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

REPLY TO
ATTENTION OF

Regulatory Division

JUN 19 2007

DEPARTMENT OF THE ARMY PERMIT

REGIONAL GENERAL PERMIT SAJ-78
(SAJ-2006-6892)
Residential Fill in Palm Beach Country Estates
Palm Beach County, Florida

Upon recommendation of the Chief of Engineers, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), general authority is given to place fill over wetlands for residential development on property within Palm Beach Country Estates in accordance with the following special conditions:

SPECIAL CONDITIONS:

1. This permit applies to residential construction, including their appurtenant structures and driveways, in specified portions of Sections 9 (west of the Florida Turnpike and southeast of the C-18 Canal), 15 (west of the Florida Turnpike), 16, 17, and 22 (west of the Florida Turnpike), Township 42 south, Range 41 east, Palm Beach County, Florida (see attached map for approximate boundaries).

2. Fill will be limited to the minimum necessary to construct the residence with appurtenant structures. There is no maximum or minimum fill limit per lot specified in this permit. However, given the size of the lots, the amount of fill will be constrained between approximately 0 and 1.25 acres per lot.

3. Fill material used with this project shall be limited to suitable, clean fill material, which excludes material such as trash, debris, car bodies, asphalt, construction materials, concrete block with exposed reinforcement bars, and any soils contaminated with any toxic substance in toxic amounts (see Section 307 of the Clean Water Act).

4. Reduction and/or elimination of turbid water conditions and the erosion of disturbed or filled areas in adjacent waterbodies and wetlands are to be achieved through the use of silt curtains or screens, between the construction area and wetlands or surface waters, during periods of fill placement. Such devices shall be properly maintained until such time as those disturbed areas become sufficiently stabilized by natural recruitment of vegetation or other measures.

5. Prior to the initiation of any construction, projects qualifying for this regional general permit must 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 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 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.

6. Within 60 days of the issuance of this permit, and prior to any construction activities, the applicant will provide mitigation for wetland impacts through the purchase, restoration and long-term management of wetlands at an offsite mitigation area referred to as the South Loxahatchee Slough Restoration Project. The established mitigation fee for this area (based on an agreement between the U.S. Army Corps of Engineers, Florida Department of Environmental Protection and Palm Beach County) is 1 acre of mitigation for each acre of impact. The required mitigation fee will be made payable to the "Board of County Commissioners So. Lox Slough Restoration." The Palm Beach County Department of Environmental Resource Management (DERM) can be contacted for any questions that you may have on payment of this mitigation fee. Proof of the transfer of funds shall be submitted to the Jacksonville District, Regulatory Division, Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232 within the 60-day time frame.

7. No discharge will be authorized under this general permit, which would adversely affect federally listed threatened or endangered species.

8. To ensure minimal impacts to the Eastern indigo snake (*Drymarchon corais couperi*), the permittee shall implement the U.S. Fish and Wildlife Service's "Standard Indigo Snake Protection Measures" (see http://www.fws.gov/northflorida/IndigoSnakes/east-indigo-snake-measures-071299.htm).

9. Mitigation for discharges of fill occurring in Wood stork foraging habitat located within the core foraging area of a breeding colony (see http://www.saj.usace.army.mil/regulatory/what/species/endangered.htm) shall be located within that core foraging area. The South Loxahatchee Slough Restoration Project referenced in Special Condition 5 above is within the core foraging area of any Wood stork foraging habitat located within the Palm Beach Country Estates subdivision.

10. 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. Prior to the start of work, the permittee or other party on the permittee's behalf, shall conduct a search in the *National Register Information System* (NRIS). Information can be found at; http://www.cr.nps.gov/nr/research/nris.htm. Information on properties eligible for inclusion in the National Register can be identified by contacting the Florida Master File Office by email at fmsfile@dos.state.fl.us or by telephone at 850-245-6440.

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.

11. The District Commander reserves the right to require that any request for authorization under this general permit be processed as an individual permit.

12. Within 60 days of the authorized work and mitigation, the attached Self-Certification Statement of Compliance must be completed and submitted to the Corps. Mail the completed form to the Jacksonville District, Enforcement Branch, Post Office 4970, Jacksonville, Florida 32232-0019

13. 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 Commander prior to that date. If SAJ-78 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-78 will remain in effect provided the activity is completed within 12 months of the date SAJ-78 expired or was revoked.

14. 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 Paul L. Grosskruger
Colonel, U.S. Army
District Commander

PALM BEACH COUNTRY ESTATES
SAJ-78