



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
Post Office Box 4970
Jacksonville, Florida 32232-0019

OCT 08 2010

Regulatory Division

Department of the Army Permit

**Regional General Permit SAJ-103
SAJ-2009-01303**

Residential Fill in Holley By The Sea, a Subdivision in South Santa Rosa County

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 for the discharge of dredged and fill material into non-tidal waters of the United States, including wetlands, for residential development in Holley By The Sea, a subdivision located in South Santa Rosa County, Florida, in accordance with the following special conditions:

SPECIAL CONDITIONS:

1. Location/Description: This permit authorizes the discharge of fill necessary to support a single family residence and normal appurtenances such as a garage, driveway, irrigation well, yard with landscaping, garden, etc. This permit does not authorize fill to accommodate or support onsite waste treatment systems (septic systems), drainfield or similar or equivalent apparatus. This permit addresses work in specified portions of Section 18, Township 2 South, Range 26 West, Section 19, Township 2 South, Range 26 West, Section 3 Township 2 South Range 27 West, Section 4 Township 2 South Range 27 West, Section 10 Township 2 South Range 27 West, Section 12 Township 2 South Range 27 West, Section 13 Township 2 South Range 27 West, Section 14 Township 2 South Range 27 West, Section 15 Township 2 South Range 27 West, Section 22 Township 2 South Range 27 West, Section 24 Township 2 South Range 27 West in southern Santa Rosa County, Florida (see attached map for approximate boundaries).
2. State of Florida Authorization: Prior to the initiation of any construction, projects qualifying for Regional General Permit SAJ-103 must 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 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 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.

3. Reporting Address: All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, 41 North Jefferson Street, Suite 301, Pensacola, Florida 32502. The Permittee shall reference the Department of the Army (DA) file number on all submittals. The Department of the Army file number will be stated on the authorization and is in the following format SAJ-XXXX-XXXX (GP-XX).
4. Erosion Control: Prior to the initiation of any fill discharge authorized in accordance with Regional General Permit SAJ-103, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement or erosion of fill material. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas adjacent to wetlands shall be stabilized using sod, degradable mats, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.
5. Retaining Wall: A permanent low elevation retaining wall will be constructed to contain and separate the fill discharge associated with the single family residence and appurtenant structure from the onsite preservation area. The wall must be a minimum of 6-inches higher than the final grade of fill discharged on the lot, shall be constructed as shown on the permit drawings with filter fabric, and shall be permanently maintained by the permittee. The retaining wall must be completely constructed prior to the discharge of fill material for grading purposes.
6. Record Permit: The Permittee shall record the Department of the Army authorization with the Clerk of the Circuit Court, Registrar of Deeds or other appropriate official charged with the responsibility of maintaining records of title to or interest in real property within Santa Rosa County. Within 90 days from the date the Permittee is granted authorization, the Permittee shall provide the Corps a copy of the recorded permit which clearly shows a stamp from the appropriate official indicating the book and page at which the document is recorded and the date of recording.
7. Commencement Notification: Within 10 days of initiating any of the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement.
8. Avoidance/Preservation: The Permittee shall avoid and preserve that portion of the project site so depicted on the permit drawings. This area was avoided as

part of the permit application review process and therefore will not be disturbed by any dredging, filling, mechanized land clearing, agricultural activities, or other construction work whatsoever. No heavy equipment is permitted in this area and it should be clearly marked prior to construction on the remainder of the lot in order to prevent encroachment by heavy equipment. The Corps reserves the right to deny review of any requests for future impacts to this natural area.

9. **Permit Transfer:** Immediately upon the sale of a lot where authorization has been granted in accordance with Regional General Permit SAJ-103, the new owner(s) shall be provided a complete copy of the Department of the Army authorization for the lot which was subject of the sale and the permit transfer form will be completed by the new owner and mailed to the Corps .
10. **Conservation Easement:** If a legally sufficient conservation easement has already been recorded in accordance with a permit issued by the Florida Department of Environmental Protection (FDEP) or the Northwest Florida Water Management District (NFWFMD), the Permittee must provide the Corps a copy of the recorded easement within 30 days of being granted Department of the Army authorization in accordance with Regional General Permit SAJ-103.
11. **Deed Restriction:** If a conservation easement has not been required by the FDEP or the NFWFMD, the Permittee shall have a legally sufficient deed restriction prepared to ensure that the onsite preservation area, as referenced in Special Condition 8, will remain in its natural state in perpetuity. These natural preserve areas will not be disturbed by any dredging, filling, land clearing, agricultural activities, planting, or other construction work whatsoever. The Permittee agrees that the only future utilization of the preserved areas in question will be as a purely natural area. The deed restriction shall cite the Department of the Army file number and reference the prohibitions set forth in Florida Statutes §704.06 (a) through (h). To show compliance with this condition the Permittee shall complete the following:
 - a. Within 30 days from the date of initiating the authorized work, submit to the Corps a draft deed restriction document with a legal description, survey, and scale drawings of the area in question. The following paragraph shall be incorporated in the deed restriction:

“Rights of U.S. Army Corps of Engineers (Corps)- The Corps shall be a party to any modification, alteration, release, or revocation of the deed restriction, and shall review and approve as necessary any additional structures or activities that require approval.”
 - b. Within 30 days of Corps’ approval of the draft deed restriction, record the deed restriction in the public records of Santa Rosa County, Florida. A certified

copy of the recorded document and plat shall be forwarded to the Corps within 60 days of Corps' approval of the draft deed restriction.

c. Immediately upon sale of a lot on which a deed restriction has been recorded, proof of delivery and acceptance of a copy of the recorded deed restriction to the subsequent Permittee or Permittees shall be submitted to the Corps together with notification of permit transfer referenced in Special Condition 9.

12. **Compensatory Mitigation:** Compensatory mitigation for permanent wetland impacts will be determined utilizing an approved functional assessment procedure such as the Uniform Mitigation Assessment Procedure as referenced in Appendix A which is attached.

13. **Credit Purchase:** Concurrent with the initiation of discharge of fill material on a lot the permittee shall purchase wetland credit(s) from a Federally approved, appropriately located, mitigation bank, such as the Pensacola Bay Mitigation Bank and Garcon Point Mitigation Bank, to offset the permanent wetland impacts.

Within 14 days of the purchase of the mitigation credits, the permittee shall provide written documentation to the Corps that the credits have been purchased by the permittee and the documentation shall include the type of credit(s) purchased.

14. **Contractor Notification:** All contractors working on a lot on which authorization has been granted in accordance with Regional General Permit SAJ-103 shall be provided a copy of Regional General Permit SAJ-103 as well as the Department of the Army Authorization specific to the subject lot. A complete copy of these documents shall remain on site at all times during the permitted activities.

15. **Self Certification:** Within 60 days of completion of the authorized work the Permittee shall complete the attached "Self-Certification Statement of Compliance" form and submit it to the Corps. In the event that the completed work deviates, in any manner, from the authorized work, the Permittee shall describe, on the Self-Certification Form, the deviations between the work authorized by the permit and the work as constructed. Please note that the description of any deviations on the Self-Certification Form may not constitute approval of any deviations by the Corps.

16. **Endangered/Threatened Species:** No work will be authorized under Regional General Permit SAJ-103, which would adversely affect federally listed threatened or endangered species or any designated critical habitat.

17. Area Of Fill Discharge: Fill will be limited to the minimum necessary to construct the residence with appurtenant structures. There is a maximum fill limit of 0.23 acre per lot.
18. Suitable Fill: Fill material used 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).
19. Historic Resources: No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the permittee or other party on the permittee's behalf, shall conduct a search of the National Register Information System (NRIS). Information on properties eligible for inclusion in the National Register, or recorded and not evaluated can be identified by contacting the Florida Master Site File Office by email at fmsfile@dos.state.fl.us or by telephone at 850-245-6440.

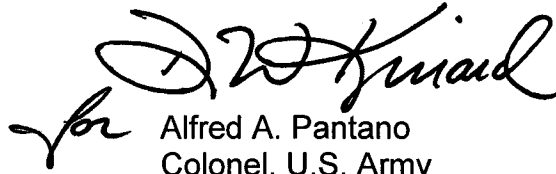
If unexpected cultural resources are encountered at any time within the project area that was not the subject of a previous cultural resource assessment survey, work should cease in the immediate vicinity of such discoveries. The permittee, or other party, should notify the State Historic Preservation Office (SHPO), Compliance and Review Section at 850-245-6333 immediately, as well as the Pensacola Army Corps of Engineers office. After such notifications, project activities should not resume without verbal and/or written authorization from the Army Corps of Engineers and SHPO.

If unmarked human remains are encountered, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, *Florida Statutes*. After such notifications, project activities shall not resume without verbal and/or written authorization from the Florida State Archaeologist for finds under his or her jurisdiction, and from the Pensacola Army Corps of Engineers office.

20. The District Commander reserves the right to require that any request for authorization under this general permit be processed as an individual permit.
21. Regional General Permit SAJ-103 will be valid for a period of five years from the date specified above unless suspended or revoked by the District Commander prior to that date. If Regional General Permit SAJ-103 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-103 will remain in effect provided the activity is completed within 12 months of the date SAJ-103 expired or was revoked.

22. The permittee shall perform all work in accordance with the attached General Conditions which apply to all Department of the Army permits.

BY AUTHORITY OF THE SECRETARY OF THE ARMY

A handwritten signature in black ink, appearing to read "A. Pantano". The signature is written in a cursive style with a large initial "A".

Alfred A. Pantano
Colonel, U.S. Army
District Commander

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 of 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 of the new owner in the space provided 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. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representative 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. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - () Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. 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.

3. 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.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit verification is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Verification Decision: This office may reevaluate its decision on this permit verification 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 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

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.

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Regional General Permit SAJ-103
Application Number: SAJ-XXXX-XXXXX (GP-XXX)

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.): _____

Acreeage 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

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

Regional General Permit SAJ-103
Application Number: SAJ-XXXX-XXXXX (GP-XXX)

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. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, 41 North Jefferson Street, Suite 301, Pensacola, FL 32502.

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)

Appendix A. Mitigation Determination for Impacts to Waters of the U.S Authorized Under Regional General Permit SAJ-103

The Holley By The Sea development template utilized in accordance with Regional General Permit (RGP) SAJ-103 generally authorizes fill in waters of the U.S. on the front 100 feet of each single-family residential lot. To minimize and avoid impacts to the aquatic environment, the remainder of the waters of the U.S. on each lot will be preserved and remain natural. A low elevation retaining wall will be constructed in waters of the U.S. to separate that portion of the property to be filled from the preservation area. For the mitigation needed to offset the permanent impacts to the aquatic environment resulting from the discharge of the fill material, the permittee will be required to purchase credits from a Federally approved, appropriately located mitigation bank.

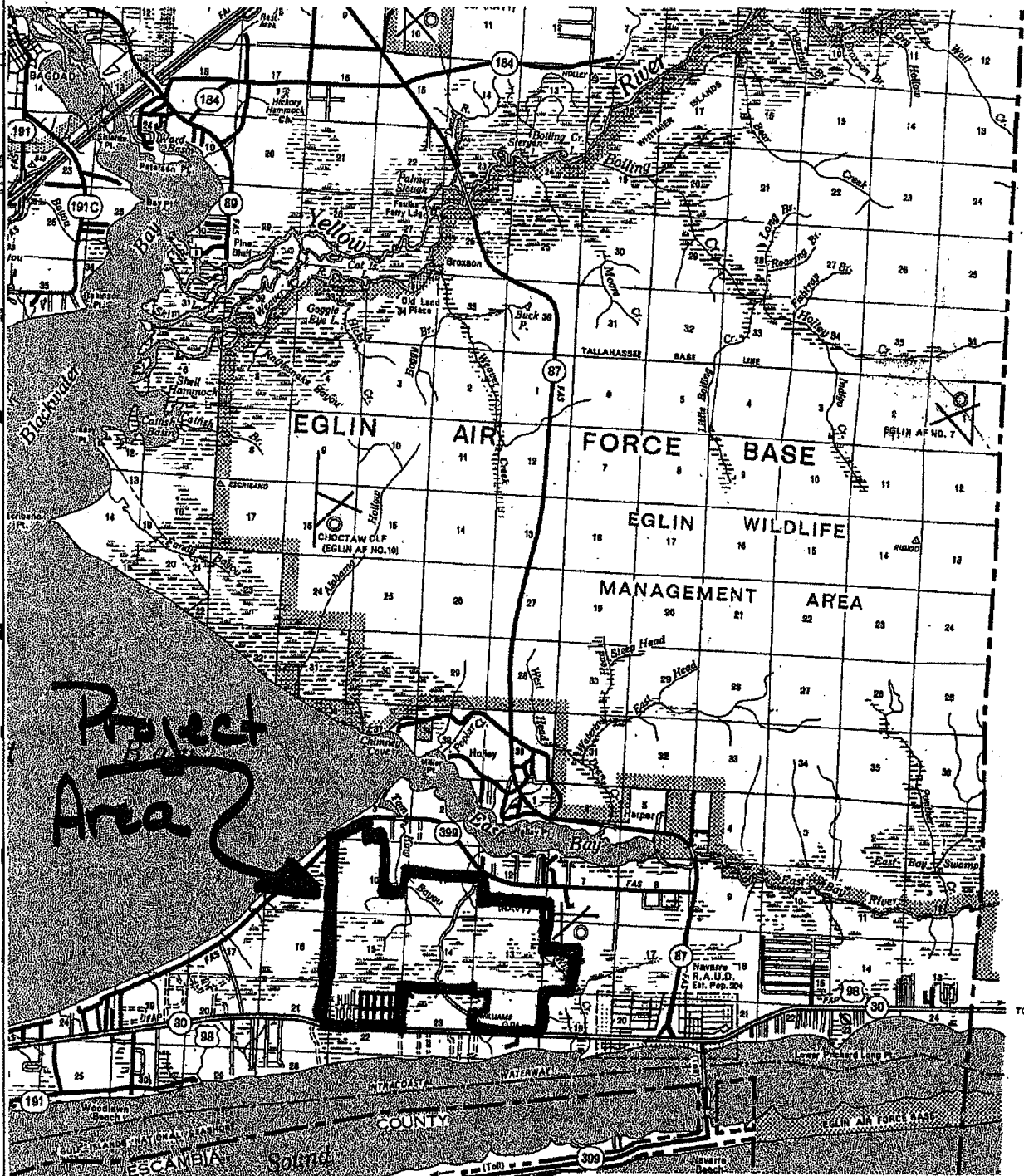
Avoidance and minimization of wetland impact have been accomplished through the design of the development template. While the development template was being refined over the past 4-5 years, wetland functional assessments were also completed. A wetland functional assessment documents the ecological value of the wetland habitat to be filled which then correlates to the number of whole or fractional credits purchased at an approved wetland mitigation bank to offset the wetland loss. Within the proposed RGP area, functional assessments were completed utilizing Wetland Rapid Assessment Procedure (WRAP) and Florida Uniform Mitigation Assessment Methodology (UMAM).

The functional assessment score of the wetland proposed for impact in combination with the acreage of the wetland impact through direct and indirect impacts will determine the number of mitigation bank credits required for purchase.

A review of the assessments show a large majority of scores occur within the 0.62 – 0.72 range with 0 representing little or no ecological value and 1.0 representing high ecological value. To facilitate project evaluation the Corps proposes to utilize a standard functional assessment score of 0.62 which will consider the effect of existing and future development on ambient ecological value. Evidence of credit purchase will be required prior to the discharge of fill material authorized in accordance with the SAJ-103.

Mitigation Bank Credit Purchase Calculation

Acreage of wetland filled x 0.62 = # of credits to be purchased from Federally approved Mitigation Bank



C O U N T Y



TO FORT WALTON BEACH

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 Holley By The Sea
 Date: 26 March 2008
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GENERAL HIGHWAY MAP SANTA ROSA COUNTY FLORIDA

PRICE 25¢ (incl. Sales Tax)
 AVAILABLE AT THE FLORIDA
 DEPARTMENT OF TRANSPORTATION
 CENTRAL REFERENCE LIBRARY
 TALLAHASSEE, FLORIDA 32304

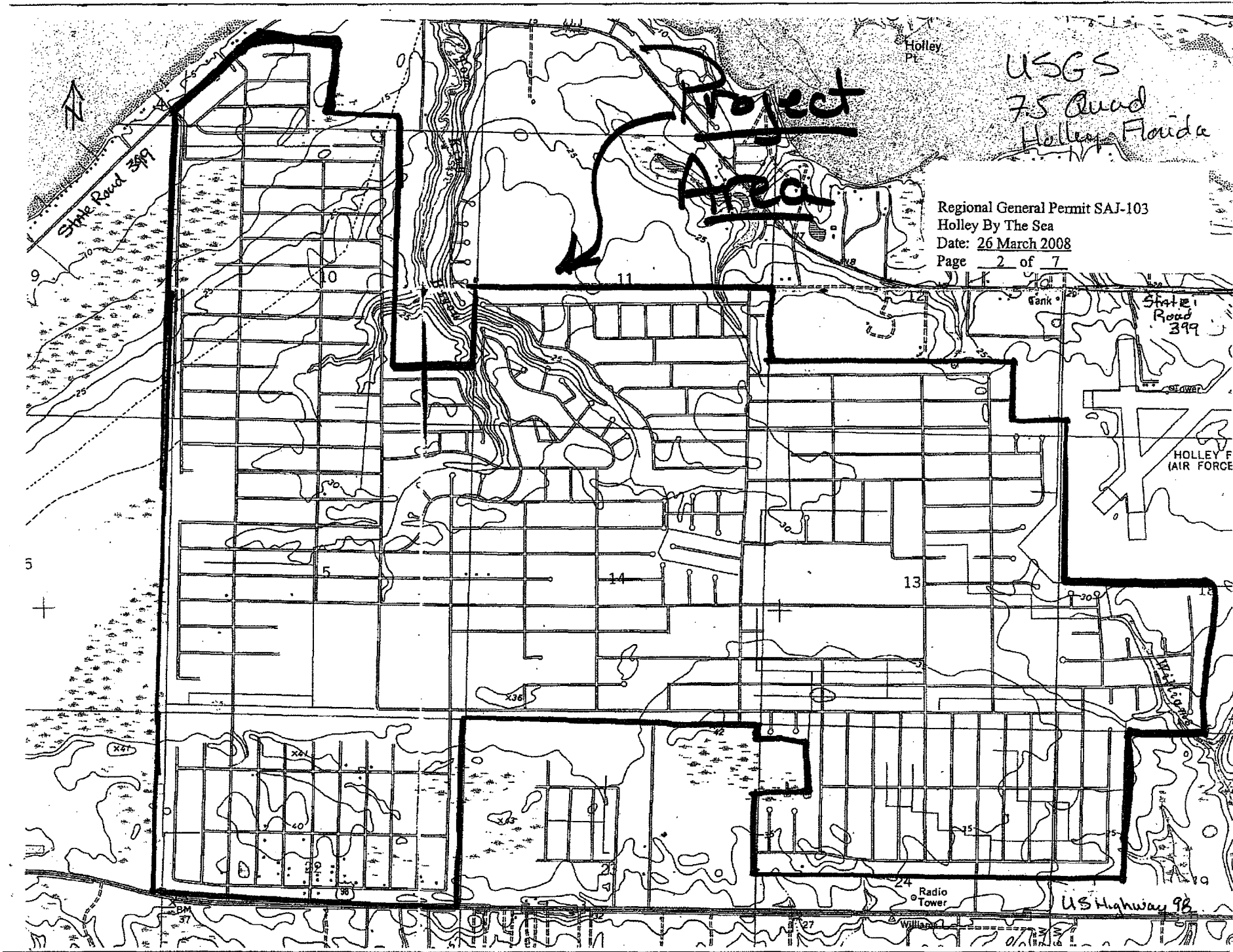
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 produced at an overall cost of
 \$18,000.00 of \$5,000.00 per copy to
 provide information necessary for
 transportation planning.

PREPARED BY THE
 STATE ENGINEERING BOARD

USGS
75 Quad
Holley, Florida

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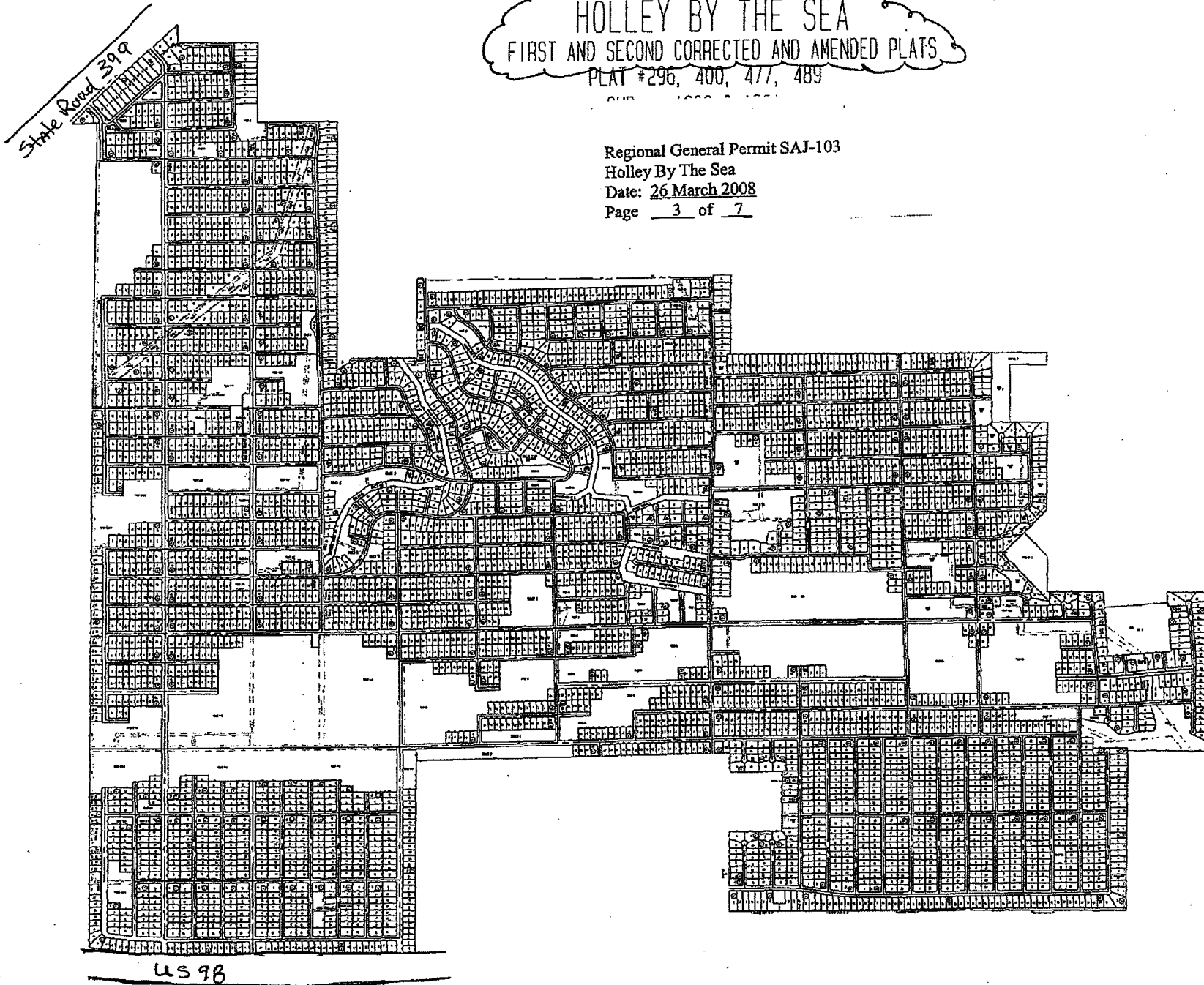
Project Area

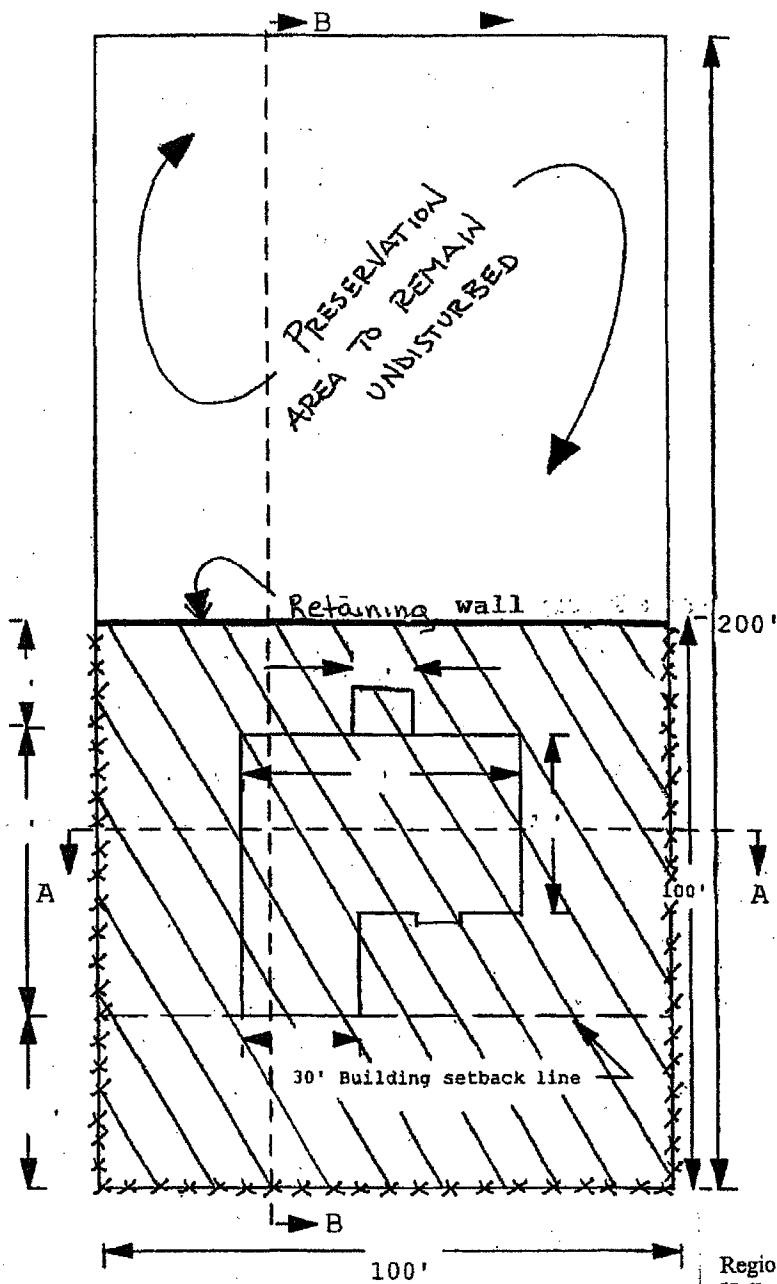



HOLLEY BY THE SEA
FIRST AND SECOND CORRECTED AND AMENDED PLATS

PLAT #296, 400, 477, 489

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 Fill in ACOE wetlands 10,000 sq. ft. or 0.23 acres

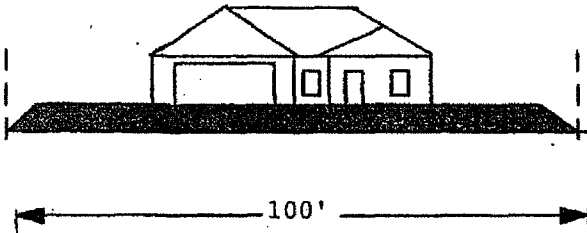
XXXXX = SILT FENCE AND HAYBALES

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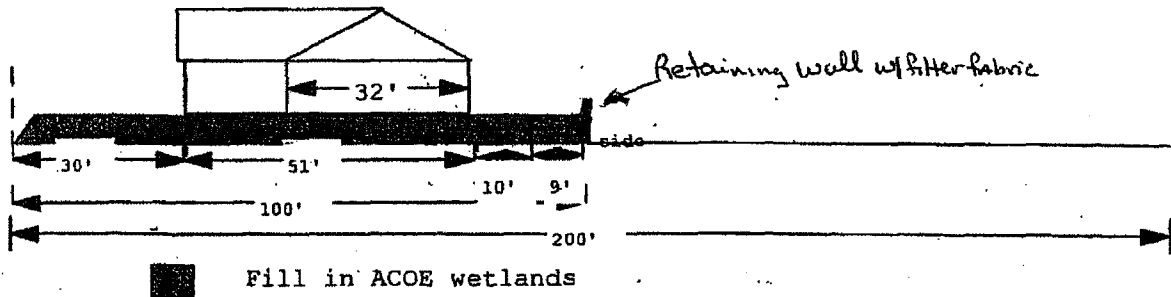
SAMPLE
 DRAWING

Development Template

Cross Section A-A



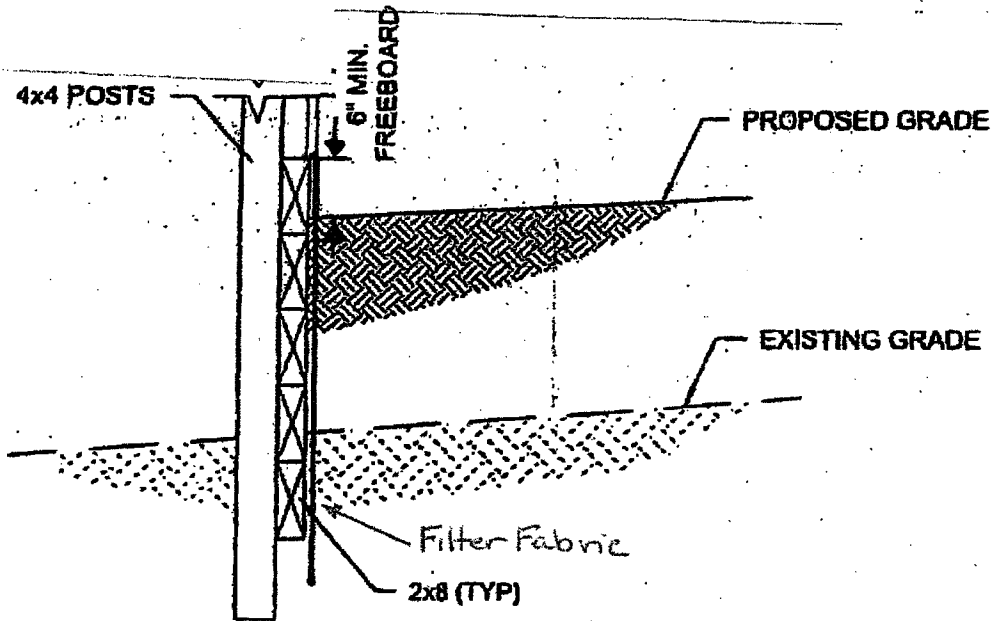
Cross Section B-B



Notes: Fill will be approximately X' high. All slopes will be sodded or seeded upon completion. Erosion control measures shall remain in place until permanent stabilization has been achieved. Back slope to have landscape wall/Retaining wall

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SAMPLE
DRAWING



RETAINING WALL SECTION

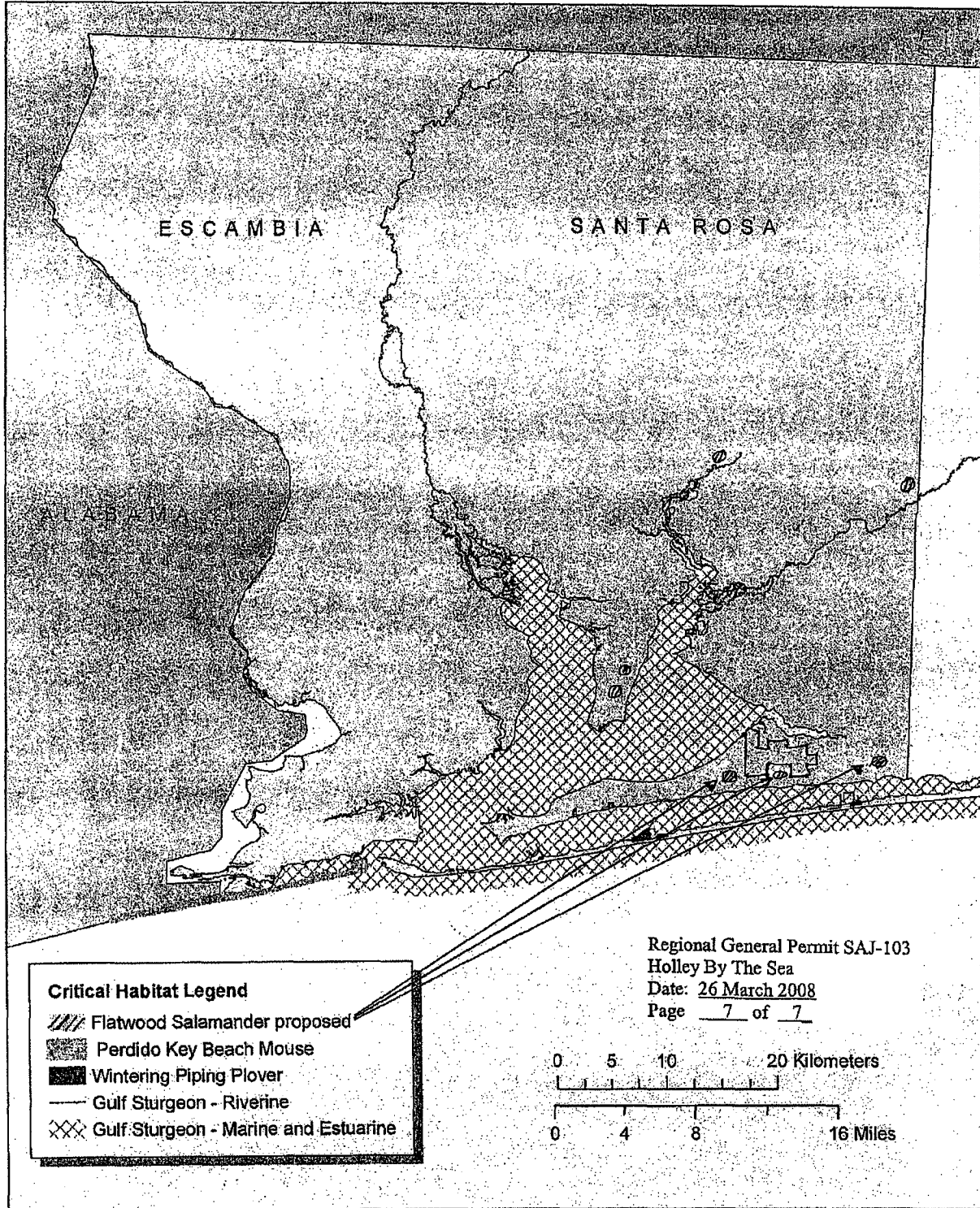
Not To Scale

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U.S. Fish and Wildlife Service

Critical Habitat for Escambia and Santa Rosa Counties, Florida



This map is for illustrative purposes only, for the precise legal Critical Habitat designation please refer to Federal Register notices