DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS

Regulatory Division **February 16, 2011**

DEPARTMENT OF THE ARMY PERMIT

REGIONAL GENERAL PERMIT SAJ-93

FLORIDA INLAND NAVIGATION DISTRICT EAST COAST FLORIDA MAINTENANCE DREDGING OF THE ATLANTIC INTRACOASTAL, INTRACOASTAL, AND OKEECHOBEE WATERWAYS

Upon recommendation of the Chief of Engineers pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), the U.S. Army Corps of Engineers, (Corps) has authorized Regional General Permit (SAJ-93) that provides general authority for maintenance dredging activities conducted by the Florida Inland Navigation District (FIND) for the federal channels located in the Atlantic Intracoastal Waterway (AIWW), the Intracoastal Waterway (IWW), and the Okeechobee Waterway (OWW) along the east coast of Florida. Regional General Permit SAJ-93 is subject to the following conditions:

SPECIAL CONDITIONS FOR MAINTENANCE DREDGING:

1. The work authorized herein is limited to the existing AIWW and the IWW channel along the east coast of Florida from Nassau to Miami-Dade Counties. This area includes the counties of Nassau, Duval, St. Johns, Flagler, Volusia, Brevard, Indian River, St. Lucie, Martin, Palm Beach, Broward, and Miami-Dade. Under this regional general permit, the areas authorized for dredging are limited to the congressionally approved, federal navigation channel and previously authorized and permitted channel wideners. This channel area is defined as the 125-foot wide, 12-foot deep federal AIWW channel extending from the Georgia/Florida line in Nassau County to the St. Johns River in Jacksonville, the 12-foot deep, 125-foot wide federal IWW channel extending from the St. Johns River in Jacksonville to the Fort Pierce Harbor Project in St. Lucie County, and the 10-foot deep, 125-foot wide federal IWW channel from the Fort Pierce Harbor Project in St. Lucie County to the Miami Harbor in Miami-Dade County. This authorization would also include the dredging of the 8-foot deep, 100-foot wide federal channel located in the Okeechobee Waterway originating at the confluence of the Indian River Lagoon/IWW and the St. Lucie River/OWW. The area is locally known as the Crossroads of the St. Lucie Inlet and is in Martin County. The OWW extends from the Indian River Lagoon/IWW to the western Palm Beach County line, including the 6-foot deep federal rim canal within Lake Okeechobee. Residential canals and/or flood control projects are not included as a part of the IWW.

2. This general permit only authorizes maintenance excavation of the above areas. The dredging/excavation is restricted to the amount necessary to restore the waterway to its congressionally authorized excavated depth allowing for a two-foot overdredge. No authorization is provided for new channel wideners, new channels or new accesses, or re-aligning existing channels.

3. SAJ 93 does not authorize excavation of wetlands, such as mangroves or other forested or emergent aquatic habitats. Wetlands are those areas that are periodically inundated and saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

4. No discharge of dredged or fill material into waters of the United States is authorized by this permit.

5. This permit does not authorize the removal of channel plugs or the connection of any canal to navigable waters of the United States or to any other waters.

6. Prior to the initiation of any construction, projects qualifying for SAJ-93 must be authorized by the applicable permit required under Part IV of Chapter 373, F.S., by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., and receive Water Quality Certification (WQC) and applicable Coastal Zone Consistency Concurrence (CZCC) or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Chapter 253, F.S., and, as applicable, Chapter 258, F.S.

7. Turbidity control measures will be used to control water quality and the work must be in accordance with State Water Quality Standards as outlined in Chapter 62.302, Florida Administrative Code. Turbidity control measures may include but are not limited to turbidity control curtains, the exclusive use of suction dredging, the exclusive use of closed "clam shell" dredging, or any other technique necessary to reduce turbidity to meet water quality standards. The Florida Department of Environmental Protection (DEP) may require the applicant to submit a daily turbidity report, which may be verified by federal, state, or local government inspectors.

8. Excavated spoil material shall be deposited at self-contained upland areas that will prevent spoil material or return water from re-entering any water of the United States or from interfering with natural drainage. Alternatively, dredged material may be placed in a Corps-approved Dredged Material Management Area.

B. SPECIAL CONDITIONS FOR SUBMERGED AQUATIC VEGETATION (SAV):

9. This regional general permit does not authorize any direct or indirect dredging impacts to submerged aquatic vegetation (SAV), natural hardbottom, or other protected aquatic resources.

10. In areas within the known range of SAV, the FIND shall complete a pre-dredging survey. Prior to performing the pre-dredging SAV survey, the FIND will provide the survey methodology to the Corps.

a. The pre-dredging survey shall include the channel to be dredged and 100 feet on both sides of the channel. Other areas outside of the proposed dredged area but within the scope of the project such as a pipeline routes or mooring of a barge, will be surveyed in the same manner as the pre-dredging channel survey (See condition 11.).

b. The pre-dredging survey shall identify and define existing SAV beds and other aquatic resources. The survey shall indicate water depths and bottom contours.

c. If SAV is observed during the survey, the proposed dredging project may proceed under the SAJ-93 only in instances where the identified SAV can be completely avoided, and a minimum 100 foot buffer between the SAV and the dredging activities can be implemented. The survey will clearly identify the limits of all SAV beds in their entirety, and they will be illustrated on the engineering construction plans (plan view and cross sections). In addition, the size, species identified, estimate of percent coverage, and estimate of percent species abundance shall be provided. The pre-dredging survey shall be conducted prior to each dredging event/cycle and during the period June 1 through September 30. All surveys within the range of Johnson's Seagrass shall fully adhere to the attached *Guidelines for Surveying Johnson's Seagrass* as provided in the Johnson's Seagrass Recovery Plan and as developed by the Johnson's Seagrass Recovery Team. The most current acceptable survey methodology approved by the Corps and the NMFS will be used.

11. FIND will avoid all adverse effects to adjacent SAV during dredging. No temporary or secondary adverse effects to SAV or wetlands are authorized.

12. A pre-construction SAV/aquatic resource survey is required for areas that will be used during the dredging activities, such as pipeline corridors, temporary mooring piles, vessel turnaround areas, construction staging areas, vessel ingress/egress areas, and upland or dredge material management areas. All areas that will be used by FIND to accomplish the project must be identified in the dredging plans and shall occur in areas devoid of SAV. A 50 foot buffer is required between construction or staging areas (non-dredging) and areas with SAV, mangroves or other aquatic resources. A pre and post construction seagrass survey is required for all areas proposed to be utilized during the dredging activities. The post survey will be performed in areas with previously identified seagrass, and will document any alterations to the seagrasses, changes in bottom

contours, and any changes to the extent of the seagrasses (e.g., altered bottom strata including coverage by fill, furrowing from pipelines, or scour from boats).

13. Within 60 days of completion of the authorized work, FIND shall furnish the Corps, Jacksonville District, Regulatory Division, Special Projects and Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232, an "As built Drawing" of the completed project including a certified/sealed drawing which includes elevations illustrating the total amount of area impacted by the project. The as-built shall include an overlay with previously identified seagrass both in plan view and cross section. The pre-dredging and post-dredging surveys will also be provided to NMFS at: nmfs.ser.monitoringreportshc@noaa.gov

14. In the event that an unauthorized adverse impact to SAV or other aquatic resource has occurred, the FIND shall coordinate with the Corps to quantify the impact, assess the ecological functional losses, and provide an in-kind compensatory mitigation plan for Corps review and approval.

C. SPECIAL CONDITIONS FOR THREATENED AND ENDANGERED SPECIES:

15. Prior to issuance of authorization, the dichotomous key entitled, "The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida" dated July 2008 will be used to determine potential manatee impacts. *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.*

16. Manatee Conditions Manatee Conditions: The FIND shall comply with the "Standard Manatee Conditions for In-Water Work - 2009" provided in Attachment 1 of this permit. FIND shall also comply with all additional dredging protocols described on the Manatee Key maps when the proposed project is within, adjacent to, or comes within 2500 feet of an Important Manatee Area (IMA). For proposed projects located within, adjacent to, or come within 2500 feet of a Warm Water Aggregation Area (WWAA) on the Manatee Key maps, FIND shall also comply with dredging protocols stated on IMAs adjacent to the WWAAs.

17. Sea Turtle and Smalltooth Sawfish Conditions: The FIND shall comply with National Marine Fisheries Service's "Sea Turtle and Smalltooth Sawfish Construction Conditions" dated March 23, 2006 and provided in Attachment 2 of this permit.

18. Biological Opinion: This permit acknowledges that the project's effect on Johnson's seagrass (*Halophila johnsonii*), a federally listed species is evaluated in the National Marine Fisheries Biological Opinion (BO) dated June 4, 2001, for maintenance dredging of the ports and IWW within the range of Johnson's seagrass which is incorporated herein by reference.

D. ADDITIONAL SPECIAL CONDITIONS:

19. No work shall be performed until the FIND submits satisfactory plans for the proposed activity and receives written verification from the District Engineer that the proposed project is in accordance with the general and specific conditions of SAJ 93.

20. This regional general permit will not obviate the necessity to obtain any other Federal, State, or local permits, which may be required.

21. The District Engineer reserves the right to require that any request for authorization under this general permit be evaluated as an Individual Permit or Letter of permission.

22. SAJ-93 shall be valid for a period of **5 years** from the above date of issuance unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps will conduct periodic reviews to determine if continuation of the permit is not contrary to the public interest.

23. If SAJ-93 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-93 will remain in effect provided the activity is completed within 12 months of the date SAJ-93 has expired or was revoked.

24. The permittee shall perform all work in accordance with the general conditions for permits. The general conditions attached hereto are made a part of this permit.

25. 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 U.S. Army 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.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

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

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends on **February 16, 2016**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

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 and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow 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.