



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

REPLY TO
ATTENTION OF

Regulatory Division

MAR 24 2008

**DEPARTMENT OF THE ARMY PERMIT
PROGRAMMATIC GENERAL PERMIT SAJ-95**

**Minor Modification of Department of the Army Permits for
Multi-Phased Developments within the jurisdiction of the
Southwest Florida Water Management District**

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 Southwest Florida Water Management District (SWFWMD) to administer this permit for the discharge of dredged or fill material into non-tidal waters of the United States, including wetlands, for minor modifications to construction phases of multi-phased developments, within the limits of the SWFWMD that are consistent with a valid Conceptual Environmental Resource Permit (ERP) approved by the SWFWMD and an issued Standard Permit from the Army Corps of Engineers (Corps) for the same activity containing a special condition specifically allowing the use of this Programmatic General Permit (PGP).

SPECIAL CONDITIONS:

1. The PGP is limited to multi-phased developments located within the following counties: Charlotte, Citrus, DeSoto, Hardee, Hernando, Highlands, Hillsborough, Lake, Levy, Manatee, Marion, Pasco, Pinellas, Polk, Sarasota, and Sumter.
2. Activities covered by this PGP must be approved by a conceptual ERP issued by the SWFWMD and a Standard Permit issued by the Corps for identical project designs.
3. This PGP applies to the discharge of dredged or fill material into non-tidal waters of the United States for minor modifications to multi-phased developments, including infrastructure and lot development.
4. Mitigation for all discharges of dredged or fill material will be required and must be consistent with watershed management objectives.
5. With the exception of mitigation added to offset additional minor impacts consistent with special Condition Number 7, any modification to change or reduce the mitigation requirements of the original permit will require separate authorization by the Corps.

6. In accordance with Section 7 of the Endangered Species Act, the initial standard permit will have undergone consultation with U.S. Fish and Wildlife Service. No activity shall be authorized under SAJ-95 if the proposed modification activity requires: 1) reinitiation of Section 7 consultation, or 2) new consultation on: a) Federally listed threatened or endangered species or a species proposed for such designation; or b) designated critical habitat for Federally listed threatened or endangered species or habitat proposed to be designated as critical habitat for Federally listed threatened or endangered species.

7. New or additional wetland impacts cannot exceed 10% of the total wetland impact acreage already permitted by the Corps, or one acre, whichever is greater. Sufficient mitigation to offset these additional impacts must be provided and approved by the SWFWMD as part of the construction ERP.

8. A construction ERP must be issued by SWFWMD authorizing each construction phase.

9. Discharges from construction phases must be consistent with the requirements of any established Total Maximum Daily Loads (TMDLs).

10. Coastal Zone Consistency Concurrency must be given or waived with the construction phase permit.

11. This PGP is valid for five years 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 to ensure continued use of the permit during the five-year authorization period is not contrary to the public interest.

12. Conformance with descriptions and quantities contained herein does not necessarily guarantee authorization under this PGP. The District Engineer reserves the right to require that any request for authorization under this PGP be evaluated as a standard permit.

13. Within 60 days of the authorized work and mitigation, the Self-Certification Statement of Completion must be completed and submitted to the Corps. Copies may be downloaded from: <http://www.saj.usace.army.mil/regulatory/forms/forms.htm> Mail the completed form to the U.S. Army Corps of Engineers, Jacksonville District, Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232-0019.

14. No project will be authorized under SAJ-95 if the proposed fill activity will result in upstream waters of the United States being removed from Federal jurisdiction.

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

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

A handwritten signature in black ink, appearing to read "Paul L. Grosskruger", with a long horizontal flourish extending to the right.

Paul L. Grosskruger
Colonel, U.S. Army
District Engineer

GENERAL CONDITIONS FOR DEPARTMENT OF THE ARMY GENERAL PERMITS

General Conditions

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

GENERAL PERMIT