DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO
ATTENTION OF

Regulatory Division

April 5, 2013

DEPARTMENT OF THE ARMY PERMIT

REGIONAL GENERAL PERMIT SAJ-05
SAJ-2006-01731 (JML)

MAINTENANCE DREDGING IN RESIDENTIAL CANALS IN FLORIDA

Upon recommendation from the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 3 March 1899 (33 U.S.C. 403), general authority is hereby given to perform maintenance dredging activities in principally residential canals in navigable waters of the United States within the State of Florida, subject to the following conditions:

SPECIAL CONDITIONS:

1. The work authorized herein is limited to existing residential canals in Florida. A residential canal is defined as a manmade waterway, historically dug from uplands, and surrounded on both sides by uplands adjacent to principally residential property. Federally maintained navigation and/or flood control projects are not considered to be residential canals and SAJ-05 is not authorized for use within them.

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

3. The following areas are specifically excluded from authorization under SAJ-05:

a. Motorboat prohibited zones, no entry zones, and Federal Manatee Sanctuaries.

b. All areas regulated under the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan, located between St. Lucie Lock in Martin County and W.P. Franklin Lock in Lee County.

c. Monroe County

d. Biscayne Bay National Park Protection Zone (Dade County); within (below Mean High Water (MHW)) Johnson's seagrass designated critical habitat[1]; within (red mangrove and/or shallow euryhaline water equal to or less than 3 feet deep) smalltooth sawfish designated critical habitat[1]; within (below MHW) Gulf sturgeon designated critical habitat under the

jurisdictional responsibility of the National Marine Fisheries Service[1]; North Atlantic right whale critical habitat[1]; and Elkhorn and Staghorn coral critical habitat[1].

e. The following state parks: John Pennekamp Coral Reef State Park, Lignum Vitae Key State Botanical Site and Aquatic Preserve, Long Key State Park, Curry Hammock State Park, and Bahia Honda State Park.

f. St. Lucie Impoundment (Martin County)

g. Areas identified in the Wild and Scenic Rivers Act (16 U.S.C. 1317, et seq.): the St. Mary's River, from its headwaters to its confluence with the Bells River, the entire Wekiva River, including Wekiwa Springs Run, Rock Springs Run, the entire Seminole Creek, and Black Water Creek from its outfall at Lake Norris to its confluence with the Wekiva River, the Loxahatchee River from Riverbend Park downstream to Jonathan Dickinson State Park.

h. Canals in the Kings Bay/Crystal River/Homosassa/Salt River system (Citrus County).

i. Guana Tolomato Matanzas National Estuarine Research Reserve (St. Johns and Flagler Counties).

j. Lake Miccosukee (Leon and Jefferson Counties)

k. No work shall be authorized by SAJ-05 within the boundaries of the Timucuan Ecological and Historical Preserve (Duval County) until the National Park Service has been contacted and offered the opportunity to submit comments to the Corps on the effects of the proposed project on the preserve.

4. In accordance with Section 7 of the Endangered Species Act, projects proposed within the following areas cannot be authorized until consultation on the projects have been concluded with the U.S. Fish and Wildlife Service (USFWS): American Crocodile designated critical habitat; within Gulf sturgeon designated critical riverine habitat under the jurisdictional responsibility of the USFWS[1]; within the designated critical habitat for federally listed freshwater mussels, and freshwater mussels proposed for listing consisting of the following drainages[1]: Within the main stem, creeks, and tributaries of the following rivers: Escambia (Escambia and Santa Rosa Counties), Yellow (Santa Rosa, Okaloosa, and Walton Counties), Choctawhatchee (Walton, Bay, Washington), Chipola (Jackson, Calhoun, and Gulf Counties), Apalachicola (Jackson, Calhoun, Gadsden, Liberty, Gulf, and Franklin Counties), Ochlockonee (Franklin, Wakulla, Liberty, Leon, and Gadsden Counties), Santa Fe and New (Columbia,

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[1] See http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx
Note: This web address may be subject to revision at any time. Species proposed for listing may be listed at any time.

Suwannee, Bradford, Baker, Union, Gilchrist, and Alachua Counties), and Econfina Creek and its tributaries (Bay and Washington Counties)[1]

5. 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, March 2011[1]," will be used to determine potential manatee impacts. Those determined to be a "may affect" to the manatee will not be authorized unless consistent with the 2011 Manatee Programmatic Consultation, or individual consultation on the project is required and has been reinitiated and concluded with the U.S. Fish and Wildlife Service in accordance with the Endangered Species Act. Additionally, depending on the location of the project, some projects determined to be "may affect, not likely to adversely affect" will not be authorized until consultation on the project has been concluded. *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.*

6. For projects in waters accessible to manatees, the permittee will utilize the "Standard Manatee Conditions for In-Water Work, 2011[1]" 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.*

7. For projects in waters accessible to sea turtles, Smalltooth sawfish, Gulf sturgeon, Shortnose sturgeon, or Atlantic sturgeon, the permittee will utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" March 23, 2006[1]," 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.*

8. This permit has undergone consultation with the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) on the listed species and any designated critical habitat noted on Table 1 (attached). If the proposed activity requires additional Section 7 consultation under the Endangered Species Act with the FWS and/or NMFS on: 1) these or any other Federally listed threatened or endangered species or species proposed for federal listing; or 2) designated critical habitat for these or any other federally listed threatened or endangered species or habitat proposed to be designated as critical habitat for any federally listed or proposed species, until consultation is reinitiated and concluded, the proposed activity cannot be authorized under SAJ-05.

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[1] See http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx
Note: This web address may be subject to revision at any time. Species proposed for listing may be listed at any time.

9. Excavated spoil material shall be deposited in a self-contained upland (i.e., non-wetland pursuant to current Federal criteria) disposal site that will prevent spoil material and/or return water from re-entering any water of the United States or interfering with natural drainage, and which does not support, or is incapable of supporting, any federally proposed, threatened, or endangered species, particularly the Florida scrub-jay or eastern indigo snake, and/or the designated critical habitats of any listed species noted on Table 1 (attached).

Florida scrub-jay: Habitat for the Florida scrub jay would include xeric oak scrub, scrubby pine flatwoods, scrubby coastal strand, and sand pine scrub. A complete description of Florida scrub jay habitat can be found in the FWS survey guidance found at: (http://www.fws.gov/northflorida/Scrub-Jays/general-survey-guide-082407.htm).

Eastern indigo snakes: Eastern indigo snakes occur in a mosaic of habitats such as pine flatwoods, scrubby flatwoods, floodplain edges, sand ridges, dry glades, tropical hammocks, edges of freshwater marshes, muckland fields, coastal dunes, and xeric sandhill communities. They also use agricultural lands and various types of wetlands with occurrence data over a number of years indicating that they are frequently seen near canals, roads, and wet ditches.

Additionally, in order to further reduce the likelihood of adverse effects to the eastern indigo snake, permittees shall utilize the Standard Protection Measures for the Eastern Indigo Snake found at: (http://www.fws.gov/northflorida/IndigoSnakes/20040212_gd_EIS_Standard_Protection_Measures.pdf).

10. No work shall be authorized by SAJ-05 which may have direct or indirect adverse impacts to essential fish habitat such as but not limited to hard or soft corals, including listed corals, mangroves, estuarine emergent vegetation, marine emergent vegetation, and/or the following species of submerged aquatic vegetation: shoal grass (*Halodule wrightii*), paddle grass (*Halophila decipiens*), star grass (*Halophila engelmanni*), Johnson's seagrass (*Halophila johnsonii*), sago pondweed (*Potamogeton pectinatus*), clasping-leaved pondweed (*Potamogeton perfoliatus*), widgeon grass (*Ruppia maritima*), manatee grass (*Syringodium filiforme*), turtle grass (*Thalassia testudinum*), tapegrass (*Vallisneria americana*), horned pondweed (*Zannichellia palustris*), and eel grass (*Zostera marina*). Indirect effects include secondary and cumulative effects. In addition, the project cannot have adverse effects on any other essential fish habitat.

11. This regional general permit only authorizes maintenance excavation of the above areas. No additional dredging/excavation is allowed under this permit other than is necessary to restore the canal to its original excavated depth; however, in no case shall the depth of canal be greater than -5 feet below mean low water.

12. The material dredged/excavated under each authorization shall not exceed 4,000 cubic yards per project per year.

13. Turbidity control measures will be used to control water quality and the work must be in accordance with State Water Quality Standards in sections 62-4.242 and 62-4.244 of the Florida Administrative Code and Chapters 62-302, 62-520, 62-522, and 62-550 of the Florida

Administrative Code. Turbidity control measures may include but are not limited to, turbidity control curtains, the exclusive use of suction dredging, the exclusive use of closed "clam shell" dredging, or any other technique necessary to reduce turbidity to no more than background turbidity. The Florida Department of Environmental Protection (DEP) or any Florida Water Management District (WMD) may require the applicant to submit a daily turbidity report, which may be verified by state or local government inspectors.

14. 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 within two calendar days. 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.

15. SAJ-05 does not authorize the removal of plugs or the connection of any canal or other non-connected waterbody to navigable waters of the United States or to any other waters of the United States.

16. Excavation of wetlands is not authorized by this regional general permit. Wetlands are those areas that are periodically inundated and saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

17. No work shall be performed until after the permittee provides notification to the owner(s) or operator(s) of any marked utilities in the work area.

18. Prior to the initiation of any construction, projects qualifying for this regional general permit must qualify for an exemption under section 403.813(1)(f) F.S. or 373.406, F.S., or otherwise be authorized by the applicable permit required under Part IV of Chapter 373, F.S., by the Department of Environmental Protection, a water management district under section 373.069, F.S., or a local government with delegated authority under section 373.441, F.S., and receive Water Quality Certification (WQC) and applicable Coastal Zone Consistency Concurrence (CZCC) or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Chapter 253, F.S., and, as applicable, Chapter 258, F.S.

19. Conformance with the descriptions and criteria contained herein does not necessarily guarantee authorization under this regional general permit. The District Engineer reserves the right to require that any request for authorization under this regional general permit be processed as an individual permit.

20. 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-05 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 SAJ-05 will remain in effect provided the activity is completed within 12 months of the date SAJ-05 expired or was revoked.

21. The permittee shall perform all work in accordance with the general conditions for permits. The general conditions attached hereto are made a part of this permit.

BY AUTHORITY OF THE SECRETARY OF THE ARMY

for D W Kinard

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

Table 1

Federally Listed Species in Florida
Consultation for SAJ-05 - 2013 - Maintenance Dredging of Residential Canals

Animals

Finding	*Agency*	*Status*	*Species Listing*
			MAMMALS
NE	FWS	E	Deer, Key (*Odocoileus virginianus clavium*)
MANLAA*	FWS	E	Manatee, West Indian (*Trichechus manatus*)
NE	FWS	E	Mouse, Anastasia Island beach (*Peromyscus polionotus phasma*)
NE*	FWS	E	Mouse, Choctawhatchee beach (*Peromyscus polionotus allophrys*)
NE	FWS	E	Mouse, Key Largo cotton (*Peromyscus gossypinus allapaticola*)
NE*	FWS	E	Mouse, Perdido Key beach (*Peromyscus polionotus trissyllepsis*)
NE	FWS	T	Mouse, southeastern beach (*Peromyscus polionotus niveiventris*)
NE*	FWS	E	Mouse, St. Andrew beach (*Peromyscus polionotus peninsularis*)
NE	FWS	E	Panther, Florida (*Puma concolor coryi*)
NE	FWS	E	Rabbit, Lower Keys marsh (*Sylvilagus palustris hefneri*)
NE*	FWS	E	Rice rat (lower FL Keys) (*Oryzomys palustris natator*)
NE	FWS	E	Vole, Florida salt marsh (*Microtus pennsylvanicus dukecampbelli*)
NE	NMFS	E	Whale, finback (*Balaenoptera physalus*)
NE	NMFS	E	Whale, humpback (*Megaptera novaeangliae*)
NE*	NMFS	E	Whale, right (*Balaena glacialis*)
NE	FWS	E	Woodrat, Key Largo (*Neotoma floridana smalli*)
			BIRDS
NE	FWS	T	Caracara, Audubon's crested (FL pop.) (*Polyborus plancus audubonii*)
MANLAA	FWS	T	Jay, Florida scrub (*Aphelocoma coerulescens*)
NE	FWS	E	Kite, Everglade snail (*Rostrhamus sociabilis plumbeus*)
NE*	FWS	T	Plover, piping (*Charadrius melodus*)
NE	FWS	E	Sparrow, Cape Sable seaside (*Ammodramus(=Ammospiza) maritimus mirabilis*)
NE	FWS	E	Sparrow, Florida grasshopper (*Ammodramus savannarum floridanus*)
NE	FWS	E	Stork, wood (*Mycteria americana*)
NE	FWS	T	Tern, Roseate (*Sterna dougallii dougallii*)
NE	FWS	E	Woodpecker, red-cockaded (*Picoides borealis*)
			REPTILES & AMPHIBIANS
NE	FWS	T	Crocodile, American (*Crocodylus acutus*)
NE*	FWS	T	Salamander, reticulated flatwoods (*Ambystoma bishopi*)
NE*	FWS	T	Salamander, frosted flatwoods (*Ambystoma cingulatum*)
MANLAA	NMFS/FW	E	Sea turtle, green (*Chelonia mydas*)
MANLAA	NMFS/FW	E	Sea turtle, hawksbill (*Eretmochelys imbricata*)
MANLAA	NMFS/FW	E	Sea turtle, Kemp's ridley (*Lepidochelys kempii*)
NE	NMFS/FW	E	Sea turtle, leatherback (*Dermochelys coriacea*)
MANLAA	NMFS/FW	T	Sea turtle, loggerhead (*Caretta caretta*)
NE	FWS	T	Skink, bluetail mole (*Eumeces egregius lividus*)
NE	FWS	T	Skink, sand (*Neoseps reynoldsi*)
NE	FWS	T	Snake, Atlantic salt marsh (*Nerodia clarkii taeniata*)
MANLAA	FWS	T	Snake, eastern indigo (*Drymarchon corais couperi*)
			FISH
MANLAA	FWS	T	Darter, Okaloosa (*Etheostoma okaloosae*)
MANLAA/NE*	NMFS	E	Sawfish, Smalltooth (*Pristis pectinata*)
MANLAA/NE*	NMFS/FW	T	Sturgeon, Gulf (*Acipenser oxyrinchus desotoi*)

MANLAA	NMFS	E	Sturgeon, shortnose (*Acipenser brevirostrum*)	
MANLAA	NMFS	E	Sturgeon, Atlantic *(Acipenser oxyrinchus oxyrinchus)*	
			INVERTEBRATES	
MANLAA*	FWS	T	Bankclimber, purple (Elliptoideus sloatianus)	
NE	FWS	E	Butterfly, Schaus swallowtail (Heraclides aristodemus ponceanus)	
NE	NMFS	T	Coral, Elkhorn (Acropora palmata)	
NE	NMFS	T	Coral, Staghorn(Acropora cervicornis)	
MANLAA*	FWS	E	Moccasinshell, Gulf (Medionidus penicillatus)	
MANLAA*	FWS	E	Moccasinshell, Ochlockonee (Medionidus simpsonianus)	
MANLAA*	FWS	E	Pigtoe, oval (Pleurobema pyriforme)	
MANLAA*	FWS	E	Pocketbook, shinyrayed (Lampsilis subangulata)	
NE	FWS	T	Shrimp, Squirrel Chimney Cave (Paleomonetes cummingi)	
NE	FWS	T	Snail, Stock Island tree (Orthalicus reses)	
MANLAA*	FWS	T	Slabshell, Chipola (Elliptio chipolaensis)	
MANLAA*	FWS	E	Three-ridge, fat (Amblema neislerii)	
			Plants	
Finding	***Agency***	Status	***Species Listing***	
NE	FWS	E	Aster, Florida golden (*Chrysopsis floridana*)	
NE	FWS	E	Beargrass, Britton's (*Nolina brittoniana*)	
NE	FWS	E	Beauty, Harper's (*Harperocallis flava*)	
NE	FWS	E	Bellflower, Brooksville (*Campanula robinsiae*)	
NE	FWS	T	Birds-in-a-nest, white (*Macbridea alba*)	
NE	FWS	E	Blazingstar, scrub (*Liatris ohlingerae*)	
NE	FWS	T	Bonamia, Florida (*Bonamia grandiflora*)	
NE	FWS	T	Buckwheat, scrub (*Eriogonum longifolium gnaphalifolium*)	
NE	FWS	T	Butterwort, Godfrey's (*Pinguicula ionantha*)	
NE	FWS	E	Cactus, Key tree (*Pilosocereus robinii*)	
NE	FWS	E	Campion, fringed (*Silene polypetala*)	
NE	FWS	E	Chaffseed, American (*Schwalbea americana*)	
NE	FWS	E	Cladonia, Florida perforate (*Cladonia perforata*)	
NE	FWS	T	Gooseberry, Miccosukee (Ribes echinellum)	
NE	FWS	E	Harebells, Avon Park (*Crotalaria avonensis*)	
NE	FWS	E	Hypericum, highlands scrub (*Hypericum cumulicola*)	
NE	FWS	E	Jacquemontia, beach (*Jacquemontia reclinata*)	
NE	FWS	E	Lead-plant, Crenulate (*Amorpha crenulata*)	
NE	FWS	E	Lupine, scrub (*Lupinus aridorum*)	
NE	FWS	E	Meadowrue, Cooley's (Thalictrum cooleyi)	
NE	FWS	E	Milkpea, Small's (*Galactia smallii*)	
NE	FWS	E	Mint, Garrett's (*Dicerandra christmanii*)	
NE	FWS	E	Mint, Lakela's (*Dicerandra immaculata*)	
NE	FWS	E	Mint, longspurred (*Dicerandra cornutissima*)	
NE	FWS	E	Mint, scrub (*Dicerandra frutescens*)	
NE	FWS	E	Mustard, Carter's (*Warea carteri*)	
NE	FWS	E	Pawpaw, beautiful (*Deeringothamnus pulchellus*)	
NE	FWS	E	Pawpaw, four-petal (*Asimina tetramera*)	
NE	FWS	E	Pawpaw, Rugel's (*Deeringothamnus rugelii*)	
NE	FWS	T	Pigeon wings (*Clitoria fragrans*)	
NE	FWS	E	Pinkroot, gentian (*Spigelia gentianoides*)	
NE	FWS	E	Plum, scrub (*Prunus geniculata*)	
NE	FWS	E	Polygala, Lewton's (*Polygala lewtonii*)	
NE	FWS	E	Polygala, tiny (*Polygala smallii*)	
NE	FWS	E	Pondberry (*Lindera melissifolia*)	
NE	FWS	E	Prickly-apple, fragrant (*Cereus eriophorus fragrans*)	

NE	FWS	E	Rhododendron, Chapman (*Rhododendron chapmanii*)	
NE	FWS	E	Rosemary, Apalachicola (*Conradina glabra*)	
NE	FWS	E	Rosemary, Etonia (*Conradina etonia*)	
NE	FWS	E	Rosemary, short-leaved (*Conradina brevifolia*)	
NE	FWS	E	Sandlace (*Polygonella myriophylla*)	
MANLAA/NE	NMFS	T	Seagrass, Johnson's (*Halophila johnsonii*)	
NE	FWS	T	Skullcap, Florida (*Scutellaria floridana*)	
NE	FWS	E	Snakeroot (*Eryngium cuneifolium*)	
NE	FWS	E	Spurge, deltoid (*Chamaesyce deltoidea deltoidea*)	
NE	FWS	T	Spurge, Garber's (*Chamaesyce garberi*)	
NE	FWS	T	Spurge, telephus (*Euphorbia telephioides*)	
NE	FWS	E	Torreya, Florida (*Torreya taxifolia goveniana*)	
NE	FWS	E	Warea, wide-leaf (*Warea amplexifolia*)	
NE	FWS	E	Water-willow, Cooley's (*Justicia cooleyi*)	
NE	FWS	T	Whitlow-wort, papery (*Paronychia chartacea*)	
NE	FWS	E	Wireweed (*Polygonella basiramia*)	
NE	FWS	E	Ziziphus, Florida (*Ziziphus celata*)	
***Finding also applies to Designated Critical Habitat**				