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

REPLY TO
ATTENTION OF

Regulatory Division
Regional General Permit SAJ-5

MAR 01 2001

DEPARTMENT OF THE ARMY PERMIT

GENERAL PERMIT SAJ-5

MAINTENANCE DREDGING IN RESIDENTIAL CANALS IN FLORIDA

Upon recommendation from the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 3 March 1899 (33 U.S.C. 403), general authority is hereby given to perform maintenance dredging activities in principally residential canals in navigable waters of the U.S. within the State of Florida subject to the following conditions:

SPECIAL CONDITIONS:

1. The work authorized herein is limited to existing residential canals in Florida. A residential canal is defined as a manmade waterway, historically dug from uplands, and surrounded on both sides by uplands adjacent to principally residential property. Federally maintained navigation and/or flood control projects are not considered to be residential canals and SAJ-5 is not authorized for use within them.

2. No work shall be performed until the applicant submits satisfactory plans for the proposed activity and receives written authorization from the District Engineer.

3. This general permit only authorizes maintenance excavation of the above areas. No additional dredging/excavation is allowed under this permit other than is necessary to restore the canal to its original excavated depth; however, in no case shall the depth of canal be greater than -5 feet mean low water.

4. The material dredged/excavated under this permit shall not exceed 4,000 cubic yards per project per year.

5. Turbidity control measures will be used to control water quality and the work must be in accordance with State Water Quality Standards in Chapter 62.302, and sections 62-4.242 and 62-4.244 in the 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 no more than background turbidity. The Florida Department of Environmental Protection (DEP) may require the applicant to submit a daily turbidity report which may be verified by state or local government inspectors.

6. Excavated spoil material shall be deposited at self-contained upland areas that will prevent spoil material and/or return water from reentering any water of the United States or interfering with natural drainage.

7. No registered properties or properties listed as eligible for inclusion in the National Register of Historic Places will be affected. Prior to the construction of new upland spoil disposal areas or the expansion of existing spoil disposal areas, the permittee must contact the State Historic Preservation Officer in Tallahassee and receive confirmation that no impacts to cultural resources will occur.

8. This permit does not authorize the removal of plugs nor the connection of any canal to navigable waters of the United States or to any other waters.

9. Excavation of wetlands or areas containing submerged aquatic vegetation is not authorized by this general permit. 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.

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

11. 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.

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

13. This permit may be revoked by issuance of a public notice at any time the District Engineer determines that a

singular or cumulative effect of the activities authorized herein have an adverse effect on the public interest. Following such revocation, any future activities in areas covered by this general permit will be processed as standard permits.

14. The following areas are specifically excluded from authorization under this general permit and will require review as a standard permit:

a. Federal Manatee Sanctuaries, refuges, motorboat prohibited zones, or no entry zones.

b. Canals in the Kings Bay/Crystal River/Homosassa/Salt River system, Citrus County; all canals in Monroe County; canals at Garfield Point including Queens Cove in St. Lucie County.

c. Faka Union Canal in Collier County.

d. All waters of Brevard County except land-locked lakes.

e. Within 2 miles of the following manatee aggregation sites: FPC Crystal River Power Plant (Citrus County), FPC Bartow Power Plant (Pinellas County), TECO Big Bend Power Plant (Hillsborough County), TECO Port Sutton (Pinellas County), FPL Ft. Myers Power Plant (Lee County), Blue Springs (Volusia County), JEA Southside and JEA Kennedy Generating Stations and Jefferson Smurfit Corporation (Duval County), Container Corporation of America Paper Mill (Nassau County), Vero Beach Power Plant (Indian River County), Henry D. King Municipal Electric Station (Ft. Pierce, St. Lucie County), FPL Riviera Beach Power Plant (Palm Beach County), FPL Port Everglades Power Plant (Broward County), and FPL Lauderdale Power Plant (Broward County).

f. The Okeechobee Waterway between St. Lucie Lock in Martin County and W.P. Franklin Lock in Lee County.

g. American Crocodile critical habitat, Biscayne Bay National Park Protection Zone (Dade County), Lake Okeechobee or in the St. Lucie Impoundment (Palm Beach County), and areas identified in the Wild and Scenic Rivers Act (16 U.S.C. 1317, et seq.): 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.

h. Within the boundaries of the Timucuan Ecological and Historical Preserve (Duval County).

i. 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.

15. 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.

16. Conformance with the descriptions and criteria contained herein does not necessarily guarantee authorization under this general permit.

17. The District Engineer reserves the right to require that any request for authorization under this general permit be processed as a standard permit.

18. Prior to issuance of authorization the dichotomous key entitled, "Guidance to the Corps of Engineers, Jacksonville District, and the Department of Environmental Protection regarding 'may affect' determinations for the manatee in Florida", 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.*

19. 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).

20. 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.

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

22. 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 four feet clearance from the bottom and that vessels shall follow routes of deep water whenever possible.

23. 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.

24. 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 Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-561-562-3909) in south Florida.**

25. Temporary signs concerning manatees shall be posted prior to and during construction/dredging activities. All temporary 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 (1-904-232-2580) for north Florida or (1-561-562-3909) for south Florida.

26. 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.

27. If SAJ-5 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-5 will remain in effect provided the activity is completed within 12 months of the date SAJ-5 expired or was revoked.

BY AUTHORITY OF THE SECRETARY OF THE ARMY

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. 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.

6. 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)