

DEPARTMENT OF THE ARMY

REGIONAL GENERAL PERMIT SAJ-90

RESIDENTIAL, COMMERCIAL, AND INSTITUTIONAL DEVELOPMENTS IN
NORTHEAST FLORIDA

Upon recommendation of the Chief of Engineers, pursuant to Section 404 of the Clean Water Act (33 U.S.C. § 1344), the Corps is proposing to issue a Regional General Permit (SAJ-90), which gives general authority for activities required for the construction or expansion of residential, commercial, or institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures. The SAJ-90 must meet the following eligibility criteria and is subject to the following special and general conditions:

ELIGIBILITY CRITERIA:

1. SAJ-90 is authorized for use only in non-tidal waters of the United States, excluding non-tidal wetlands adjacent to tidal waters.
2. SAJ-90 is authorized for use only in Baker, Brevard, Clay, Duval, Flagler, Lake, Marion, Nassau, Orange, Putnam, Seminole, St. Johns, and Volusia counties.
3. SAJ-90 will not apply to project sites for which a Department of the Army permit was previously issued or denied.
4. SAJ-90 will apply only to:
 - a. Wetlands in pine plantations that are planted in pine (in raised beds), and that have been in production for a minimum of 20 years, or
 - b. Wetlands currently in improved pasture, which were converted prior to December 23, 1985, and any other non-forested wetland inclusions within that improved pasture, or
 - c. Jurisdictional borrow areas, or
 - d. Parcels bordered by development around at least 75% of the perimeter (for the purpose of this criterion, development is defined by approximately half or more of the area being covered by an impervious surface, including structures), or
 - e. Wetlands covered with greater than 80% invasive and/or exotic vegetation (definitions and lists of such species can be found at www.fleppc.org).

SPECIAL CONDITIONS:

1. All reservations and provisions in the Eligibility Criteria are repeated and incorporated herein.
2. The work herein authorized includes activities required for the construction or expansion of residential, commercial, or institutional building foundations and building pads and attendant

features that are necessary for the use and maintenance of the structures. Attendant features include but are not limited to roads, parking lots, garages, yards, utility lines, stormwater management facilities, and recreational facilities such as playgrounds, playing fields, and golf courses. Residential developments include multiple and single unit developments. Examples of commercial developments include retail stores, industrial facilities, restaurants, business parks, and shopping centers. Examples of institutional developments include schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, hospitals, and places of worship.

3. The total area of permanently impacted waters of the United States shall not exceed three acres. For residential and commercial subdivisions, the aggregate total loss of waters of the United States authorized by SAJ-90 can not exceed three acres. This includes any loss of waters associated with development of individual subdivision lots.

4. No project will be authorized under SAJ-90 if the proposed fill activity will result in upstream waters of the United States being removed from Federal jurisdiction.

5. Permit submittal must include a written statement explaining how avoidance and minimization for losses of waters of the United States were achieved on the project site. An offsite alternatives analysis is not required.

6. Compensatory mitigation for unavoidable impacts to waters of the United States will be required. To offset lost wetland and other aquatic resource functions, environmentally appropriate mitigation at a Federally-approved mitigation bank will be strongly encouraged. Mitigation undertaken at a Federally-approved mitigation bank will be at a ratio of 1:1 (impact acreage:credit). Mitigation not undertaken at a mitigation bank will be subject to the guidelines found in the National Wetlands Mitigation Action Plan, which can be found at <http://www.mitigationactionplan.gov/checklist.pdf>.

7. No work shall be performed until the applicant submits satisfactory plans for the proposed activity and receives written authorization from the District Engineer. To assist in the submittal of satisfactory plans, a checklist is included as an appendix to this permit.

8. Prior to the initiation of any construction, projects qualifying for SAJ-90 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.

9. No work shall be authorized by SAJ-90 in waters of the United States of the following areas:

- a. The Timucuan Ecological and Historical Preserve (Duval County), or
- b. The St. Mary's River, from its headwaters to its confluence with the Bells River, or

c. 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, or

d. The Guana Tolomato Matanzas National Estuarine Research Reserve.

10. Prior to the start of work, the State Historic Preservation Officer (SHPO) in Tallahassee, should be contacted by the permittee, or other party on the permittee's behalf. The permittee shall then provide the Corps with the SHPO finding which may include the following: 1) confirmation from the SHPO that no properties listed or eligible for listing in the National Register of Historic Places will be affected, or 2) that because of the location, and/or nature of the project, it is unlikely that such properties will be affected, or alternately, 3) that the permittee must take the additional measures specified by the SHPO.

If cultural resources are encountered at any time within the project site area, work should cease in the immediate vicinity of such discoveries. The permittee, or other designee, should contact the SHPO, as well as the appropriate permitting agency office. If unmarked human remains are encountered, all work shall stop immediately, and proper authorities notified in accordance with Section 872.05, Florida Statutes. Project activity should not resume without verbal and/or written authorization from the State Archaeologist.

11. No work shall be authorized by SAJ-90 which may have direct or indirect effects on estuarine emergent, marine emergent, 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.

12. This permit does not authorize stream channelization or the bank-to-bank filling, relocating and/or culverting of more than 300 linear feet of perennial or intermittent streams. The authorized activities must not increase flooding, or negatively impact the pre-project hydraulic flow characteristics or water quality of any affected stream.

13. Except for the following, no authorization under SAJ-90 shall be made for any project in Brevard, Clay, Flagler, Lake, Marion, Orange, Putnam, Seminole, or Volusia county, until the Corps has reinitiated consultation with the U.S. Fish and Wildlife Service for the Florida scrub jay (*Aphelocoma coerulescens*), in accordance with the Endangered Species Act.

a. Projects wholly within pine plantations that are planted in pine (in raised beds), and that have been in production for a minimum of 20 years, or

b. Projects currently in improved pasture, which were converted prior to December 23,

1985, and any other non-forested wetland inclusions within that improved pasture, and for which county governments can provide documentation on scrub-jay absence within and immediately adjacent to, the project site.

14. No authorization under SAJ-90 shall be made for any project in Lake, Marion, or Orange county, which may affect the sand skink (*Neoseps reynoldsi*); or in Baker County, which may affect the Flatwoods Salamander (*Ambystoma cingulatum*), until the Corps has reinitiated consultation with the U. S. Fish and Wildlife Service in accordance with the Endangered Species Act.

15. No authorization under SAJ-90 shall be made for any project that is proposed within 1500 feet of a bald eagle nest, within one mile of a wood stork rookery, or within ½ mile of an active red-cockaded woodpecker colony site until the Corps has reinitiated consultation with the U.S. Fish and Wildlife Service in accordance with the Endangered Species Act.

16. No authorization under SAJ-90 shall be made for any project having 50 or more total acres of undeveloped habitat within or contiguous to the project area, until the Corps has reinitiated consultation with the U.S. Fish and Wildlife Service for potential impacts to the Eastern indigo snake (*Drymarchon corais couperi*) in accordance with the Endangered Species Act.

17. No authorization under SAJ-90 shall be made for any project in Brevard County having habitat suitable to support Audubon's crested caracara (*Caracara cheriway audubonii*), until the Corps has reinitiated consultation with the U.S. Fish and Wildlife Service in accordance with the Endangered Species Act.

18. No authorization under SAJ-90 shall be made for any project until the applicant surveys the project site for the presence of Federally listed plant species. If Federally listed plant species are found on the site, no activities will be authorized until the U.S. Fish and Wildlife Service has completed consultation on the project. For an inventory of all Federally listed species by county, go to <http://northflorida.fws.gov>.

19. Until the U.S. Fish and Wildlife Service has completed consultation on the proposed activity, no activity shall be authorized under SAJ-90 which:

a. may affect:

- 1) any other Federally listed threatened or endangered species; or
- 2) a species proposed for such designation; or

b. may destroy or adversely modify:

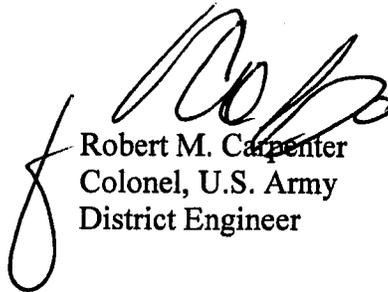
- 1) designated critical habitat for any Federally listed threatened or endangered species; or
- 2) habitat proposed to be designated as critical habitat for any Federally listed threatened or endangered species.

20. No authorization under SAJ-90 shall be granted for any parcel that is contiguous to conservation lands. Permit submittal must include a statement regarding the conservation status of all parcels contiguous to the project site. For the purpose of this permit, conservation lands are defined as county-, state-, or Federally-owned lands such as those acquired through special land acquisition programs or initiatives, where the primary function is natural land preservation.
21. Where the proposed work involves a discharge of dredged or fill material into waters of the United States resulting in permanent, above-grade fills within the 100-year floodplain (as identified on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or FEMA-approved local floodplain maps), the applicant must provide documentation that the proposed work complies with the appropriate FEMA or FEMA-approved local floodplain construction requirements.
22. Within 60 days of completion 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 Section, Post Office 4970, Jacksonville, Florida 32232-0019.
23. 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).
24. Reduction and/or elimination of turbid water conditions and the erosion of disturbed or filled areas in adjacent water bodies 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.
25. Conformance with descriptions and quantities 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 evaluated as a standard permit.
26. Authorization under this regional general permit is void at any time if the information provided by the applicant in support of the permit application proves to have been false, incomplete, or inaccurate.
27. SAJ-90 shall be valid for a period of five years from the date of issuance unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct annual reviews during the five-year period to ensure that continued use of the permit is not contrary to the public interest. If found to be contrary to the public interest, the permit will be revoked. If SAJ-90 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-90 will remain in effect provided the activity is completed within 12 months of the date SAJ-90 expired or was revoked.

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

BY AUTHORITY OF THE SECRETARY OF THE ARMY:



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

GENERAL CONDITIONS
33 CFR PART 320-330
PUBLISHED FR DATED 13 NOVEMBER 1986

1. The time limit for completing the work authorized ends on _____. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
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 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. 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. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representative 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.

**Checklist For Activities Proposed To Be Authorized By Regional General Permit SAJ-90,
Residential, Commercial, And Institutional Developments In Northeast Florida**

GENERAL INFORMATION

- A complete State (ERP) and Federal (Dredge and Fill) joint application form
- Name & address of applicant
- Name & address of applicant's agent
- Applicant's and agent's (if applicable) signatures on application
- Names and mailing addresses of adjacent property owners (include typed mailing labels for projects with more than 10 adjacent property owners)
- Description of proposed activity
- Narrative description of the total plan of development
- Narrative of the existing site conditions
- Narrative of adjacent, surrounding land uses
- List of threatened or endangered species
- Wildlife surveys that have been performed on the site
- If applicable, notification and response to previous coordination with other agencies including but not limited to: Fish & Wildlife Service, National Marine Fisheries Service, Department of State Division of Historical Resources, and the Federal Emergency Management Administration
- Written statement explaining how avoidance and minimization were achieved on the project site
- Copy or status of state permit

SITE INFORMATION

- Location of site to include street address and parcel number
- Directions to reach the site

- Parcel or project name
- Section, Township, and Range
- County
- Latitude and Longitude for center point of parcel
- Size of parcel
- Site map showing property boundaries and jurisdictional line

DRAWINGS

- Drawings of proposed activity, location map, etc.
- On 8½" by 11" paper
- In black and white
- Numbered
- Include a graphic scale to ensure accuracy during reproduction

PLAN VIEW

- North arrow
- Pre- and post-development site drawings
- Dimensions of the property
- Dimensions of the work and fill areas to include length, width, depth, and volume
- Total plan of development to include the proposed use of uplands as well as wetlands. This should include wetland limits, buildings, open water features, parking areas, roads, other related structures, wetland impacts, and mitigation areas.
- Location of culverts under road crossings
- Indicate the relationship of the proposed work site to waters of the United States, i.e., basis of jurisdiction
- Indicate the location of cross-sectional views

CROSS-SECTIONAL VIEW

- Existing and proposed elevations
- Dimensions of the fill
- Top width, bottom width, and side slopes of road crossings to include bottom and invert elevations of culverts and the finished top elevation

COMPENSATORY MITIGATION

- Mitigation proposal describing the purchase of mitigation bank credits, if applicable
- Detailed plan, in accordance with the National Wetlands Mitigation Action Plan, proposing creation, restoration, enhancement, or preservation, if applicable. (Development of such a mitigation plan by the applicant and subsequent review and approval by the Corps will require an extensive time commitment on both parties. These time consuming activities could significantly extend an otherwise expeditious permit decision.)
- Functional assessment data forms for the pre- and post- impact and mitigation areas
- Drawings to include location map, plan views, and cross-sectional views, if appropriate
- Latitude and Longitude for center point of mitigation area, if mitigation is not in a mitigation bank
- Pre- and post-development mitigation drawings, if appropriate

DATA FORMS

- Minimum of two sets of data sheets (from 87 Manual) to show how the line was determined. Wetland determinations must be made in accordance with the Corps 87 manual. The total number of data sheets will vary with each site but there should be two sets (1 upland/1 wetland) for each change in vegetative community.