



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
POST OFFICE BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

September 1, 2015

Regulatory Division

MODIFICATION TO
DEPARTMENT OF THE ARMY PERMIT
REGIONAL GENERAL PERMIT SAJ-92

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

On this date, special condition number 10 of the permit is hereby modified to clarify that mitigation for unavoidable impacts to waters of the U.S. must be accomplished by conforming to the provisions of the 2008 *Compensatory Mitigation for Losses of Aquatic Resources* regulations (33 CFR Part 332) and to make the mitigation hierarchy consistent with 33 CFR Part 332.3(b). The new condition reads as follows:

10. Mitigation may be accomplished by one or more of the following mechanisms and preference hierarchy: 1) securing appropriate number and resource type of credits from approved mitigation bank within the project's service area 2) payment of mitigation fees to an approved in-lieu program within the project's service area; 3) through a "permittee-responsible" mitigation, including those mitigation projects that are part of the FDOT Mitigation Program (Section 373.4137, Florida Statutes); on-site and in-kind compensatory mitigation; and/or off-site and/or out-of-kind compensatory mitigation. It is incumbent on the Permittee to demonstrate to the Corps that the compensatory mitigation proposal is the environmentally preferable option to replace the ecological functions and services that would be lost through the implementation of any work proposed. All compensatory mitigation proposals must be approved prior to verification of SAJ-92.

a. Prior to proceeding with the activity authorized by this RGP, a final mitigation plan must be approved by the Corps and/or mitigation credits/fees must be purchased/paid.

b. When purchase of mitigation credits is applicable, the Permittee shall provide verification to the Corps indicating the number and type of credits purchased and the specific federal mitigation bank from which credits have been purchased. When payment of mitigation fees is applicable, evidence of fee payment shall be provided to the Corps. The above-described verification/notification shall be provided to the Corps before commencement of the activity authorized by this RGP.

c. If the RGP verification includes permittee-responsible compensatory mitigation, the mitigation plan must address the components of a complete mitigation plan as described in the Mitigation Rule (33 CFR Part 332.4(c)).

BY AUTHORITY OF THE SECRETARY OF THE ARMY

A handwritten signature in cursive script, appearing to read "Deborah L. Weymann".

for Jason A. Kirk, P.E.
Colonel, U. S. Army
District Engineer