



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. Box 4970
Jacksonville, Florida 32232-0019

September 10, 2014

Regulatory Division

**REGIONAL GENERAL PERMIT SAJ-82
(SAJ-2007-01590)**

**VARIOUS MINOR ACTIVITIES IN MONROE COUNTY, FLORIDA
A. LOT FILLS; B. CONSTRUCTION OF MINOR STRUCTURES, MINOR
PILING-SUPPORTED STRUCTURES AND MARGINAL DOCKS, INCLUDING
REPAIR OR REPLACEMENT OF SAID STRUCTURES; C. BOAT RAMPS; D.
RIPRAP REVETMENTS, BULKHEADS AND BACKFILL IN PRINCIPALLY
RESIDENTIAL CANALS. ACTIVITIES WILL BE LOCATED IN WATERS OF
THE UNITED STATES INCLUDING EXISTING WETLAND LOTS IN PLATTED
SUBDIVISIONS WITHIN MONROE COUNTY, FLORIDA.**

Upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers And Harbors Act of 1899 (33 U.S.C. §403) and Section 404 of the Clean Water Act, general authority is hereby given for single-family residential projects including: A. Lot fills; B. Construction of minor structures, minor piling-supported structures and marginal docks, including repair or replacement of said structures; C. Boat ramps; D. Riprap revetments, bulkheads/seawalls and backfill in residential canals. Activities will be located in waters of the United States on, or within existing wetland lots in platted subdivisions within Monroe County, Florida, excluding John Pennekamp Coral Reef State Park, Lignumvitae Key Botanical State Park and Aquatic Preserve, Long Key State Park, Curry Hammock State Park, Bahia Honda State Park; and federally maintained navigation channels, and flood control projects, in accordance with the following conditions:

A. SPECIAL CONDITIONS FOR LOT FILLS:

1. Lot fills in waters of the United States (on platted residential lots in existing developments having public roads and utilities) may not exceed 4,800 square feet of wetland fill.
2. Fill in waters of the United States on lots with unique biological or cultural features is not authorized by Regional General Permit SAJ-82. Unique biological features are those which are rare and vital to the life cycle of plants and animals, and include rookeries, etc. Cultural resources include historic structures, grave sites, middens, etc.

3. In addition to the two Special Conditions listed above which are only applicable to lot fill, the Permittee must abide by all of the Special Conditions which are listed in Section E below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

B. SPECIAL CONDITIONS FOR CONSTRUCTION OF MINOR STRUCTURES, MINOR PILING-SUPPORTED STRUCTURES AND MARGINAL DOCKS, INCLUDING REPAIR OR REPLACEMENT OF SAID STRUCTURES:

1. New Minor Structures: Minor structures are defined as the following: mooring piles, dolphin piles (not to exceed a cluster of four), boat lifts, hoists, davits, davit pads, fenders, fender piles, mooring whips and cleats.

2. Marginal Docks: Marginal docks placed parallel to the shoreline, along a seawall, revetment or bulkhead are authorized; however, marginal docks are only permitted when a "T" or "L" style dock is not practicable. If a mangrove fringe, wetland vegetation and/or submerged aquatic resources (SAR) are present, then no overwater portion of the marginal dock facility shall exceed 5 feet in width from the mean high water line (MHWL). When located over SAR and/or emergent wetlands, marginal docks shall be limited to no more than 66 percent of the shoreline length and shall not exceed 40 feet in length. This limitation shall also apply to any location where SAR are present and vessel operation (including access and mooring) would result in significant direct or indirect impacts to the SAR.

4. "T" and "L" Style Docks on Residential Canal Shorelines: Where a mangrove fringe, wetland vegetation and/or SAR exists along the shoreline, and/or submerged shelf, a dock with a walkway perpendicular to the shoreline, such as a "T" or "L" dock, is permitted if constructed as follows: The "T" or "L" dock terminal platform must be installed at least one foot beyond the root zone, (including emergent and submerged prop-roots of a mangrove fringe); the portion of the dock parallel to the shoreline may run the entire shoreline length of the parcel and shall not exceed 5 feet in width; a pile supported access walkway shall be located so as to avoid or minimize covering wetland vegetation, mangroves, and/or SAR; the walkway connecting the dock to the shore shall not exceed 4 feet in width and should be of grated material and/or with ½ inch spacing between deck boards.

5. "T" and "L" Style Docks on Open Water Shorelines: Docks shall be permitted only when they conform to the "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Resources (SAR), Marsh or Mangrove Habitat" (DCG). *Note: These conditions may be subject to revision at any time. It is our intention that the most recent version of these conditions will be utilized*

during the evaluation of the permit application. The structure shall not be longer than twice the linear shoreline frontage of the parcel or 200 feet, whichever is less. The dock length is measured from the MHWL out to the waterward terminus of the dock.

6. Water/Swim Access Walkways and Water Observation Platforms (on open water shorelines): Water access walkways may be permitted, provided such structures do not exceed twice the length of the applicant owned shoreline and conform to the “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Resources (SAR), Marsh or Mangrove Habitat” (DCG). *Note: These conditions may be subject to revision at any time. It is our intention that the most recent version of these conditions will be utilized during the evaluation of the permit application.*

7. In addition to the six Special Conditions listed above which are only applicable to dock/pier construction, the Permittee must abide by all of the Special Conditions which are listed in Section E below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

C. SPECIAL CONDITIONS FOR BOAT RAMPS:

1. Boat ramps for single-family residences shall be confined to shorelines where a mangrove fringe or SAR are absent from the project area.

2. The width of boat ramps, including side slopes, is limited to 15 feet. All above-water ramp, side slope or wall structures shall be located landward of the original MHWL.

3. A maximum of two short, (no longer than 20 feet in length), accessory docks abutting either or both sides of the ramp, are allowed. These docks may extend landward beyond the MHWL.

4. Construction of a boat ramp will not involve any filling of surface waters except for the minimum amount needed for the actual boat ramp surface, side slopes, or walls. Walls may not exceed 2 feet in width.

5. In addition to the four Special Conditions listed above which are only applicable to boat ramps, the Permittee must abide by all of the Special Conditions which are listed in Section E below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

D. SPECIAL CONDITIONS FOR SHORELINE STABILIZATION STRUCTURES:

1. For projects on unvegetated shorelines within an existing canal system that do not support SAR, riprap, bulkheads, seawalls, and/or backfill shall not extend any farther waterward than the existing bulkheads in the immediate area. If the Corps determines that the proposed work may cause a shoreline discontinuity, the project shall be reviewed under a standard permit.
2. Riprap or other fill along a shoreline stabilization structure may not exceed one cubic yard per linear foot.
3. New seawalls, bulkheads, or other hardened vertical structures on open water are not permitted.
4. In addition to the three Special Conditions listed above which are only applicable to shoreline stabilization structures, the Permittee must abide by all of the Special Conditions which are listed in Section E below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

E. SPECIAL CONDITIONS FOR ALL WORKS:

1. The use of SAJ-82 is not permitted within the geographical boundaries or in-holdings of the John Pennekamp Coral Reef State Park, Lignumvitae Key Botanical State Park and Aquatic Preserve, Long Key State Park, Curry Hammock State Park, and Bahia Honda State Park; or within any Corps of Engineers Civil Works Project including Federal navigation channels and flood control projects.
2. A Florida Keys National Marine Sanctuary NOAA permit or authorization that signifies the proposed activity is consistent with Title III of the Marine Protection, Research and Sanctuaries Act of 1972, as amended, is required prior to authorization under SAJ-82.
3. FKNMS approval is required prior to any work that may damage, disturb, or injure corals.
4. Conformance with the descriptions and quantities contained herein does not necessarily guarantee authorization under this General Permit.
5. No work shall be performed until after the Permittee provides notification to the owner(s) or operator(s) of any marked utilities in the area of work.

6. No work shall be performed until the applicant submits satisfactory plans for the proposed work and receives written authorization from the District Engineer.

7. The District Engineer reserves the right to require that any request for authorization under this general permit be processed as a Letter of Permission or Standard Permit.

8. Cultural Resources/Historic Properties:

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

b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, 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 Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

c. 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.

d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work 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.

e. In the unlikely event that human remains are encountered on federal or tribal lands, or in situations where Archaeological Resources Protection Act of 1979, or Native American Graves Protection Repatriation Act of 1990 applies, all work in the vicinity

shall immediately cease and the Permittee immediately notify the Corps. The Corps shall then notify the appropriate THPO(s) and SHPO. Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. After such notification, project activities on federal lands shall not resume without written authorization from the Corps, and/or appropriate THPO(s), SHPO, and federal manager. After such notification, project activities on tribal lands shall not resume without written authorization from the appropriate THPO(s) and the Corps.

9. Prior to verification of authorization, the dichotomous key titled “The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida, April 2013”, (see <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>) shall be used to determine potential manatee impacts. *Note: The Manatee Key may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of the permit application.*

10. The Permittee will utilize the “Standard Manatee Conditions for In-Water Work, 2011” (see <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>) and/or requirements, as appropriate for the proposed activity. *Note: The manatee conditions may be subject to revision at any time. It is our intention that the most recent version of these conditions will be utilized during the evaluation of the permit application.*

11. The Permittee will utilize the “Sea Turtle and Smalltooth Sawfish Construction Conditions (2006)” (see <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>) and/or requirements, as appropriate for the proposed activity. *Note: These conditions may be subject to revision at any time. It is our intention that the most recent version of these conditions will be utilized during the evaluation of the permit application.*

12. The Permittee will utilize the “Eastern Indigo Snake Programmatic Effect Determination Key” and comply with the Standard Protection Measures of the Eastern Indigo Snake, dated 2013 (see <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>) *Note: The Eastern Indigo Snake Key and Standard Protection Measures may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of the permit application.*

13. Prior to verification of authorization, the dichotomous key titled “Florida Keys Programmatic Concurrence,” dated 23 August 2012, for the American Crocodile

(*Crocodylus acutus*) and its critical habitat, (see <http://www.fws.gov/verobeach/ProgrammaticPDFs/FLProgrammaticKeysCrocodile.pdf>) shall be used to determine potential crocodile impacts. *Note: This document may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of the permit application.*

14. Prior to verification of authorization, the 2013 species assessment guides for the Key deer (*Odocoileus virginianus clavium*), Key Largo woodrat (*Neotoma floridana smalli*), the Key Largo cottonmouse (*Peromyscus gossypinus allapaticola*), Keys tree cactus (*Pilosocereus robinii*), Lower Keys marsh rabbit (*Sylvilagus palustris hefneri*), Schaus swallowtail butterfly (*Heraclides aristodemus ponceanus*), Stock Island tree snail (*Orthalicus reses*, not incl. *nesodryas*), and silver rice rat (*Oryzomys palustris natator* [= *O. argentatus*]) and its critical habitat, and their respective dichotomous keys, (see <http://www.fws.gov/verobeach/ConservationintheKeys.html>) shall be used to determine potential impacts. *Note: These species assessment guides may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of the permit application.*

15. Unavoidable impacts to black or white mangroves, estuarine emergent vegetation, and/or the following species of submerged aquatic vegetation (SAV): shoal grass (*Halodule wrightii*), paddle grass (*Halophila decipiens*), star grass (*Halophila engelmannii*), manatee grass (*Syringodium filiforme*), widgeon grass (*Ruppia maritima*), and turtle grass (*Thalassia testudinum*) may be permissible with prescribed mitigation, only after appropriate avoidance and minimization have been fully achieved. This permit does not authorize the removal of red mangrove prop roots.

16. No activity is authorized under this general permit which is likely to adversely affect a Federally listed threatened or endangered species or a species proposed for such designation, or destroy or adversely modify its designated critical habitat.

17. Prior to the initiation of any construction, projects qualifying for the SAJ-82 must be authorized under Part IV of Chapter 373 by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S. and receive Water Quality Certification (WQC) and Coastal Zone Consistency Concurrence (CZCC) or waiver thereto, as well as any authorizations required for the use of sovereignty submerged lands that must be obtained as part of the associated WQC or CZCC.

18. Turbidity control measures shall be required, and the work must be conducted so as to prevent violations of State Water Quality Standards as established in section 62-

4.242 and 62-4.244 or the Florida Administrative Code and Chapters 62-302, 62-520, 62-522, and 62-550 of the Florida Administrative Code.

19. Where mitigation is required, authorization for the proposed work will not be issued until the Corps has approved the prospective Permittee's project specific mitigation plan.

The prospective Permittee may elect to submit mitigation fees for unavoidable impacts to any federally approved mitigation bank or in-lieu fee program that includes the Florida Keys in their Service Area. Proof of payment will be mailed to the U.S. Army Corps of Engineers, Regulatory Division, Miami Field Office, Enforcement Section, 9900 Southwest 107th Avenue, Suite 203, Miami, Florida 33176, or faxed to 305-526-7184. The Permittee shall reference their permit number on all submittals.

If the prospective Permittee elects to purchase compensatory mitigation credits from the Keys Restoration Fund, or perform on-site or off-site permittee responsible mitigation, they must submit a Uniform Mitigation Assessment Method (UMAM), or other Corps approved functional assessment specific to the project area for review of their mitigation proposal. For PRM, full cost accounting requirements will be required by the Corps, and will include some or all of the following information, as appropriate for the proposal: detailed mitigation plans, multi-year monitoring reports, land acquisition, and administrative fees. If the applicant is proposing permittee responsible mitigation, the mitigation plan must be approved prior to verification of the SAJ-82. *Note: All functional assessments may be subject to revision at any time. The most recent version of this technical tool will be utilized during the evaluation of the permit application.*

20. Applications must provide real estate numbers and latitude and longitude central coordinates for the lot/project site.

21. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

22. A structure authorized under this General Permit must not interfere with general navigation. Structures constructed on canals or adjacent to channels must not extend waterward more than 25 percent of the navigable waterway. Any safety lights and

signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the Permittee's expense on authorized facilities in navigable waters of the United States.

23. All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Miami Field Office, Enforcement Section, 9900 Southwest 107th Avenue, Suite 203, Miami, Florida 33176, or faxed to 305-526-7184. The Permittee shall reference their permit number on all submittals.

24. Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.

25. Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas adjacent to wetlands shall be stabilized using sod, degradable mats, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

26. The Permittee shall record a Notice of Permit with the Clerk of the Circuit Court, Registrar of Deeds or other appropriate official charged with the responsibility of maintaining records of title to or interest in real property within the county of the authorized activity. Within 90 days from the effective date of the letter providing authorization for the project, the Permittee shall provide a copy of the recorded Notice of Permit to the Corps clearly showing a stamp from the appropriate official indicating the book and page at which the Notice of Permit is recorded and the date of recording.

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

28. This regional general permit will be valid for a period of five years from the date specified above unless suspended or revoked by the District Engineer prior to that date. If SAJ-82 expires or is revoked prior to completion of the authorized work, authorization of activities that have commenced or are under contract to commence in reliance on the

general permit will remain in effect provided the activity is completed within 12 months of the date a general permit is expired or was revoked.

29. Within 60 days of the completion of the work authorized, the Permittee must complete and submit the attached "Self-Certification Statement of Compliance" to the U.S. Army Corps of Engineers. The Self-Certification will be mailed to the address stipulated in Special Condition # 23.

30. This permit is only valid in conjunction with all other Federal, State, and local permits/authorizations which may be required.

31. Posting of Permit: The Permittee shall ensure that all contractors, sub-contractors, and entities associated with the implementation of the project review, understand, and comply with the approved plans and special conditions made part of this permit. Complete copies of the permit and approved plans shall be available at the construction site at all times. Failure to comply with the approved plans and permit special conditions may subject the Permittee to enforcement action.

32. Environmental controls and best management practices must be implemented to prevent any materials related to construction activities from entering the surrounding water. Any material removed as well as material applied to accomplish the project must be contained so as to prevent fugitive particulates and/or discharge to surface waters.

33. No structure shall be authorized under the SAJ-82 that facilitates mooring of more than four vessels at a private single-family residence.

34. The General Conditions attached hereto are made a part of this permit and must be attached to all authorizations processed under this permit.

BY AUTHORITY OF THE SECRETARY OF THE ARMY


for Alan M. Dodd
Colonel, U.S. Army
District Engineer

GENERAL CONDITIONS FOR DEPARTMENT OF THE ARMY GENERAL PERMITS

General Conditions

1. The time limit for completing the work authorized ends on **September 10, 2019**.
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 and the mailing address 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. You must allow representatives 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.

Further Information:

1. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

5. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)

Regional General Permit SAJ-82