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

REPLY TO
ATTENTION OF

Regulatory Division

FEB 0 7 2007

DEPARTMENT OF THE ARMY PERMIT

PROGRAMMATIC GENERAL PERMIT SAJ-67
SAJ-2006-5506 (SLS)

LIMITED MINOR ACTIVITIES IN LAKE OKEECHOBEE AND THE OKEECHOBEE WATERWAY

Upon recommendation from 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 to Construction-Operations Division of the Jacksonville District, U.S. Army Corps of Engineers, to administer this permit for the following activities: placement of riprap revetments, new and/or maintenance dredging, excavation and/or maintenance of boat slips, construction and/or maintenance of boat ramps, installation and/or maintenance of aerial and subaqueous transmission lines, construction of minor structures, construction and/or maintenance of single-family mooring facilities (docks and piers), and construction and/or maintenance of private multi-family mooring facilities (docks and piers) having less than 1,000 square feet of surface area, within those navigable waters regulated under the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan, and located between St. Lucie Lock in Martin County and W.P. Franklin Lock in Lee County, Florida. All projects must adhere to the terms and conditions stipulated in the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan and to the following Special Conditions:

A. Special Conditions for Riprap Revetments

1. The work authorized herein includes the installation and repair of unconsolidated riprap revetments.

2. The revetment shall not exceed 500 feet in length and not exceed 1 cubic yard per running foot, including any backfill below the plane of the ordinary high water line.

3. A suitable filter material shall be installed to maintain the stability of all fill and rip rap material.

4. Filling of wetland areas and/or submerged aquatic vegetation is not authorized by this general permit. Wetlands are those areas that are periodically inundated or 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. Wetlands generally include swamps, marshes, bogs, and similar areas.

5. In addition to the 4 Special Conditions listed above which are only applicable to the installation and repair of unconsolidated riprap revetments, the permittee must abide by all of the Special Conditions which are listed in paragraph I. below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

B. SPECIAL CONDITIONS FOR DREDGING/EXCAVATION:

1. This permit does not authorize the removal of plugs or the connection of any canal to navigable waters of the United States or to any other waters.

2. Dredging activities, either new or maintenance dredging of a previously dredged area, shall not exceed -5 feet ordinary low water, or the average depth of the waterway at the project site, whichever is less..

3. The material dredged/excavated under this permit shall not exceed 500 cubic yards per project per year.

4. Turbidity control measures will be used to control water quality and the work must be in accordance with State Water Quality Standards in Chapter 62.302, and sections 62-4.242 and 62-4.244 in the Florida Administrative Code. Turbidity control measures may include but are not limited to, turbidity control curtains, the exclusive use of suction dredging or 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) may require the applicant to submit a daily turbidity report which may be verified by state or local government inspectors.

5. Excavated spoil material shall be deposited at self-contained upland areas that will prevent spoil material and/or return water from re-entering any water of the United States or interfering with natural drainage.

6. No discharge of dredged or fill material into navigable waters of the United States is authorized by this permit.

7. Excavation of wetlands contiguous or adjacent to navigable waters, and/or areas containing submerged aquatic vegetation is not authorized by this general permit.

8. In addition to the 7 Special Conditions listed above which are only applicable to dredging/excavation, the permittee must abide by all of the Special Conditions which are listed in paragraph I. below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

C. Special Conditions for Boat Slips

1. The work authorized herein includes the installation and maintenance of boat slips (berthing space created primarily through upland excavation/dredging and connection to navigable waters) and appurtenant structures such as bulkheads, catwalks, etc. The appurtenant structures shall not exceed a total of 50 linear feet in either direction of the boat slip.

2. The amount of dredged material shall not exceed 500 cubic yards for new work. Maintenance dredging of up to 50 cubic yards of material per year from existing boat slips is authorized.

3. Dimensions of the boat slip shall not exceed 50 linear feet in either direction and the depth of the boat slip shall not exceed the outlying control contours of the water body or in no case be greater than -5 feet ordinary low water.

4. Excavated spoil material shall be deposited at self-contained upland areas that will prevent spoil material and/or return water from re-entering any water of the United States or interfering with natural drainage.

5. Dredged material shall not be placed in adjacent waters or wetlands.

6. Excavation of wetlands contiguous or adjacent to navigable waters, or areas containing submerged aquatic vegetation is not authorized by this general permit.

7. Turbidity control measures will be used to control water quality and the work must be in accordance with State Water Quality Standards in Chapter 62.302, and sections 62-4.242 and 62-4.244 in the Florida Administrative Code. Turbidity control measures may include but are not limited to, turbidity control curtains, the exclusive use of suction dredging or 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) may require the applicant to submit a daily turbidity report which may be verified by state or local government inspectors.

8. New construction of canals or access channels are specifically excluded from this authorization.

9. In addition to the 8 Special Conditions listed above which are only applicable to the installation and maintenance of boat slips, the permittee must abide by all of the Special Conditions which are listed in paragraph I. below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

D. SPECIAL CONDITIONS FOR BOAT RAMPS:

1. The work authorized herein includes the installation and maintenance of boat ramps, including appurtenant structures (bulkheads, rub-rails, tie-up piers) requiring less than 100 cubic yards of fill material.

2. Where practical, bulkheads should extend no further than 1 to 2 feet waterward of the ordinary high water line, but in no case shall they exceed 5 feet waterward of the ordinary high water line. Tie-up piers shall not exceed: (a) the length of the boat ramp; (b) a width of 6 feet; and may have a single catwalk or "L" not to exceed 20 feet in length and 4 feet in width.

3. Navigational access to navigable waters of the United States must already exist. No dredging of navigational access channels is permitted under SAJ-67.

4. In addition to the 3 Special Conditions listed above which are only applicable to the installation of boat ramps, the permittee must abide by all of the Special Conditions which are listed in paragraph I. below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

E. SPECIAL CONDITIONS FOR AERIAL TRANSMISSION LINES:

1. The work authorized herein includes the installation of aerial transmission lines and associated structures.

2. The aerial transmission lines must meet the U.S. Army Corps of Engineers clearance criteria as described in 33 CFR, Part 322.5(i)(1), (2), (3), and (4).

3. No dredging or filling of navigable waters or waters of the United States is authorized under this portion of this general permit.

4. Where the proposed aerial transmission line is to be installed in navigable waters of the United States, at least two weeks prior to the start of the authorized work, the permittee must notify the NOAA and the Corps' office in writing that the work is commencing, and again upon completion of the work. The permittee shall notify the District Engineer at the letterhead address, attention Regulatory Division, and NOAA, at Nautical Data Branch N/CS26,

Station 7317, 1315 East-West Highway, Silver Spring, MD 20910-3282. This notification will certify that the project is constructed as authorized, and must include a drawing that certifies the location and configuration of the completed activity.

5. The permittee shall defend and hold the U.S. Government harmless from any and all claims by reason of the placement and installation of the transmission lines authorized by this permit.

6. In addition to the 5 Special Conditions listed above which are only applicable to the installation of aerial transmission lines, the permittee must abide by all of the Special Conditions which are listed in paragraph I. below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

F. SPECIAL CONDITIONS FOR SUBAQUEOUS UTILITY AND TRANSMISSION LINES:

1. The work authorized herein includes the installation and maintenance of subaqueous utility and transmission lines laid on or embedded in the bottom of navigable waters of the United States in the State of Florida.

2. All utility and/or transmission lines, cables, conduits, pipes, etc., authorized by this general permit must be installed a minimum of 6 feet below the authorized depth of any Federal Channel it crosses. The 6-foot criterion applies to the entire authorized width of the channel, plus a minimum of 25 feet outside the channel edges to allow for maintenance of the side slopes.

3. No utility and/or transmission lines will be embedded in the bottom of State Class I or Class II waters, aquatic preserves, or in areas of submerged aquatic vegetation.

4. Dredged or fill material placed as backfill or bedding for subaqueous utility and transmission lines must not change the preconstruction bottom contours. Excess material must be removed to an upland disposal area.

5. The permittee will install signs at the shoreline to notify navigational interests of the location of subaqueous utility and transmission lines.

6. Where the proposed subaqueous utility or transmission line is to be installed in navigable waters of the United States, at least two weeks prior to the start of the authorized work, the permittee must notify the NOAA and the Corps' office in writing that the work is commencing, and again upon completion of the work. The permittee shall notify the District Engineer at the letterhead address, attention Regulatory Division, and NOAA, at Nautical Data Branch N/CS26, Station 7317, 1315 East-West Highway, Silver Spring, MD 20910-3282. This

notification will certify that the project is constructed as authorized, and must include a drawing that certifies the location and configuration of the completed activity.

7. The permittee shall defend and hold the U.S. Government harmless from any and all claims by reason of the placement and installation of the transmission lines authorized by this permit.

8. In addition to the 7 Special Conditions listed above which are only applicable to the installation and maintenance of subaqueous utility and transmission lines, the permittee must abide by all of the Special Conditions which are listed in paragraph I. below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

G. SPECIAL CONDITIONS FOR MINOR STRUCTURES:

1. The work authorized herein will be for minor structures to include:

a. Single mooring pilings.

b. Small mooring dolphins (limited to 1 cluster of 4 or fewer pilings).

c. Non-commercial information signage.

d. Boat lifts, hoists, davits.

e. Other minor structures that would have less environmental impact than a small dock.

2. No activity shall be authorized under this general permit which by its size or location may adversely affect water quality, fish and wildlife habitat, wetlands, or emergent or submerged aquatic vegetation. Adverse impacts to submerged aquatic vegetation from construction of minor structures may be ameliorated by adherence to the attached joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat - U.S. Army Corps of Engineers/National Marine Fisheries Service - August 2001." (See http://www.saj.usace.army.mil/permit). Construction of minor structures in submerged aquatic vegetation which does not adhere to these guidelines cannot be authorized by SAJ-67. *Note: The Dock Construction Guidelines 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.*

3. Where practicable, unless sealed or wrapped, the use of CCA-treated wood should be avoided.

4. In addition to the 3 Special Conditions listed above which are only applicable to the construction of minor structures, the permittee must abide by all of the Special Conditions which are listed in paragraph I. below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

H. SPECIAL CONDITIONS FOR ALL MOORING FACILITIES (DOCKS and PIERS) AND APPURTENANT STRUCTURES:

1. Structures authorized under this general permit are mooring facilities (docks and piers) not to exceed 1000 square feet in area. Appurtenant structures would include boat hoists, boat shelters with open sides, stairways, walkways, mooring pilings, roofs, dolphins, and maintenance/replacement of same.

2. No living, fueling, or storage facilities over navigable waters of the United States are authorized under this general permit

3. No activity shall be authorized under this general permit which by its size or location may adversely affect water quality, fish and wildlife habitat, wetlands, or emergent or submerged aquatic vegetation. Adverse impacts to submerged aquatic vegetation from dock construction may be ameliorated by adherence to the attached joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat - U.S. Army Corps of Engineers/National Marine Fisheries Service - August 2001." (See http://www.saj.usace.army.mil/permit). Dock construction in submerged aquatic vegetation which does not adhere to these guidelines cannot be authorized by SAJ-67. *Note: The Construction Guidelines 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.*

4. Where practicable, unless sealed or wrapped, the use of CCA-treated wood should be avoided.

5. In addition to the 4 Special Conditions listed above which are only applicable to the construction of piers or docks, the permittee must abide by all of the Special Conditions which are listed in paragraph I. below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

I. SPECIAL CONDITIONS FOR ALL WORKS:

1. The work authorized herein is limited to those navigable waters located between St. Lucie Lock in Martin County and W.P. Franklin Lock in Lee County, Florida, which are regulated under the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan.

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. No structure, including mooring piles, shall be within the established "arrival points" or operational staging areas of all Lake Okeechobee and Okeechobee Waterway locks and dams.

4. No activity shall be authorized under this general permit which may adversely affect water quality, fish and wildlife habitat, wetlands, or emergent or submerged aquatic vegetation.

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 work area.

6. No structure or work shall adversely affect or disturb properties listed in the *National Register of Historic Places* or those eligible for inclusion in the National Register.

If unexpected cultural resources are encountered at any time within the project area that was not the subject of a previous cultural resource assessment survey, work should cease in the immediate vicinity of such discoveries. The permittee, or other party, should notify the SHPO immediately, as well as the appropriate Army Corps of Engineers office. After such notifications, project activities should not resume without verbal and/or written authorization from the SHPO.

If unmarked human remains are encountered, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, *Florida Statutes,* unless on Federal lands. After such notifications, project activities on non-Federal lands shall not resume without verbal and/or written authorization from the Florida State Archaeologist for finds under his or her jurisdiction.

7. Conformance with descriptions and quantities contained herein does not necessarily guarantee authorization under this general permit.

8. The District Engineer reserves the right to require that any request for authorization under this general permit be evaluated as an Individual Permit.

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, July 2005," (see http://www.saj.usace.army.mil/permit) will be used to determine potential manatee impacts. Those determined to be a "may affect" to the manatee will not be authorized until consultation on the project 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 re-initiated and 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.*

10. For projects in, over, and/or under waters accessible to manatees, the permittee will utilize the "Standard Manatee Conditions for In-Water Work, July 2005," (see http://www.saj.usace.army.mil/permit) 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. In accordance with Section 7 of the Endangered Species Act, projects proposed within the following areas cannot be authorized until consultation on the project has been reinitiated and concluded with the U.S. Fish and Wildlife Service: within 750 feet of an active or inactive bald eagle's nest (see state wildlife data base at www.wld.fwc.state.fl.us/eagle/eaglenests), or if within 660 feet, project does not incorporate special conditions (see www.fws.gov/northflorida); within designated critical habitat for the Everglades snail kite (see attached map). *Note: The eagle 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. No activity shall be authorized under this general permit which is likely to adversely affect any other Federally listed threatened or endangered species or a species proposed for such designation, or destroy or adversely modify its designated critical habitat.

13. Any structure authorized under this general permit must not interfere with general navigation.

14. Prior to the initiation of any construction, projects qualifying for this regional general permit must qualify for an exemption under Section 403.813(2)(b), F.S., or 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.

15. In the Okeechobee Waterway, no structure, including mooring piles, authorized under this general permit shall be within the established setback (normally 100 feet but may be less in a few specific reaches), calculated from the near-bottom edge of the Federal channel, unless it is a 5-foot marginal pier. In oxbows, no structure may extend more than 1/4 of the width of the oxbow at normal pool elevation.

16. Any activity within Federal rights-of-way will require the permittee to enter into an consent-to-easement with the Real Estate Division, U.S. Army Corps of Engineers, Jacksonville District, prior to the commencement of any construction activity.

17. 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.

18. If backfill is used, the backfill must be from upland sources and consist of suitable material, free from toxic pollutants in other than trace quantities.

19. SAJ-67 shall be valid for a period of 5 years from the date of issuance unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps will conduct periodic reviews to determine if continuation of the permit is not contrary to the public interest.

20. If SAJ-67 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-67 will remain in effect provided the activity is completed within 12 months of the date SAJ-67 expired or was revoked.

21. The permittee shall perform all work in accordance with the attached general conditions.

Paul L. Grosskruger
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 _____.

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 mailing address of the new owner in the space provided below 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)

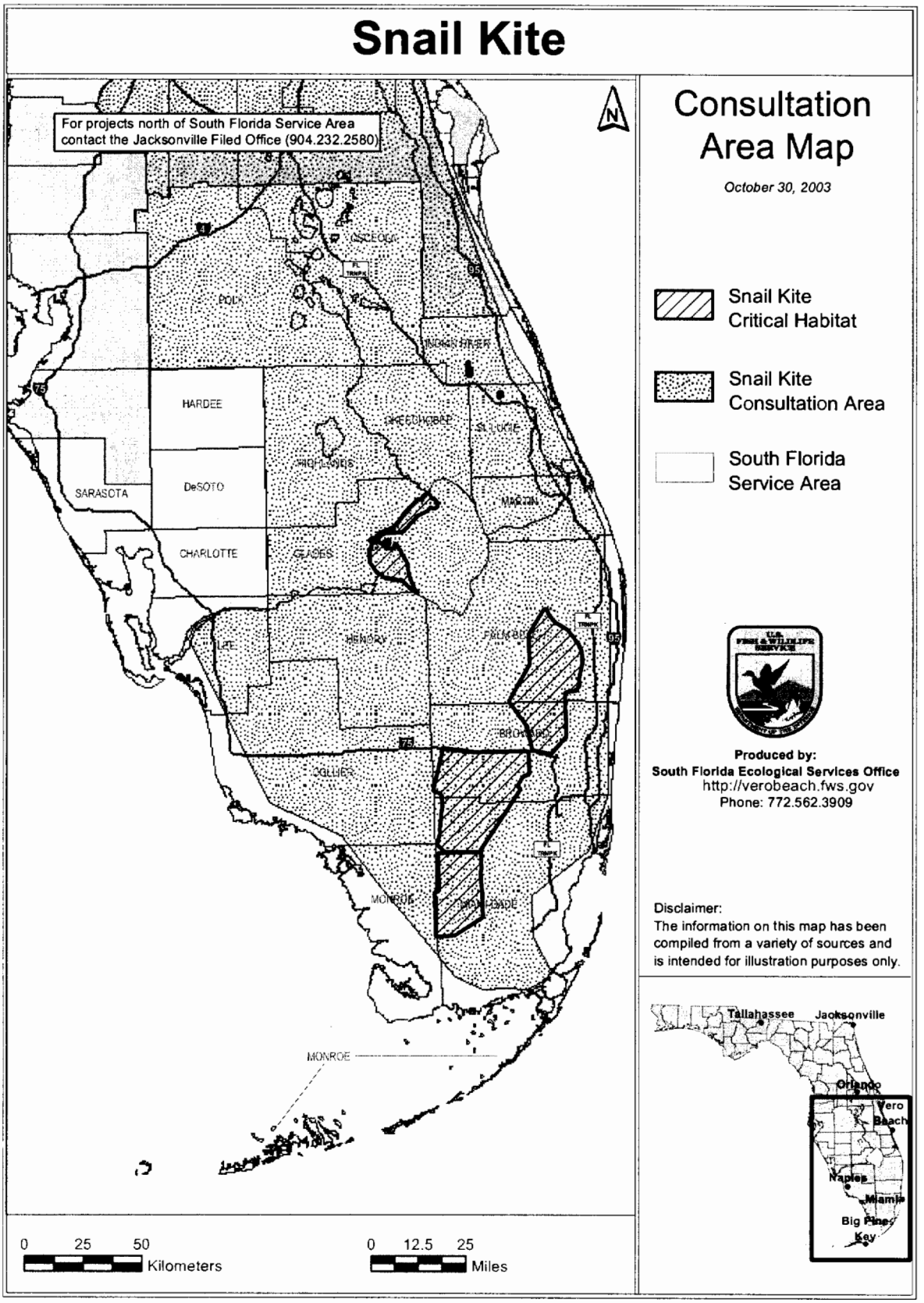
Snail Kite
For projects north of South Florida Service Area contact the Jacksonville Filed Office (904.232.2580)
Consultation Area Map
October 30, 2003
Snail Kite Critical Habitat
Snail Kite Consultation Area
South Florida Service Area
Produced by:
South Florida Ecological Services Office
http://verobeach.fws.gov
Phone: 772.562.3909
Disclaimer:
The information on this map has been compiled from a variety of sources and is intended for illustration purposes only.
OSCEOLA
POLK
HARDEE
DeSOTO
SARASOTA
CHARLOTTE
HIGHLANDS
GLADES
MARTIN
ST. LUCIE
LEE
HENDRY
PALM BEACH
BROWARD
COLLIER
MONROE
DADE
MONROE
Tallahassee
Jacksonville
Orlando
Vero Beach
Naples
Miami
Big Pines Key
0 25 50 Kilometers
0 12.5 25 Miles

Figure 2.