



REPLY TO ATTENTION OF

Regulatory Division

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

April 24, 2017

**DEPARTMENT OF THE ARMY PERMIT**  
**PROGRAMMATIC GENERAL PERMIT SAJ-67**  
**SAJ-2006-05506 (DEB)**

**LIMITED MINOR ACTIVITIES IN LAKE OKEECHOBEE AND THE OKEECHOBEE WATERWAY**

Upon recommendation from 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, general authority is hereby given to the Operations Division of the Jacksonville District, U.S. Army Corps of Engineers, to administer this Programmatic General Permit (PGP). The list of minor activities that would be covered under this PGP include the following:

1. placement of riprap revetments,
2. maintenance dredging,
3. maintenance of boat slips, boat ramps, and construction of bulkheads,
4. installation and/or maintenance of aerial and subaqueous transmission lines,
5. construction of minor structures,
6. construction and/or maintenance of single-family mooring facilities (i.e., docks and piers), and
7. construction and/or maintenance of private multi-family mooring facilities (docks and piers) having a surface area of 1,000 square feet or less.

The project area subject to this PGP includes Federally maintained, navigable waters of Lake Okeechobee and the Okeechobee Waterway, between the St. Lucie Lock in Martin County and W.P. Franklin Lock in Lee County, Florida. All projects must adhere to the terms and conditions stipulated in the latest version of the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan (SMP) and to the following Special Conditions:

**A. SPECIAL CONDITIONS FOR RIPRAP REVETMENTS:**

1. The work authorized herein includes the installation and repair of unconsolidated riprap revetments.
2. The revetment shall not exceed 150 feet in length and not exceed 1 cubic yard per running foot, including any backfill below the plane of the ordinary high water line.
3. Rip-rap revetments requests shall be accompanied by certified drawings and/or plans.

4. Rip-rap revetment installation will be allowed only under the following conditions:

- a) When new work joins adjacent, authorized, rip-rap revetments or seawalls, and
- b) construction creates a continuous and uniform line, or Landowner can demonstrate significant erosion.

5. Rip-rap construction material shall consist of stones weighing from 20 to 200 pounds, suitable to withstand a large boat wake. The revetment shall be constructed at a 3:1 slope.

6. A suitable filter material shall be installed to maintain the stability of all fill and rip rap material.

7. 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 turbidity control curtains 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.

#### **B. SPECIAL CONDITIONS FOR MAINTENANCE DREDGING:**

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

2. Dredging activities; including maintenance dredging of a previously dredged area, except for the Federal channel, shall not exceed the previously permitted depth.

3. 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 or 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.

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

5. Excavation of wetlands contiguous or adjacent to navigable waters, and/or areas containing submerged aquatic vegetation is not authorized by this general permit.

#### **C. SPECIAL CONDITIONS FOR MAINTENANCE OF BOAT SLIPS:**

1. The work authorized herein includes the maintenance of boat slips and appurtenant structures such as bulkheads, catwalks, etc. The appurtenant structures shall not exceed a total of 50 linear feet in either direction of the boat slip.

2. Dimensions of the boat slip shall not exceed 50 linear feet and the depth of the boat slip shall not exceed the outlying control contours of the water body or in no case be greater than -5 feet ordinary low water.

3. 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 or 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.

4. New construction of canals and access channels are specifically excluded from this authorization.

**D. SPECIAL CONDITIONS FOR MAINTENANCE OF BOAT RAMPS AND CONSTRUCTION OF BULKHEADS:**

1. The work authorized herein includes the maintenance of boat ramps, including appurtenant structures (bulkheads, rub-rails, tie-up piers) requiring less than 100 cubic yards of fill material.

2. Where practical, bulkheads should extend no further than 1 to 2 feet waterward of the ordinary high water line, but in no case shall they exceed 5 feet waterward of the ordinary high water line. Tie-up piers shall not exceed: (a) the length of the boat ramp; (b) a width of 6 feet; and may have a single catwalk or "L" not to exceed 20 feet in length and 4 feet in width.

3. Navigational access to navigable waters of the United States must already exist. No dredging of navigational access channels is permitted under SAJ-67.

4. 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 turbidity control curtains 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.

5. Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the work area. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable

mats, barriers, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

**E. SPECIAL CONDITIONS FOR INSTALLATION AND/OR MAINTENANCE OF AERIAL TRANSMISSION LINES:**

1. The work authorized herein includes the installation of aerial transmission lines and associated structures.
2. The aerial transmission lines must meet the U.S. Army Corps of Engineers clearance criteria as described in 33 CFR, Part 322.5(i)(1), (2), (3), and (4).
3. No dredging or filling of navigable waters or waters of the United States is authorized under this portion of this general permit.
4. Where the proposed aerial transmission line is to be installed in navigable waters of the United States, at least two weeks prior to the start of the authorized work, the permittee must notify the National Oceanic and Atmospheric Administration (NOAA) and the Corps' office in writing that the work is commencing, and again upon completion of the work. The permittee shall notify the District Engineer at the letterhead address, to the attention of Regulatory Division, and also notify NOAA, at the Nautical Data Branch N/CS26, Station 7317, 1315 East-West Highway, Silver Spring, MD 20910-3282. This notification will certify that the project is constructed as authorized, and must include a drawing that certifies the location and configuration of the completed activity.
5. The permittee shall hold the U.S. Government harmless from any and all claims by reason of the placement and installation of the transmission lines authorized by this permit.
6. In order to assure that activities authorized by SAJ-67 do not impair the usefulness of existing Corps projects and are not injurious to the public, the following special conditions have been added to this permit:
  - a) All transmission poles, guy-wire anchoring, junction boxes, pads, or other associated structures must be a minimum of 50 feet from the dam toe, 15 feet from the levee toe, and 15 feet from the canal top of bank of any existing Corps project.
  - b) The minimum clearance for aerial communication lines as noted in special condition 9, below.
  - c) On navigable waters of the US, including all federal navigation projects, where there is no bridge for reference for minimum clearance, the proposed project will need to be reviewed by the Corps in order to determine the minimum clearance between the line and mean high water necessary to protect navigational interests.
  - d) All projects over a Federal flood control or navigation channel (either federally or locally maintained) shall, upon completion of work, provide an as-built survey showing the

horizontal and vertical location (X-Y-Z coordinates in NAO 83 and NAVD 88) of the object above the channel as it enters and exits the design edges of the authorized width of the channel.

e) Any activity within a Federal Right of Way shall require the permittee to enter into a consent-to-easement with the Real Estate Division, U.S. Army Corps of Engineers, Jacksonville District, as appropriate, prior to the commencement of any construction activity.

7. All transmission poles, guy-wire anchoring, junction boxes, pads, or other associated structures must be a minimum of 50 feet from the dam toe, 15 feet from the levee toe, and 15 feet from the canal top of bank of any existing Corps project.

8. The minimum clearance<sup>1</sup> for aerial communication lines, or any lines not transmitting electrical power, will be ten (10) feet above the clearance required for nearby stationary bridges as established by the U.S. Coast Guard (USCG). In the event the USCG has not established a bridge clearance, minimum vertical clearances for power and aerial lines will not be less than required by Section 23, Rule 232, of the latest revision of the National Electrical Safety Code (ANSI C2). Clearances will not be less than shown in Table 232-1, Item 7, ANSI C2.

9. The minimum clearance for an aerial line, transmitting electrical power, is based on the low point of the line under conditions that produce the greatest sag, taking into consideration temperature, load, wind, length or span and the type of supports. The minimum clearance for an aerial electrical power transmission line crossing navigable waters of the US shall be governed by the system voltage, as indicated below:

Nominal System Voltage, (kv)	Minimum Clearance Above Bridge Clearance <sup>1</sup> (As Established by the USCG) (ft)
115 and below	20
138	22
161	24
230	26
350	30
500	35
700	42
750-765	45

<sup>1</sup>Bridge clearance is the distance measured between the lowest point of a stationary bridge, including any infrastructure attached to underside of the bridge, and the mean high water of the navigable waters of the US beneath the bridge.

10. On navigable waters of the US, including all federal navigation projects, where there is no bridge for reference for minimum clearance, the proposed project will need to be reviewed by the Corps in order to determine the minimum clearance between the line and mean high water necessary to protect navigational interests.

**F. SPECIAL CONDITIONS FOR INSTALLATION AND/OR MAINTENANCE OF SUBAQUEOUS UTILITY AND TRANSMISSION LINES:**

1. The work authorized herein includes the installation and maintenance of subaqueous utility and transmission lines laid on or embedded in the bottom of navigable waters of the United States in the State of Florida.

2. All subaqueous utility and/or transmission lines, cables, conduits, pipes, etc., authorized by this general permit must be installed (i.e., trenching or horizontal direction drilling (HDD)) a minimum of 14 feet below the authorized depth of the Okeechobee Waterway. The 14-foot criterion applies to the entire authorized width of the channel, plus a minimum of 25 feet outside the channel edges to allow for maintenance of the side slopes.

3. No utility and/or transmission lines will be embedded in the bottom of State Class I or Class II waters, aquatic preserves, or in areas of submerged aquatic vegetation.

4. Dredged or fill material placed as backfill or bedding for subaqueous utility and transmission lines must not change the preconstruction bottom contours. Excess material must be removed to an upland disposal area.

5. The permittee shall install signs at the shoreline to notify navigational interests of the location of subaqueous utility and transmission lines.

6. Upon completion of placement of a subaqueous line in a Federal Channel, the permittee shall provide the Corps with an as-built survey showing the horizontal location (XY coordinates in NAD 83) of the object below the channel as it enters and exits the design edges of the project. The survey shall be accurate to within +/- 3 feet horizontal.

7. Where the proposed subaqueous utility or transmission line is to be installed in navigable waters of the United States, at least two weeks prior to the start of the authorized work, the permittee must notify the NOAA and the Corps' office in writing that the work is commencing, and again upon completion of the work. The permittee shall notify the District Engineer at the letterhead address, attention Regulatory Division, and NOAA, at Nautical Data Branch N/CS26, Station 7317, 1315 East-West Highway, Silver Spring, MD 20910-3282. This notification will certify that the project is constructed as authorized, and must include a drawing that certifies the location and configuration of the completed activity.

8. The permittee shall hold the U.S. Government harmless from any and all claims by reason of the placement and installation of the transmission lines authorized by this permit.

9. Directional boring vaults, junction boxes, and/or pads will not be constructed within 50 feet of the top of the bank of waterways (rivers/streams). Horizontal directional drilling pilot, entrance, and exit holes must be the minimum diameter necessary; and, must be set back from the waterway (river/stream) bank by a minimum of 50 feet. Excavated materials and drilling mud must be stockpiled on non-wetland areas, where available. Appropriate fabric must be placed beneath all materials stockpiled in wetlands.

10. Except as otherwise noted in the Special Conditions, herein, all subaqueous utility and/or transmission lines authorized by this regional general permit must be installed a minimum of 6 feet below the bottom contour of any other water of the United States. The 6-foot criterion applies to the entire authorized width of the crossing, plus a minimum of 10 feet on each side of the crossing.

11. All subaqueous utility and/or transmission lines authorized by this regional general permit must be installed a minimum of 14 feet below the authorized depth of any federally-maintained shallow-draft navigation channel it crosses. The 14-foot criterion applies to the entire authorized width of the channel, plus a minimum of 25 feet outside the channel edges to allow for maintenance of the side slopes. Any activity within Federal rights-of-way shall require the permittee to enter into a consent-to-easement with the Real Estate Division, U.S. Army Corps of Engineers, Jacksonville District, as appropriate, prior to the commencement of any construction activity.

12. All subaqueous transmission lines crossing over, under, or in flood control channels/canals in Federal projects (either federally or locally maintained) which are installed with horizontal direction drilling (HDD) shall ensure the top of the HDD boring is a minimum of 10 feet beneath the bottom of the channel plus a minimum 25 feet outside the channel edges and the estimated total drilling fluid pressure is less than 10 psi. Projects not in compliance with these criteria shall not be eligible for authorization under SAJ-67 until case specific review has been completed by the Jacksonville District Engineering Division in accordance with 33 U.S.C. 408 and the project has received approval from the Jacksonville District Commander.

13. All projects beneath a Federal flood control or navigation channel (either federally or locally maintained) shall, upon completion of work, provide an as-built survey showing the horizontal and vertical location (X-Y-Z coordinates in NAD 83 and NAVD 88) of the object below the channel as it enters and exits the design edges of the authorized width of the channel, plus a minimum of 25 feet outside the channel edges.

14. Material resulting from trench excavation may be temporarily sidecast (up to three months) into waters of the United States, provided that the material is not placed in such a manner that it is dispersed by currents or other forces. The District Engineer may extend the period of temporary side casting not to exceed a total of 180 days, where appropriate. The top 6- 12 inches of the trench should normally be backfilled with topsoil from the trench. Furthermore, the trench cannot be constructed in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a French drain effect). For example, utility line trenches can be backfilled with clay blocks to ensure that the trench does not drain the waters of the United States through which the utility line is installed. Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

15. Any activity within a Federal Right of Way shall require the permittee to enter into a consent-to-easement with the Real Estate Division, U.S. Army Corps of Engineers, Jacksonville District, as appropriate, prior to the commencement of any construction activity.

## **G. SPECIAL CONDITIONS FOR MINOR STRUCTURES:**

1. The work authorized herein will be for minor structures to include:
  - a) Single mooring pilings.
  - b) Small mooring dolphins (limited to 1 cluster of 4 or fewer pilings).
  - c) Non-commercial information signage.
  - d) Boat lifts, hoists, davits.
  - e) Other minor structures that would have less environmental impact than a small dock.
2. Where practicable, unless sealed or wrapped, the use of CCA-treated wood should be avoided.

## **H. SPECIAL CONDITIONS FOR CONSTRUCTION AND/OR MAINTENANCE OF SINGLE-FAMILY AND PRIVATE MULTI-FAMILY MOORING FACILITIES (DOCKS and PIERS) AND APPURTENANT STRUCTURES:**

1. Structures authorized under this general permit are limited to mooring facilities (i.e., docks and piers). These mooring facilities/structures shall not exceed 1000 square feet in area. In addition to mooring facilities, this permit authorizes appurtenant structures which may include, but not be limited to, the following: boat hoists, boat shelters with open sides, stairways, walkways, mooring pilings, roofs, and dolphins. Authorized mooring structures and appurtenant features may be maintained or replaced as needed.
2. No living, fueling, or storage facilities over navigable waters of the United States are authorized under this general permit
3. Adverse impacts to submerged aquatic vegetation from dock construction may be ameliorated by adherence to the attached 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/Portals/44/docs/regulatory/sourcebook/other\\_permitting\\_factors/DockGuidelines2008\\_Revised.pdf](http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/other_permitting_factors/DockGuidelines2008_Revised.pdf)). Dock construction in submerged aquatic vegetation which does not adhere to these guidelines cannot be authorized by SAJ-67. *Note: 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 the permit application.*
4. Where practicable, unless sealed or wrapped, the use of chromated copper arsenate CCA-treated wood should be avoided.

## **I. SPECIAL CONDITIONS FOR ALL WORK:**

1. The work authorized herein is limited to those navigable waters located between St. Lucie Lock in Martin County and W.P. Franklin Lock in Lee County, Florida, which are regulated under the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan.



2. No work shall be authorized that does not comply with the latest version of the (attached) SMP. As of the date of this PGP, the latest SMP is dated August 1, 2004.
3. Upland cut basins, typically used for mooring vessels or as boat ramps, are not authorized by this PGP.
4. No work shall be performed until the applicant submits satisfactory plans for the proposed activity and receives written authorization from the District Engineer.
5. No structure, including mooring piles, shall be located within the established "arrival points" or operational staging areas of all Lake Okeechobee and Okeechobee Waterway locks and dams.
6. No activity shall be authorized under this general permit which may adversely affect water quality, fish and wildlife habitat, or wetlands. Filling of wetland areas is not authorized by this general permit.
7. 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.
8. 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 or other party on the Applicant's behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, contacting the Florida Master File Office by telephoning at 850-245-6440, or requesting a temporary password from the Florida Master Site files for access to state site forms. Access may also be requested by emailing at [fmsfile@dos.state.fl.us](mailto:fmsfile@dos.state.fl.us) or going to the FMSF website at <http://dos.myflorida.com/historical/preservation/master-site-file>. The Permittee can also research sites in the National Register Information System (NRIS). Information can be found at: <http://npgallery.nps.gov/nrhp/Download>.
9. 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 State Archaeologist 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.
10. In the unlikely event that human remains are identified, they will be treated in accordance with Florida State Regulation 872.05; all work in the vicinity shall immediately cease and the State Archaeologist, Corps Regulatory Project Manager, and local authorities shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.

11. Conformance with descriptions and quantities contained herein does not necessarily guarantee authorization under this general permit.

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

13. Prior to verification 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, March 2011," ([http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/endangered\\_species/Manatee/2013\\_FINAL\\_ManateeKey.pdf](http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/endangered_species/Manatee/2013_FINAL_ManateeKey.pdf)) will be used to determine potential manatee impacts. Those determined to be a "may affect" to the manatee will not be authorized until consultation on the project has been reinitiated and concluded with the U.S. Fish and Wildlife Service in accordance with the Endangered Species Act.. Additionally, depending on the location of the project, some projects determined to be "may affect, not likely to adversely affect" will not be authorized until consultation on the project has been re-initiated and concluded. *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.*

14. For projects in, over, and/or under waters accessible to manatees, the permittee will utilize the "Standard Manatee Conditions for In-Water Work-2011," ([http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/endangered\\_species/Manatee/2011\\_StandardConditionsForIn-waterWork.pdf](http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/endangered_species/Manatee/2011_StandardConditionsForIn-waterWork.pdf)) and/or requirements, as appropriate for the proposed activity. *Note: The manatee 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.*

15. In accordance with Section 7 of the Endangered Species Act, projects proposed within designated critical habitat, Priority Management Zones (PMZs), or the 150 meter radius "no-entry" and 500 meter radius "limited activity" active nest buffer zones for the Everglade snail kite (see attached map) cannot be authorized until consultation on the project has been reinitiated and concluded with the U.S. Fish and Wildlife Service. *Note: The PMZs and the "no-entry" and "limited activity" buffer zones may be subject to revision at any time. The Corps shall request an updated PMZ and buffer zone map during September of each year so that the most recent version of these zones is utilized during the evaluation of the permit application.*

16. No activity shall be authorized under this general permit which is likely to adversely 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.

17. Activities qualifying for this PGP must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. Such permit, issued 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., will provide the applicable Water Quality Certification

(WQC) or waiver thereto, and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this PGP that qualify for an exemption under s. 403.813(1) or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps, or any designated Federal, State or local agency administering general permits on behalf of the Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapter 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps or any designated Federal, State or local agency administering general permits on behalf of the Corps shall not be precluded from acting on a request to use this PGP before the applicable SSL authorization is granted.

18. In the Okeechobee Waterway, all structures including mooring piles, authorized under this general permit shall comply with the Setback Guidance dated December 2013. The established setback is 100 feet calculated from the near design edge of the Federal channel although a variance may be granted based on site specific information. Under no circumstances shall any structure be closer to the near design edge of the Federal channel than the absolute minimum, 26'. In oxbows, no structure may extend more than 1/4 of the width of the oxbow at normal pool elevation

19. Any activity within a Federal right-of-way will require the permittee to enter into a consent-to-easement with the Real Estate Division, U.S. Army Corps of Engineers, Jacksonville District, prior to the commencement of any construction activity. The mailing address for the Real Estate Division is P.O. Box 4970, Jacksonville, Florida 32232.

20. 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 and/or interfere with the function of Central and South Florida Flood Control projects, 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.

21. If fill material is used, the fill must be from upland sources and consist of suitable material. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

22. SAJ-67 shall be valid for a period of 5 years from the 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-67 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-67 will remain in effect provided the activity is completed within 12 months of the date SAJ-67 expired or was revoked.

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

25. No structure shall be constructed using chromated copper arsenate (CCA)-treated wood, unless the wood is wrapped.

26. Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the work area into waters of the United States. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable mats, barriers, or a combination of similar, approved, stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work is completed and the work areas are stabilized.

27. Maintenance and/or repair of previously authorized structures is allowed as long as the work complies with the conditions of this permit and those of the SMP. New work in or over navigable waters must receive authorization from the Corps of Engineers prior to construction.

BY AUTHORITY OF THE SECRETARY OF THE ARMY



for Jason A. Kirk  
Colonel, U.S. Army  
District Engineer

**GENERAL CONDITIONS FOR DEPARTMENT OF THE ARMY GENERAL PERMITS**

1. The time limit for completing the work authorized ends on **April 24, 2022**.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature and mailing address of the new owner in the space provided below and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**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.

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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)

