



REPLY TO  
ATTENTION OF

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

Regulatory Division  
North Permits Branch  
Atlantic Permits Section  
SAJ-2004-7385 (KEU)

## **PUBLIC NOTICE**

REGIONAL GENERAL PERMIT SAJ-XX **JUL 19 2004**

RESIDENTIAL, COMMERCIAL, AND INSTITUTIONAL DEVELOPMENTS IN  
NORTHEAST FLORIDA

PROPOSAL: To simplify and speed processing of Department of the Army permits, the Jacksonville District, U.S. Army Corps of Engineers (Corps) proposes to issue Regional General Permit SAJ-XX for Residential, Commercial, and Institutional Developments in Northeast Florida.

BACKGROUND: The term "general permit" means a Department of the Army authorization that is issued on a nationwide or regional basis for a category of activities which are substantially similar in nature and cause only minimal individual and cumulative impacts. General permits are a way to reduce the burden of the regulatory program on the public and ensure timely issuance of permits while effectively administering the laws and regulations which establish and govern the program. General permits are reviewed every five years. An assessment of the cumulative impacts of work authorized under the general permit is performed at that time if it is in the public interest to do so. In most instances, anyone complying with the conditions of the general permit can receive project specific authorization. Anyone not complying with the conditions of a general permit may still receive authorization via a standard permit, but the application must be individually evaluated and coordinated with third parties, including the Federal and state resource agencies. Review of an application for a standard permit takes additional time to complete as issue resolution may be required.

The above-listed regional general permit is under review for the purpose of issuance. A draft of the regional general permit as proposed for issuance follows:

DEPARTMENT OF THE ARMY

REGIONAL GENERAL PERMIT SAJ-XX

RESIDENTIAL, COMMERCIAL, AND INSTITUTIONAL DEVELOPMENTS IN  
NORTHEAST FLORIDA

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), the Corps is proposing to issue a Regional General Permit (SAJ-XX), which gives general authority for activities required for the construction or expansion of residential, commercial, or institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures. The SAJ-XX is authorized for use only in non-tidal waters of the U.S., excluding non-tidal wetlands adjacent to tidal waters, in Baker, Brevard, Clay, Duval, Flagler, Lake, Marion, Nassau, Orange, Putnam, Seminole, St. Johns, and Volusia counties, except for those locations listed below in Special Condition 7, and subject to the following conditions:

**SPECIAL CONDITIONS:**

1. The work herein authorized includes activities required for the construction or expansion of residential, commercial, or institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures. Attendant features include but are not limited to roads, parking lots, garages, yards, utility lines, stormwater management facilities, and recreational facilities such as playgrounds, playing fields, and golf courses. Residential developments include multiple and single unit developments. Examples of commercial developments include retail stores, industrial facilities, restaurants, business parks, and shopping centers. Examples of institutional developments include schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, hospitals, and places of worship.
2. The total area of permanently impacted waters of the United States shall not exceed three acres. For residential and commercial subdivisions, the aggregate total loss of waters of the United States authorized by SAJ-XX can not exceed three acres. This includes any loss of waters associated with development of individual subdivision lots.

3. Permit submittal must include a written statement explaining how avoidance and minimization for losses of waters of the United States were achieved on the project site.
4. Compensatory mitigation for unavoidable impacts to waters of the United States will be required. To offset the lost aquatic resource functions, environmentally appropriate mitigation at a Federally-approved mitigation bank at a ratio of 1:1 (impact acreage:credit) will be strongly encouraged.
5. No work shall be performed until the applicant submits satisfactory plans for the proposed activity and receives written authorization from the District Engineer.
6. Prior to the initiation of any construction, projects qualifying for SAJ-XX must 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 sovereignty submerged lands that must be obtained as part of the associated WQC or CZCC.
7. No work shall be authorized by SAJ-XX in the following areas:
  - a. The Timucuan Ecological and Historical Preserve (Duval County), or
  - b. The St. Mary's River, from its headwaters to its confluence with the Bells River, or
  - c. The entire Wekiva River, including Wekiwa Springs Run, Rock Springs Run, the entire Seminole Creek, and Black Water Creek from its outfall at Lake Norris to its confluence with the Wekiva River.
8. No registered properties or properties listed as eligible for inclusion in the National Register of Historic Places will be affected. Prior to the start of work, the permittee must contact the State Historic Preservation Officer in Tallahassee, receive confirmation that no impacts to cultural resources will occur, and provide such information to the Corps.
9. No work shall be authorized by SAJ-XX which may have secondary or cumulative effects on estuarine or marine emergent vegetation or any type of submerged aquatic vegetation.
10. This permit does not authorize stream channelization or the bank-to-bank filling, relocating and/or culverting of more than 300 linear feet of perennial or intermittent streams. The authorized activities must not increase flooding, or negatively impact the pre-project hydraulic flow characteristics or water quality of any affected stream.

11. No work shall be authorized under SAJ-XX for any work in the following Federally listed species consultation areas until the project has been coordinated with the U. S. Fish and Wildlife Service in accordance with the Endangered Species Act: Sand skink (*Neoseps reynoldsi*), Florida scrub jay (*Aphelocoma coerulescens*), Flatwoods salamander (*Ambystoma cingulatum*), Red-cockaded woodpecker (*Picoides borealis*), Wood stork (*Mycteria americana*), Bald Eagle (*Haliaeetus leucocephalus*).

Note: The accompanying maps of the respective consultation areas may be subject to revision at any time. It is our intention that the most recent version of these technical maps and any associated evaluation tools will be utilized during the evaluation of the permit application. (*Such maps will be added to SAJ-XX, if issued.*)

12. No authorization under SAJ-XX shall be made for any projects that are proposed within 1500 feet of a bald eagle nest, within one mile of a wood stork rookery, or within ½ mile of an active red-cockaded woodpecker colony site until the project has been coordinated with the U.S. Fish and Wildlife Service in accordance with the Endangered Species Act.

13. No authorization under SAJ-XX shall be made for any project unless the applicant elects to implement the U.S. Fish and Wildlife Service's *Standard Indigo Snake Protection Measures*.

14. No authorization under SAJ-XX shall be made for any project until the applicant surveys the project site for the presence of Federally listed plant species. If Federally listed plant species are found on the site, no activities will be authorized until the U.S. Fish and Wildlife Service has completed consultation on the project. For an inventory of all Federally listed species by county, go to <http://northflorida.fws.gov>.

15. No activity shall be authorized under SAJ-XX which may affect any other Federally listed threatened or endangered species or a species proposed for such designation, or destroy or adversely modify its designated critical habitat.

16. No authorization under SAJ-XX shall be granted for any parcel that is bordering conservation lands. Permit submittal must include a statement regarding the conservation status of all parcels contiguous to the project site.

17. The proposed project must meet at least one of the following criteria to be eligible for evaluation under SAJ-XX:

- a. impacts are less than 3:1 (uplands to wetlands), or
- b. wetlands to be impacted are covered with greater than 80% invasive or exotic vegetation, or

c. parcel is bordered by development on three sides.

18. Where the proposed work involves a discharge of dredged or fill material into waters of the U.S. resulting in permanent, above-grade fills within the 100-year floodplain (as identified on the Federal Emergency Management Administration's (FEMA) Flood Insurance Rate Maps or FEMA-approved local floodplain maps), the applicant must document why the project cannot be located outside the floodplain and that the proposed work complies with the appropriate FEMA or FEMA-approved local floodplain construction requirements.

19. Within 60 days of the authorized work and mitigation, the attached Self-Certification Statement of Compliance 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.

20. Fill material used with this project 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).

21. Reduction and/or elimination of turbid water conditions and the erosion of disturbed or filled areas in adjacent water bodies and wetlands are to be achieved through the use of silt curtains or screens, between the construction area and wetlands or surface waters, during periods of fill placement. Such devices shall be properly maintained until such time as those disturbed areas become sufficiently stabilized by natural recruitment of vegetation or other measures.

22. Conformance with descriptions and quantities 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.

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

24. The permittee shall perform all work in accordance with the attached general conditions.

AGENCY COORDINATION: This proposed permit is being coordinated via separate letter with the U.S. Fish and Wildlife Service as required under Section 7 of the Endangered Species Act, and with the National Marine Fisheries Service for Essential Fish Habitat

as required under the Magnuson-Stevens Fishery Conservation and Management Act.

RESPONSE: Comments regarding the proposed issuance of Regional General Permit SAJ-XX, Residential, Commercial, and Institutional Developments in Northeast Florida, should be submitted in writing to the District Engineer at the above address within 45 days from the date of this notice. If you have any questions concerning this proposal, you may contact Kelly Unger of this office at the letterhead address or by electronic mail at *Kelly.E.Unger@saj02.usace.army.mil*.

  
John R. Hall  
Chief, Regulatory Division