



REPLY TO
ATTENTION OF

Regulatory Division

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

JUN 21 2013

DEPARTMENT OF THE ARMY
REGIONAL GENERAL PERMIT SAJ-72
SAJ-2006-02758 (JED)
RESIDENTIAL DOCKS IN CITRUS COUNTY, FLORIDA

Upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C § 403), general authority is hereby given to construct residential docks in Citrus County, Florida. SAJ-72 is subject to the following special and general conditions:

SPECIAL CONDITIONS:

1. Structures authorized under this general permit are located in Citrus County, Florida and must conform to the Citrus County Manatee Protection Plan (CCMPP) of Chapter 13, Manatee Protection Element of the Citrus County Comprehensive Plan, as revised December 2, 1997, and *The Corps of Engineers, Jacksonville District, and the State of Florida Determination Key for the Manatee in Florida*, Version 2.0 dated March 2011 (and any future revisions adopted during the authorization period of this general permit). Structures not in compliance with the CCMPP shall be evaluated under an individual permit process.
2. No work shall be performed until the applicant submits satisfactory plans for the proposed structure, and receives written authorization from the District Engineer.
3. Prior to issuance of authorization, the dichotomous key titled *The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida, March 2011*, will be used to determine potential manatee impacts. The current version can be found on the Jacksonville District Regulatory Home Page at:
<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>
All projects determined to be "may affect" and certain projects determined to be "may affect, not likely to adversely affect" will be sent by the Corps for consultation with the U.S. Fish and Wildlife Service in accordance with the Endangered Species Act. *Note: The manatee key may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of each Department of the Army permit application.*
4. For projects in waters accessible to sea turtles, smalltooth sawfish, or Gulf sturgeon, the permittee will utilize the *Sea Turtle and Smalltooth Sawfish Construction Conditions, March 2006* and/or requirements, as appropriate for the proposed activity. These conditions can be accessed at the Jacksonville District Regulatory Division internet webpage in the Endangered

Species, Sea Turtles section of the Sourcebook located at:

<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>. *Note: These conditions may be subject to revision at any time. It is our intention that the most recent version of these conditions will be utilized during the evaluation of the permit application.*

5. For projects in and/or over waters accessible to manatees, the permittee will implement the *Standard Manatee Conditions for In-Water Work, July 2011* and/or requirements as appropriate for the proposed activity. The current version can be found on the Jacksonville District Regulatory Home Page at:

<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>.

Note: These conditions may be subject to revision at any time. It is our intention that the most recent version of these conditions will be utilized during the evaluation of the permit application.

6. No activity shall be authorized under this general permit which is likely to adversely affect a federally listed threatened or endangered species, or a species proposed for such designation, or destroy or adversely modify its designated critical habitat.

7. This permit has undergone consultation with U.S. Fish & Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) for the West Indian manatee (*Trichechus manatus*), sea turtles (various species), smalltooth sawfish (*Pristis pectinata*), Gulf sturgeon (*Acipenser oxyrinchus desotoi*) and any designated critical habitat for these species. If the proposed activity requires additional Section 7 consultation under the Endangered Species Act with the FWS and/or NMFS on: 1) the species listed above or any other federally listed threatened or endangered species or species proposed for federal listing; or, 2) designated critical habitat or proposed designated critical habitat for the species listed above or any other federally listed threatened or endangered species or species proposed for federal listing, then the proposed activity cannot be authorized under SAJ-72 until consultation is reinitiated and concluded.

8. No work shall be authorized by SAJ-72 which may have direct or indirect adverse impacts to essential fish habitat such as but not limited to hard or soft corals, including listed corals, mangroves, estuarine emergent vegetation, marine emergent vegetation, 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. In addition, the project cannot have adverse effects on any other essential fish habitat.

9. A structure which by its size or location may adversely affect water quality, forested or emergent wetlands, or submerged aquatic vegetation will not be authorized under this general permit. If the project site supports emergent or submerged aquatic vegetation, a structure authorized under this general permit shall adhere to the *Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat, August 2001* (and any future revisions adopted during the authorization period of this general permit), jointly developed by the U.S. Army Corps of Engineers and the United States Department of Commerce, National Marine Fisheries Service.

This permit does not authorize the discharge of dredged or fill material into waters of the United States.

10. Where SAV presence on a specific site was previously noted, but may not currently exist due to causes such as seasonal die-off, a structure authorized under this general permit shall adhere to the *Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat, August 2001* unless a survey (performed between June 1 and September 30) confirms absence of SAV at the project site. The current version of the guidelines can be found on the Jacksonville District Regulatory Home Page at:
<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>.

11. No living, fueling, or storage facilities over navigable waters of the United States are authorized under this general permit.

12. Projects proposing installation of any type of piling greater than 24" in diameter, or installation of any size of metal piling or sheet piling by impact hammer cannot be authorized under SAJ-72 until project-specific consultation has been reinitiated and concluded with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, as appropriate.

13. Cultural Resources and/or Historic Properties:

a. 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.

b. 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.

c. 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.

d. 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. Turbidity controls measures may be required, and the work must be conducted so as to prevent violations of State Water Quality Standards as established in sections 62-4.242 and 62.4.244 of the Florida Administrative Code, and Chapters 62-302, 62-520, 62-522 and 62-550 of the Florida Administrative Code.

15. Prior to the initiation of any construction, projects qualifying for this regional general permit must qualify for an exemption under section 403.813(1) F.S. or 373.406, F.S., or otherwise be authorized by the applicable permit required under Part IV of Chapter 373, F.S., by the Department of Environmental Protection, a water management district under section 373.069, F.S., or a local government with delegated authority under section 373.441, 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.

16. A structure authorized under this general permit must not interfere with general navigation. Structures constructed within canals must not extend more than 25% of the waterway width.

17. The materials used for construction must consist of suitable material and be free of toxic pollutants in other than trace quantities.

18. For projects authorized under SAJ-72 in navigable waters of the United States, the permittee understands and agrees that, if future operations by the United States require the removal, relocation or other alteration of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

19. Within 60 days of completion of the authorized work and mitigation, a *Self-Certification Statement of Compliance* (reference <http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/permitting/forms/Other/SelfCert.pdf>) must be completed and submitted to the Corps. The form must reference the site specific Department of the Army permit number associated with the work. The completed form must be mailed to the Jacksonville District, Enforcement Section, Post Office 4970, Jacksonville, Florida 32232-0019.

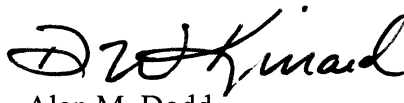
20. SAJ-72 will be valid for a period of five years from the date of issuance noted above unless

suspended or revoked by the District Engineer prior to that date. If the SAJ-72 expires or is revoked prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SAJ-72 will remain in effect provided the activity is completed within 12 months of the date the SAJ-72 expired or was revoked.

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

22. The General Conditions attached hereto are made a part of this permit and must be attached to all authorizations processed under this permit.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:


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

GENERAL CONDITIONS FOR DEPARTMENT OF THE ARMY GENERAL PERMITS

General Conditions

1. The time limit for completing the work authorized ends on June 21, 2018.
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.

For Section 10 permits, add the following as a Special Condition:

7. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

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