



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

**REPLY TO**  
**ATTENTION OF**

Regulatory Division  
General Permit SAJ-82

**February 7, 2003**

**DEPARTMENT OF THE ARMY**

**GENERAL PERMIT SAJ-82**

**SINGLE FAMILY RESIDENCE (SFR) RIPRAP REVETMENTS, BULKHEADS,  
MARGINAL DOCKS, SINGLE FAMILY RESIDENCE BOAT RAMPS, ASSOCIATED  
BACKFILL IN RESIDENTIAL CANALS, PIERS, PLATFORMS, AND LONG DOCKS  
IN MONROE COUNTY, FLORIDA**

Upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act, general authority is hereby given for the construction of pile supported docks, boat ramps, riprap revetments, bulkheads, marginal docks, and backfill in principally residential canals and long docks on open water in waters of the U.S. within Monroe County, south of Jewfish Creek to the western tip of Key West, Florida.

SPECIAL CONDITIONS:

1. The work herein authorized includes pile supported docks, riprap revetments, bulkheads, backfill, boat ramps, marginal docks, their appurtenant structures (such as boat hoists, mooring piles, dolphins and the maintenance of same) not to exceed three vessels for private single-family lots in principally residential canals and long docks that meet the joint U.S. Army Corps of Engineers/National Marine Fisheries Service "Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat." Submerged portions of structures authorized by this general permit must be of concrete, (i.e., concrete piles or PVC encased concrete piles). This permit is intended for use only in Monroe County, Florida. A residential canal is defined as a manmade waterway surrounded on both sides by uplands. Federally maintained navigation and/or flood control projects are not considered to be residential canals and SAJ-82 is not authorized for use within them.

2. Marginal Piers/Docks (on residential canal shorelines): Marginal docks are constructed along the edge of a canal and may be of concrete, wood or other appropriate material. These docks will extend waterward to, but not beyond, a point at which the depth of minus 4 feet Mean Low Water is achieved. (Marginal docks will normally only be permitted when a "T" style dock is not practicable. A "T" dock may not be practicable when encroachment into the navigable waterway exceeds 25 percent. "T" docks may also pose navigational hazards in canals, which historically accommodated large vessels or commercial vessel traffic. In some canal systems, with high lots and minimal wetland resources, "T" docks may provide no benefit to the aquatic environment.) Marginal docks may be pile supported, slab on grade or cantilevered. Marginal docks permitted under Regional General Permit SAJ-82 will not be authorized with concrete seawalls on the waterward side of the docks. Existing seawalls are not considered marginal docking structures. Alterations to existing seawalls such as whips, davits, boat elevators, fender piles, cleats and other structures which convert a seawall into a docking structure must be reviewed as docks, based on the direct, secondary and cumulative impacts associated with docking structures. Where located over submerged aquatic vegetation and/or emergent wetlands, marginal docks shall be limited to no more than 66 percent of the shoreline length owned by the applicant and under no condition, shall such structures exceed 40 feet in length. This limitation shall also apply to any location where submerged aquatic vegetation is present and vessel operation (including access and mooring) would result in significant direct or indirect impacts to the vegetation.

3. "T" and "L" Style Docks (on residential canal shorelines): Where a mangrove fringe or wetland vegetation exists along the shoreline, or a high value submerged shelf exists, a dock with a walkway perpendicular to the shoreline, such as a "T" or "L" dock, will be constructed as follows: the "T" or "L" dock terminal platform must be installed beyond the root zone, (including emergent and submerged prop-roots of a mangrove fringe); the portion of the dock parallel to the shoreline may run the entire shoreline length of the parcel and shall not exceed 5 feet in width; the dock and walkway shall be located so as to avoid or minimize covering wetland vegetation, mangroves, or high value submerged shelf; the walkway connecting the dock to the shore shall not exceed 4 feet in width; one such walkway shall be allowed for every 100 feet of shoreline length or fraction thereof (for example, 75 feet of shoreline may have one walkway and 101 feet of shoreline may have two); where a mangrove fringe or wetland vegetation exists along the shoreline and a "T" or "L" style dock would extend over more than 10 percent of the width of the waterbody, the applicant will provide sealed

measurements by a licensed engineer, architect or surveyor demonstrating the finished structure (including the beam of boat and mooring piles) will not exceed 25 percent of the navigable waterway; alternative designs shall only have the minimum deviations based on unique situations. If a Corps site visit or a benthic survey identifies a well-developed submerged vegetative community and/or valuable benthic resources, then all requirements of the "Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over SAV, Marsh or Mangrove Habitat" will be applied to the analysis.

4. Pier-Type Docks (on open water shorelines): Pier-type docks shall be permitted only when they conform to the "Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over SAV, Marsh or Mangrove Habitat" provided these structures are oriented approximately perpendicular to the shoreline; located in an existing break in the mangroves or shoreline vegetation; however, if no such break exists, a walkway, no more than 4 feet in width, may be cut through the mangroves or shoreline vegetation; structures are no longer than twice the linear shoreline frontage of the parcel or 200 feet, whichever is less. The dock length is measured from the mean low water line (MLW) out to the waterward extension of the dock. Dock construction is not authorized in locations where damage, including that involved with vessel operation, to adjacent submerged vegetation or benthos would result; however, authorization may be granted when it is determined, by the Corps of Engineers, that such impacts may be reduced to minimal adverse affects through construction modification and/or other changes.

5. Water Access Walkways and Fishing/Water Observation Platforms (on open water shorelines): Water access walkways may be permitted, provided such structures are oriented approximately perpendicular to the shoreline; designed to terminate in water no deeper than 1 foot at MLW (2 feet for fishing platforms) or extend further than 10 feet from the waterward extent of mangroves/wetlands. The decking of such structures must be elevated at least 5 feet above MHW, except for a ramp or stair section at the waterward end, which must be limited to no more than 10 feet long; and does not exceed 4 feet in width (except for a ladder or steps that may be added for swimming access). These structures may not terminate over algal beds, seagrasses or hardbottom communities. The terminal platform will be made of grated material and may not exceed 160 square feet, inclusive of any steps or ladder. These structures will be designed with handrails and designated by signs of at least three square feet each, with bold letters on a high contrast background, to be placed on each side of the structure that states, "No Mooring of Motorized Vessels Allowed."

6. Boat Ramps (on residential canal shorelines and open water shorelines): Boat ramps only for single-family residences may be permitted. Boat ramps will be confined to shorelines of manmade canals, channels, and basins with little or no native vegetation. The width of boat ramps, including side slopes, will be limited to 15 feet. All above-water ramp, side slope or wall structures will be located landward of the original MHW line. A maximum of two short accessory docks, abutting either or both sides of the ramp, are allowed. These docks may extend landward beyond the MHW. Construction of a boat ramp will not involve any filling of surface waters except for the minimum amount needed for the actual boat ramp surface, side slopes, walls or pilings for accessory docks. Walls may not exceed 2 feet in width. Dredging will be limited to the minimum amount necessary to construct the boat ramp and will not exceed 100 cubic yards of total excavation above and below MHW. No dredging of submerged grass beds or hard bottom communities will occur.

7. No seawalls, bulkheads, riprap, or other shoreline hardening structures will be permitted on or waterward of any portion of any beach berm complex, which is known to be or is potential nesting area for marine turtles.

8. Bulkheads, riprap and backfill on unvegetated shorelines as well as shelves which do not support submerged aquatic resources shall not exceed 100 feet in length, and shall not extend any farther waterward than existing bulkheads in the immediate area or more that 3 feet waterward of the MHW. Any attachments to seawalls or bulkheads, such as davits, cleats, and platforms, or any other elements that constitute docking facilities shall not be allowed except as accessory to a principle use. Seawalls may have a cap of up to 2 feet in width without being considered a dock. If docking occurs or docking devices are attached to a seawall a permit is required based on the marginal concrete dock criteria above.

9. Vertical type seawalls or bulkheads are permitted only to stabilize severely eroding shorelines and only on manmade canals, channels, or basins. Such seawalls or bulkheads are permitted only if native vegetation and/or riprap and filter cloth is not a practicable means to control erosion. No new seawalls, bulkheads, or other hardened vertical structures will be permitted on open water.

10. Riprap, bulkheads, and seawalls should be placed landward of any existing mangroves or wetland vegetation to the extent practicable. Native upland, wetland, and aquatic biotic communities shall be preserved to the maximum extent practicable. Where this is not practicable, mitigation will be required. When substantial wetland vegetation is present (impacts to wetlands

would result in more than minimal adverse effects) all fill placement will be above the MHW line.

11. Wherever practicable, assuming the absence of substantial ecologically valuable existing benthic resources, riprap should be placed at the toe of vertical seawalls to dissipate wave energy and provide substrate for marine organisms.

12. Riprap is the preferred, least environmentally damaging, form of shoreline armoring. Seawalls will only be authorized under the following conditions: riprap has been tried in the past and proven to be ineffective; a high energy shoreline (with main channels of canal systems, strong tidal currents, large vessels) is evident; and/or based on geo-technical considerations no substrata exists to adequately support a riprap revetment. Geo-technical data to support the use of a seawall must be provided in the form of a sealed engineering drawing/statement by an architect/engineer/geologist competent to render an expert opinion on the substrate characteristics.

13. All backfill must be from upland sources and consist of suitable material, free from toxic pollutants in other than trace quantities. Total fill within waters of the United States (including riprap) may not exceed 1000 square feet or 100 cubic yards. No fill may be placed below the MLW, except for boat ramps.

14. This permit does not authorize any filling, except for backfill behind the bulkheads, boat ramps, and the placement of a riprap revetment. At no time should this permit be construed to allow filling of wetlands for additional development.

15. Mangrove impacts are to be avoided and minimized. The mangrove fringe, and its maintenance, is considered a component of the Corps mitigation analysis. Trimming of mangroves within the requirements of Florida's law, and as provided for in this condition, may be authorized as a permit special condition. Applicants are encouraged to learn about this law and the ability to maintain an attractive vegetative buffer while preserving the values and functions of the mangrove/buttonwood community. A Florida Department of Environmental Protection application for mangrove trimming will be provided to applicants along with the list of State certified mangrove trimmers in Monroe County. Trimming and view corridors will be authorized by the Corps as provided below, when in compliance with both State law and to the extent trimming meets the "Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over SAV, Marsh or Mangrove Habitat." The Permittee must maintain all aquatic vegetation along the shoreline that is not directly impacted by the footprint of the authorized work. The

vegetation may be maintained in its natural state or trimmed as indicated in this condition. Each SAJ-82 permit verification letter issued by the Corps to a Permittee will identify the trimming that is authorized for the particular project (i.e., the mangroves that may be trimmed and the manner in which they may be trimmed - e.g., trimming as a hedge or "window" trimming). The amount and type of mangrove trimming allowed by the Corps is a critical component of the Corps mitigation and may be less trimming than that allowed by the State, but cannot be more trimming than authorized by the State. Issued permits will delineate the native vegetation, which is to be maintained on the project in the permit drawings.

16. The work shall not adversely affect registered properties or properties listed as eligible for inclusion in the *National Register of Historic Places*. Prior to the start of work, the Permittee must contact the State Historic Preservation Officer in Tallahassee and receive confirmation that no impacts to cultural resources will occur.

17. Conformance with the descriptions and quantities contained herein do not necessarily guarantee authorizations under this General Permit.

18. No work shall be performed until after the Permittee provides notification to the owner(s) or operator(s) of any marked utilities in the area of work.

19. This general permit will be valid for a period of 5 years from the date specified above unless suspended or revoked by the District Engineer prior to that date.

20. The following areas/projects are specifically excluded from this general permit:

a. Commercial activities (fishing guides, tours, maintenance facilities, etc.) conducted from a residence or obviously multi-family dwellings.

b. Open water shorelines proposed for activities where the District's evaluation determines high natural resource value and functions exist, (i.e., impact to unique habitat, impact to critical habitat for federally listed threatened or endangered species, bird rookeries, impact to near shore coral heads, etc.).

c. Project sites, which evidence an unauthorized submerged aquatic resource/mangrove/wetland removal within 3 years prior to a request for verification.

d. Marginal docks greater than the lesser of 66 percent of the shoreline or, a maximum of 40 feet in length. Where located over submerged aquatic vegetation or emergent wetlands, pile supported docks that are positioned parallel or closely parallel to wetlands that are more than 66 percent of the shoreline length owned by the applicant, or a maximum of 40 feet in length.

e. Dredging waterward of that necessary for installation of bulkheads and boat ramps.

f. Any projects located in the geographical boundaries or within inholdings of the following state parks: John Pennekamp Coral Reef State Park, Lignum Vitae Key State Botanical Site and Aquatic Preserve, Long Key State Park, Curry Hammock State Park, and Bahia Honda State Park.

g. Dock construction in any locations where damage, including that involved with vessel operation, to adjacent submerged vegetation or benthos would result; (however, authorization may be granted when it is determined, by the Corps of Engineers, that such impacts can be reduced to less than minimal adverse effects through construction modification and/or other changes).

h. Projects involving placement of fill exceeding 1 cubic yard per 1 linear foot along any authorized structure and/or projects extending beyond the direct alignment of any riprap, seawall, bulkhead, dock or any other structure.

21. Prior to issuance of authorization the dichotomous key entitled, "The Corps of Engineers, Jacksonville District, and the Department of Environmental Protection Effect Determination Key for the Manatee in Florida," dated January 2, 2001, will be used to determine potential manatee impacts. Projects judged as a "may affect" to the manatee will be coordinated 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 the permit application.*

22. The Permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s).

23. 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 of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act of 1978. The Permittee and/or contractor may be held responsible for any manatee harmed, harassed, or killed as a result of construction activities.

24. Siltation barriers shall be installed, shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be monitored and maintained regularly to avoid manatee entrapment. Barriers shall not block manatee entry to or exit from essential habitat.

25. All vessels associated with the project shall operate at "no wake/idle" speeds at all times while in water where the draft of the vessel provides less than 4 feet clearance from the bottom and that vessels shall follow routes of deep water whenever possible.

26. If a manatee is sighted within 100 yards of the project area, all appropriate precautions shall be implemented by the Permittee/contractor to ensure protection of the manatee. These precautions shall include operating all equipment in such a manner that moving equipment does not come within 50 feet to any manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.

27. Any collision with and/or injury to a manatee shall be reported immediately to the "Manatee Hotline" at 1-888-404-FWCC (1-888-404-3922). Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Vero Beach (1-772-562-3909) in south Florida.

28. Temporary signs concerning manatees shall be posted prior to and during construction/dredging activities. All signs are to be removed by the Permittee/contractor/lessee/grantee upon completion of the project. A sign measuring at least 3 feet by 4 feet which reads *Caution: Manatee Area* will be posted in a location prominently visible to water related construction crews. A second sign should be posted if vessels are associated with the construction, and should be placed visible to the vessel operator. The second sign should be at least 8 1/2 inches by 11 inches, which reads:

*Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of the operation. A collision with and/or injury to a manatee shall be reported immediately to the*

*Florida Marine Patrol at 1-888-404-FWCC (1-888-404-3922) and the U.S. Fish and Wildlife Service at (1-772-562-3909).*

29. No work shall be performed until the applicant submits satisfactory plans for the proposed work and receives written authorization from the District Engineer. Accurate photographs of the project site taken to capture the entire work area must be submitted with the application. These photographs will be verified by an on-site inspection by a Corps employee, maintained in the project file for reference and (if requested) a copy of the verification will be provided to the National Marine Fisheries Service's Habitat Conservation Division.

30. No activity shall be authorized under this general permit, which by its size or location may adversely affect water quality, fish and wildlife habitat, wetlands, or emergent or submerged aquatic vegetation. Adverse impacts to submerged aquatic vegetation from dock construction may be ameliorated by strict adherence to the attached joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat - U.S. Army Corps of Engineers/National Marine Fisheries Service - August 2001." Dock construction in areas with submerged aquatic vegetation, which do not adhere to these guidelines cannot be authorized by SAJ-82. Long docks authorized by this permit must be constructed in full and complete compliance with these guidelines. *Note: The Dock Construction Guidelines 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 the permit application.*

31. No activity is 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.

32. Applicable permits under part IV of chapter 373 of the Florida Statutes, and applicable state lands authorizations under chapter 253 of the Florida Statutes must be obtained from the State of Florida, Department of Environmental Protection (DEP), or Water Management District (WMD), or their authorized representatives, as appropriate.

33. The District Engineer reserves the right to require that any request for authorization under this general permit be processed as a Letter of Permission or standard permit.

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

35. Coastal Zone Management (CZM) consistency determination from the appropriate state agency is required. Issuance of a state exemption/permit indicates that the project is consistent.

36. This permit is only valid in conjunction with all other Federal, State and local permits/authorizations, which may be required.

37. A structure authorized under this General Permit must not interfere with general navigation. Structures (and their moored vessels) constructed on canals or adjacent to channels must not extend more than 25 percent of the waterway width. Coast Guard approved lighting may be required for long docks or on other structures and must be installed and maintained at the expense of the Permittee.

38. No living, fueling, or storage facilities over navigable waters of the United States are authorized under this General Permit.

39. For any impact under RGP-82 to wetlands or submerged aquatic resources, the Permittee will be required to submit a fee to compensate for those impacts to the Florida Keys Environmental Restoration Trust Fund, 11400 Overseas Highway, Suite 204, Marathon, Florida 33050-3600, telephone 305-289-9988, for the acquisition, enhancement, preservation and management of wetland resources within Monroe County. Proof of payment will be made to the U.S. Army Corps of Engineers, Regulatory Division, Enforcement Branch, Florida Keys Proof, Post Office Box 4970, Jacksonville, Florida 32232-0019, fax 904-232-1684, telephone 904-232-3526.

40. Authorization of activities that have commenced or are under contract to commence in reliance on the general permit will remain in effect provided the activity is completed within 12 months of the date a general permit is expired or was revoked.

BY AUTHORIZATION OF THE SECRETARY OF THE ARMY



for

James G. May  
Colonel, U.S. Army  
District Engineer

## 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.
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)