



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
POST OFFICE BOX 4970  
JACKSONVILLE, FLORIDA 32232

REPLY TO  
ATTENTION OF

Regulatory Division

31 OCT 2014

Department of the Army Permit  
Programmatic General Permit SAJ-111  
SAJ-2013-01870

**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), general authority is hereby given to the St. Johns River Water Management District to administer this permit for the discharge of fill material 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.

SPECIAL CONDITIONS:

1. SAJ-111 is authorized for use only in non-tidal waters of the United States.
2. SAJ-111 is authorized for use only in Baker, Brevard, Clay, Duval, Flagler, Lake, Marion, Nassau, Orange, Putnam, Seminole, St. Johns, and Volusia counties; SAJ-111 is excluded from use in areas lying east of I-95 in Brevard, Flagler, St. Johns, and Volusia counties.
3. SAJ-111 will not apply to projects that impound water or otherwise flood land. This limitation does not apply to stormwater treatment ponds associated with residential, commercial or institutional development.
4. SAJ-111 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, and any other non-forested wetland inclusions within that improved pasture; or,
  - c. 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,

d. Wetlands covered with greater than 80% invasive and/or exotic vegetation, measured as absolute cover, in any strata. Applicable species include Australian pine (*Casuarina* spp.), air potato (*Dioscorea bulbifera*), Japanese climbing fern (*Lygodium japonicum*), Old World climbing fern (*Lygodium microphyllum*), Peruvian primrose-willow (*Ludwigia peruviana*), punktree (*Melaleuca quinquenervia*), torpedo grass (*Panicum repens*), Brazilian pepper (*Schinus terebinthifolius*), and cattail (*Typha latifolia*).

5. The work herein authorized includes activities required for the construction or expansion of single and complete residential, commercial, or institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures; SAJ-111 shall not be used for road projects independent of the aforementioned land uses. 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.<sup>1</sup>

6. The total area of permanently impacted waters of the United States shall not exceed three acres. For residential, commercial or institutional subdivisions (i.e., a subdivision defined as a portion of land divided into lots for real-estate development), the aggregate total loss of waters of the United States authorized by SAJ-111 cannot exceed three acres. This includes any loss of waters associated with development of individual subdivision lots.<sup>1</sup>

7. No project will be authorized under SAJ-111 if the proposed fill activity will result in upstream waters of the United States being removed from Federal jurisdiction.

8. Project site wetlands shall be consistent with the 1987 Corps of Engineers Wetland Delineation Manual, as modified by the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0, November 2010, or most recent version):

a. The applicant shall submit a minimum of two sets of data sheets per wetland. The total number of data sheets will vary with each site, depending on the number of wetlands.<sup>2</sup>

b. The applicant shall submit a signed "Preliminary Jurisdictional Determination (PJD) Form" (provided as Enclosure) agreeing that all onsite waters and wetlands are jurisdictional waters of the U.S.

9. Compensatory mitigation for unavoidable impacts to waters of the United States is required and must be provided by the acquisition of Federal mitigation bank credits. To offset lost wetland and other aquatic resource functions, environmentally appropriate

mitigation at a Federally-approved mitigation bank will be undertaken and include the acquisition of Federal mitigation bank credits at a ratio of 1:1 (impact acreage:federal credits).

10. No work shall be performed until the applicant submits satisfactory plans for the proposed activity and receives written authorization from St. Johns River Water Management District; submittals will denote both State and Federal wetlands.

11. Prior to the initiation of any construction, projects qualifying for Programmatic General Permit SAJ-111 must be authorized by the applicable permit required under Part IV of Chapter 373, F.S., by the Florida Department of Environmental Protection or St. Johns River Water Management District under s. 373.069, 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.

12. No work shall be authorized by SAJ-111 in waters of the United States of the following areas:

- a. The Timucuan Ecological and Historical Preserve (Duval County);
- b. The St. Mary's River, from its headwaters to its confluence with the Bells River;
- 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; and
- d. The Guana Tolomato Matanzas National Estuarine Research Reserve.

13. 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.

a. 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 and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). 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.

b. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition; and 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 for finds under his or her jurisdiction, and from the Corps.

c. 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 and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). 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 and from the Corps.

14. 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.

15. No authorization under SAJ-111 shall be made for any project site which supports the presence of Florida scrub jay (*Aphelocoma coerulescens*). If suitable Florida scrub jay habitat is present on the project site, a survey shall be conducted.<sup>3,4</sup>

16. No authorization under SAJ-111 shall be made for any project in Lake, Marion, Orange, or Putnam counties occupied by sand skink (*Neoseps reynoldsi*) and/or blue-tailed mole skink (*Eumeces egregius lividus*).<sup>3,5</sup> The following shall apply:

a. Where the project lies outside of the consultation area, no additional action is required.

b. Where the project lies inside the consultation area and supports skink habitat (i.e., greater than 82 ft above sea level, appropriate vegetative communities and "skink soils"), a survey shall be conducted pursuant to the Peninsular Florida Species Conservation and Consultation Guide.

c. No authorization under SAJ-111 shall be made when the presence of sand skinks is demonstrated on the project site.

17. No authorization under SAJ-111 shall be made for any project that *may affect* wood

stork (*Mycteria americana*), as determined by use of the most recent version of The Corps of Engineers, Jacksonville District, U.S. Fish and Wildlife Service (USFWS), Jacksonville Ecological Services Field Office and State of Florida Effect Determination Key for the Wood Stork in Central and North Peninsular Florida (September 2008).<sup>3,6</sup>

18. No authorization under SAJ-111 shall be made for any project that has, or is located within 0.5 mile of, an active red-cockaded woodpecker (*Picoides borealis*) colony site.

19. No authorization under SAJ-111 shall be made for any project that *may affect* Eastern indigo snake (*Drymarchon corais couperi*), as determined by use of the most recent version of the Eastern Indigo Snake Programmatic Effect Determination Key (January 25, 2010; August 13, 2013 Addendum).<sup>3,6</sup>

20. Where use of the Eastern Indigo Snake Programmatic Effect Determination Key (January 25, 2010; August 13, 2013 Addendum) results in a *not likely to adversely affect* determination, the following shall apply:<sup>3,6</sup>

a. The permittee shall use the Standard Protection Measures for the Eastern Indigo Snake (dated August 12, 2013) during project site preparation and construction.

b. In the event that one or more active or inactive gopher tortoise burrows occur in the project footprint, the Florida Fish and Wildlife Conservation Commission shall be contacted to determine the appropriateness of obtaining an Authorized Gopher Tortoise Agent Permit to excavate the burrow to determine the presence or absence of any eastern indigo snake.

c. Holes, cavities, and snake refugia other than gopher tortoise burrows will be inspected each morning before planned site manipulation of a particular area, and if occupied by an indigo snake, no work will commence until the snake has vacated the vicinity of proposed work.

21. No authorization under SAJ-111 shall be made for any project in Brevard, Orange, or Seminole County that *may affect* Audubon's crested caracara (*Polyborus plancus audubonii*). For projects in these counties, the following shall apply:<sup>3,7</sup>

a. Where a project includes, or is within 1000 feet of, pasture or wet prairie cover types that contain cabbage palms, a survey for Audubon's crested caracara shall be performed per the most recent survey protocol.

b. No authorization under SAJ-111 shall be made where nesting Audubon's crested caracara are determined to occur on, or within 1,000 ft of, the project site.

22. No authorization under SAJ-111 shall be made for any project site that supports the presence of Federally listed plant species.<sup>3,8</sup>

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.

24. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

25. 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).

26. Authorization under this programmatic 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-111 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. If SAJ-111 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-111 will remain in effect provided the activity is completed within 12 months of the date SAJ-111 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:



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

Encl

## FOOTNOTES

<sup>1</sup> The term "single and complete project" is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (e.g, a project that would be constructed even if the other phases were not built can be considered as a separate single and complete project with independent utility). Single and complete non-linear projects may not be "piecemealed" to avoid the limits of this programmatic authorization.

<sup>2</sup> Guidance can be accessed at the Jacksonville District Regulatory Division internet webpage in the Wetland Jurisdiction section of the Sourcebook located at:  
<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>.

<sup>3</sup> When assessing potential impacts to listed species, the most current USFWS guidance/guidelines shall be utilized.

<sup>4</sup> Suitable scrub jay habitat determinations and survey methodology shall be consistent with U.S. Fish and Wildlife Service guidance posted on their website:  
<http://www.fws.gov/northflorida/Scrub-Jays/scrubjays.htm>.

<sup>5</sup> Consult U.S. Fish and Wildlife Service sand skink guidance posted on their website:  
<http://www.fws.gov/verobeach/ListedSpeciesReptiles.html>.

<sup>6</sup> Guidance can be accessed at the Jacksonville District Regulatory Division internet webpage in the Endangered Species section of the Sourcebook located at:  
<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>.

<sup>7</sup> Consult Audubon's crested caracara guidance/distribution posted on the U.S. Fish and Wildlife Service website: <http://www.fws.gov/verobeach/ListedSpeciesBirds.html>. No surveys shall be required where breeding/nesting has not been documented.

<sup>8</sup> Review the Florida Natural Areas Inventory website (<http://www.fnai.org/>) to determine if federally listed plant species occur on the project site; for an inventory of all Federally listed species by county, go to: <http://www.fws.gov/northflorida/gotocounty.htm>.

## GENERAL CONDITIONS FOR FEDERAL AUTHORIZATION OF SAJ-111

1. The time limit for completing the work authorized ends on October 31, 2019.
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 the Corps, 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 the Corps 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. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representative from the Corps 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. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
  - ( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
  - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
  - ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C.1413).
2. 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.
3. 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.
4. Reliance on Applicant's Data: The determination of the Corps that issuance of this permit verification is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Verification Decision: The Corps may reevaluate its decision on this permit verification 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 4 above).
  - c. Significant new information surfaces which the Corps did not consider in reaching the original public interest decision.
6. 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.

7. While this permit authorization is still valid, or after the authorized activity has been completed, at the time of permit transfer 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)

**ATTACHMENT 1**

**PRELIMINARY JURISDICTIONAL DETERMINATION FORM**

**BACKGROUND INFORMATION**

- A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD):**
- B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:**
- C. DISTRICT OFFICE, FILE NAME, AND NUMBER:CESAJ-RD-NC,**
- D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:  
(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)**

State: \_\_\_\_\_ County/parish/borough: \_\_\_\_\_ City: \_\_\_\_\_  
Center coordinates of site (lat/long in degree decimal format): Lat. \_\_\_\_\_ °  
Pick List, Long. \_\_\_\_\_ ° Pick List.

Universal Transverse Mercator:

Name of nearest waterbody:

Identify (estimate) amount of waters in the review area:

Non-wetland waters: \_\_\_\_\_ linear feet: \_\_\_\_\_ width (ft) and/or  
acres.

Cowardin Class:

Stream Flow:

Wetlands: \_\_\_\_\_ acres.

Cowardin Class:

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal:

Non-Tidal:

**E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

Office (Desk) Determination. Date:

Field Determination. Date(s):

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site.

Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable. This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

**SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply**

- checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name:
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date):  
or  Other (Name & Date):
- Previous determination(s). File no. and date of response letter:
- Other information (please specify):

**IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.**

\_\_\_\_\_  
Signature and date of  
Regulatory Project Manager  
(REQUIRED)

\_\_\_\_\_  
Signature and date of  
person requesting preliminary JD  
(REQUIRED, unless obtaining  
the signature is impracticable)

**SAMPLE**

<b>Site number</b>	<b>Latitude</b>	<b>Longitude</b>	<b>Cowardin Class</b>	<b>Estimated amount of aquatic resource in review area</b>	<b>Class of aquatic resource</b>
1					
2					
3					
4					