



REPLY TO
ATTENTION OF:

**DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
COCOA REGULATORY OFFICE
400 HIGH POINT DRIVE, SUITE 600
COCOA, FLORIDA 32926**

Regulatory Division

FEB 19 2008

DEPARTMENT OF THE ARMY

**Regional General Permit SAJ-83
SAJ-2004-3931**

SEMINOLE TRIBE OF FLORIDA

Upon recommendation of the Chief of Engineers, pursuant to Section 404 of the Clean Water Act (U.S.C. 1344), general authority is hereby given for the discharge of fill material for use by the Seminole Tribe of Florida (Tribe) for the following minor activities: single family home sites, utility lines, recreational facilities, boating, agricultural use, commercial use, government facilities, water control activities, ditch maintenance, and road construction. This authorization is valid subject to the attached General Conditions and the following Special Conditions:

SPECIAL CONDITIONS:

1. This permit is limited to filling waters of the United States for the following minor activities: single family home sites, utility lines, recreational facilities, boating, agricultural use, commercial use, government facilities, water control activities, ditch maintenance, and road construction. Acreage thresholds and conditions for use are contained in the attached Table 1.
2. Specific use is limited to the areas shown in Attachments 1 and 2, located within the Big Cypress Seminole Indian Reservation (BCSIR).
3. This permit authorizes minor activities involving the placement of fill material in up to 20 acres of federally jurisdictional wetlands per year, not to exceed a total of 100 acres of jurisdictional wetlands at the BCSIR over a five-year period beginning on the effective date of this permit.

4. **Compensatory Mitigation:** Mitigation requirements will be satisfied by the Advanced Mitigation Program (AMP). The AMP is authorized by Nationwide Permit 27 (Attachment 3):

5. **Erosion Control:** Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement 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.

6. Any activity authorized under this permit shall not adversely affect or disturb properties listed or eligible for inclusion in the National Register of Historic Places.

7. **Biological Opinion:** This Corps permit does not authorize you to take an endangered species, in particular the Florida panther. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permit, or a BO under ESA Section 7, with "incidental take" provisions with which you must comply). The enclosed U.S. Fish and Wildlife Service's (Service) Biological Opinion (BO) (Attachment 4) contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the BO. Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with incidental take of the attached BO, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Corps permit. The Service is the appropriate authority to determine compliance with the terms and conditions of its BO, and with the ESA.

a. The Tribe shall monitor the number of projects the SAJ-83 is applied to and provide information to the Service regarding the number of permits issued under the SAJ-83. It is requested that information on date, Corps identification number, total project acreage, project wetland acreage, latitude and longitude in decimal degrees, and PHU values per project, per year, and SAJ-83 total be sent to the Service annually. This information may be incorporated into the AMP credit/debit ledger and the annual compensatory mitigation report.

b. Upon locating a dead, injured, or sick threatened or endangered species, initial notification must be made to the nearest Service Law Enforcement Office; Fish and Wildlife Service; 9549 Koger Boulevard, Suite 111; St. Petersburg, Florida 33702; 727-570-5398. Secondary notification should be made to the FWC; South Region; 3900 Drane Field Road; Lakeland, Florida; 33811-1299; 1-800-282-8002.

c. Care should be taken in handling sick or injured specimens to ensure effective treatment and care or in the handling of dead specimens to preserve biological material in the best possible state for later analysis as to the cause of death. In conjunction with the care of sick or injured panthers or preservation of biological materials from a dead animal, the finder has the responsibility to carry out instructions provided by Law Enforcement to ensure that evidence intrinsic to the specimen is not unnecessarily disturbed.

8. The Tribe issued 401 Water Quality Certification, dated January 10 2006, for this general permit (Attachment 5).

9. **Fill Material:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

10. **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, P.O. Box 4970, Jacksonville, FL 32232. The Permittee shall reference this permit number, SAJ-2004-3931, on all submittals.

11. This General Permit will be valid for five years from the date of issuance, unless suspended or revoked by the Corps. A review will be conducted to determine if continuance of the permit is in the public interest after the 5-year expiration date.

BY AUTHORITY OF THE SECRETARY OF THE ARMY

A handwritten signature in black ink, appearing to read "Paul L. Grosskruger", with a large, sweeping flourish above the name.

Paul L. Grosskruger
Colonel, Corps of Engineers
Commanding