DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. Box 4970
Jacksonville, Florida 32232-0019

REPLY TO
ATTENTION OF

Regulatory Division

25 July 2011

STATE PROGRAMMATIC GENERAL PERMIT (SPGP IV-R1)
STATE OF FLORIDA

TO WHOM IT MAY CONCERN: 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, the U.S. Army Corps of Engineers, Jacksonville District (Corps), is reauthorizing, as of the above date, a revised State Programmatic General Permit (SPGP IV-R1), which gives general authority to the Florida Department of Environmental Protection (DEP), a water management district (Designee), or a local government with delegated authority under section 373.441, F.S. (Designee) for its administration. The SPGP IV-R1 is authorized for use throughout the entire State of Florida except for Monroe County, and those locations listed below in Special Condition 5. The SPGP IV-R1 includes only the following categories of work: (1) *Shoreline Stabilization*, (2) *Boat Ramps and Boat Launch Areas and Structures Associated with Such Ramps or Launch Areas*, (3) *Docks, Piers, Associated Facilities, and Other Minor piling-Supported Structures*, (4) *Maintenance Dredging of Canals and Channels (including removal of organic detrital material from freshwater lakes and rivers)*, and also includes those State of Florida Exemptions and Noticed General Permits which the Corps considers applicable to these categories of work, and those categories of work associated with these four categories which are considered *de minimus* under 373.406(6) F.S., provided the provisions of those regulations and statutes are not in conflict with any of the provisions and Special Conditions of this SPGP IV-R1. In the event of a conflict, the provisions and Special Conditions of this SPGP IV-R1 will prevail.

AUTHORITY: Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899.

COORDINATION AGREEMENT: An agreement has been signed by the Corps and the DEP, and a similar agreement will be signed by any Designee. The agreement outlines the steps each agency will take during the processing of an application under the SPGP. The agreement, executed with DEP, including all references, such as but not limited to attachments, web sites, technical materials, etc. is, hereby, made a part of the SPGP IV-R1. Any future Coordination Agreement signed by a WMD or a delegated local government will become part of the SPGP IV-R1 when it is executed by the Corps, DEP, and the designee.

TYPES OF WORK: The following types of work will be covered by the SPGP IV-R1:

a. Shoreline Stabilization (Includes riprap, seawalls, and other shoreline stabilization. **Groins, jetties, breakwaters, and beach nourishment/re-nourishment are excluded**). This also includes those State of Florida Exemptions and Noticed General Permits listed below, or equivalent as adopted by reference in Chapter 62-330, Florida Administrative Code (F.A.C.):

62-346.051(14)(a) F.A.C. 40B-400.051(2)(k); 40C-4.051(12)(j); 40D-4.051(8)(f) 40E-4.051(4)(a)	Construction of seawalls or riprap, including only that backfilling needed to level the land behind seawalls or riprap, in artificially created waterways

62-346.051(14)(b) F.A.C. 40B-400.051(2)(l); 40C-4.051(12)(k); 40D-4.051(8)(i) 40E-4.051(4)(b); 403.813(1)(e), F. S.	Restoration of seawall or riprap at its previous location or upland of or within one foot waterward of its previous location
62-346.051(14)(c) F.A.C. 40B-400.051(2)(m); 40C-4.051(12)(l); 40D-4.051(8)(n) 40E-4.051(4)(c) 403.813(1)(o), F. S.	Construction of private vertical seawalls in wetlands or other surface waters, other than in an estuary or lagoon, and the construction of riprap revetments, and is no more than 150 feet in length
62-341.431, F.A.C.; 62-346.051(14)(d), F.A.C. 40B-400.431; 40C-400.431; 40D-400.431; 40E-400.431	Installation of riprap; installation of batter piles used exclusively to stabilize and repair seawalls and that do not impede navigation.

b. Boat Ramps and Boat Launch Areas and Structures Associated with Such Ramps or Launch Areas. This also includes those State of Florida Exemptions and Noticed General Permits listed below, or equivalent as adopted by reference in Chapter 62-330, F.A.C.:

62-346.051(5)(d) F.A.C. 40B-400.051(2)(j); 40C-4.051(12)(i); 40D.4.051(8)(e); 40E-4.051(3)(e); 403.813(1)(c), F. S.	Installation and maintenance to design specifications of boat ramps on artificial bodies of water or public boat ramps on any waters

c. Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures. This also includes those State of Florida Exemptions and Noticed General Permits listed below, or equivalent as adopted by reference in Chapter 62-330, F.A.C. **This category does not include municipal or commercial fishing piers.**

62-346.051(5)(a) F.A.C. 40B-400.051(2)(f); 40C-4.051(12)(e); 40D-4.051(8)(b); 40E-4.051(3)(a); 403.813(1)(b), F. S.	Installation, replacement or repair of mooring pilings and dolphins associated with private docks
62-346.051(5)(a) F.A.C. 40B-400.051(2)(g); 40C-4.051(12)(f); 40D-4.051(8)(c); 40E-4.051(3)(b); 403.813(1)(b), F. S.	Installation of private docks of 500/1000 square feet or less of surface area over wetlands or other surface waters
62-346.051(5)(b) F.A.C. 40B-400.051(2)(h); 40C-4.051(12)(g); 40D-4.051(8)(g) 40E-4.051(3)(c); 403.813(1)(i), F. S.	Construction of private docks in artificially created waterways
62-346.051(5)(c) F.A.C. 40B-400.051(2)(i); 40C-4.051(12)(h); 40D-4.051(8)(h) 40E-4.051(3)(d); 403.813(1)(d), F. S.	Replacement or repair of existing docks and mooring piles

62-346.051(9) F.A.C. 40B-400.051(2)(r); 40C-4.051(12)(q); 40D-4.051(9)(c) 40E-4.051(7); 403.813(1)(k), F. S.	Installation of aids to navigation and buoys associated with such aids
62.346.051(11) F.A.C. 40B-400.051(2)(t); 40C-4.051(12)(s); 40D-4.051(9)(g) 40E-4.051(9)	Installation of piling support structures associated with water testing or monitoring equipment by the Department or District
62-341.427, F.A.C.; 40B-400.427; 40C-400.427; 40D-400.427; 40E-400.427	Construction, extension, and removal of certain piers and associated structures
62-341.475(1)(a), F.A.C.; 40B-400.475(1)(a); 40C-400.475(1)(a); 40D-400.475(1)(a); 40E-400.475(1)(a)	Piling supported structures, less than 1,000 square feet, not in Outstanding Florida Waters
62-341.475(1)(b), F.A.C.; 40B-400.475(1)(b); 40C-400.475(1)(b); 40D-400.475(1)(b); 40E-400.475(1)(b)	Piling supported structures, less than 500 square feet, in Outstanding Florida Waters
403.813 (1)(s) F. S.	Construction, installation, operation or maintenance of floating vessel platforms and boat lifts

d. Maintenance Dredging of Canals and Channels (including removal of organic detrital material from freshwater lakes and rivers). This also includes those State of Florida Exemptions and Noticed General Permits listed below, or equivalent as adopted by reference in Chapter 62-330, F.A.C.:

62-346.051(7)(a) F.A.C. 40B-400.051(2)(b); 40C-4.051(12)(b); 40D-4.051(8)(d); 40E-4.051(2)(a); 403.813(1)(f), F. S.	Maintenance dredging of existing manmade canals, channels, basins, berths, and intake and discharge structures
62-346.051(10) F.A.C. 403.813(1)(r), F. S.	Removal of aquatic plants, tussocks, and organic detrital material (Freshwater lakes only)
62-346-051(10) F.A.C. 403.813(1)(u), F. S.	Removal of organic detrital material by individual residential property owners (Freshwater rivers and lakes only)
62-341.475(1)(e), F.A.C.; 40B-400.475(1)(e); 40C-400.475(1)(e); 40D-400.475(1)(e); 40E-400.475(1)(d)	Maintenance dredging 50 cubic yards or less, spoil in uplands, turbidity control

PROCEDURE: Permit applications for proposed projects will be submitted to the appropriate DEP or Designee office. Instead of immediately forwarding a copy of the project to the Corps, the DEP or Designee will review the project. If the type of work is covered under the SPGP IV-R1, one of the following categories can be used as guidance on the final action for the DEP or Designee to take:

a. Green: Projects which are considered "green" will be processed by the DEP or Designee. Verification of the state exemption, noticed general permit, or issuance of an individual state permit will include language confirming Federal authorization under the SPGP IV-R1.

b. Yellow: Projects under this category require review by the Federal commenting agencies. The Corps and the appropriate Federal resource agencies will meet to discuss the project. A combined Federal position will be forwarded to the DEP or Designee. This position may include: all concerns have been addressed during the meeting and the project is now considered in the "Green" category; concerns can be addressed by the addition of special conditions which should be incorporated into the Federal authorization under the SPGP IV-R1, in which case the project will be placed in the "green" category; the Corps elects to evaluate the project separately, and the project is now considered in the "Red" category.

c. Red: DEP or Designee and the Corps review the project separately.

GUIDANCE ON "GREEN, YELLOW, AND RED" CATEGORIES FOR EACH WORK TYPE:

a. Shoreline Stabilization - (For quick reference refer to Categories of Work Summary Tables attached below.):

(1) Green: To prevent erosion or to stabilize a shoreline where erosion has taken place, providing:

(i) New vertical seawalls will not be placed waterward of the Mean High Water Line (MHWL) or Ordinary High Water Line (OHWL), unless necessary to align with existing adjacent seawalls, and not to exceed 150' in length. Seawall and/or riprap restoration may be permitted at its previous location, upland of, or within one foot waterward of its previous location. New riprap will not be placed more than 10 feet waterward of the Mean High Water Line (MHWL) or Ordinary High Water Line (OHWL).

(ii) Stabilization measures other than a vertical seawall shall be no steeper than a 2H:1V slope.

(iii) Project will not adversely impact submerged aquatic vegetation, tidal wetlands, live bottom, or any other essential fish habitat.

(iv) The March 2011 manatee key titled "The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida," will be used to determine potential manatee impacts. Project keys out to "no effect" or "may affect not likely to adversely affect."

(v) Project is not proposed in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mouse habitat (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm).

(vi) Project is not within 2500 feet of an active wood stork nesting colony (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm).

(vii) Project is not located in the main channels or tributaries of the Chipola River, Apalachicola River, Ochlockonee River, Econfina Creek, Suwannee River, New River, Escambia River, Yellow River, or the Choctawhatchee River, or in the range of Johnson's seagrass, or in designated critical habitat for smalltooth sawfish (Smalltooth sawfish critical habitat does not

include areas containing existing (already constructed) federally authorized or permitted man-made structures such as channels or canals maintained at depths greater than 3 ft. at MLLW, boat ramps, docks, and marinas deeper than 3 ft. at MLLW.), acroporid corals (Acropora spp. critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as aids-to-navigation (ATONs), artificial reefs, boat ramps, docks, pilings, maintained channels, or marinas.), Gulf sturgeon (Gulf sturgeon critical habitat does not include existing developed sites such as dams, piers, marinas, bridges, boat ramps, exposed oil and gas pipelines, oil rigs, and similar structures or designated public swimming areas.), American crocodile, piping plover, or freshwater mussels, or in the Florida panther consultation area (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm).

(viii) Project is not proposed on or contiguous to ocean beach.

(ix) Project does not adversely impact any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat.

(2) Yellow:

(i) Any others not fitting the "green" criteria.

(ii) Projects adjacent to Federal Channels (except on the St. Johns River between the Fuller Warren Bridge (Duval County) and the City of Palatka (Putnam County) which are green).

(iii) Projects in Federal channels or rights-of-way.

(iv) Projects authorized by DEP after-the-fact permits.

(v) Projects currently under Federal enforcement action.

(3) Red:

(i) Project moved to the "Red" category by the Federal agencies.

(ii) Project authorized under DEP consent orders.

(iii) Project authorized under DEP emergency permitting.

(iv) Project located in any of the geographically excluded areas listed in Special Condition 5.

(v) Project located in the main channels or tributaries of the Chipola River, Apalachicola River, Ochlockonee River, Econfina Creek, Suwannee River, New River, Escambia River, Yellow River, or the Choctawhatchee River, or in the range of Johnson's seagrass, or in designated critical habitat for smalltooth sawfish (Smalltooth sawfish critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as channels or canals maintained at depths greater than 3 ft. at MLLW, boat ramps, docks, and marinas deeper than 3 ft. at MLLW.), acroporid corals (Acropora spp. critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as aids-to-navigation (ATONs), artificial reefs, boat ramps, docks, pilings, maintained channels, or marinas.), Gulf sturgeon (Gulf sturgeon critical habitat does not include existing developed sites such as dams, piers, marinas, bridges, boat ramps, exposed oil and gas pipelines, oil rigs, and similar structures or designated public swimming areas.), American crocodile, piping plover, or freshwater mussels, or in the Florida panther consultation area (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm).

(vi) In using the March 2011 manatee key, project keys out to "may affect."

(vii) Project is proposed in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mouse habitat (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm).

(viii) Project is proposed on or contiguous to ocean beach.

(ix) Project is within 2500 feet of an active wood stork nesting colony (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm).

(x) Project adversely impacts any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat.

(xi) Project will adversely impact submerged aquatic vegetation, tidal wetlands, live bottom, or any other essential fish habitat.

b. Boat Ramps and Boat Launch Areas and Structures Associated with such Ramps or Launch Areas - (For quick reference refer to Categories of Work Summary Tables attached below.):

(1) Green: Private, single-family boat ramp or structure requiring 50 cubic yards of fill material or less, providing:

(i) The March 2011 manatee key will be used to determine potential manatee impacts. If a residential facility, or if a multi-slip facility which does not provide "new" access for watercraft, project keys out to "no effect" or "may affect not likely to adversely affect."

(ii) Project is not within 2500 feet of an active wood stork nesting colony (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm)

(iii) Project is not located in the main channels or tributaries of the Chipola River, Apalachicola River, Ochlockonee River, Econfina Creek, Suwannee River, New River, Escambia River, Yellow River, or the Choctawhatchee River, or in the range of Johnson's seagrass, or in designated critical habitat for smalltooth sawfish (Smalltooth sawfish critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as channels or canals maintained at depths greater than 3 ft. at MLLW, boat ramps, docks, and marinas deeper than 3 ft. at MLLW.), acroporid corals (Acropora spp. critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as aids-to-navigation (ATONs), artificial reefs, boat ramps, docks, pilings, maintained channels, or marinas.), Gulf sturgeon (Gulf sturgeon critical habitat does not include existing developed sites such as dams, piers, marinas, bridges, boat ramps, exposed oil and gas pipelines, oil rigs, and similar structures or designated public swimming areas.), American crocodile, piping plover, or freshwater mussels, or in the Florida panther consultation area (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm).

(iv) Project is not proposed in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mouse habitat (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm).

(v) Project does not adversely impact any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat.

(vi) Project will not adversely impact submerged aquatic vegetation, tidal wetlands, live bottom, or any other essential fish habitat.

(vii) Project is not proposed on or contiguous to ocean beach.

(2) Yellow:

(i) Any others not fitting the "green" criteria;

(ii) Project adjacent to Federal Channels (except on the St. Johns River between the Fuller Warren Bridge (Duval County) and the City of Palatka (Putnam County) which are green).

(iii) Project in Federal channels or rights-of-way.

(iv) Any proposed dredging of access channels.

(v) In using the March 2011 manatee key, if other than a residential facility and project provides "new" access for watercraft, project keys out to a "may affect, not likely to adversely affect."

(3) Red:

(i) Project moved to the "Red" category by the Federal agencies.

(ii) Project authorized under DEP consent orders.

(iii) Project authorized under DEP emergency permitting.

(iv) Project located in any of the geographically excluded areas listed in Special Condition 5.

(v) In using the March 2011 manatee key, a residential project keys out to "may affect" or if other than a residential facility and project provides "new" access for watercraft, project keys out to a "may affect."

(vi) Project located in the main channels or tributaries of the Chipola River, Apalachicola River, Ochlockonee River, Econfina Creek, Suwannee River, New River, Escambia River, Yellow River, or the Choctawhatchee River, or in the range of Johnson's seagrass, or in designated critical habitat for smalltooth sawfish (Smalltooth sawfish critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as channels or canals maintained at depths greater than 3 ft. at MLLW, boat ramps, docks, and marinas deeper than 3 ft. at MLLW.), acroporid corals (Acropora spp. critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as aids-to-navigation (ATONs), artificial reefs, boat ramps, docks, pilings, maintained channels, or marinas.), Gulf sturgeon (Gulf sturgeon critical habitat does not include existing developed sites such as dams, piers, marinas, bridges, boat ramps, exposed oil and gas pipelines, oil rigs, and similar structures or designated public swimming areas.), American crocodile, piping plover, or freshwater mussels, or in the Florida panther consultation area (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm).

(vii) Project is proposed on or contiguous to ocean beach.

(viii) Project is proposed in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mouse habitat (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm).

(ix) Project is within 2500 feet of an active wood stork nesting colony (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm).

(x) Project adversely impacts any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat.

(xi) Project will adversely impact submerged aquatic vegetation, tidal wetlands, live bottom, or any other essential fish habitat.

c. Docks, Piers, Associated Facilities, and Other Minor Piling-Supported Structures (For quick reference refer to Categories of Work Summary Tables attached below. **This category does not include municipal or commercial fishing piers**)

(1) Green:

(i) The March 2011 manatee key will be used to determine potential manatee impacts. If a residential facility, or if a multi-slip facility which does not provide "new" access for watercraft, project keys out to "no effect" or "may affect not likely to adversely affect."

(ii) Project is not within 2500 feet of an active wood stork nesting colony (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm).

(iii) Project is not within the range of Johnson's seagrass (Sebastian Inlet to central Biscayne Bay in the lagoon systems on the east coast of Florida) or project is within the range but not in designated critical habitat and applicant agrees to utilize the impact avoidance/minimization measures specified in Special Condition #8 below.

(iv) Project is not proposed in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mouse habitat, or in acroporid coral, American crocodile, or piping plover critical habitats, or in the Florida panther consultation area (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm).

(v) Project does not adversely impact any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat.

(vi) Project will not adversely impact submerged aquatic vegetation, tidal wetlands, live bottom, or any other essential fish habitat.

(vii) Project is not proposed on or contiguous to ocean beach.

(2) Yellow:

(i) Any others not fitting the "green" criteria;

(ii) The structure is adjacent to a Federal channel (except between the Fuller Warren Bridge (Duval County) and the City of Palatka (Putnam County) which is green).

(iii) Projects in Federal channels or rights-of-way.

(iv) In using the March 2011 manatee key, if other than a residential facility and project provides "new" access for watercraft, project keys out to a "may affect, not likely to adversely affect."

(3) Red:

(i) Project moved to the "Red" category by the Federal agencies.

(ii) Project authorized under DEP consent orders.

(iii) Project authorized under DEP emergency permitting.

(iv) Project located in any of the geographically excluded areas listed in Special Condition 5.

(v) Project is within 2500 feet of an active wood stork nesting colony (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm).

(vi) In using the March 2011 manatee key, a residential project keys out to "may affect" or if other than a residential facility and project provides "new" access for watercraft, project keys out to a "may affect."

(vii) Project is proposed on or contiguous to ocean beach.

(viii) Project within designated critical habitat of Johnson's seagrass, or is not in critical habitat but within the range of Johnson's seagrass (Sebastian Inlet to central Biscayne Bay in the lagoon systems on the east coast of Florida) and applicant does not agree to use the impact avoidance/minimization measures specified in Special Condition #8 below.

(ix) Project proposed in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mouse habitat, or in acroporid coral, American crocodile, or piping plover critical habitats, or in the Florida panther consultation area (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm).

(x) Project adversely impacts any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat.

(xi) Project will adversely impact submerged aquatic vegetation, tidal wetlands, live bottom, or any other essential fish habitat.

d. Maintenance Dredging of Canals and Channels (including removal of organic detrital material from freshwater lakes and rivers) - (For quick reference refer to Categories of Work Summary Tables attached below.):

(1) Green: Maintenance dredging providing:

(i) Dredging will be limited to the previous project depth, or to -5.0 feet below Mean Low Water (MLW) or Ordinary Low Water (OLW).

(ii) Excavated spoil material shall be deposited in a suitable upland (i.e., non-wetland pursuant to current Federal criteria) disposal site which does not support, or is incapable of supporting, the Florida scrub-jay, eastern indigo snake, or beach mice.

(iii) Project is not within 2500 feet of an active wood stork nesting colony (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm

(iv) The March 2011 manatee key will be used to determine potential manatee impacts. Project keys out to "no effect" or "may affect not likely to adversely affect."

(v) Project, including spoil disposal area, not located in the main channels or tributaries of the Chipola River, Apalachicola River, Ochlockonee River, Econfina Creek, Suwannee River, New River, Escambia River, Yellow River, Choctawhatchee River, or in the range of Johnson's seagrass, or in designated critical habitat for smalltooth sawfish (Smalltooth sawfish critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as channels or canals maintained at depths greater than 3 ft. at MLLW, boat ramps, docks, and marinas deeper than 3 ft. at MLLW.), acroporid corals (Acropora spp. critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as aids-to-navigation (ATONs), artificial reefs, boat ramps, docks, pilings, maintained channels, or marinas.), Gulf sturgeon (Gulf sturgeon critical habitat does not include existing developed sites such as dams, piers, marinas, bridges, boat ramps, exposed oil and gas pipelines, oil rigs, and similar structures or designated public swimming areas.), American crocodile, piping plover, or freshwater mussels, or in the Florida panther consultation area (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm).

(vi) Project does not adversely impact any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat.

(vii) Project will not adversely impact submerged aquatic vegetation, tidal wetlands, live bottom, or any other essential fish habitat.

(viii) No dredging will be performed by hopper dredge.

(ix) Project is not proposed on or contiguous to ocean beach.

(2) Yellow:

(i) Any others not fitting the "green" criteria;

(ii) Any proposed activity in or adjacent to Federal channels or rights-of-way.

(iii) Any activity proposed by a governmental entity, such as but not limited to, a County, City, Port Authority, or Navigation District.

(iv) The dredged material and/or return water is subject to evaluation under criteria prescribed in the "Inland Testing Manual" (ITM).

(3) Red:

(i) Projects moved to the "Red" category by the Federal agencies.

(ii) Projects authorized under DEP consent orders.

(iii) Projects authorized under DEP emergency permitting.

(iv) Projects located in any of the geographically excluded areas listed in Special Condition 5.

(v) In using the March 2011 manatee key, project keys out to "may affect."

(vi) Project or spoil disposal area located in the main channels or tributaries of the Chipola River, Apalachicola River, Ochlockonee River, Econfina Creek, Suwannee River, New River, Escambia River, Yellow River, Choctawhatchee River, or in the range of Johnson's seagrass, or in designated critical habitat for smalltooth sawfish (Smalltooth sawfish critical habitat does not

include areas containing existing (already constructed) federally authorized or permitted man-made structures such as channels or canals maintained at depths greater than 3 ft. at MLLW, boat ramps, docks, and marinas deeper than 3 ft. at MLLW.), acroporid corals (Acropora spp. critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as aids-to-navigation (ATONs), artificial reefs, boat ramps, docks, pilings, maintained channels, or marinas.), Gulf sturgeon (Gulf sturgeon critical habitat does not include existing developed sites such as dams, piers, marinas, bridges, boat ramps, exposed oil and gas pipelines, oil rigs, and similar structures or designated public swimming areas.), American crocodile, piping plover, or freshwater mussels, or in the Florida panther consultation area (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm).

(vii) Project is within 2500 feet of an active wood stork nesting colony (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm).

(viii) Project adversely impacts any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat.

(ix) Project will adversely impact submerged aquatic vegetation, tidal wetlands, live bottom, or any other essential fish habitat.

(x) Excavated material is proposed to be used to create wildlife islands or is proposed for other types of in-water disposal.

(xi) Dredging will be performed by hopper dredge.

(xii) Project is proposed on or contiguous to ocean beach;

(xiii) Project or spoil disposal proposed in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mice habitat.

SPECIAL CONDITIONS FOR USE OF THE SPGP IV-R1: In addition to the conditions specified above, the following special conditions apply to all projects reviewed under the SPGP IV-R1.

1. The District Engineer reserves the right to require that any request for authorization under this general permit be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP IV-R1 does not automatically guarantee authorization.

2. No activity is authorized under the SPGP IV-R1 which may impact a federally listed threatened or endangered species or a species proposed for such designation, or its designated critical habitat.

3. On a case-by-case basis the Corps may impose additional special conditions which are deemed necessary to minimize adverse environmental impacts.

4. Failure to comply with all conditions of the Federal authorizations under the SPGP IV-R1 would constitute a violation of the Federal authorization.

5. The SPGP IV-R1 is not applicable in the geographical boundaries of: Monroe County; the Timucuan Ecological and Historical Preserve (Duval County); the St. Mary's River, from its headwaters to its confluence with the Bells River; the Wekiva River from its confluence with the St. Johns River to Wekiwa Springs, Rock Springs Run from its headwaters at Rock Springs to the confluence with the Wekiwa Springs Run, Black Water Creek from the outflow from Lake

Norris to the confluence with the Wekiva River; canals at Garfield Point including Queens Cove (St. Lucie County); the Loxahatchee River from Riverbend Park downstream to Jonathan Dickinson State Park; the St. Lucie Impoundment (Martin County); all areas regulated under the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan, located between St. Lucie Lock (Martin County) and W.P. Franklin Lock (Lee County); American Crocodile designated critical habitat (Miami-Dade and Monroe Counties); Johnson's seagrass designated critical habitat (southeast Florida); piping plover designated critical habitat (throughout Florida); acroporid coral designated critical habitat (southeast Florida); Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mice habitat (Florida east coast and panhandle coasts); the Biscayne Bay National Park Protection Zone (Miami-Dade County); Harbor Isles (Pinellas County); the Faka Union Canal (Collier County); the Florida panther consultation area (Southwest Florida), the Tampa Bypass Canal (Hillsborough County); canals in the Kings Bay/Crystal River/Homosassa/Salt River system (Citrus County); Lake Miccosukee (Jefferson County).

6. 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 Applicant/Permittee or other party on the Applicant's/Permittee's behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at http://www.cr.nps.gov/nr/research/.

If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Project Manager to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7.

In the unlikely event that human remains are identified, they will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, the State Archaeologist (850-245-6444), and the Corps Regulatory Project Manager shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.

7. No work shall be authorized under the SPGP IV-R1 which proposes the use of prefabricated modules for habitat creation, restoration, or enhancement.

8. No activity shall be authorized under the SPGP IV-R1 which by its size or location may adversely impact water quality, fish and wildlife habitat, wetlands, or emergent or submerged aquatic vegetation. Where aquatic vegetation is present, adverse impacts to aquatic

vegetation from construction of piling-supported structures may be avoided/minimized by adherence to, or employing alternative construction techniques that provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's **"Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat U.S. Army Corps of Engineers/National Marine Fisheries Service August 2001."** (See http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) Unless otherwise specifically approved by the National Marine Fisheries Service, where aquatic vegetation is present, piling-supported structures authorized under the SPGP IV-R1 must comply with, or provide a higher level of protection than, the criteria contained in the referenced construction guidelines. Additionally, because of concerns about adverse impacts to the endangered Johnson's seagrass (*Halophila johnsonii*), piling-supported structures in the lagoon (as well as canal) systems on Florida's east coast from Sebastian Inlet (Brevard County) south to and including central Biscayne Bay (Miami-Dade County) must also comply with, or provide a higher level of protection than, the criteria contained in the construction guidelines titled "**Key for Construction Conditions for Docks or Other Minor Structures Constructed in or Over Johnson's seagrass (*Halophila johnsonii*) National Marine Fisheries Service/U.S. Army Corps of Engineers - February 2002."** (See http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) *Note: Both of the 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 each Department of the Army permit application.*

9. Prior to issuance of authorization, the dichotomous key titled **"The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida,"** dated March 2011, will be used to determine potential manatee impacts. All projects determined to be "may affect" and certain multi-slip facilities determined to be "may affect, not likely to adversely affect" will be sent to the Corps for consultation 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 each Department of the Army permit application. The current version can be found on the Jacksonville District Regulatory Home Page at:* http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm

10. For projects in waters accessible to sea turtles, Smalltooth sawfish, Gulf sturgeon, or Shortnose sturgeon, the permittee will utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and any added requirements, as appropriate for the proposed activity. *Note: These conditions may be subject to revision at any time. It is our intention that the most recent version of these conditions will be utilized during the evaluation of the permit application.*

11. With respect to bald eagles, the permittee should refer to the U.S. Fish and Wildlife Service's "National Bald Eagle Management Guidelines," dated May 2007 (see http://www.fws.gov/northflorida/BaldEagles/bald-eagles.htm) for guidance and clearance. *Note: The preceding should be considered an interim condition, after which, new rules may be promulgated. It is the Corps' intention that the most recently approved version of these conditions or ensuing rules will be utilized during the evaluation of permit applications under this general permit.*

12. For projects authorized under this SPGP IV-R1 in navigable waters of the U.S., 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.

13. The SPGP IV-R1 will be valid for five years from the date of issuance unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the five-year authorization period is not contrary to the public interest. If revocation occurs, all future applications for activities covered by the SPGP IV-R1 will be evaluated by the Corps.

14. If the SPGP IV-R1 expires or is revoked prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP IV-R1 will remain in effect provided the activity is completed within 12 months of the date the SPGP IV-R1 expired or was revoked.

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

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

for Alfred A. Pantano, Jr.
Colonel, U.S. Army
District Engineer

Table 1. Summary of Conditions Applicable to All Categories of Work Considered Under the SPGP IV

CONDITIONS APPLICABLE TO ALL PROJECTS		
Project status under each condition is determined as noted below		
Use manatee key in all evaluations to determine potential of manatee impacts and appropriate project status, **green vs. yellow vs. red**	Projects on sites listed or eligible for listing in the *National Register of Historic Places* are automatically **red**.	Projects in Monroe County, Timucuan Ecological and Historical Preserve (Duval County); the St. Mary's River, from its headwaters to its confluence with the Bells River; 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; the Loxahatchee River from Riverbend Park downstream to Jonathan Dickinson State Park; Tampa Bypass Canal (Hillsborough County); Lake Okeechobee, and the Okeechobee Waterway between the Franklin Locks and the St. Lucie Locks; American Crocodile critical habitat (Miami-Dade and Monroe Counties); Johnson's seagrass critical habitat (southeast Florida); piping plover critical habitat (throughout Florida); acroporid coral critical habitat (southeast Florida); Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mice habitat (Florida east coast and panhandle coasts); Harbor Isles (Pinellas County); Biscayne Bay National Park Protection Zone (Miami-Dade County); St. Lucie Impoundment (Martin County); canals in the Kings Bay/Crystal River/Homosassa/Salt River system (Citrus County); canals at Garfield Point including Queens Cove (St. Lucie County); Faka Union Canal (Collier County); Lake Miccosukee (Jefferson County); and the Florida panther consultation area are **red**. Projects within 2500 feet of an active wood stork nesting colony are **red**.
	Projects proposing the placement of prefabricated modules as habitat creation, restoration, or enhancement are **red**.	
	Projects that may cause more than minimal adverse impacts to Essential Fish Habitat are **red**.	
	Projects on or contiguous to ocean beach are **red**.	
Projects that may adversely impact Federal Threatened & Endangered species (listed or proposed), including non-wetland dependent species, or any designated critical habitat are **red**.	Projects adjacent to Federal Channels, except on the St. Johns River between the Fuller Warren Bridge & Palatka, and projects in, over or under Federal channels or rights-of-way are **yellow**.	No projects may be authorized by DEP consent orders; such projects are **red**.
Projects authorized by DEP after-the-fact permits are **yellow**.	Projects currently under Federal enforcement action are **yellow**.	No projects may be authorized under DEP emergency permitting; such projects are **red**.

Table 2. Summary of Categories of Work and Associated Conditions for SPGP IV Authorization

ACTIVITIES WHICH MAY BE AUTHORIZED UNDER THE SPGP	CONDITIONS: Unless otherwise specified, if conditions applicable to all projects and any other conditions listed below are not met, the project is YELLOW!
Shoreline Stabilization	See conditions applicable to all projects PLUS: groins, jetties, breakwaters, and beach nourishment are excluded; only to prevent erosion or stabilize eroded area; new vertical seawalls will not be placed waterward of the Mean High Water Line (MHWL) or Ordinary High Water Line (OHWL), unless necessary to align with existing adjacent seawalls. Seawall and/or riprap restoration may be permitted at its previous location, upland of, or within one foot waterward of its previous location; new riprap will not be placed more than 10 feet waterward of the Mean High Water Line (MHWL) or Ordinary High Water Line (OHWL); except for vertical seawalls, no slope steeper than 2H:1V; projects in Chipola River, Apalachicola River, Ochlockonee River, Econfina Creek, Suwannee River, New River, Escambia River, Yellow River, or the Choctawhatchee River, or in the designated critical habitat for, smalltooth sawfish, acroporid corals, Gulf sturgeon, freshwater mussels, and piping plover are **red**; projects in beach mice habitat and on ocean beach are **red**; projects within the range of Johnson's seagrass are **red**; no adverse impacts to designated critical habitat, wetlands, submerged aquatic vegetation, or live bottom.
Boat ramps/launch areas and structures associated with such.	See conditions applicable to all projects PLUS: limited to private single family ramp or structure requiring less than 50 cubic yards of fill; projects in the Chipola River, Apalachicola River, Ochlockonee River, Econfina Creek, Suwannee River, New River, Escambia River, Yellow River, or the Choctawhatchee River, or in the designated critical habitat for smalltooth sawfish, acroporid corals, Gulf sturgeon, freshwater mussels, and piping plover are **red**; projects on ocean beach are **red**; projects in beach mice habitat are **red;** projects within the range of Johnson's seagrass are **red**; no adverse impacts to designated critical habitat, wetlands, submerged aquatic vegetation, or live bottom; and no dredging of access channels.
Docks, piers, associated structures, and other minor piling-supported structures, excluding municipal/commercial fishing piers	See conditions applicable to all projects PLUS: no adverse impacts to wetlands, submerged aquatic vegetation, or live bottom; projects on ocean beach are **red**; May need to follow the "Dock Guidelines" and "Johnson's Seagrass Key"
Maintenance dredging of canals and channels	See conditions applicable to all projects PLUS: dredging limited to previous project depth or -5' below MLW or OLW; upland (i.e. non-wetland pursuant to Federal criteria) spoil disposal only; no adverse impacts to wetlands, submerged aquatic vegetation, or live bottom; any dredging activity proposed by a governmental entity, such as but not limited to, a County, City, Port Authority, or Navigation District is **yellow**; if dredged material and/or return water is subject to evaluation under criteria prescribed in the "Inland Testing Manual" (ITM) the project is **yellow**. Spoil disposal, in habitat for beach mice and piping plover are **red**; projects for maintenance dredging, including spoil disposal, in the main channels and tributaries of the Chipola River, Apalachicola River, Ochlockonee River, Econfina Creek, Suwannee River, New River, Escambia River, Yellow River, or the Choctawhatchee River, or in the designated critical habitat for smalltooth sawfish, acroporid corals, Gulf sturgeon, and freshwater mussels are **red**; projects within the range of Johnson's seagrass are **red**. Use of excavated material to create wildlife islands is **red**.