



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS, ANTILLES OFFICE
400 FERNANDEZ JUNCOS AVENUE
SAN JUAN, PUERTO RICO 00901-3299

REPLY TO
ATTENTION OF
Antilles Regulatory Section

SEP 23 2003

DEPARTMENT OF THE ARMY

GENERAL PERMIT SAJ-81

**DREDGING THE MOUTH OF RIVERS, CREEKS, STREAMS, CANALS AND / OR
STORM DRAINS, BY FEDERAL, STATE AND/OR LOCAL AGENCIES IN THE
COMMONWEALTH OF PUERTO RICO AND THE TERRITORY OF THE
U.S. VIRGIN ISLANDS**

Upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899, general authority is hereby given for the dredging of rivers, creeks, streams, and / or storm drains with the purpose of breaking the sand bar at the mouth of the water body to allow accumulated water to flow to the sea.

SPECIAL CONDITIONS:

1. Work authorized under this General Permit is limited to dredging the minimum volume of material necessary to break the sand bar such to allow evacuation of accumulated water to the sea prior to or during forecasted storm events. This authorization is not intended to be used for maintenance dredging.
2. Written confirmation that the proposed work complies with this general permit must be received from the Jacksonville District Engineer prior to commencement of any work. In order to obtain this confirmation the permittee shall file a Joint Permit Application (JPA) and provide the following information to initiate the evaluation process:
 - a) Name, address and telephone numbers of the prospective permittee
 - b) Location of the proposed project
 - c) Brief description of the proposed project, project purpose, direct and indirect adverse environmental effects the project would cause, including submerged aquatic vegetation that may be impacted
 - d) Other DA authorizations necessary for the project
 - e) Sketches that show the proposed activity (plan view and cross-sections showing the existing and proposed levels)
 - f) Reasonable measures to avoid and minimize adverse effects to aquatic resources
 - g) Final disposal site of the excavated material
 - h) A certification indicating that no historic properties or cultural resources would be affected. A letter from SHPO is required.
 - i) Clearance letter regarding potential effects to endangered or threatened species or their habitat from the U.S. Fish and Wildlife Service.

3. The depth of the dredging shall be consistent and in proportion to the dimensions of the stream mouth to be opened. No additional dredging is allowed under this permit other than the minimum necessary to break the sand bar such that the accumulated water forces its way out to the sea. In no case shall the depth of the dredging exceed -1 foot mean sea level.
4. Specific monitoring shall be conducted for the potential presence of sea turtle nests at the work area. The monitoring shall be performed by qualified government personnel prior commencement of the dredging work. Monitoring shall start at least 75 days prior the dredging activities during the leatherback sea turtle (*Dermochelys coriacea*) nesting season (February to August). During the rest of the year monitoring shall start at least 60 days prior the dredging activity. A continuous monitoring would comply with the monitoring requirement. This will result in the identification and relocation of vulnerable nests to be destroyed by natural means, during the rainy season or by the proposed dredging activities to be performed at the site. The personnel in charge of the monitoring shall coordinate the method and schedule with the U.S. Fish and Wildlife Service.
5. No dredging is authorized until the required assessment for the potential presence of sea turtles nests is conducted. If the issuance of authorization under this permit is found or suspected to affect the continued existence of an endangered species, or adversely impact critical habitats, the activity will not be authorized by this general permit. In that case an individual permit will be required.
6. All dredged material shall be deposited and spread in the vicinity of the work site, in uplands, on the supra-littoral zone, above the highest high tide line. The spread of the dredged sand shall be accomplished only after the area has been surveyed for the potential presence of sea turtle nests at the work area.
7. The dredged material shall not be taken away from the site for any reason. In the case that dredged materials are solid wastes, those shall be disposed in the nearest landfill, or according to the applicable waste disposal regulations.
8. The work authorized in this permit shall be performed from uplands, or the top of the banks of the stream. This permit does not authorize any temporary or permanent fill of wetlands necessary for access or to perform the dredging, or for any other purpose. Such activities would require an individual permit.
9. Turbidity control devices shall be used in the case where water quality may be significantly affected. The work must be in accordance with Commonwealth or Territorial water quality standards.

10. This General Permit does not authorize work beyond the area of the sand bar, landward from the water body mouth into the tidally influenced portion of the streambed. The permit neither authorizes the complete removal of the sand bar.
11. This General Permit does not authorize sand, or other aggregates, extraction or mining with commercial purposes.
12. This General Permit does not authorize to relocate or reshape the stream mouth.
13. This General Permit does not authorize impacts to submerge aquatic vegetation.
14. The work shall not adversely affect or disturb properties that are listed, or are eligible for listing, in the National Register of Historic Places.
15. This General Permit is excluded for use in the following estuaries: Guanajibo River, Añasco River, Cibuco River, Mameyes River, Espiritu Santo River, Boquilla Creek, La Puente Creek, Madre Vieja Creek, Tiburones Creek, and Corazones Creek.
16. For works proposed in the U.S. Virgin Islands, the permittee must obtain a CZM consistency certificate from the Department of Planning and Natural Resources prior to perform the work. For works proposed in Puerto Rico the Puerto Rico Planning Board issued CZM certificate for the GP-81.
17. Within 60 days of completion of the work authorized, a "Self-Certification Statement of Compliance" must be completed and submitted to the U.S. Army Corps of Engineers.
18. This general permit will be valid for a period of 5 years from the date specified above unless suspended or revoked by the District Engineer prior to that date.
19. The District Engineer reserves the right to require that any request for authorization under this permit be processed as an individual permit.
20. 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.

21. The General Conditions and Further Information attached hereto are made part of this permit.

BY AUTHORIZATION OF THE SECRETARY OF THE ARMY


Robert M. Carpenter
Colonel, U.S. Army
District Engineer

GENERAL CONDITIONS

1. The time limit for completing the work authorized ends on _____.
2. 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.
3. 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.
4. 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.
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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)