



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT  
415 RICHARD JACKSON BOULEVARD, SUITE 411  
PANAMA CITY BEACH, FLORIDA, 32407

January 13, 2020

Regulatory Division  
North Branch  
Panama City Permits Section

## ***PUBLIC NOTICE***

REGIONAL GENERAL PERMIT SAJ-92  
FLORIDA DEPARTMENT OF TRANSPORTATION DISTRICTS - Linear Transportation

TO WHOM IT MAY CONCERN: The Jacksonville District of the U.S. Army Corps of Engineers (Corps) proposes to modify and reauthorize Regional General Permit SAJ-92 (RGP) pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

PROPOSAL: To simplify and expedite the processing of Department of the Army permits, the Jacksonville District, U.S. Army Corps of Engineers (Corps) proposes to modify and reauthorize the RGP. The RGP would authorize activities required for the construction of projects with a Federal Highway Administration (FHWA) and/or Florida Department of Transportation (FDOT) approved Environmental Document [Categorical Exclusion (CE), Environmental Assessment (EA), Environmental Impact Statement (EIS), or State Environmental Impact Report (SEIR)] including capacity improvements where dredge and fill impacts do not result in the loss of greater than 5.0 acres of non-tidal and limited tidal impacts to waters of the United States (wetlands, surface waters and navigable waters) for any 1-mile segment of roadway length as measured from the beginning of the project, up to a maximum loss of 50 acres of waters of the United States per project. This includes Florida's Turnpike Enterprise (FTE) projects with an approved state Environmental Document. The RGP would only authorize projects with impacts to tidal waters which meet the limitations of the Project Design Criteria (PDCs) as stated in the U.S. Army Corps of Engineers, Jacksonville District's Programmatic Biological Opinion (JAXBO). Indirect (secondary) impacts associated with projects authorized under this RGP would be assessed, however, indirect impact acreages would not count toward the impact acreage limits (5.0 acres/1-mile and 50 acres total) within this RGP. The RGP would not authorize construction of a new alignment (non-existing roadway). All projects reviewed for authorization by the proposed permit must be located within the geographic boundaries of FDOT and the FTE.

BACKGROUND: On November 22, 2006, the Corps authorized the RGP for use in non-tidal waters of the U.S., excluding non-tidal wetlands adjacent to tidal waters, within the operation areas of FDOT Districts 2, 3, 5 and the FTE within the same boundaries as FDOT Districts 2, 3, and 5. On August 25, 2008, the geographic scope of the RGP was expanded to include the entire operation areas of the FDOT and FTE, excluding Monroe County. On August 25, 2013 the RGP expired. On April 8, 2015 the RGP was reauthorized and modified to expand its applicability to include linear transportation projects which have been reviewed through FDOT's Efficient Transportation Decision

Making Process (ETDM) and/or a Project Development and Environment (PD&E) Study subsequent to 2010 with a maximum acreage of 50 acres of loss of waters of the U.S. per project.

In addition, the RGP underwent technical revisions to clarify and update several special conditions. The revisions included clarification to allow utilization in non-tidal waters of the U.S. (wetlands and surface waters) for non-capacity and capacity improvement projects. The term “capacity” was redefined as “to express the maximum number of vehicles or persons that can pass a point on a roadway during a given time period under prevailing roadway and traffic conditions”. A capacity improvement project is normally implemented by the addition of through travel lanes. Non-capacity improvement projects may include safety improvements, maintenance, bike lane/sidewalk additions. On September 1, 2015, The RGP was modified to clarify that mitigation for unavoidable impacts to waters of the U.S. must be accomplished by conforming to the provisions of the 2008 Compensatory Mitigation for Losses of Aquatic Resources regulations (33 CFR Part 332) and to make the mitigation hierarchy consistent with 33 CFR Part 332.3(b). The RGP will expire on April 8, 2020.

The term "general permit" means a Department of the Army authorization that is issued on a nationwide or regional (District) basis for a category of activities which are substantially similar in nature and cause only minimal individual and cumulative impacts. General permits are a way to reduce the burden of the regulatory program on the public and ensure timely issuance of permits while effectively administering the laws and regulations which establish and govern the program. General permits are reviewed every five years. In most instances, anyone complying with the conditions of the general permit can receive project specific authorization. Anyone not complying with the conditions of a general permit may still receive authorization via a standard permit, but the application must be individually evaluated and coordinated with third parties, including the Federal and state resource agencies. Review of an application for a standard permit takes additional time to complete.

The Corps is currently a participating member in the Efficient Transportation Decision Making (ETDM) Process. The ETDM Process was developed in Florida in response to Section 1309 of the Transportation Equity Act for the 21st Century (TEA-21) and Congress' call to streamline environmental reviews for transportation projects and reduce unnecessary duplication of effort and added costs often associated with the current process for reviewing and approving projects. The overall intent of the ETDM Process is to integrate a balanced consideration of inputs to the sociocultural (human) and the natural environments within the decision-making process, or from another source. ETDM is a new methodology for delivering transportation projects. ETDM links land use, transportation, and environmental resource planning initiatives within a community through very early, interactive, and meaningful involvement of resource agencies and the public. Please go to the following website for detailed information describing the ETDM process: <https://etdmpub.fla-etat.org/est/> and click on the ETDM Program Information tab/ Overview.

**CULTURAL RESOURCES:** Prior to verification for any project under the proposed SAJ-92; the Applicant (FDOT, FTE or others) shall provide the Corps with copies of the concurrence documents from the State Historic Preservation Officer (SHPO) and the Tribal Historic Preservation Officers where applicable.

**ENDANGERED SPECIES:** Effects determinations will be made on a case by case basis for each application evaluated for verification by SAJ-92. In many cases the consultation with the U.S. Fish and Wildlife Service (FWS) and/ or the National Marine Fisheries Service – Protected Resources Division (NMFS-PRD) will have been completed prior to submittal of an application to the Corps. The Corps will consult with the FWS and/ or NMFS-PRD programmatically or by separate letter on a case by case basis when applicable. The consultation process will be completed prior to any verification by SAJ-92.

**ESSENTIAL FISH HABITAT (EFH):** Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in the State of Florida. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service – Habitat Conservation Division (NMFS-HCD). The Corps will consult with the NMFS-HCD by separate letter on a case by case basis when applicable.

**AUTHORIZATION FROM OTHER AGENCIES:** Water Quality Certification may be required from the Florida Department of Environmental Protection and/or a state Water Management District.

**IMPACT ON NATURAL RESOURCES:** Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area.

**EVALUATION:** The decision whether to reauthorize this permit will be based on an evaluation of the possible impacts, including cumulative impacts of the proposed activity, on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean

Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972.

The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed RGP. Any comments received will be considered by the Corps to determine whether to modify and reauthorize SAJ-92. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**COASTAL ZONE MANAGEMENT CONSISTENCY:** In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan.

**REQUEST FOR PUBLIC HEARING:** Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

The RGP is under review for the purpose of re-authorization. Revisions to several special conditions are proposed. A copy of the RGP as proposed for re-authorization is attached.

**COMMENTS** regarding the proposal should be submitted in writing to the attention of the District Engineer through the North Branch, Panama City Permits Section, 415 Richard Jackson Boulevard, Suite 411, Panama City Beach, Florida, 32407 within 30 days from the date of this notice.

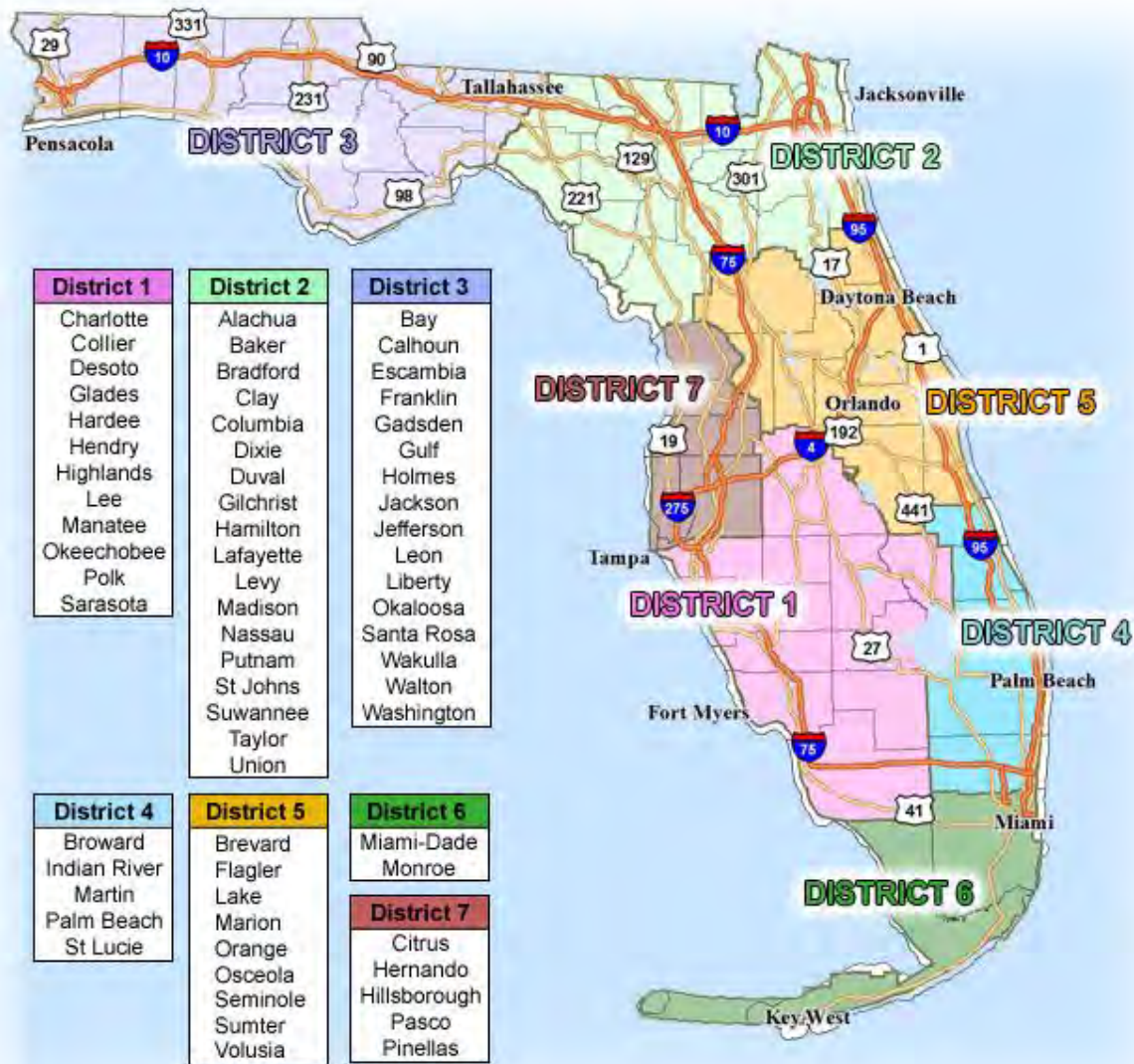
**QUESTIONS** concerning this proposal should be directed to the project manager, Cynthia Ovdenk, in writing at 415 Richard Jackson Boulevard, Suite 411, Panama City Beach, Florida, 32407; by electronic mail at [cynthia.d.ovdenk@usace.army.mil](mailto:cynthia.d.ovdenk@usace.army.mil); or, by telephone at (850) 287-2045.

U.S. Army Corps of Engineers  
Regional General Permit SAJ-92  
Florida Department of Transportation Districts - Linear Transportation

## ATTACHMENT 1:

Geographic Boundaries of FDOT and FTE  
(2 Pages)

# FDOT Districts



# Florida's Turnpike Enterprise System



U.S. Army Corps of Engineers  
Regional General Permit SAJ-92  
Florida Department of Transportation Districts - Linear Transportation

## ATTACHMENT 2:

Commencement Notification Form  
(1 Page)



## **COMMENCEMENT NOTIFICATION**

*Within ten (10) days of initiating the authorized work, submit this form via electronic mail to [saj-rd-enforcement@usace.army.mil](mailto:saj-rd-enforcement@usace.army.mil) (preferred, not to exceed 15 MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

**1. Department of the Army Permit Number:** SAJ- - ( - )

**2. Permittee Information:**

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

**3. Construction Start Date:** \_\_\_\_\_

**4. Contact to Schedule Inspection:**

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Printed Name of Permittee

\_\_\_\_\_  
Date

U.S. Army Corps of Engineers  
Regional General Permit SAJ-92  
Florida Department of Transportation Districts - Linear Transportation

## ATTACHMENT 3:

Quality Enhancement Strategies  
(2 Pages)

# USACE PERMIT STREAMLINING QUALITY ENHANCEMENT STRATEGIES (QES) FOR WETLAND IMPACT MINIMIZATION

## 1. OBJECTIVES:

In adherence to the below policies and guidelines and in furtherance of our joint efforts to streamline the federal permitting process, FDOT desire to develop specific Quality Enhancement Strategies for District's Two, Three, and Five capacity improvement projects. These QES's would be aimed at providing reasonable assurances to the regulatory agencies that FDOT projects have been designed to minimize wetland impacts as much as is practicable while conforming to acceptable design criteria without jeopardizing public safety.

Presidential Executive Order 11990 entitled "Protection of Wetlands", dated May 23, 1977 establishes a National Policy to "avoid to the extent possible the long-term and short-term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative." In implementing this Presidential Executive Order, the U.S. Department of Transportation set forth its policy on wetlands in USDOT Order 5660.1A "Preservation of the Nation's Wetlands", dated August 24, 1978, which is "to assure the protection, preservation and enhancement of the Nation's wetlands to the fullest extent practicable during the planning, construction and operation of transportation facilities and projects. New construction in wetlands shall be avoided unless there is no practicable alternative to the construction and the proposed action includes all practicable measures to minimize harm to wetlands which may result from such construction. In making a finding of no practicable alternative, economic, environmental and other factors may be taken into account. Some additional cost alone will not necessarily render alternatives or minimization measures impracticable since additional cost would normally be recognized as necessary and justified to meet national wetland policy objectives."

In carrying out USDOT Order 5660.1A, the Federal Highway Administration has implemented its wetland policy through the Technical Advisory T 6640.8A, dated October 30, 1987, which provides guidance on the preparation of environmental documents including the assessment of project impacts on wetlands. The Technical Advisory prescribes a wetland evaluation methodology which, in part, calls for:

- An evaluation of all project alternatives including avoidance alternatives,
- A formal wetlands finding stating that no practical alternatives to the wetland taking exist, if such is the case, and, among others,
- An evaluation of all practicable measures to minimize harm to wetlands.

## 2. IMPLEMENTATION:

A. Perform early identification and quantification of wetland locations and preliminary impacts at PD&E and design stages.

B. Determine possible wetland avoidance strategies and verify validity of alignment alternatives from the Preliminary Engineering Report.

C. Perform alternative design analysis.

1. Reduce roadway and pond footprint in order to avoid and / or minimize wetland impacts. Considerations may include:

Roadway:

- A. Median widths
- B. Fill slopes
- C. Shoulder widths
- D. Guardrail
- E. Bridge vs. embankment

Ponds:

- A. Relocation of pond sites
- B. Providing alternative treatment methods

2. Quantify impact reduction.

3. Evaluate safety aspects.

4. Provide cost of alternatives.

D. Prepare written summary of analysis and conclusions at the Phase I Plans Stage. Review and comment by Department Planning, Environmental and Production/Permitting staff.

E. Obtain concurrence from Department Roadway District Design Engineer or Interstate Design Engineer at the Phase II plan stage.

### 3. BENEFITS:

Implementation of these strategies will allow early identification and reduction of environmental impacts thereby streamlining the regulatory and production process.

U.S. Army Corps of Engineers  
Regional General Permit SAJ-92  
Florida Department of Transportation Districts - Linear Transportation

## ATTACHMENT 4:

“Standard Protection Measures for the Eastern Indigo Snake”  
(6 Pages)

**STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE**  
**U.S. Fish and Wildlife Service**  
**August 12, 2013**

The eastern indigo snake protection/education plan (Plan) below has been developed by the U.S. Fish and Wildlife Service (USFWS) in Florida for use by applicants and their construction personnel. At least **30 days prior** to any clearing/land alteration activities, the applicant shall notify the appropriate USFWS Field Office via e-mail that the Plan will be implemented as described below (North Florida Field Office: [jaxregs@fws.gov](mailto:jaxregs@fws.gov); South Florida Field Office: [verobeach@fws.gov](mailto:verobeach@fws.gov); Panama City Field Office: [panamacity@fws.gov](mailto:panamacity@fws.gov)). As long as the signatory of the e-mail certifies compliance with the below Plan (including use of the attached poster and brochure), no further written confirmation or “approval” from the USFWS is needed and the applicant may move forward with the project.

If the applicant decides to use an eastern indigo snake protection/education plan other than the approved Plan below, written confirmation or “approval” from the USFWS that the plan is adequate must be obtained. At least 30 days prior to any clearing/land alteration activities, the applicant shall submit their unique plan for review and approval. The USFWS will respond via e-mail, typically within 30 days of receiving the plan, either concurring that the plan is adequate or requesting additional information. A concurrence e-mail from the appropriate USFWS Field Office will fulfill approval requirements.

The Plan materials should consist of: 1) a combination of posters and pamphlets (see **Poster Information** section below); and 2) verbal educational instructions to construction personnel by supervisory or management personnel before any clearing/land alteration activities are initiated (see **Pre-Construction Activities** and **During Construction Activities** sections below).

### **POSTER INFORMATION**

Posters with the following information shall be placed at strategic locations on the construction site and along any proposed access roads (a final poster for Plan compliance, to be printed on 11” x 17” or larger paper and laminated, is attached):

**DESCRIPTION:** The eastern indigo snake is one of the largest non-venomous snakes in North America, with individuals often reaching up to 8 feet in length. They derive their name from the glossy, blue-black color of their scales above and uniformly slate blue below. Frequently, they have orange to coral reddish coloration in the throat area, yet some specimens have been reported to only have cream coloration on the throat. These snakes are not typically aggressive and will attempt to crawl away when disturbed. Though indigo snakes rarely bite, they should NOT be handled.

**SIMILAR SNAKES:** The black racer is the only other solid black snake resembling the eastern indigo snake. However, black racers have a white or cream chin, thinner bodies, and WILL BITE if handled.

**LIFE HISTORY:** The eastern indigo snake occurs in a wide variety of terrestrial habitat types throughout Florida. Although they have a preference for uplands, they also utilize some wetlands

and agricultural areas. Eastern indigo snakes will often seek shelter inside gopher tortoise burrows and other below- and above-ground refugia, such as other animal burrows, stumps, roots, and debris piles. Females may lay from 4 - 12 white eggs as early as April through June, with young hatching in late July through October.

**PROTECTION UNDER FEDERAL AND STATE LAW:** The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. “Taking” of eastern indigo snakes is prohibited by the Endangered Species Act without a permit. “Take” is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses, if convicted.

Only individuals currently authorized through an issued Incidental Take Statement in association with a USFWS Biological Opinion, or by a Section 10(a)(1)(A) permit issued by the USFWS, to handle an eastern indigo snake are allowed to do so.

**IF YOU SEE A LIVE EASTERN INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and allow the live eastern indigo snake sufficient time to move away from the site without interference;
- Personnel must NOT attempt to touch or handle snake due to protected status.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor or the applicant’s designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

**IF YOU SEE A DEAD EASTERN INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and immediately notify supervisor or the applicant’s designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

**Telephone numbers of USFWS Florida Field Offices to be contacted if a live or dead eastern indigo snake is encountered:**

**North Florida Field Office – (904) 731-3336**

**Panama City Field Office – (850) 769-0552**

**South Florida Field Office – (772) 562-3909**

## **PRE-CONSTRUCTION ACTIVITIES**

1. The applicant or designated agent will post educational posters in the construction office and throughout the construction site, including any access roads. The posters must be clearly visible to all construction staff. A sample poster is attached.
2. Prior to the onset of construction activities, the applicant/designated agent will conduct a meeting with all construction staff (annually for multi-year projects) to discuss identification of the snake, its protected status, what to do if a snake is observed within the project area, and applicable penalties that may be imposed if state and/or federal regulations are violated. An educational brochure including color photographs of the snake will be given to each staff member in attendance and additional copies will be provided to the construction superintendent to make available in the onsite construction office (a final brochure for Plan compliance, to be printed double-sided on 8.5" x 11" paper and then properly folded, is attached). Photos of eastern indigo snakes may be accessed on USFWS and/or FWC websites.
3. Construction staff will be informed that in the event that an eastern indigo snake (live or dead) is observed on the project site during construction activities, all such activities are to cease until the established procedures are implemented according to the Plan, which includes notification of the appropriate USFWS Field Office. The contact information for the USFWS is provided on the referenced posters and brochures.

## **DURING CONSTRUCTION ACTIVITIES**

1. During initial site clearing activities, an onsite observer may be utilized to determine whether habitat conditions suggest a reasonable probability of an eastern indigo snake sighting (example: discovery of snake sheds, tracks, lots of refugia and cavities present in the area of clearing activities, and presence of gopher tortoises and burrows).
2. If an eastern indigo snake is discovered during gopher tortoise relocation activities (i.e. burrow excavation), the USFWS shall be contacted within one business day to obtain further guidance which may result in further project consultation.
3. Periodically during construction activities, the applicant's designated agent should visit the project area to observe the condition of the posters and Plan materials, and replace them as needed. Construction personnel should be reminded of the instructions (above) as to what is expected if any eastern indigo snakes are seen.

## **POST CONSTRUCTION ACTIVITIES**

Whether or not eastern indigo snakes are observed during construction activities, a monitoring report should be submitted to the appropriate USFWS Field Office within 60 days of project completion. The report can be sent electronically to the appropriate USFWS e-mail address listed on page one of this Plan.





# **ATTENTION:**

## **THREATENED EASTERN INDIGO SNAKES MAY BE PRESENT ON THIS SITE!!!**

### **IF YOU SEE A LIVE EASTERN INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site without interference.
- Personnel must NOT attempt to touch or handle snake due to protected status.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor or the applicant's designated agent, **and** the appropriate U.S. Fish and Wildlife Service (USFWS) office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

### **IF YOU SEE A DEAD EASTERN INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and immediately notify supervisor or the applicant's designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

### **USFWS Florida Field Offices to be contacted if a live or dead eastern indigo snake is encountered:**

**North Florida Field Office – (904) 731-3336**

**Panama City Field Office – (850) 769-0552**

**South Florida Field Office – (772) 562-3909**

### **Killing, harming, or harassing indigo snakes is strictly prohibited and punishable under State and Federal Law.**

DESCRIPTION:	The eastern indigo snake is one of the largest non-venomous snakes in North America, with individuals often reaching up to 8 feet in length. They derive their name from the glossy, blue-black color of their scales above and uniformly slate blue below. Frequently, they have orange to coral reddish coloration in the throat area, yet some specimens have been reported to only have cream coloration on the throat. These snakes are not typically aggressive and will attempt to crawl away when disturbed. Though indigo snakes rarely bite, they should NOT be handled.
SIMILAR SNAKES:	The black racer is the only other solid black snake resembling the eastern indigo snake. However, black racers have a white or cream chin, thinner bodies, and WILL BITE if handled.
LIFE HISTORY:	The eastern indigo snake occurs in a wide variety of terrestrial habitat types throughout Florida. Although they have a preference for uplands, they also utilize some wetlands and agricultural areas. Eastern indigo snakes will often seek shelter inside gopher tortoise burrows and other below- and above-ground refugia, such as other animal burrows, stumps, roots, and debris piles. Females may lay from 4 - 12 white eggs as early as April through June, with young hatching in late July through October.
PROTECTION:	The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. "Taking" of eastern indigo snakes is prohibited by the Endangered Species Act without a permit. "Take" is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses, if convicted.

Only individuals currently authorized through an issued Incidental Take Statement in association with a USFWS Biological Opinion, or by a Section 10(a)(1)(A) permit issued by the USFWS, to handle an eastern indigo snake are allowed to do so.



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**LEGAL STATUS:** The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. “Taking” of eastern indigo snakes is prohibited by the Endangered Species Act without a permit. “Take” is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses, if convicted.



August 12, 2013

**ATTENTION:**  
THREATENED EASTERN INDIGO  
SNAKES MAY BE PRESENT ON  
THIS SITE!!!



Please read the following information provided by the U.S. Fish and Wildlife Service to become familiar with standard protection measures for the eastern indigo snake.

U.S. Army Corps of Engineers  
Regional General Permit SAJ-92  
Florida Department of Transportation Districts - Linear Transportation

## **ATTACHMENT 5:**

**“Standard Manatee Conditions for In-Water Work”  
And Manatee Educational Signs  
(4 Pages)**

## STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com)
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at [MyFWC.com/manatee](http://MyFWC.com/manatee). Questions concerning these signs can be sent to the email address listed above.

# CAUTION: MANATEE HABITAT

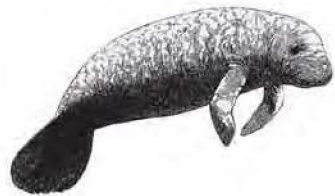
**All project vessels**

**IDLE SPEED / NO WAKE**

When a manatee is within 50 feet of work  
all in-water activities must

**SHUT DOWN**

Report any collision with or injury to a manatee:



**Wildlife Alert:**

**1-888-404-FWCC(3922)**

cell \*FWC or #FWC



**Florida Fish  
and Wildlife  
Conservation  
Commission**

*Managing fish and wildlife  
resources for their long-term  
well-being and the benefit  
of people.*

620 South Meridian Street  
Tallahassee, Florida  
32399-1600

MyFWC.com

## **Manatee Educational Signs**

Required by Permit or Submerged Lands Lease

March 2011

In order to obtain FWC approval for the manatee educational signs required by state permit or submerged lands lease, requests should be sent to:

[ImperiledSpecies@myfwc.com](mailto:ImperiledSpecies@myfwc.com)

or:

Florida Fish and Wildlife Conservation Commission  
Imperiled Species Management Section 6-A  
620 South Meridian Street Tallahassee, FL 32399-1600.

The FWC requests that the permittee propose and submit a plan for installing signs based on the guidelines discussed below. FWC will review the sign placement proposal and notify the permittee within 60 days of receiving the plan if the signs and locations are unacceptable. Modifications to the type, location and number of proposed signs may be required. All sign proposals should follow the general guidelines in this document. The following information should be included in this plan and forwarded to FWC for review:

- A detailed upland project site plan with proposed sign locations, types, and proposed numbers of manatee signs. Include which way the signs are proposed to face.
- The project address or a location map of the facility in relation to waterways.
- The project permit or submerged lands lease number.
- Your name, email address, mailing address and a phone number.

### **Guidelines for the installation of signs**

- Signs must be placed in a prominent location for maximum visibility. Areas that are recommended include: dock walkways, dock master offices, near restrooms or other high patron foot traffic areas.
- Signs must be replaced when faded, damaged or outdated.
- If the facility is large or has multiple docks with separate walkways that are a considerable distance apart, multiple signs should be installed.
- These signs must not face the water, must never be attached to pilings or navigational markers in the water. One exception to signs facing the water exists for the temporary sign, "Caution Boaters" during in-water work.

### **FWC Approved Signs and Sign Specifications**





The FWC designs manatee educational signs, which can be produced by most sign companies. Signs other than depicted may be considered, but must be pre-approved by FWC's Imperiled Species Management Section. There is a list of known sign vendors who produce FWC signs on our [Manatee Sign Vendor webpage](#) as well as downloadable files for sign companies not on this list who may want to produce these signs.

## Manatee Educational Signs

February 2011

For durability, all signs should be fiberglass or metal with rounded corners (hand-sanded to remove all sharp edges and burrs), constructed of 0.08 Gauge 5052-H38 Aluminum with an Alodine 1200 conversion coating and Engineer Grade Type I reflective sheeting. Signs constructed to other specifications may not provide durability acceptable to the consumer.

The approved signs must meet the following specifications:

<b>Florida Friendly Boating (2009)</b>	<b>Caution: Boaters (2009)</b>	<b>Entanglement (2010)</b>	<b>Caution: Shut Down (2009)</b>
Minimum size should be 30" tall x 36" wide with rounded corners	Minimum size should be 30" tall x 24" wide with rounded corners	Minimum size should be 15" tall X 12" wide with rounded corners	Minimum size should be 8½" tall by 11" wide metal with rounded corners
			
This sign is considered the manatee educational sign. In 2009, it replaced the older manatee educational sign called "Manatee Basics for Boaters".	This sign is sometimes referred to as an awareness sign. In 2009, it replaced the "Caution: Manatee Area" sign.  These signs are also frequently used as temporary signs for construction purposes.	This entanglement sign is typically placed near recycling bins or trash containers.	This temporary sign is required as part of the standard manatee construction conditions and is intended to be placed near dredge, tugboat and work boat operators.

The size and type of signs required by permit or lease may vary from those depicted in this guide. If you have any questions, please contact FWC's Imperiled Species Management Section.



U.S. Army Corps of Engineers  
Regional General Permit SAJ-92  
Florida Department of Transportation Districts - Linear Transportation

## **ATTACHMENT 6:**

**“As-Built Certification by Professional Engineer” form**  
(2 pages)

## **AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER**

*Within sixty (60) days of completion of the authorized work, submit this form and one set of as-built engineering drawings via electronic mail to [saj-rd-enforcement@usace.army.mil](mailto:saj-rd-enforcement@usace.army.mil) (preferred, but not to exceed 15 MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019. If you have questions regarding this requirement, please contact the Enforcement Branch at 904-232-3131.*

1. Department of the Army Permit Number: SAJ-   -   ( - )

2. Permittee Information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

3. Project Site Identification (physical location/address):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. As-Built Certification: I hereby certify that the authorized work, including any mitigation required by Special Conditions to the permit, has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

\_\_\_\_\_  
Signature of Engineer

\_\_\_\_\_  
Name (*Please type*)

\_\_\_\_\_  
(FL, PR, or VI) Reg. Number

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
ZIP

(Affix Seal)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone Number

Date Work Started:\_\_\_\_\_ Date Work Completed:\_\_\_\_\_

Identify any deviations from the approved permit drawings and/or special conditions (attach additional pages if necessary):

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U.S. Army Corps of Engineers  
Regional General Permit SAJ-92  
Florida Department of Transportation Districts - Linear Transportation

## ATTACHMENT 7:

GENERAL CONDITIONS  
33 CFR PART 320-330  
(1 Page)

GENERAL CONDITIONS  
33 CFR PART 320-330

1. The time limit for completing the work authorized ends on the **dates identified in the letter.**
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.