



REPLY TO
ATTENTION OF

Regulatory Division

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

APR 08 2015

DEPARTMENT OF THE ARMY
REGIONAL GENERAL PERMIT SAJ-92

**FLORIDA DEPARTMENT OF TRANSPORTATION and FLORIDA'S TURNPIKE
ENTERPRISE**

Upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403) and Section 404 of the Clean Water Act (33 U.S.C. § 1344), general authority is given for activities required for the construction of projects with a Federal Highway Administration (FHWA) and/or Florida Department of Transportation (FDOT) approved Environmental Document, including capacity improvements, where dredge and fill impacts do not result in the loss of greater than 5.0 acres of waters of the United States (wetlands and surface waters) for any 1-mile segment of roadway length up to a maximum loss of 50 acres of waters of the United States per project. This includes Florida's Turnpike Enterprise (FTE) projects with an approved state Environmental Document. This Regional General Permit (RGP) will not authorize construction of a new alignment (non-existing roadway). It is only authorized for use in non-tidal waters of the U.S. including non-tidal navigable waters, within the operation areas of FDOT and the FTE, excluding Monroe County, and subject to the following conditions, see Attachment 1 for geographic boundaries for the FDOT Districts:

SPECIAL CONDITIONS:

The project approval process to determine if an individual project conforms to the requirements and criteria of RGP SAJ-92 will include the following standard review requirements:

1. This regional general permit is limited to linear transportation projects that have been reviewed through the FDOT Efficient Transportation Decision Making (ETDM) and/or Project Development and Environment (PD&E) Study subsequent to 2010.
2. This regional general permit will authorize impacts to non-tidal waters of the United States (wetlands, surface waters and non-tidal navigable waters) for non-capacity and capacity improvement projects. The term "capacity" is used to express the maximum

number of vehicles or persons that can pass a point on a roadway during a given time period under prevailing roadway and traffic conditions. A capacity improvement project is normally implemented by the addition of through travel lanes. Non-capacity improvement projects may include safety improvements, maintenance, bike lane/sidewalk additions.

3. No work shall be performed until the applicant submits satisfactory plans for the proposed activity and receives written authorization from the District Engineer.

4. Any proposed modification to a Federal project (either federally or locally maintained) will require case specific review by the Jacksonville Engineering Division in accordance with 33 USC 408 and approval from the Jacksonville District Commander prior to authorization under SAJ-92. 33 USC 408 states that there shall be no temporary or permanent alteration, occupation or use of any public works including but not limited to levees, sea walls, bulkheads, jetties and dikes for any purpose without the permission of the Secretary of the Army. Under the terms of 33 USC 408, any proposed modification requires a determination by the Secretary that such proposed alteration or permanent occupation or use of a Federal project is not injurious to the public interest and will not impair the usefulness of such work. The authority to make this determination and to approve modifications to Federal works under 33 USC 408 has been delegated to the Chief of Engineers. See Attachment 2 for a map of all Corps projects. Coordination must be routed through the appropriate non-federal sponsor/superintendent prior to submittal to the Corps Regulatory Office.

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

6. Prior to the initiation of any construction, projects qualifying for SAJ-92 must conform to the applicable permitting requirements of s. 403.813, Florida Statutes (F.S.), or be authorized under Part IV of Chapter 373 by the Department of Environmental Protection, a Water Management District under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., and receive Water Quality Certification (WQC) and Coastal Zone Consistency Concurrence (CZCC) or waiver thereto, as well as any authorizations required for the use of sovereign submerged lands that must be obtained as part of the associated WQC or CZCC, as appropriate.

7. A copy of all "Recommendations and Commitments" related to the avoidance and minimization of impacts to waters of the United States, including wetlands, identified in any completed Environmental Documents (PD&E, Categorical Exclusion, Environmental Assessment, or Environmental Impact Statement) and the Quality Enhancement Strategies (QES) (Attachment 3) must be submitted with the permit application and prior to verification of SAJ-92.

8. Prior to the verification of SAJ-92 for each project; the applicant (FDOT, FHWA, or others) shall provide the Corps with copies of the concurrence documents from the State Historic Preservation Officer (SHPO) in Tallahassee and the Tribal Historic Preservation Officers where applicable.

9. 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.

e. If 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 and ground

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

10. Compensatory mitigation for unavoidable permanent impacts to waters of the United States will be required and completed through the use of federally approved mitigation banks or in-lieu fee programs. Permittee Responsible Mitigation will only be considered when project impacts are located outside the service area of federally established mitigation banks or in lieu fee programs, or in the event there are no appropriate type and/or number of federal bank credits. All compensatory mitigation proposals must be approved prior to verification of SAJ-92.

11. Prior to the verification of projects pursuant to SAJ-92, the applicant (FDOT, FHWA, or others) shall provide the Corps with a copy of either a concurrence document (May Affect, Not Likely to Adversely Affect determinations) or a finalized biological opinion (for May Affect Likely to Adversely Affect determinations) written by the U.S. Fish and Wildlife Service (USFWS). These documents demonstrate that individual project consultation has been completed. For FDOT projects without Federal funding which affect federally listed species, Section 7 consultation shall be initiated by the Corps and consultation will be completed prior to SAJ-92 verification. If the proposed activity requires re-initiation of Section 7 consultation under the Endangered Species Act with the USFWS on those or any other listed or candidate species or designated critical habitat, the proposed activity cannot be authorized under SAJ-92 until the consultation is concluded.

12. No authorizations under SAJ-92 shall be made for projects that jeopardize the continued existence of a threatened or endangered species or destroy or adversely modify designated critical habitat.

13. No authorizations under SAJ-92 shall be made for projects resulting in any direct, indirect, or cumulative effect on very rare species, specifically the endangered Perdido Key beach mouse, Choctawhatchee beach mouse, and the St. Andrew beach mouse.

14. All terms and conditions provided by the USFWS shall be included as a special condition of any projects verified under SAJ-92.

15. This permit does not authorize stream channelization or the bank-to-bank filling, and relocating and/or culverting of more than 300 linear feet of perennial or intermittent natural stream systems. Ditches, canals, swales or other non-natural channelized

systems are not included in the restriction. The authorized activities must not increase flooding, or negatively impact the pre-project hydrologic flow characteristics or water quality of any affected stream. This permit does not authorize severance of connections to upstream or downstream waters.

16. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict nor impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course; condition, capacity, and location of open water if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

17. This permit does not authorize the discharge of fill which would sever a Corps' jurisdictional connection or isolate a Corps' jurisdictional area.

18. Best management practices for erosion and sediment control must be used to prevent water quality violations during and after construction. These shall include a construction-phase stormwater management and erosion control plan that is designed and implemented to include site-specific measures adapted from practices and procedures described in the following publication that is adopted herein and incorporated by reference:

The State of Florida Erosion and Sediment Control Designer and Reviewer Manual, FDOT and FDEP" (2010).

19. Authorization under this regional 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.

20. SAJ-92 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-92 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-92 will remain in effect provided the activity is completed within 12 months of the date SAJ-92 expired or was revoked.

21. For projects authorized under the SAJ-92 in non-tidal 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.


22. Within 60 days of the authorized work and mitigation, a Self-Certification Statement of Compliance form (Attachment 4) must be completed and submitted to the Corps. Mail the completed form to the Jacksonville District, Enforcement Section, Post Office 4970, Jacksonville, Florida 32232-0019, or e-mail (with the assigned file number) to: CESAJ-complyDocs@usace.army.mil.

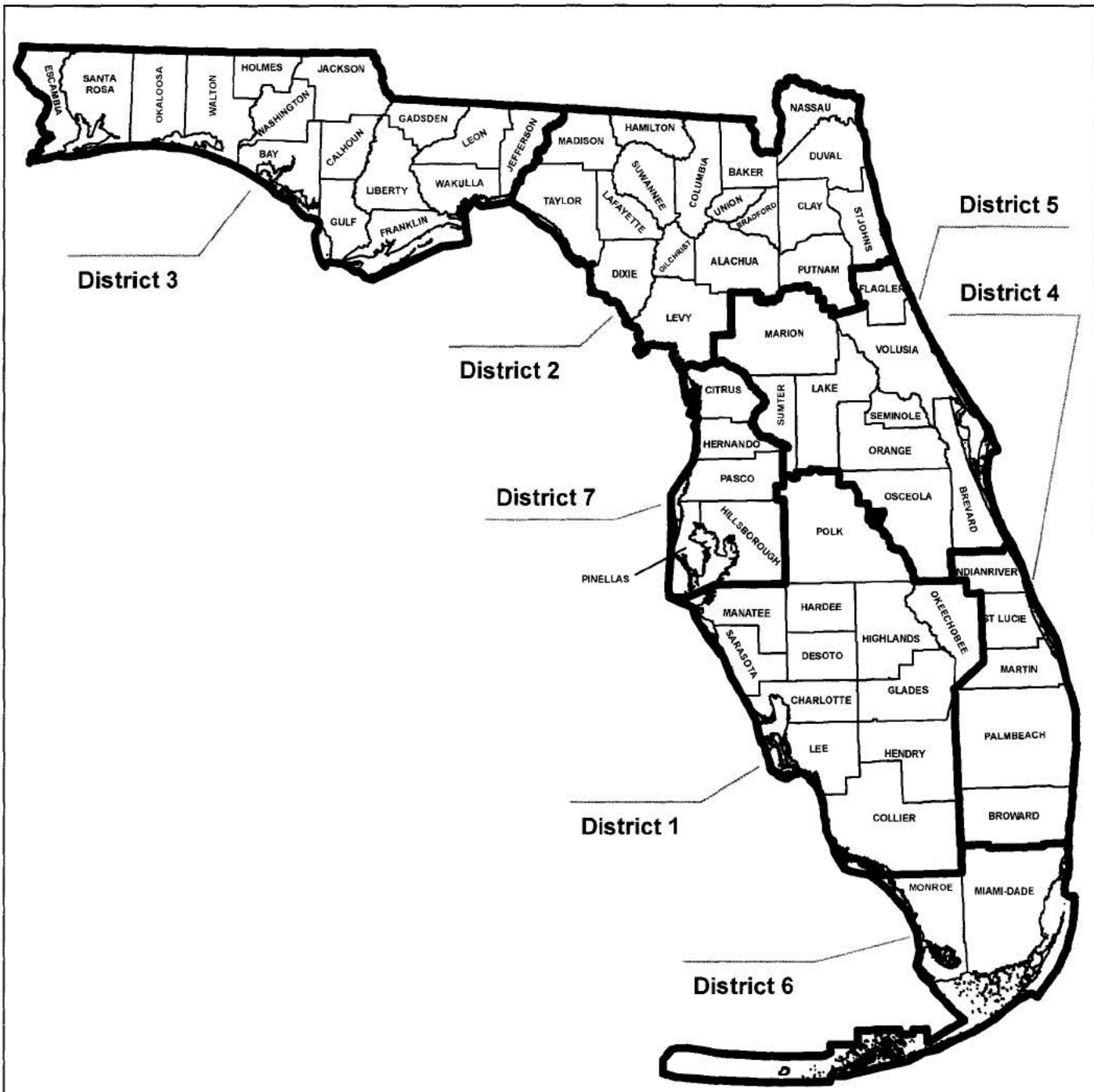
23. The Permittee shall comply with U.S. Fish and Wildlife Service's "Standard Protection Measures for the Eastern Indigo Snake" dated August 12, 2013 and provided in Attachment 5 of this permit.

24. For projects accessible to manatees in non-tidal navigable waters of the United States. The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" provided in Attachment 6 of this permit.

25. The permittee shall perform all work in accordance with the general conditions included as Attachment 7.

BY AUTHORITY OF THE SECRETARY OF THE ARMY

for 
ALAN M. DODD
Colonel, U.S. Army
District Engineer



Florida Department of Transportation
District Boundaries for
Regional General Permit
SAJ-92

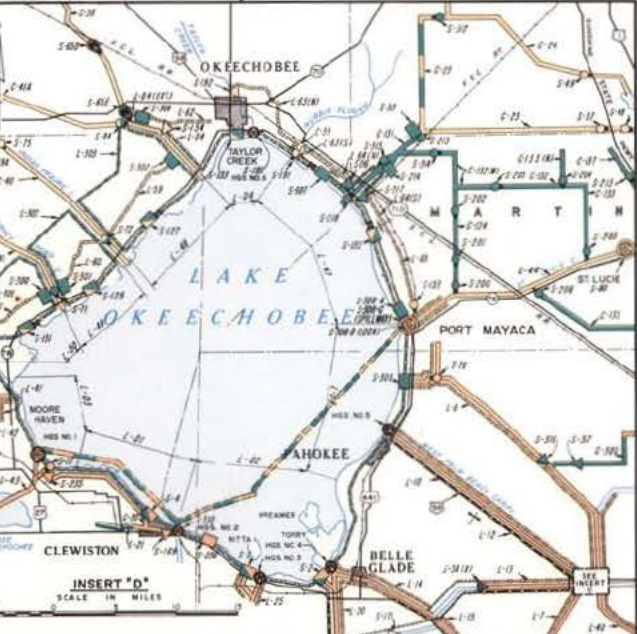
Note: SAJ-92 is excluded from use in Monroe County



| RAILROAD BRIDGES | | |
|------------------|--------|-----|
| DSN | EMBL | LEN |
| 1-1 | F.C.C. | 1.0 |
| 1-2 | F.C.C. | 1.0 |
| 1-3 | F.C.C. | 1.0 |
| 1-4 | F.C.C. | 1.0 |
| 1-5 | F.C.C. | 1.0 |
| 1-6 | F.C.C. | 1.0 |
| 1-7 | F.C.C. | 1.0 |
| 1-8 | F.C.C. | 1.0 |
| 1-9 | F.C.C. | 1.0 |
| 1-10 | F.C.C. | 1.0 |
| 1-11 | F.C.C. | 1.0 |
| 1-12 | F.C.C. | 1.0 |
| 1-13 | F.C.C. | 1.0 |
| 1-14 | F.C.C. | 1.0 |
| 1-15 | F.C.C. | 1.0 |
| 1-16 | F.C.C. | 1.0 |
| 1-17 | F.C.C. | 1.0 |
| 1-18 | F.C.C. | 1.0 |
| 1-19 | F.C.C. | 1.0 |
| 1-20 | F.C.C. | 1.0 |
| 1-21 | F.C.C. | 1.0 |
| 1-22 | F.C.C. | 1.0 |
| 1-23 | F.C.C. | 1.0 |
| 1-24 | F.C.C. | 1.0 |
| 1-25 | F.C.C. | 1.0 |
| 1-26 | F.C.C. | 1.0 |
| 1-27 | F.C.C. | 1.0 |
| 1-28 | F.C.C. | 1.0 |
| 1-29 | F.C.C. | 1.0 |
| 1-30 | F.C.C. | 1.0 |
| 1-31 | F.C.C. | 1.0 |
| 1-32 | F.C.C. | 1.0 |
| 1-33 | F.C.C. | 1.0 |
| 1-34 | F.C.C. | 1.0 |
| 1-35 | F.C.C. | 1.0 |
| 1-36 | F.C.C. | 1.0 |
| 1-37 | F.C.C. | 1.0 |
| 1-38 | F.C.C. | 1.0 |
| 1-39 | F.C.C. | 1.0 |
| 1-40 | F.C.C. | 1.0 |
| 1-41 | F.C.C. | 1.0 |
| 1-42 | F.C.C. | 1.0 |
| 1-43 | F.C.C. | 1.0 |
| 1-44 | F.C.C. | 1.0 |
| 1-45 | F.C.C. | 1.0 |
| 1-46 | F.C.C. | 1.0 |
| 1-47 | F.C.C. | 1.0 |
| 1-48 | F.C.C. | 1.0 |
| 1-49 | F.C.C. | 1.0 |
| 1-50 | F.C.C. | 1.0 |
| 1-51 | F.C.C. | 1.0 |
| 1-52 | F.C.C. | 1.0 |
| 1-53 | F.C.C. | 1.0 |
| 1-54 | F.C.C. | 1.0 |
| 1-55 | F.C.C. | 1.0 |
| 1-56 | F.C.C. | 1.0 |
| 1-57 | F.C.C. | 1.0 |
| 1-58 | F.C.C. | 1.0 |
| 1-59 | F.C.C. | 1.0 |
| 1-60 | F.C.C. | 1.0 |
| 1-61 | F.C.C. | 1.0 |
| 1-62 | F.C.C. | 1.0 |
| 1-63 | F.C.C. | 1.0 |
| 1-64 | F.C.C. | 1.0 |
| 1-65 | F.C.C. | 1.0 |
| 1-66 | F.C.C. | 1.0 |
| 1-67 | F.C.C. | 1.0 |
| 1-68 | F.C.C. | 1.0 |
| 1-69 | F.C.C. | 1.0 |
| 1-70 | F.C.C. | 1.0 |
| 1-71 | F.C.C. | 1.0 |
| 1-72 | F.C.C. | 1.0 |
| 1-73 | F.C.C. | 1.0 |
| 1-74 | F.C.C. | 1.0 |
| 1-75 | F.C.C. | 1.0 |
| 1-76 | F.C.C. | 1.0 |
| 1-77 | F.C.C. | 1.0 |
| 1-78 | F.C.C. | 1.0 |
| 1-79 | F.C.C. | 1.0 |
| 1-80 | F.C.C. | 1.0 |
| 1-81 | F.C.C. | 1.0 |
| 1-82 | F.C.C. | 1.0 |
| 1-83 | F.C.C. | 1.0 |
| 1-84 | F.C.C. | 1.0 |
| 1-85 | F.C.C. | 1.0 |
| 1-86 | F.C.C. | 1.0 |
| 1-87 | F.C.C. | 1.0 |
| 1-88 | F.C.C. | 1.0 |
| 1-89 | F.C.C. | 1.0 |
| 1-90 | F.C.C. | 1.0 |
| 1-91 | F.C.C. | 1.0 |
| 1-92 | F.C.C. | 1.0 |
| 1-93 | F.C.C. | 1.0 |
| 1-94 | F.C.C. | 1.0 |
| 1-95 | F.C.C. | 1.0 |
| 1-96 | F.C.C. | 1.0 |
| 1-97 | F.C.C. | 1.0 |
| 1-98 | F.C.C. | 1.0 |
| 1-99 | F.C.C. | 1.0 |
| 1-100 | F.C.C. | 1.0 |

LEGEND

- COMPLETED OR UNDER CONSTRUCTION
- REMAINDER OF PROJECT
- CANAL
- LEVEE
- EXISTING LEVEE TO BE ENLARGED
- LEVEE WITH HIGHWAY ON CROWN
- PUMPING STATION
- CULVERT
- SPILLWAY
- SPILLWAY WITH NAVIGATION LOCK
- LOCK AND HURRICANE GATE
- LOCK, DAM, & SPILLWAY
- EXISTING HURRICANE GATE TO BE MODIFIED
- EXISTING LOCK
- SOUTH FLORIDA WATER MANAGEMENT DISTRICT BOUNDARY



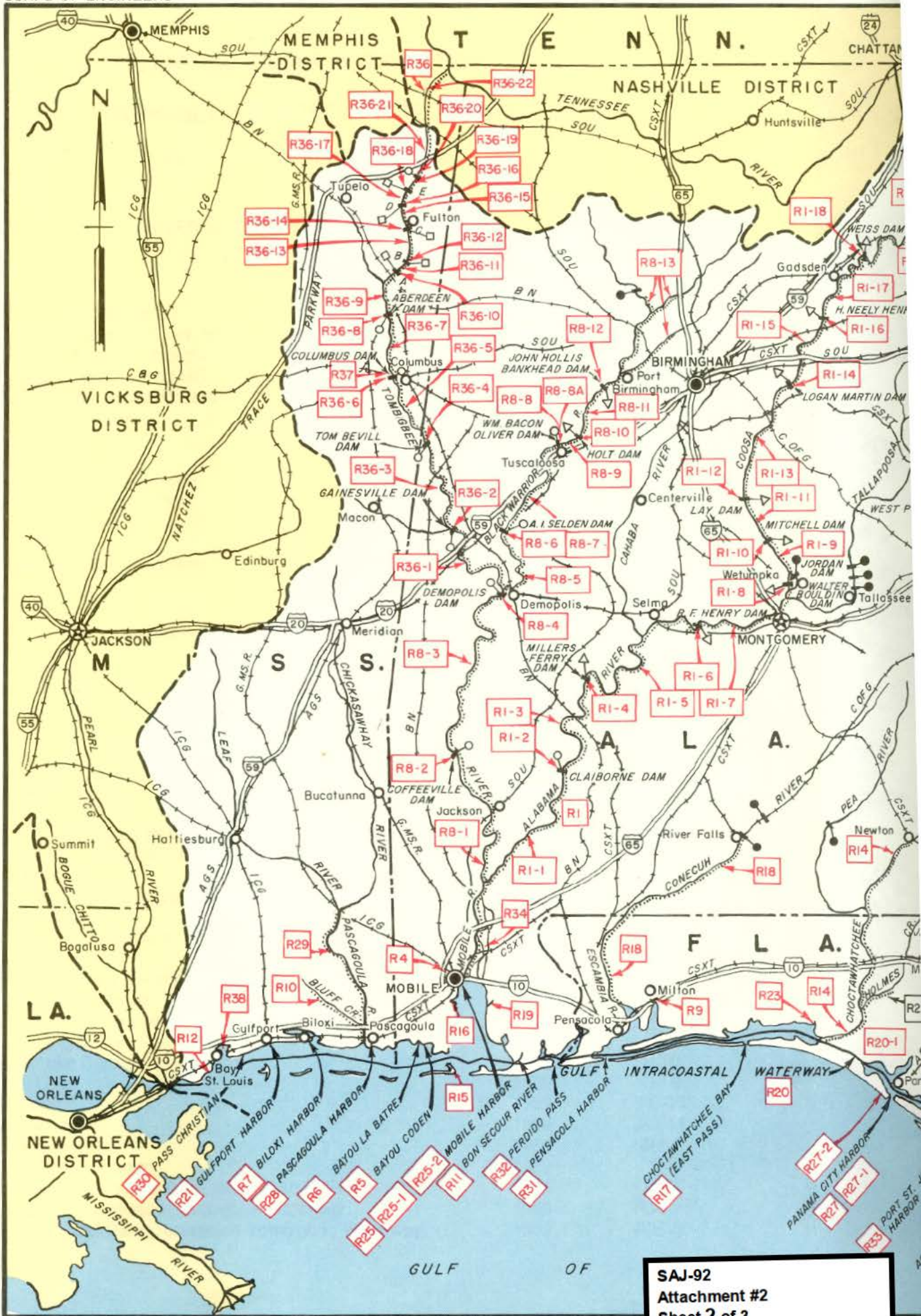
**CENTRAL AND SOUTHERN FLORIDA
FLOOD CONTROL PROJECT**

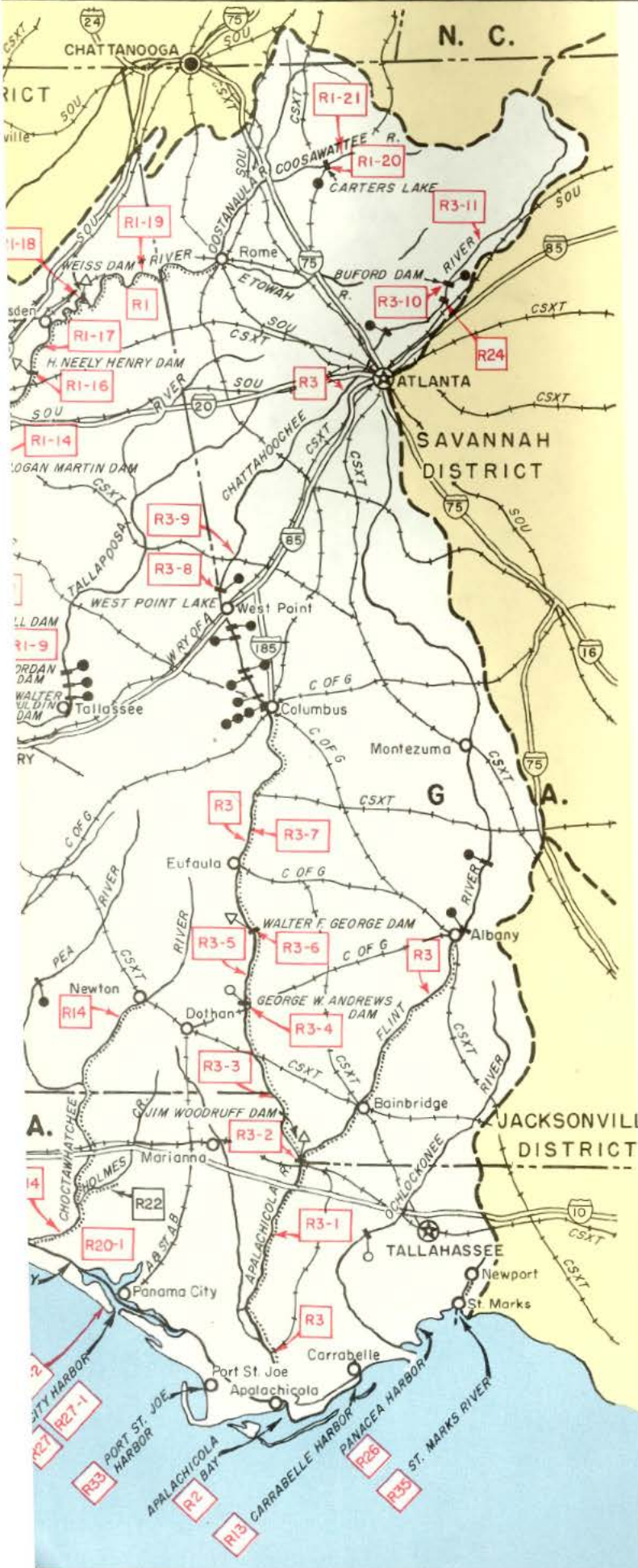
DESIGN AND CONSTRUCTION BY U.S. ARMY ENGINEER DISTRICT, JACKSONVILLE
CORPS OF ENGINEERS JACKSONVILLE, FLORIDA

OPERATION AND MAINTENANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT
WEST PALM BEACH, FLORIDA

**SAJ-92
Attachment #2
Sheet 1 of 3**

SCALE IN MILES
0 5 10 20 25
REVISED JUNE 1992





LEGEND

NUMBERS SHOWN IN BOXES ARE PAGE NUMBERS

--- ACTIVE PROJECT

--- INACTIVE PROJECT

--- LIMITS OF PROJECT

■ --- DAM

□ --- NAVIGATION LOCK

○ --- DAM WITH NAVIGATION LOCK

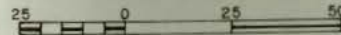
● --- DAM WITH HYDROELECTRIC POWER DEVELOPMENT

◁ --- DAM WITH HYDROELECTRIC POWER DEVELOPMENT AND NAVIGATION LOCK

--- CORPS OF ENGINEERS DISTRICT BOUNDARY

ELEVATIONS SHOWN IN THIS BOOK ARE IN FEET AND REFER TO NATIONAL GEODETIC VERTICAL DATUM (FORMERLY MEAN SEA LEVEL).

SCALE IN MILES



INDEX MAP FOR RIVER AND HARBOR PROJECTS OF THE MOBILE DISTRICT

REVISED TO 30 SEPT
OFFICE OF THE DISTRICT
MOBILE, ALABAMA

SAJ-92
Attachment #2
Sheet 3 of 3

USACE PERMIT STREAMLINING QUALITY ENHANCEMENT STRATEGIES (QES) FOR WETLAND IMPACT MINIMIZATION

1. OBJECTIVES:

In adherence to the below policies and guidelines and in furtherance of our joint efforts to streamline the federal permitting process, Florida Department of Transportation's (FDOT) desire to develop specific Quality Enhancement Strategies of FDOT capacity improvement projects. These QES's would be aimed at providing reasonable assurances to the regulatory agencies that FDOT projects have been designed to minimize wetland impacts as much as is practicable while conforming to acceptable design criteria without jeopardizing public safety.

Presidential Executive Order 11990 entitled "Protection of Wetlands", dated May 23, 1977 establishes a National Policy to "avoid to the extent possible the long-term and short-term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative." In implementing this Presidential Executive Order, the U.S. Department of Transportation set forth its policy on wetlands in USDOT Order 5660.1A "Preservation of the Nation's Wetlands", dated August 24, 1978, which is "to assure the protection, preservation and enhancement of the Nation's wetlands to the fullest extent practicable during the planning, construction and operation of transportation facilities and projects. New construction in wetlands shall be avoided unless there is no practicable alternative to the construction and the proposed action includes all practicable measures to minimize harm to wetlands which may result from such construction. In making a finding of no practicable alternative, economic, environmental and other factors may be taken into account. Some additional cost alone will not necessarily render alternatives or minimization measures impracticable since additional cost would normally be recognized as necessary and justified to meet national wetland policy objectives."

In carrying out USDOT Order 5660.1A, the Federal Highway Administration has implemented its wetland policy through the Technical Advisory T 6640.8A, dated October 30, 1987, which provides guidance on the preparation of environmental documents including the assessment of project impacts on wetlands. The Technical Advisory prescribes a wetland evaluation methodology which, in part, calls for:

- An evaluation of all project alternatives including avoidance alternatives,
- A formal wetlands finding stating that no practical alternatives to the wetland taking exist, if such is the case, and, among others,
- An evaluation of all practicable measures to minimize harm to wetlands.

2. IMPLEMENTATION:

A. Perform early identification and quantification of wetland locations and preliminary impacts at PD&E and design stages.

B. Determine possible wetland avoidance strategies and verify validity of alignment alternatives from the Preliminary Engineering Report.

C. Perform alternative design analysis.

1. Reduce roadway and pond footprint in order to avoid and / or minimize wetland impacts. Considerations may include:

Roadway:

- A. Median widths
- B. Fill slopes
- C. Shoulder widths
- D. Guardrail
- E. Bridge vs. embankment

Ponds:

- A. Relocation of pond sites
- B. Providing alternative treatment methods

2. Quantify impact reduction.

3. Evaluate safety aspects.

4. Provide cost of alternatives.

D. Prepare written summary of analysis and conclusions at the Phase I Plans Stage. Review and comment by Department Planning, Environmental and Production/Permitting staff.

E. Obtain concurrence from Department Roadway District Design Engineer or Interstate Design Engineer at the Phase II plan stage.

3. BENEFITS:

Implementation of these strategies will allow early identification and reduction of environmental impacts thereby streamlining the regulatory and production process.

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: SAJ-
Application Number: SAJ- -

Permittee's Name & Address (please print or type): _____

Telephone Number: _____

Location of the Work: _____

Date Work Started: _____ Date Work Completed: _____

Description of the Work (e.g., bank stabilization, residential or commercial filling, docks, dredging, etc.): _____

Acreage or Square Feet of Impacts to Waters of the United States:

Describe Mitigation completed (if applicable): _____

Describe any Deviations from Permit (attach drawing(s) depicting the deviations):

I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit with the exception of the deviations described above. Any deviations are depicted on the attached drawing(s).

Signature of Permittee

Date

STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE
U.S. Fish and Wildlife Service
August 12, 2013

The eastern indigo snake protection/education plan (Plan) below has been developed by the U.S. Fish and Wildlife Service (USFWS) in Florida for use by applicants and their construction personnel. At least **30 days prior** to any clearing/land alteration activities, the applicant shall notify the appropriate USFWS Field Office via e-mail that the Plan will be implemented as described below (North Florida Field Office: jaxregs@fws.gov; South Florida Field Office: verobeach@fws.gov; Panama City Field Office: panamacity@fws.gov). As long as the signatory of the e-mail certifies compliance with the below Plan (including use of the attached poster and brochure), no further written confirmation or “approval” from the USFWS is needed and the applicant may move forward with the project.

If the applicant decides to use an eastern indigo snake protection/education plan other than the approved Plan below, written confirmation or “approval” from the USFWS that the plan is adequate must be obtained. At least 30 days prior to any clearing/land alteration activities, the applicant shall submit their unique plan for review and approval. The USFWS will respond via e-mail, typically within 30 days of receiving the plan, either concurring that the plan is adequate or requesting additional information. A concurrence e-mail from the appropriate USFWS Field Office will fulfill approval requirements.

The Plan materials should consist of: 1) a combination of posters and pamphlets (see **Poster Information** section below); and 2) verbal educational instructions to construction personnel by supervisory or management personnel before any clearing/land alteration activities are initiated (see **Pre-Construction Activities** and **During Construction Activities** sections below).

POSTER INFORMATION

Posters with the following information shall be placed at strategic locations on the construction site and along any proposed access roads (a final poster for Plan compliance, to be printed on 11” x 17” or larger paper and laminated, is attached):

DESCRIPTION: The eastern indigo snake is one of the largest non-venomous snakes in North America, with individuals often reaching up to 8 feet in length. They derive their name from the glossy, blue-black color of their scales above and uniformly slate blue below. Frequently, they have orange to coral reddish coloration in the throat area, yet some specimens have been reported to only have cream coloration on the throat. These snakes are not typically aggressive and will attempt to crawl away when disturbed. Though indigo snakes rarely bite, they should NOT be handled.

SIMILAR SNAKES: The black racer is the only other solid black snake resembling the eastern indigo snake. However, black racers have a white or cream chin, thinner bodies, and WILL BITE if handled.

LIFE HISTORY: The eastern indigo snake occurs in a wide variety of terrestrial habitat types throughout Florida. Although they have a preference for uplands, they also utilize some wetlands

and agricultural areas. Eastern indigo snakes will often seek shelter inside gopher tortoise burrows and other below- and above-ground refugia, such as other animal burrows, stumps, roots, and debris piles. Females may lay from 4 - 12 white eggs as early as April through June, with young hatching in late July through October.

PROTECTION UNDER FEDERAL AND STATE LAW: The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. "Taking" of eastern indigo snakes is prohibited by the Endangered Species Act without a permit. "Take" is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses, if convicted.

Only individuals currently authorized through an issued Incidental Take Statement in association with a USFWS Biological Opinion, or by a Section 10(a)(1)(A) permit issued by the USFWS, to handle an eastern indigo snake are allowed to do so.

IF YOU SEE A LIVE EASTERN INDIGO SNAKE ON THE SITE:

- Cease clearing activities and allow the live eastern indigo snake sufficient time to move away from the site without interference;
- Personnel must NOT attempt to touch or handle snake due to protected status.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor or the applicant's designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

IF YOU SEE A DEAD EASTERN INDIGO SNAKE ON THE SITE:

- Cease clearing activities and immediately notify supervisor or the applicant's designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

Telephone numbers of USFWS Florida Field Offices to be contacted if a live or dead eastern indigo snake is encountered:

North Florida Field Office – (904) 731-3336

Panama City Field Office – (850) 769-0552

South Florida Field Office – (772) 562-3909

PRE-CONSTRUCTION ACTIVITIES

1. The applicant or designated agent will post educational posters in the construction office and throughout the construction site, including any access roads. The posters must be clearly visible to all construction staff. A sample poster is attached.
2. Prior to the onset of construction activities, the applicant/designated agent will conduct a meeting with all construction staff (annually for multi-year projects) to discuss identification of the snake, its protected status, what to do if a snake is observed within the project area, and applicable penalties that may be imposed if state and/or federal regulations are violated. An educational brochure including color photographs of the snake will be given to each staff member in attendance and additional copies will be provided to the construction superintendent to make available in the onsite construction office (a final brochure for Plan compliance, to be printed double-sided on 8.5" x 11" paper and then properly folded, is attached). Photos of eastern indigo snakes may be accessed on USFWS and/or FWC websites.
3. Construction staff will be informed that in the event that an eastern indigo snake (live or dead) is observed on the project site during construction activities, all such activities are to cease until the established procedures are implemented according to the Plan, which includes notification of the appropriate USFWS Field Office. The contact information for the USFWS is provided on the referenced posters and brochures.

DURING CONSTRUCTION ACTIVITIES

1. During initial site clearing activities, an onsite observer may be utilized to determine whether habitat conditions suggest a reasonable probability of an eastern indigo snake sighting (example: discovery of snake sheds, tracks, lots of refugia and cavities present in the area of clearing activities, and presence of gopher tortoises and burrows).
2. If an eastern indigo snake is discovered during gopher tortoise relocation activities (i.e. burrow excavation), the USFWS shall be contacted within one business day to obtain further guidance which may result in further project consultation.
3. Periodically during construction activities, the applicant's designated agent should visit the project area to observe the condition of the posters and Plan materials, and replace them as needed. Construction personnel should be reminded of the instructions (above) as to what is expected if any eastern indigo snakes are seen.

POST CONSTRUCTION ACTIVITIES

Whether or not eastern indigo snakes are observed during construction activities, a monitoring report should be submitted to the appropriate USFWS Field Office within 60 days of project completion. The report can be sent electronically to the appropriate USFWS e-mail address listed on page one of this Plan.

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

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The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

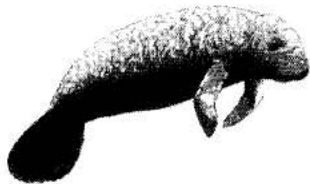
All project vessels

IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work
all in-water activities must

SHUT DOWN

Report any collision with or injury to a manatee:



Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC

GENERAL CONDITIONS FOR DEPARTMENT OF THE ARMY 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. 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 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)