



REPLY TO
ATTENTION OF:

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

Regulatory Division

August 9, 2012

DEPARTMENT OF THE ARMY PERMIT
PROGRAMMATIC GENERAL PERMIT SAJ-80
Permit Number SAJ-2006-05479 (PGP-JCP)
MICCOSUKEE TRIBE OF INDIANS OF 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 hereby given for the discharge of fill material for use by the Miccosukee Tribe of Indians of Florida (Tribe) for the expansion of existing homesites within the Miccosukee Reserved Area (MRA). The SAJ-80 is subject to the following special and general conditions:

SPECIAL CONDITIONS:

1. This permit is limited to fill activities that allow Tribal members to place fill around their house pads to increase the overall lot size to a total of 0.5 acres.
2. Cultural Resources/Historic Properties: 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.

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. 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.

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.

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.

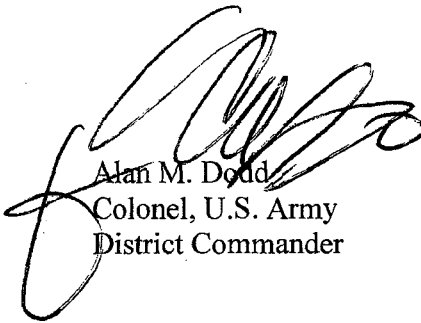
In the unlikely event that human remains are encountered on federal or tribal lands, or in situations where Archaeological Resources Protection Act of 1979, or Native American Graves Protection Repatriation Act of 1990 applies, all work in the vicinity shall immediately cease and the Permittee immediately 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.

3. This permit does not apply to any activity that “may affect” a listed species identified under the Endangered Species Act, or destroy or adversely modify the critical habitat of such species.
4. This permit does not authorize any proposed work that would require a discharge of fill material in waters of the United States that exceeds the 0.5 ac per individual lot threshold. This permit does not authorize any proposed work that would exceed the remaining 20.45 acres of fill impacts of the original 53.73 acres authorized.
5. The Tribe will submit a quarterly report, providing the acreage impacts performed to date, to the U.S. Army Corps of Engineers, Regulatory Division, P.O. Box 4970, Jacksonville, Florida 32232-0019 and the U.S. Army Corps of Engineers, Regulatory Division Tribal Liaison, 400 High Point Drive, Suite 600, Cocoa, Florida 32936.
6. As Compensatory Mitigation, the Tribe has enhanced wetlands on the Sherrod Ranch by eradicating *Melaleuca* (*Melaleuca quinquenervia*), and continuing maintenance. Continued maintenance of the enhancement area will be performed to prevent re-infestation.

7. Conditions 1-5 of the 401 Water Quality Certification, dated September 27, 2001, remain conditions of this General Permit.
8. The Tribe shall ensure actions authorized under this permit are consistent with the Miccosukee Reserve Area Act.
9. Eastern Indigo Snake Protection Measures: The Permittee shall comply with U.S. Fish and Wildlife Service's "Standard Protection Measures for the Eastern Indigo Snake" dated February 12, 2004 and attached to this permit."

This General Permit will be valid for five years from the date of issuance, unless suspended or revoked by the Corps. A review will be conducted to determine if continuance of the permit is in the public interest after the 5-year expiration date.

BY AUTHORITY OF THE SECRETARY OF THE ARMY



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

GENERAL CONDITIONS FOR SAJ-80:

1. The time limit for completing the work authorized ends on **August 9, 2017**.
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. 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.
6. 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 CER 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.

(TRANSFEEE-SIGNATURE)

(DATE)

(NAME-PRINTED)

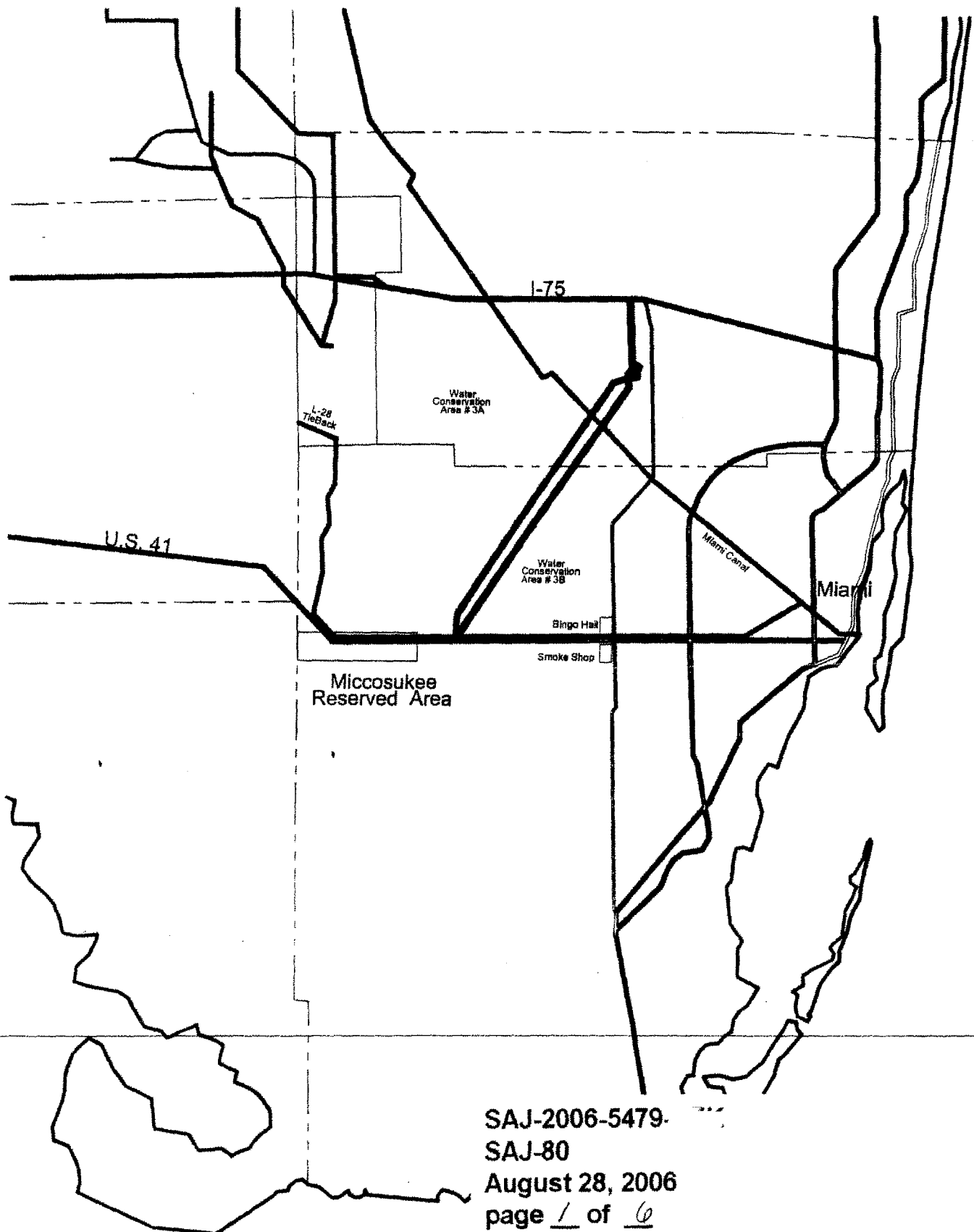
(ADDRESS)

STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE

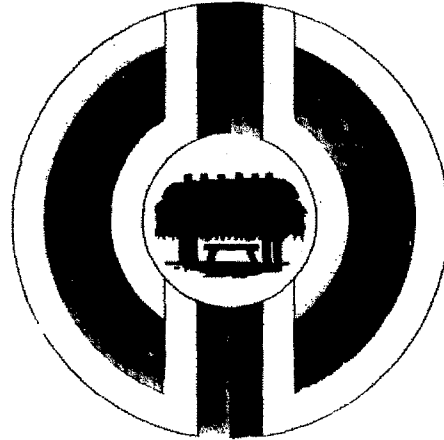
1. An eastern indigo snake protection/education plan shall be developed by the applicant or requestor for all construction personnel to follow. The plan shall be provided to the Service for review and approval at least 30 days prior to any clearing activities. The educational materials for the plan may consist of a combination of posters, videos, pamphlets, and lectures (*e.g.*, an observer trained to identify eastern indigo snakes could use the protection/education plan to instruct construction personnel before any clearing activities occur). Informational signs should be posted throughout the construction site and along any proposed access road to contain the following information:
 - a. a description of the eastern indigo snake, its habits, and protection under Federal Law;
 - b. instructions not to injure, harm, harass or kill this species;
 - c. directions to cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site on its own before resuming clearing; and,
 - d. telephone numbers of pertinent agencies to be contacted if a dead eastern indigo snake is encountered. The dead specimen should be thoroughly soaked in water and then frozen.
2. If not currently authorized through an Incidental Take Statement in association with a Biological Opinion, only individuals who have been either authorized by a section 10(a)(1)(A) permit issued by the Service, or by the State of Florida through the Florida Fish Wildlife Conservation Commission (FWC) for such activities, are permitted to come in contact with an eastern indigo snake.
3. An eastern indigo snake monitoring report must be submitted to the appropriate Florida Field Office within 60 days of the conclusion of clearing phases. The report should be submitted whether or not eastern indigo snakes are observed. The report should contain the following information:
 - a. any sightings of eastern indigo snakes and
 - b. other obligations required by the Florida Fish and Wildlife Conservation Commission, as stipulated in the permit.

Revised February 12, 2004

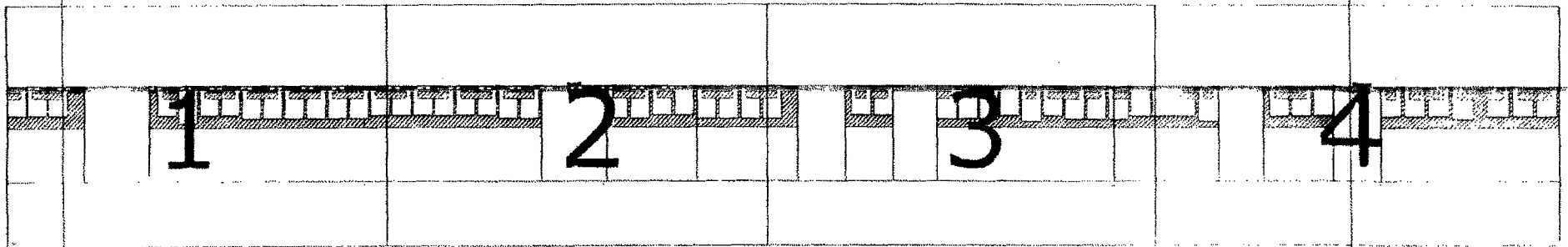
Miccosukee Tribe of Indians of Florida Miccosukee Reserved Area Location



Miccosukee Tribe of Indians Loop Road Fill Proposal Sections 1-4

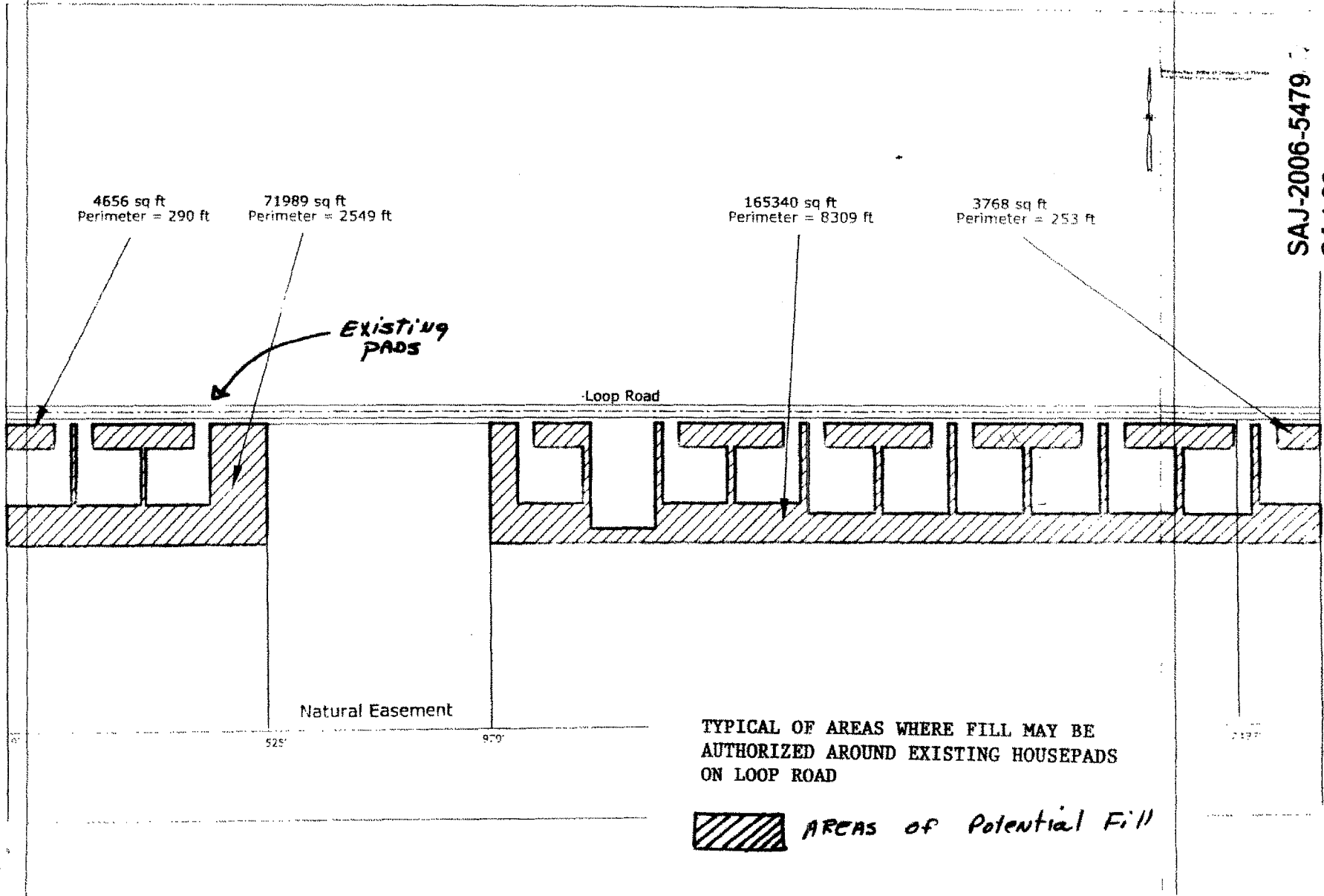


EXISTING HOUSEPADS ALONG LOOP ROAD
WITH AREAS COVERED BY THE GENERAL PERMIT
SHOWN AS CROSS HATCHING



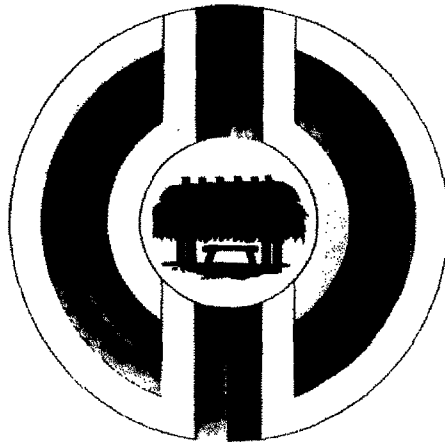
SAJ-2006-5479.
SAJ-80
August 28, 2006
page 2 of 6

Miccosukee Tribe of Indians Section 1 - Loop Road Fill on Wetlands Proposal



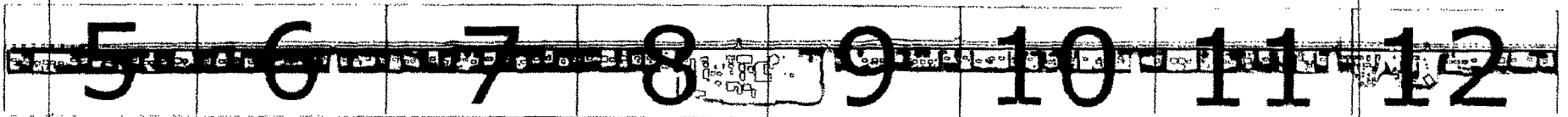
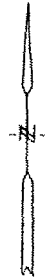
SAJ-2006-5479
SAJ-80
August 28, 2006
page 3 of 6

Miccosukee Tribe of Indians Old Tamiami Trail Fill Proposal Sections 5-12



EXISTING HOUSEPADS ON OLD TAMIAMI TRAIL
WITH AREAS COVERED BY THE GENERAL PERMIT
SHOWN AS CROSS HATCHING.

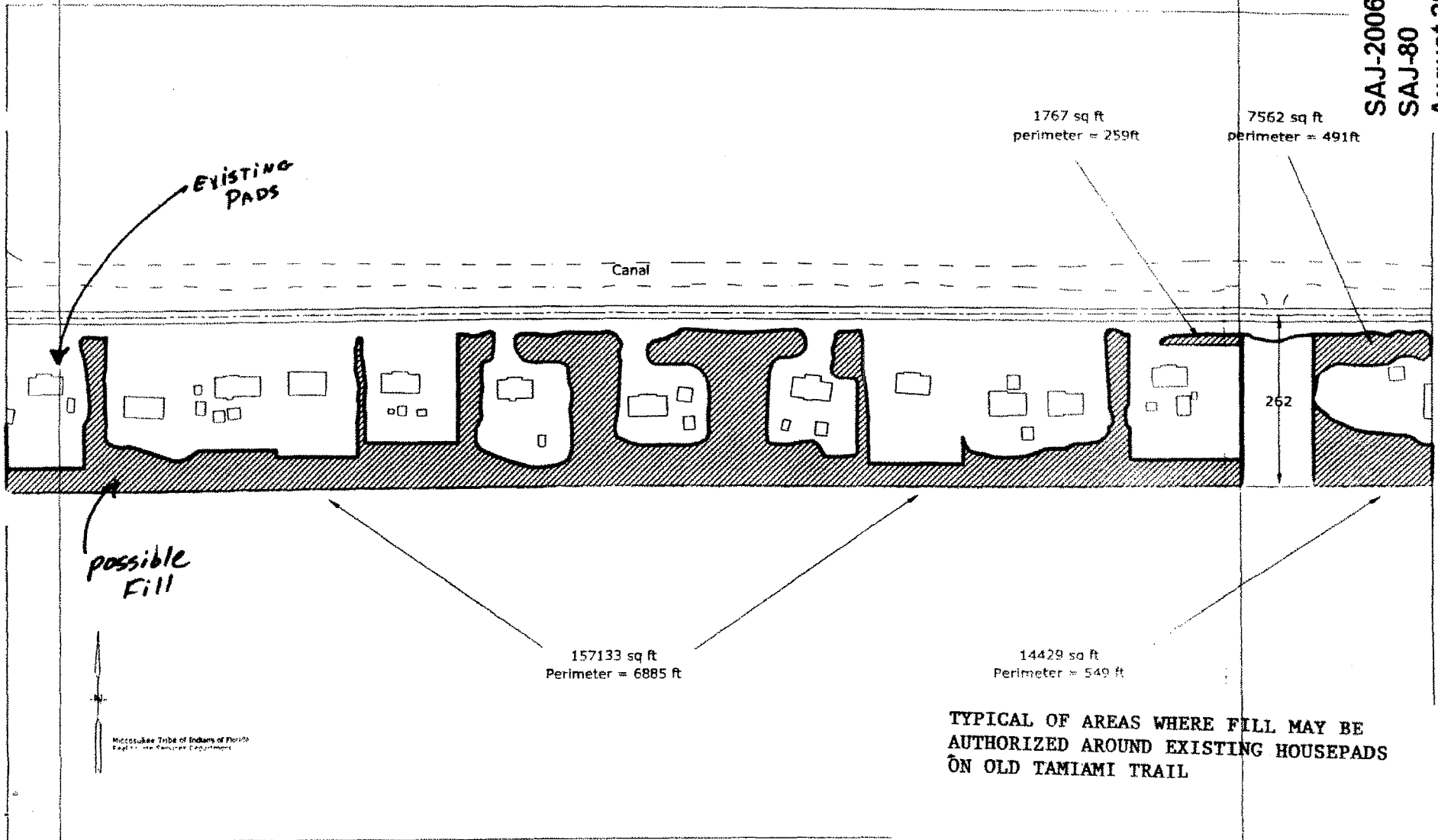
SAJ-2006-5479
SAJ-80
August 28, 2006
page 4 of 6



Miccosukee Tribe of Indians

Section 10 - Old Tamiami Fill on Wetlands Proposal

SAJ-2006-5479
SAJ-80
August 28, 2006
page 5 of 6



Miccosukee Tribe of Indians of Florida
Page 5 of 6

TYPICAL OF AREAS WHERE FILL MAY BE
AUTHORIZED AROUND EXISTING HOUSEPADS
ON OLD TAMIAMI TRAIL

TYPICAL LAYOUT DRAWING



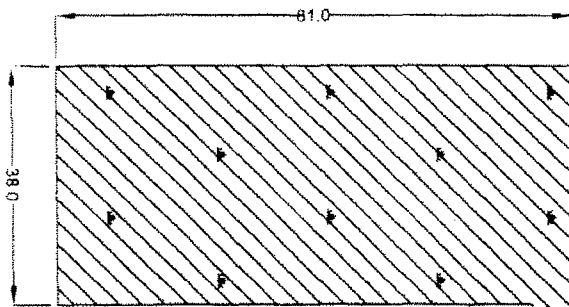
BASE OF ROAD FILL



REQUESTED AREA OF NEW FILL ON WETLANDS
9204 Sq Ft TOTAL

SILT SCREEN REQUIRED

134.0



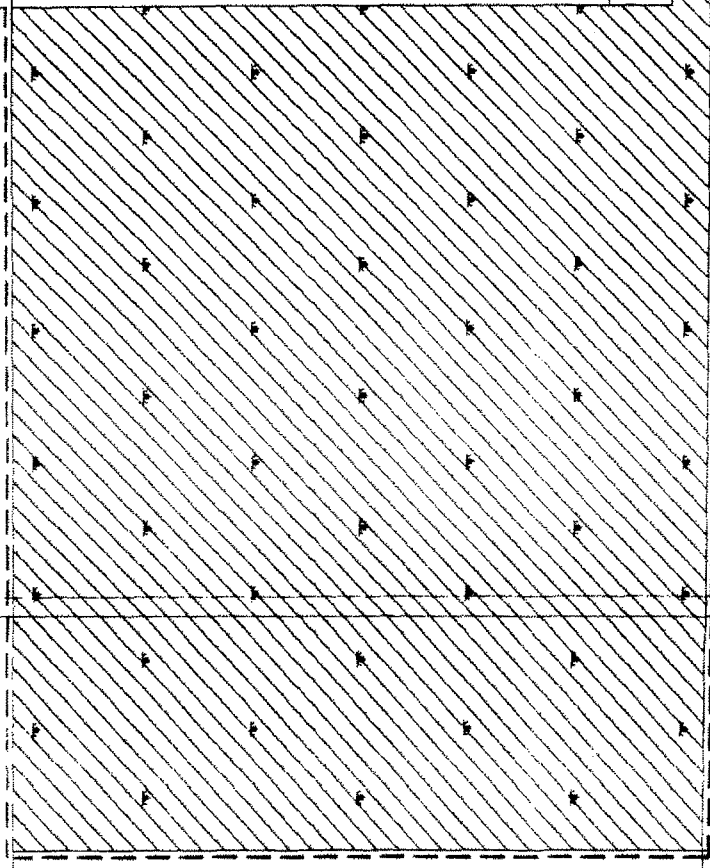
BASE OF FILL

CURRENT HOUSE PAD

96.0

105.0

262.0



111.0