



**DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
STUART REGULATORY OFFICE
218 ATLANTA AVENUE
STUART, FLORIDA 34994**

NOV 19 2001

Regulatory Division
South Permits Branch
Regional General Permit SAJ-77

DEPARTMENT OF THE ARMY PERMIT

ISSUANCE OF REGIONAL GENERAL PERMIT SAJ-77 FOR:

**Residential Fill in
Jupiter Farms
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 the Florida Department of Environmental Protection to administer this permit for residential development on single-family lots in Jupiter Farms in accordance with the following special conditions:

SPECIAL CONDITIONS:

1. This permit applies to residential construction, including their appurtenant structures and driveways, in Sections 1, 2, 3, 4 (east half), 9 (east half), 10, 11, 12, 13, 14, 15, and 16, Township 41 south, Range 41 east; Sections 7 and 18, Township 42 south, Range 41 east; and Sections 33 and 34, Township 41 south, Range 40 east, Palm Beach County, Florida (see attached map).
2. There is no maximum or minimum size limit per lot on this permit.
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. 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 Palm Beach County Environmental Resource Management Pollution Recovery Trust Fund-Jupiter Farms/Palm Beach Country Estates. 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.

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

7. This general permit is valid for five years unless suspended or revoked by issuance of a public notice by the District Engineer. Reviews will be conducted to determine if continuation of this general permit is in the interest of the public.

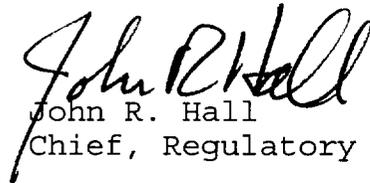
8. The District Engineer reserves the right to require that any request for authorization under this general permit be processed as an individual permit.

9. The attached "Standard Eastern Indigo Snake Protection Measures" are made a part of this permit.

10. The attached General Conditions are made a part of this permit.

11. 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


John R. Hall
Chief, Regulatory Division

Jupiter Farms



STANDARD PROTECTION MEASURES
FOR THE EASTERN INDIGO SNAKE

RECEIVED

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The following are guidelines that should be implemented during all projects in counties where the eastern indigo snake (*Drymarchon corais couperi*) is likely to be present; these guidelines may be modified to project-specific, if necessary.

1. The applicant should coordinate with the FWS' South Florida Ecosystem Office (SFEO) to establish and implement an eastern indigo snake protection/education plan. This plan should be provided to the SFEO for review and approval at least 45 days prior to any construction or clearing activities.
2. A qualified biologist(s) or someone knowledgeable about eastern indigo snakes should be present on site to oversee the implementation of the protection/education plan during all phases of the project. The name(s) and qualifications of the proposed biologist(s) should be submitted to the SFEO for review and approval at least 45 days prior to any construction or land-clearing activities.
3. The protection/education plan should include a combination of posters or videos, pamphlets, and lectures and should contain the following information:
 - a. a description of the eastern indigo snake, its habits, physical similarities with the black racer, and protection under Federal Law;
 - b. instructions not to injure, harm, harass, or kill this species;
 - c. directions to notify the qualified biologist if an eastern indigo snake is sighted;
 - d. directions to cease construction activity and notify the qualified biologist for further instructions if an eastern indigo snake is sighted. The qualified biologist will determine whether to promptly relocate the eastern indigo snake or allow the snake sufficient time to move away from the site on its own before construction activity can resume (only a qualified, permitted biologist who has either been authorized by a section 10(a)(1)(A) permit issued by the FWS or has been designated as an agent of the State of Florida by the Florida Game and Fresh Water Fish Commission (GFC) for such activities is authorized to come in contact with, or relocate an eastern indigo snake; and
 - e. telephone numbers of pertinent agencies to be contacted if an eastern indigo snake is found dead (FWS and GFC).
4. All members of the construction crew should become familiar with the protection/education plan before any construction or land clearing is initiated.
5. Because eastern indigo snakes are known to occupy gopher tortoise (*Gopherus polyphemus*) burrows, the qualified biologists should map and flag the locations of all active and inactive gopher tortoise burrows on the site. These tortoise burrow location maps should be made available to all construction personnel. No more than two weeks prior to actual clearing the qualified biologist should update the initial survey. A qualified biologist should also be responsible for identifying potential release sites for eastern indigo snakes prior to land clearing. Information on

release sites and preserve areas for eastern indigo snake should be submitted to the SFEO for review and approval at least 45 days prior to any construction or clearing activities.

6. All gopher tortoise burrows (active and inactive) encountered that will be destroyed by the construction or land-clearing activity should be investigated to determine if eastern indigo snakes are present. To conduct this investigation, an underground camera or other suitable methodology should be used by a qualified biologist, experienced with these devices. If the biologist is unable to confidently reach a conclusion concerning the presence or absence of an eastern indigo snake due to obstruction within the burrow, complications with the camera, or the inability to reach the end of the burrow, the burrow should be carefully excavated with a combination of backhoe and hand excavation to protect eastern indigo snakes that may be inhabiting the burrow. If at any time the qualified biologist determines that an eastern indigo snake is present in the burrow, the camera should be used to monitor the snake's position and condition during excavation. Before excavating any burrow, a strong, flexible tube or hose should be inserted into the burrow to mark the course of the entire burrow in case it collapses during excavation. If a backhoe is used, the bucket must be equipped with a straight blade, not one with teeth, and the excavation must be done with caution to prevent potential injury to an eastern indigo snake. Hand excavation must replace backhoe excavation approximately three feet before the end of the burrow is reached.
7. If an indigo snake is found in the burrow, it may be captured and released immediately (by the qualified biologist) into the pre-approved release site or preserve. Eastern indigo snakes should be held in captivity only long enough to transport them to a release site; at no time should two snakes be kept in the same container during transportation.
8. A monitoring report summarizing all activities pertaining to the eastern indigo snake should be provided to the SFEO. This information will be used to update our information base on the distribution of eastern indigo snakes in South Florida. The report should be submitted within 60 days of the conclusion of clearing and construction phases and should contain the following information:
 - a. any sightings of eastern indigo snake (section, Township, Range and Latitude/Longitude or UTM coordinates);
 - b. summaries on any relocated snakes (specific locations of where and when they were found and relocated);
 - c. a thorough description of the preserve area (types of habitat, percent coverage of dominant species, etc.); and
 - d. summaries of maintenance activities and schedules.