which would enhance conservation and habitat restoration. At build-out under the RGP, approximately 58% of the RGP area would be placed under conservation easements and would comprise an enhanced network of wildlife corridors and significant wetland and upland habitats, which would preserve the linkage of ecological resources from Choctawhatchee Bay and River to the St. Andrew Bay estuarine system. Compensatory mitigation projects within portions of these preserved areas would

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enhance the network of wildlife corridors and greenways. A buffer consisting of high quality or altered wetlands or uplands will be located adjacent to natural streams and tributaries located within conservation units, except at bridges and utility line crossings. The width of the buffers will be evaluated during the individual project review. The buffers will be maintained in their natural condition, except for the construction of boardwalks and on-grade trails. They may be enhanced or restored to increase their ecological function. Buffers will protect areas adjacent to streams and tributaries, further minimizing secondary effects.

The geographic scope for the cumulative effects assessment is: The geographic scope for the cumulative effects assessment is non-navigable and non-tidal waters of the United States, including non-tidal wetlands, which are located in the West Bay and Choctawhatchee Bay watershed within Bay County and Walton County, Florida.

The temporal scope of this assessment covers: 25 years

Describe the affected environment: Approximately 68% of the area covered by the proposed RGP is actively managed pine plantation under ownership of the St. Joe Company. Currently, the area has not experienced much development pressure and has been used to propagate trees for pulp and paper production. However, since the sale of their paper mill in 1996, St. Joe Company has shifted its focus from silviculture to real estate development. It is reasonable to expect that development pressures will increase as population grows. Some of the biggest growth is expected in counties most heavily impacted by the military and those counties include Walton County and Bay County.

Determine the environmental consequences: The Panhandle region of Florida has not experienced the rapid growth seen in southern Florida. In recent years, there has been an increase in development interest in the area and it is reasonable to anticipate that development pressure will increase in the coming years. Activities included in the proposed permit include residential, commercial, recreational, and institutional development that are consistent with what would be expected as the area grows. One of the purposes of the RGP is to protect the aquatic environment on a watershed scale within an area of new and likely rapid development. The RGP would result in flexible and predictable permitting that would minimize impacts to lower quality aquatic resources, and appropriately mitigate for direct, indirect and cumulative impacts within the watershed. For projects authorized under this RGP, 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

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minimized and would be directed towards areas with existing silviculture roads, if possible. No more than 23% of altered wetlands would be impacted by development within specific sub-watersheds on a per project basis. All remaining wetlands on a project site would be placed under a conservation easement. The RGP will be reissued every 5 years which allows for assessment of unanticipated effects and modification of the permit as deemed appropriate.

Discuss any special conditions or mitigation to avoid, minimize or compensate for cumulative effects: Mitigation would include upfront minimization of wetland impacts, upfront preservation of twelve conservation units totaling over 7,614 acres of high quality wetlands and uplands, located and incorporating the vast majority of the streams and landward extent of the Choctawhatchee river floodplain located within the RGP area. Compensatory mitigation will be provided through wetland enhancements and restoration within mitigation banks servicing the RGP area. The conservation units and preserved wetlands would enhance a network of wildlife corridors and significant habitats within and adjacent to the RGP area. See Section 9.1.5 and Section 11 below for special conditions and a complete discussion of avoidance and minimization of wetland impacts and compensatory mitigation requirements.

Conclusions: When considering the overall impacts that will 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 will be required to help offset the impacts. It is likely similar activities will be proposed in the future, and these will be subject to the appropriate review process at that time.

11.0 Mitigation: Overall mitigation for regulated work authorized under the proposed RGP would include upfront minimization of wetland impacts, establishment of upland and/or altered wetland buffers adjacent to unaltered wetlands, upfront preservation of twelve conservation units totaling over 7,614 acres, and compensatory mitigation through wetland enhancements and restoration within appropriate mitigation banks, within the conservation units, or within preserved wetlands on individual project sites. The conservation units and wetlands and uplands preserved on individual project sites would comprise and enhance a network of wildlife corridors and significant habitats, which both traverse and are located immediately adjacent to the RGP area, and would link valuable ecological resources from Choctawhatchee Bay and River through West Bay and the St. Andrew Bay estuarine system.

11.1 Compensatory mitigation for individual project wetland impacts, authorized under the proposed RGP, would be satisfied by: (1) mitigation banks; or (2)

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individual, permittee-responsible mitigation projects, located within either conservation units or individual project sites. The Corps on a case-by-case basis would review plans for individual compensatory mitigation projects located within the conservation units or on individual project sites. Such projects would require Corps approval, as part of the RGP project approval evaluation. Currently portions of the proposed RGP are located within the service areas of the following mitigation banks: Breakfast Point, Devils Swamp, and Nokuse.

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

Only in the specific circumstance when an ecologically appropriate bank does not have a UMAM credit ledger approved by the Corps, but does have a Corps approved credit ledger determined by using the *Wetland Rapid Assessment Procedure (WRAP)*, *Technical Publication REG-001, September 1997*, then for that specific circumstance the compensatory credits and debits would be defined in terms of functional units (FU), as determined using WRAP. Each acre of impact to low quality wetlands would be valued at 0.65 FU, and each acre of impact to high quality wetlands would be valued at 0.92 FU (see Section 6.a.(4)(a) above). Of the five mitigation banks listed above, two currently have WRAP-only ledgers: Breakfast Point and Devils Swamp.

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

*10. Compensatory mitigation is required for impacts to wetlands authorized by this RGP:*

*a. Compensatory mitigation for impacts to wetlands authorized by this RGP may be satisfied within any of the following: 1) mitigation banks, 2) designated Conservation Units, or 3) within an individual project site.*

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- b. The first priority for mitigation of authorized wetland impacts under this RGP is the use of an ecologically appropriate mitigation bank.*
- c. The Corps, on a case-by-case basis, may approve compensatory mitigation projects located within the Conservation Units or on individual project sites.*
- d. Except in the specific circumstance, as described in 10.e below, compensatory mitigation credits and debits are defined in terms of functional units (FU) as determined using the Uniform Mitigation Assessment Method (UMAM), as set forth in Chapter 62-345, Florida Administrative Code. Each acre of impact to altered wetlands shall be valued at 0.53 FU, and each acre of impact to high quality wetlands shall be valued at 0.87 FU.*
- e. Only in the specific circumstance when an ecologically appropriate bank does not have a UMAM credit ledger approved by the Corps, but does have a Corps approved credit ledger determined by using the Wetland Rapid Assessment Procedure (WRAP), Technical Publication REG-001, September 1997, then for that specific circumstance the compensatory credits and debits are determined using WRAP with each acre of impact to altered wetlands valued at 0.65 FU, and each acre of impact to high quality high quality wetlands valued at 0.92 FU.*
- f. Compensatory mitigation will occur prior to or concurrent with authorize impacts.*

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)).

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 verification MFR.

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

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Representatives from the USFWS participated on the interagency team that developed the RGP and provided information and guidance concerning potential impacts to listed species under their purview. Site visits were conducted to identify potential habitat within the RGP boundary and permit conditions were developed to ensure that potential impacts to listed species were limited.

Informal consultation was initiated on 29 April 2016 to address potential impacts to 19 species that may be present in the RGP permit area. On 8 August 2016, the USFWS concurred with USACE determination that the RGP would have no effect on 17 species and may affect but is not likely to adversely affect 3 species. USFWS requested that during the Individual Project Approval process, if the proposed project is within 1500 feet of a documented potential pond that may provide habitat for reticulated flatwoods salamander, then a re-initiation of informal review by USFWS will occur. During this review if it is determined that the project will not affect the hydrology, herbaceous edge of the pond or general viability of the habitat to support FWS, then a determination of “may affect, not likely to adversely affect” will be made.

A revised Biological Assessment, that included changes to the conservation units, was submitted by the Corps to USFWS on 12 April 2017. Concurrence was received on 28 April 2019.

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 does not allow impacts to Section 10 Waters. Within the RGP boundary, most of the larger flowing streams and their adjacent wetlands are included in designated conservation units, 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.

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

12.3 Section 106 of the National Historic Preservation Act: In addition to the requirements of the NHPA, all historic properties are subject to consideration under NEPA and under the Corps’ public interest review requirements. See Appendix C to 33 CFR Part 325, for the procedures for protection of historic properties. Describe

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any known cultural resources/historic properties present. Include effect determination, basis, and dates of public notice/consultation: Initial analysis indicates that there may be unevaluated sites that may be eligible for listing on the National Register of Historic Places. Proposed activities may affect these historic resources.

Describe how the Corps sought the views of the SHPO, ACHP, and other organizations/individuals with expertise in historic properties. Where historic properties are likely to be affected, identify conditions in the permit that will protect such properties or limit applicability of the permit to such properties: Information concerning the possibility of impacts to historic resources was coordinated with the District Archaeologist who generated a map of areas of heightened concern that should be evaluated prior to authorization of impacts. This information was forwarded to the SHPO. SHPO responded via letter dated 6 September 2016 which indicated concurrence with the Corps determined that the proposed RGP should require evaluations of the National Register criteria for determinations of eligibility of unevaluated cultural resources within the permit's area of potential effect (APE). Special condition 18 requires that any proposed project will require the identification and evaluation of historic properties in areas that have not been previously surveyed within the APE. The proposed special condition included in the permit directs the applicant to initiate coordination with SHPO for the review of potential impacts on cultural and historical resources associated with a project under the RGP as a component of the Individual Project Approval Process. A cultural resources assessment survey may be requested by SHPO as part of the review process. In such cases, the resultant survey report must conform to the provisions of Chapter 1A-46, Florida Administrative Code. The report will assist in determining if further measures are necessary to avoid, minimize, or mitigate adverse effects to significant archaeological or historic properties.

Based on a review of the above information, 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? Yes

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If project-specific government-to-government consultation was conducted, provide a summary of the consultation and findings: Public notice was sent to the Seminole Tribe of Florida and the Miccosukee Tribe of Florida. By letter dated 28 October 2016, the Seminole Tribe of Florida indicated that they concur with the requirement for a National Register of Historic Places eligibility criteria determination for unevaluated sites within the APE. Additionally, they requested that they be provided with copies of any reports generated to satisfy this requirement.

Based on a review of the above information, the Corps has determined that it has fulfilled its tribal trust responsibilities.

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

Concurrent with the development and evaluation of the RGP, the DEP developed an Ecosystem Management Agreement (EMA) with St. Joe, which addresses DEP regulatory approvals for development within the 28,327 acres of land owned by St. Joe within the RGP area. The EMA would set forth the procedures and criteria to be followed by DEP and St. Joe for pre-application meetings, application submittal, review and approval for individual projects within the EMA area. On 7 July 2020, DEP issued the EMA under Section 403.0752, Florida Statutes, and Title 62, Florida Administrative Code, to authorize dredging and filling in waters of the State, and the construction and maintenance of storm water facilities, associated with residential, commercial, recreational and institutional projects, including supporting infrastructure. Issuance of the EMA constitutes certification of compliance with state water quality standards pursuant to Section 401 of the CWA, 33 U.S.C. 1341, for properties located within the EMA area. Projects in the 13,258 acres outside the EMA area, would require a separate water quality certification before the Corps could authorize such projects under the RGP. See Section 9.1.15 above for additional information in regard to water quality certification.

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

After all comments had been received and considered, by letter dated 27 July 2018, 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 CFR § 930 for SAJ-114. By email dated 24 September 2018 the State Clearinghouse concurred with the CZMA

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determination that SAJ-114 is consistent with the enforceable policies included in the Florida Coastal Management Program.

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? If yes, identify the managing agency: Date written determination provided that the project will not adversely affect the Wild and Scenic River designation or study status: No.

Based on a review of the above information, the Corps has determined that it has fulfilled its responsibilities under the Wild and Scenic Rivers Act.

12.8 Effects on Federal Projects (33 U.S.C. § 408):

Does the project require permission under Section 14 of the Rivers and Harbors Act (33 U.S.C. § 408) because of potential for modifications to a federal project? Yes

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 of a public work in certain circumstances so long as the alteration is not injurious to the public interest and will not impair the usefulness of existing Corps projects. Because the SAJ-114 authorizes activities within and adjacent to the right of way for the Gulf Intracoastal Waterway (GIWW), which may include existing Corps projects such as federal navigation and flood control channels/canals, approval pursuant to Section 408 may also be necessary. Extensive coordination with the Mobile District concerning potential impacts to Corps projects lead to the development of special condition 17 which is included in the RGP and will require case specific review and approval in accordance with 33 U.S.C. § 408 prior to verification.

### **13.0 Findings and Determinations:**

13.1 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

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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.

13.2 Presidential Executive Orders (EO):

13.2.1 EO 13175, Consultation with Indian Tribes, Alaska Natives, and Native Hawaiians: This action has no substantial effect on one or more Indian tribes, Alaska or Hawaiian natives.

13.2.2 EO 11988, Floodplain Management: Over one third of the RGP area is located within the 100 year floodplain. However, within the RGP area, almost all of the larger flowing streams and their immediately adjacent wetlands and some uplands (approximately 1,733 ac) would be included within conservation units, in which development and related impacts are highly restricted by special conditions of the RGP. Those streams not within conservation units, are almost entirely located within high quality wetlands, in which allowable activities under the proposed RGP are limited to linear infrastructure, such as roads and bridge crossings, and utility crossings. Indirect effects on the receiving water bodies by RGP authorized activities are expected to be of minimal a scale that would not measurably alter their ecological balance due to the size of the receiving waters, due to the placement of almost all of the large streams within conservation units, limited impacts to streams embedded within high quality wetlands, and due to the water quality protection measures required by the RGP and concurrent requirements of State permit/water quality certifications for individual projects. In addition, the RGP does not authorize any activities in any navigable or tidal, waters of the United States (i.e. waters subject to Section 10, Rivers and Harbors Act of 1899). Under the RGP all road or bridge crossings in wetlands would be designed and maintained so that hydrologic conveyances would not be reduced or impaired; and no wetland fills would be authorized that would sever a jurisdictional connection or isolate a jurisdictional area. It is anticipated that most direct wetland impacts would generally occur in altered wetlands along the perimeters of large high-quality wetland systems. These large wetland systems generally consist of high quality wetland cores, which have not been altered to pine plantations, with

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perimeters of low quality wetlands, which have been altered by past silvicultural activities into pine plantations. Overall, the potential alteration of flow patterns and resulting impacts to floodplain values of the RGP area and its constituent, individual sub-watersheds would be minimal.

- 13.2.3 EO 12898, Environmental Justice: The Corps has determined that the proposed project would not use methods or practices that discriminate on the basis of race, color or national origin nor would it have a disproportionate effect on minority or low-income communities.
- 13.2.4 EO 13112, Invasive Species: Implementation of the RGP is not expected to increase the presence of invasive species in the project area above what would result from typical development activities. Special condition 12 of the proposed RGP would require the control of exotic and invasive vegetation within the 7,614 acres of conservation units by the implementation of the management plan for the conservation units, Principles for Forest and Wildlife Management of Conservation Units within the West Bay Ecosystem Management Agreement and RGP SAJ-114.
- 13.2.5 EO 13212 and EO 13302, Energy Supply and Availability: The proposal is not one that will increase the production, transmission, or conservation of energy, or strengthen pipeline safety.
- 13.3 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.
- 13.4 Compliance with the Section 404(b)(1) Guidelines: Having completed the evaluation above, I have determined that the proposed discharge complies with the Guidelines.
- 13.5 Public interest determination: Having reviewed and considered the information above, I find that the proposed project is not contrary to the public interest.

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**PREPARED BY:**

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Date: 19 August 2020

TRACEY L. WHEELER  
Project Manager

**REVIEWED BY:**



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ANDREW A. KIZLAUSKAS  
Chief, Panama City Permits Section

**REVIEWED BY:**



FOR SHAWN H. ZINSZER  
Chief, Regulatory Division

19 August 2020

Date: \_\_\_\_\_

**APPROVED BY:**



ANDREW D. KELLY, JR.  
COL, EN  
Commanding

21 Aug 2020

Date: \_\_\_\_\_