



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Proposed Reissuance of
Regional General Permit (RGP)
SAJ-92

Published: May 28, 2025
Expires: June 27, 2025

**Jacksonville District
RGP File No. SAJ-2005-01106**

TO WHOM IT MAY CONCERN: To simplify and speed processing of Department of the Army permits for minor, substantially similar activities, the Jacksonville District, U.S. Army Corps of Engineers (Corps) proposes to reissue and modify the SAJ-92 for activities by the Federal Highway Administration (FHWA), Florida Department of Transportation (FDOT), and/or Florida's Turnpike Enterprise (FTE) requiring the discharge of dredged or fill material in waters of the U.S. associated with road infrastructure projects at existing roadways.

The current RGP will expire on October 27, 2025. The proposed reissuance will include accepting three additional types of approved Environmental Documents (Record of Decision (ROD), Non-Major State Action (NMSA), and Finding of No Significant Impact (FONSI)). It will also modify the limitations for projects that may be authorized by the RGP by limiting the amount of non-tidal wetland impacts to no more than 25 acres per project and limiting impacts to those proposed within 500 feet of existing development. The draft SAJ-92 is included at the end of this public notice.

Minor activities that would be covered under SAJ-92 include the following, pursuant to Section 10 of the Rivers and Harbors Act (33 U.S.C. § 403) and Section 404 of the Clean Water Act (33 U.S.C. § 1344):

Discharges of dredged or fill material in waters of the U.S. for activities associated with road infrastructure projects at existing roadways, such as through travel lanes, new interchanges, new intersections, safety improvements, maintenance, stormwater treatment areas, bridge repairs/replacement and bike lane/sidewalk additions.

- The discharge of dredged or fill material in tidal waters of the U.S. is limited to 0.5 acre total per project.
- The discharge of dredged or fill material in non-tidal waters of the U.S. is limited to 5 acres for any 1-mile segment of roadway length per project, as measured from the beginning of the project.
- The discharge of dredged or fill material shall occur within 500 feet of existing development, such as existing roadways or existing residential, commercial, governmental, or industrial development. The district engineer may waive this criterion by making a written determination concluding that the discharge of

dredged or fill material will result in no more than minimal adverse environmental effects if the aquatic resource proposed to be impacted is so disturbed that it provides only minimal habitat value for wildlife as determined by the Corps, if the longer distance is needed to reduce overall wetland impacts, or if the area contains more than 50% coverage of exotic vegetation listed on the most recent list of invasive plant species from the Florida Exotic Pest Plant Council.

- In addition to the above limits, the total discharge of dredged or fill material in waters of the U.S. per project is limited to 50 acres, with no more than 25 acres in special aquatic sites (including wetlands).

Activities would occur within waters of the U.S. throughout the state of Florida.

BACKGROUND:

This RGP was initially authorized November 22, 2006. The RGP was used for linear transportation projects in non-tidal waters of the United States, excluding non-tidal wetlands adjacent to tidal waters, within the operation areas of FDOT Districts 2, 3, 5 and FTE. On August 25, 2008, the geographic scope of the RGP was expanded to include all of FDOT's operation areas (Districts 1-7) and FTE and to exclude Monroe County. The 2008 version of the RGP authorized the construction of three types of projects specifically approved by the FHWA, including Type 1 Categorical Exclusions (CEs), Programmatic CEs and Capacity Improvement Projects. On August 25, 2013, the RGP expired. On April 8, 2015, the RGP was reauthorized and modified to include linear transportation projects with a FHWA, FDOT and/or FTE approved Environmental Document. In addition, the 2015 RGP limited the use of the permit to projects that have been reviewed through FDOT's Efficient Transportation Decision Making Process (ETDM) and/or a Project Development and Environment (PD&E) Study subsequent to 2010 with a maximum acreage of 50 acres of loss of waters of the U.S. per project. Additionally, the 2015 RGP had revisions including modified special conditions language, inclusion of definitions of capacity project and non-capacity project and was updated to clarify requirements for mitigation of unavoidable impacts and to incorporate the 2008 Compensatory Mitigation for Losses of Aquatic Resources regulations (33 C.F.R. Part 332) and the mitigation hierarchy (33 C.F.R. § 332.3(b)). On October 27, 2020, this RGP was re-authorized, and the Monroe County exclusion was removed provided Florida Keys National Marine Sanctuary (FKNMS) authorization was received prior to permit issuance, as applicable. This RGP has been used 38 times since its last reissuance on October 27, 2020 (information current as of April 10, 2025).

The Corps anticipates continued utilization of the SAJ-92 to address future requests for minor road infrastructure projects within the authorized geographic area. This RGP improves efficiencies for the review and verification of minor road infrastructure projects activities, thus improving service to the regulated public. This RGP will be coordinated with Federal and State resource agencies to address compliance with federal laws such as the National Historic Preservation Act and the Fish and Wildlife Coordination Act.

The term “General Permit” means a Department of the Army authorization that is issued on a nationwide or regional (District) basis for a category of activities when: those activities are substantially similar in nature and cause only minimal individual and cumulative impacts. General permits reduce the burden of the regulatory program on the public and ensure timely issuance of permits while effectively administering the laws and regulations which establish and govern the program. General permits are reviewed every five years. After five years, general permits may be reissued, suspended, or revoked.

An assessment of the cumulative impacts of work authorized under a general permit is performed prior to authorization. In most instances, projects which comply with the conditions of a general permit can receive project specific authorization. Projects that do not comply with the conditions of a general permit may still receive authorization via an individual permit, but the application must be individually evaluated and coordinated with third parties, including the federal and state resource agencies. Review of an application for an individual permit takes additional time to complete as conflict resolution may be required.

AVOIDANCE AND MINIMIZATION: The SAJ-92 would authorize activities that are minor and commonplace, associated only with existing roadways. The proposed terms and conditions of the SAJ-92 ensure that the activities authorized under this permit have undergone design review and refinement to minimize environmental impacts through FDOT’s Efficient Transportation Decision Making (ETDM) program and/or Project Development and Environment (PD&E) study, and must also have at least one of the following Federal Highway Administration (FHWA), FDOT, and/or FTE approved environmental documents that have been evaluated, re-evaluated, or confirmed to be current within five years of submittal of the Pre-Construction Notification (PCN): Environmental Impact Statement (EIS)/Record of Decision (ROD), Finding of No Significant Impact (FONSI), Categorical Exclusion (CE), State Environmental Impact Report (SEIR), Non-Major State Action (NMSA), or Environmental Assessment (EA). In addition, the Corps reserves the right to require an individual permit for any project with more than minimal impacts as provided in 33 C.F.R. § 325.2(e)(2).

More information about FDOT’s ETDM and PD&E review process may be found at: <https://www.fdot.gov/environment/oem-divisions/qa-qc/etdm-est-overview>.

COMPENSATORY MITIGATION: Mitigation for projects authorized through SAJ-92 may be accomplished by one or more of the following mechanisms and preference hierarchy, as described in the Mitigation Rule (33 C.F.R. Part 332): 1) securing an appropriate number and resource type of credits from an approved mitigation bank; 2) payment of mitigation fees to an approved in-lieu program; 3) through “permittee-responsible” mitigation, including those mitigation projects that are part of the FDOT Mitigation Program (Section 373.4137, Florida Statutes); on-site and in-kind compensatory mitigation; and/or off-site and/or out-of-kind compensatory mitigation. It would be incumbent on the prospective permittee to demonstrate to the Corps that the compensatory mitigation proposal is the environmentally preferable option to replace

the ecological functions and services that would be lost through the implementation of any work proposed. All compensatory mitigation proposals would need to be approved by the Corps prior to verification of the project under SAJ-92.

CULTURAL RESOURCES: Prior to verification for any project under the proposed SAJ-92, the prospective permittee (FDOT or FTE) shall provide the Corps with copies of the concurrence documents from the State Historic Preservation Officer (SHPO) and the Tribal Historic Preservation Officers (THPO), as applicable, to demonstrate that the project has been evaluated for compliance with Section 106 of the National Historic Preservation Act (NHPA) and the guidelines of 33 C.F.R. Part 325, Appendix C. No activity shall be authorized under this RGP which is likely to adversely affect historic properties listed on, or eligible for listing on the National Register of Historic Places; or that would cause adverse effects to reserved tribal rights, protected tribal resources, tribal trust, or reservation lands.

ENDANGERED SPECIES: For each activity proposed for authorization under the SAJ-92, the lead federal agency (Corps for projects with state funding, and FDOT on behalf of FHWA for projects with federal funding) will conduct an individual evaluation of the activity's potential effects to federally listed threatened or endangered species or species proposed for such designation, and designated critical habitat or proposed designated critical habitat, in accordance with Section 7 of the Endangered Species Act (ESA). Prior to the verification of projects pursuant to this RGP, for projects with federal funding, the applicant shall provide to the Corps a copy of the following documents, as applicable: programmatic consultation(s), a concurrence document (May Affect, Not Likely to Adversely Affect determinations), and/or a finalized biological opinion (for May Affect Likely to Adversely Affect determinations) by the appropriate agency (U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS), as applicable). These documents demonstrate that individual project consultation has been completed. For projects without federal funding which affect federally listed species, Section 7 consultation would be initiated by the Corps and consultation would be completed either through a project-specific consultation or programmatic consultation prior to RGP verification. If the proposed activity requires re-initiation of Section 7 consultation under the ESA with USFWS and NMFS, as applicable, on federally listed species, candidate species or designated critical habitat, the proposed activity could not be authorized under this RGP until the consultation is concluded by the lead federal agency.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation with the NMFS Habitat Conservation Division (HCD) EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act of 1996. Our initial determination is that the reissuance of the SAJ-92 and subsequent activities to be authorized under the SAJ-92 would not have a substantial adverse impact on EFH or federally managed fisheries in Florida given the proposed conditions of the SAJ-92 which limit the use of the SAJ-92 to activities which do not result in direct or indirect substantial adverse impacts to EFH. Our final determination relative to project impacts and the need for mitigation measures

with respect to each project verified under this RGP is subject to review by and coordination with the NMFS-HCD.

WATER QUALITY CERTIFICATION: The Corps will request general water quality certification from the Florida Department of Environmental Protection (FDEP) for non-tribal lands; the Miccosukee Tribe of Indians of Florida for lands held by the Miccosukee Tribe of Indians of Florida; and the Seminole Tribe of Florida for lands held by the Seminole Tribe of Florida.

COASTAL ZONE MANAGEMENT CONSISTENCY: The Corps will request general coastal zone consistency concurrence from FDEP.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

COMMENTS: The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Jacksonville District will receive written comments on the proposed work, as outlined above, until June 27, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Heather M. Mason at Heather.M.Mason@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District Regulatory Division, Attention: Heather Mason, Post Office Box 4970, Jacksonville, Florida 32232-0019. Please refer to SAJ-92 in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the reissuance of the RGP. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.



**DEPARTMENT OF THE ARMY PERMIT
REGIONAL GENERAL PERMIT
SAJ-2005-01106
SAJ-92**

**ROAD INFRASTRUCTURE PROJECTS IN FLORIDA BY THE
FEDERAL HIGHWAY ADMINISTRATION, FLORIDA DEPARTMENT OF
TRANSPORTATION AND FLORIDA'S TURNPIKE ENTERPRISE**

I. Permittee: Recipient of a verification of a Regional General Permit (RGP) SAJ-92 from the Regulatory Division of the U.S. Army Corps of Engineers (Corps), South Atlantic Division, Jacksonville District (SAJ). This authorization is specific to the Federal Highway Administration (FHWA), Florida Department of Transportation (FDOT), and/or Florida's Turnpike Enterprise (FTE).

NOTE: The term "you" and its derivatives, as used in this permit, means the Permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

II. Effective Date: Date

III. Expiration Date: Date

This RGP will be valid for a period of five years from the effective date specified above unless suspended or revoked by the District Engineer prior to that date. If SAJ-92 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-92 will remain in effect provided the activity is completed within 12 months of the date SAJ-92 expired or was revoked.

IV. Issuing Office: Regulatory Division, Jacksonville District.

V. Authorized Activities: The following activities are authorized by SAJ-92, in accordance with the terms and conditions of this permit:

Discharges of dredged or fill material in waters of the U.S. for activities associated with road infrastructure projects at existing roadways, such as through travel lanes, new interchanges, new intersections, safety improvements, maintenance, stormwater treatment areas, bridge repairs/replacement, and bike lane/sidewalk additions. For the purposes of this RGP, "project" means the activity for which the prospective permittee is seeking verification under this RGP. It does not mean the entire roadway or previous

Corps authorizations. Impacts under this RGP shall comply with the following limitations:

- The discharge of dredged or fill material in tidal waters of the U.S. is limited to 0.5-acre total per project.
- The discharge of dredged or fill material in non-tidal waters of the U.S. is limited to 5 acres for any 1-mile segment of roadway length per project, as measured from the beginning of the project.
- The discharge of dredged or fill material shall occur within 500 feet of existing development, such as existing roadways or existing residential, commercial, governmental, or industrial development. The district engineer may waive this criterion by making a written determination concluding that the discharge of dredged or fill material will result in no more than minimal adverse environmental effects if the aquatic resource proposed to be impacted is so disturbed that it provides only minimal habitat value for wildlife as determined by the Corps, if the longer distance is needed to reduce overall wetland impacts, or if the area contains more than 50% coverage of exotic vegetation listed on the most recent list of invasive plant species from the Florida Exotic Pest Plant Council.
- In addition to the above limits, the total discharge of dredged or fill material in waters of the U.S. per project is limited to 50 acres, with no more than 25 acres in special aquatic sites (including wetlands).

VI. Geographic Area: This RGP applies to all waters of the U.S. throughout the state of Florida.

VII. Pre-Construction Notification Procedures: To be authorized under this RGP, you must first submit a pre-construction notification (PCN), including satisfactory drawings, to the appropriate permitting section. It is recommended that you use ENG Form 4345. In addition, you must submit a copy of all "Commitments" related to the avoidance and minimization of impacts to waters of the U.S. identified in any completed Environmental Documents and the most recent Quality Enhancement Strategies (QES). Do not proceed with the proposed work until the District Engineer or their designee issues written verification that the proposed project meets the requirements of this RGP and is authorized. After receipt of written verification, you are authorized to perform work in accordance with the terms and conditions specified in this permit instrument and any project-specific terms and conditions in the verification.

VIII. Terms and Conditions:

1. **Environmental Documents Required:** This RGP is limited to road infrastructure projects that have been reviewed through the Florida Department of Transportation (FDOT) Efficient Transportation Decision Making (ETDM) and/or Project Development and Environment (PD&E) Study. Activities must also have a Federal Highway

Administration (FHWA), FDOT, and/or Florida's Turnpike Enterprise (FTE) approved Environmental Document (Environmental Impact Statement (EIS)/Record of Decision (ROD), Finding of No Significant Impact (FONSI), Categorical Exclusion (CE), State Environmental Impact Report (SEIR), Non-Major State Action (NMSA), or Environmental Assessment (EA)). The environmental documents must have been evaluated, re-evaluated, or confirmed to be current within five years of submittal of a PCN. Only projects that have at least one of the above environmental documents and meet the limitations and conditions in this permit instrument may qualify to use SAJ-92, subject to the Corps discretionary authority described in Condition 16, below.

2. **Work Type Exclusions:** This RGP does not authorize the following:

- a. Construction of new roadway alignments.
- b. Stream channelization, bank-to-bank filling, relocating, or culverting of more than 300 linear feet of natural tributaries. In addition, fills in tributaries that are not designed to maintain connection and flow to upstream and downstream waters are not authorized.

3. **Section 408:** Any proposed work that may alter or occupy a Civil Works project will require case-specific review by the USACE Jacksonville or Mobile District Engineering Division, depending on the location of the project, in accordance with 33 USC 408 (Section 408) and approval from the appropriate District Commander, Commander or the appropriate delegated authority prior to authorization under this RGP. Civil Works projects located approximately west of the Aucilla River will be reviewed by the Mobile District Engineering Division. Civil Works projects to the east of the river will be reviewed by the Jacksonville District Engineering Division. Under the terms of 33 USC 408, any proposed modification requires a determination that such proposed alteration or permanent occupation or use of a Civil Works project is not injurious to the public interest and will not impair the usefulness of such work. For those Civil Works projects with Non-Federal Sponsors, Section 408 requests must be routed through the appropriate Non-Federal Sponsor prior to submittal to the Corps Regulatory Office. Additional conditions may be required pursuant to Section 408 approval.

4. **Coordination/Consultation Under Section 106 of the National Historic Preservation Act (NHPA):** Prior to the verification under this RGP for each project:

- a. The prospective permittee (FDOT or FTE) shall provide the Corps with copies of the NHPA Section 106 concurrence documents from the State Historic Preservation Officer (SHPO).
- b. If the proposed project occurs on Tribal lands, Tribal leased lands, or lands adjacent to these, or if Tribal resources including archaeological and other cultural resources are affected, then, if the project is federally funded, the prospective permittee must provide concurrence documentation showing NHPA Section 106 consultation has occurred directly with the appropriate Tribal Historic Preservation

Officers (THPOs). If the project is not federally funded, the Corps will consult with the appropriate Tribal THPOs.

5. Cultural Resources and/or Historic Properties:

a. No structure or work shall adversely affect impact or disturb properties listed in the National Register of Historic Places (NRHP) or those eligible for inclusion in the NRHP which have not been resolved through the consultation process pursuant to Section 106 of the NHPA, and its implementing regulations at 36 C.F.R. Part 800.

b. Pursuant to 36 C.F.R. Part 800, the lead federal agency or its designee shall determine and document, in consultation with the SHPO and THPO, the scope of identification efforts for cultural resources within the undertaking's area of potential effect (APE) and establish a determination of effects based upon these efforts. Documentation of this scope of identification efforts and the determination shall be provided in summary form to the Corps, along with the concurrence documents from the SHPO and THPO.

c. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials (such as, but not limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement) encountered which were not the subject of a previous cultural resources assessment survey or to which such impacts were not anticipated, the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day. The Corps shall then notify the SHPO and the appropriate THPO(s) or Indian tribe when the interested tribe does not have a THPO, to assess the significance of the discovery and devise appropriate actions.

d. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries or effects to historic properties as referenced in accordance with the above Condition; and if deemed necessary by the SHPO, THPO(s), Tribes, or Corps, in accordance with 36 C.F.R. Part 800 or 33 C.F.R. Part 325, Appendix C (5). 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 C.F.R. § 325.7. Such activity shall not resume on non-federal lands without completed and documented consultation with the SHPO and THPO(s), or Indian tribe when the interested tribe does not have a THPO, concerning potential effects to cultural resources and/or historic properties.

e. In the unlikely event that unmarked human remains are identified on non-federal lands; they will be treated in accordance with Section 872.05 Florida

Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease, and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day. The Corps shall then notify the SHPO, federally recognized tribes, and other appropriate consulting parties within one business day after receipt of the notice by the Permittee. The Corps will ensure appropriate consultation and coordination is complete with the SHPO and appropriate federally recognized tribes prior to allowing commencement of work and ground disturbing activities. 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 C.F.R. § 325.7. Such activity shall not resume without written authorization from the medical examiner (if the remains are under 75 years of age), the State Archeologist, and from the Corps.

If any part of the project is on federal/tribal lands, the following condition shall be followed:

f. In the unlikely event that human remains are encountered on federal or tribal lands, or in situations where Archaeological Resources Protection Act of 1979, or Native American Graves Protection Repatriation Act of 1990 applies, all work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the Corps, within the same business day. The Corps shall then notify the appropriate THPO(s), Tribes, and SHPO. 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 C.F.R. § 325.7. After such notification, project activities on federal lands shall not resume without written authorization from the Corps, and/or appropriate THPO(s) or Tribes, SHPO, and federal land manager. After such notification, project activities on tribal lands shall not resume without written authorization from the appropriate THPO(s) and the Corps.

If an archaeological monitor is required the following condition shall be followed:

g. A professional archeologist who meets the "Archeology and Historic Preservation: Secretary of Interior's Standards and Guidelines" shall be onsite during the initial ground disturbing activities. The professional archeologist shall be responsible for monitoring the soil and ground disturbance for archaeological deposits. Should potential significant archaeological deposits (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement) be encountered, all work and ground disturbing activities must cease within a 100-meter diameter of the discovery to allow for proper assessment, recording, and recovery of the cultural deposits in a professional manner. The archeologist on site shall notify the

Permittee, SHPO, and the Corps Regulatory Project Manager the same business day to assess the significance of the discovery and devise appropriate actions, including salvage operations, coordination with the SHPO/THPO, Tribes, and other consulting parties, as appropriate and in compliance with applicable historic preservation laws. Upon completion of the monitoring activities, an archaeological letter must be submitted to the Director of Florida's Division of Historical Resources (who also serves as the SHPO), along with an updated Florida Master Site File form and, as appropriate, a monitoring report. The archeologist shall submit notification of such action, in the form of the Cultural Resource Certification to the Corps and RD-Archeologist for inclusion in the administrative record.

6. **Tribal Considerations:** Activities issued under this permit shall cause no adverse effects to reserved tribal rights, protected tribal resources, tribal trust or reservation lands.

7. **Threatened and Endangered Species:** Prior to the verification of projects pursuant to this RGP, for projects with federal funding, the applicant (FDOT or FTE) shall provide the Corps with a copy of either a concurrence document (May Affect, Not Likely to Adversely Affect determinations) or a finalized biological opinion (for May Affect Likely to Adversely Affect determinations) written by the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS), as applicable. These documents demonstrate that individual project consultation has been completed. For projects without federal funding which affect federally listed species, Section 7 consultation shall be initiated by the Corps and consultation will be completed, either through a project-specific consultation or a programmatic consultation, prior to RGP verification. If the proposed activity requires re-initiation of Section 7 consultation under the Endangered Species Act with the USFWS and the NMFS (as applicable) on federally listed species, candidate species or designated critical habitat, the proposed activity cannot be authorized under this RGP until the consultation is concluded by the Lead Agency.

8. **Essential Fish Habitat:** No work shall be authorized by this RGP which may have direct or indirect adverse impacts to essential fish habitat such as but not limited to hard or soft corals (including listed corals), mangroves, oyster beds, estuarine emergent vegetation, marine emergent vegetation, and/or the following species of submerged aquatic vegetation: shoal grass (*Halodule wrightii*), paddle grass (*Halophila decipiens*), star grass (*Halophila engelmanni*), Johnson's seagrass (*Halophila johnsonii*), sago pondweed (*Potamogeton pectinatus*), clasping-leaved pondweed (*Potamogeton perfoliatus*), widgeon grass (*Ruppia maritima*), manatee grass (*Syringodium filiforme*), turtle grass (*Thalassia testudinum*), tapegrass (*Vallisneria americana*), horned pondweed (*Zannichellia palustris*), and eel grass (*Zostera marina*). Indirect effects include secondary and cumulative effects. In addition, the project cannot have adverse effects on any other essential fish habitat (e.g., mud flats, unconsolidated bottoms) not listed above, except as approved through consultation with NMFS.

9. **National Wild and Scenic Rivers:** For all activities located in areas identified in the Wild and Scenic Rivers Act (16 U.S.C. 1271, et seq.), the prospective permittee must provide the Corps with documentation of written permission from the managing agency to be eligible for authorization under this RGP.

10. **As-Built Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall submit as-built drawings of the authorized work and a completed “As-Built Certification by Professional Engineer or Surveyor” form to the Corps. The as-built drawings shall be signed and sealed by a registered professional engineer or surveyor and include the following:

a. A plan view drawing of the location of the authorized work footprint, as shown on the permit drawings, with an overlay of the work as constructed. The plan view drawing should show all existing water management structures and the completed structures, dredge/fill activities, and wetland impacts.

b. A list of any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the attached “As-Built Certification by Professional Engineer” form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or “As-Built Certification by Professional Engineer” form does not constitute approval of any deviations by the Corps.

c. The Department of the Army permit number on all sheets submitted.

11. **Management of Water Flows:** To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters shall be maintained for each activity, including stream channelization and storm water management activities. The activity shall be constructed to withstand expected high flows. The activity shall not restrict nor impede the passage of normal or high flows.

12. **Soil Erosion and Sediment Controls:** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees must perform work within waters of the United States during periods of low-flow or no-flow, or during low tides. Permittees should reference the “State of Florida Erosion and Sediment Control Designer and Reviewer Manual, FDOT and FDEP” (2013) or current version.

13. **Assurance of Navigation and Maintenance:** For projects authorized under this RGP in navigable waters of the United States, 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.

14. **Regulatory Agency Changes:** Should the Permittee, their representatives or any other regulatory agency require changes to the work authorized or obligated by this permit, the Permittee is advised that a new permit verification may be required prior to initiation of those changes. It is the Permittee's responsibility to contact the Corps to determine if a new permit verification is required.

15. **Discretionary Authority:** Conformance with the descriptions and criteria contained herein does not guarantee authorization under this RGP. Pursuant to 33 C.F.R. § 325.2(e)(2), when concerns for the aquatic environment so indicate, the Corps may exercise discretionary authority to override this RGP and require an individual application and review. The District Engineer reserves the right to require that any request for authorization under this RGP be processed as an individual permit.

IX. General Conditions:

1. The time limit for completing the work authorized ends on **Month Day. Year.**
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 the permit verification, you must obtain the signature and mailing address of the new owner in the space on the transfer page provided below and forward a copy of the permit verification and executed transfer page to this office to validate the transfer of the 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.

X. Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403)

(X) Section 404 of the Clean Water Act (33 U.S.C. § 1344)

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. § 1413)

2. 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.

3. 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.

4. 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.

5. 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.

6. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 C.F.R. § 325.7 or enforcement procedures such as those contained in 33 C.F.R. § 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to 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 C.F.R. § 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(DISTRICT ENGINEER)

Brandon L. Bowman
Colonel, U.S. Army
District Commander

(DATE)

***Attachments to Department of the Army
Regional General Permit SAJ-92***

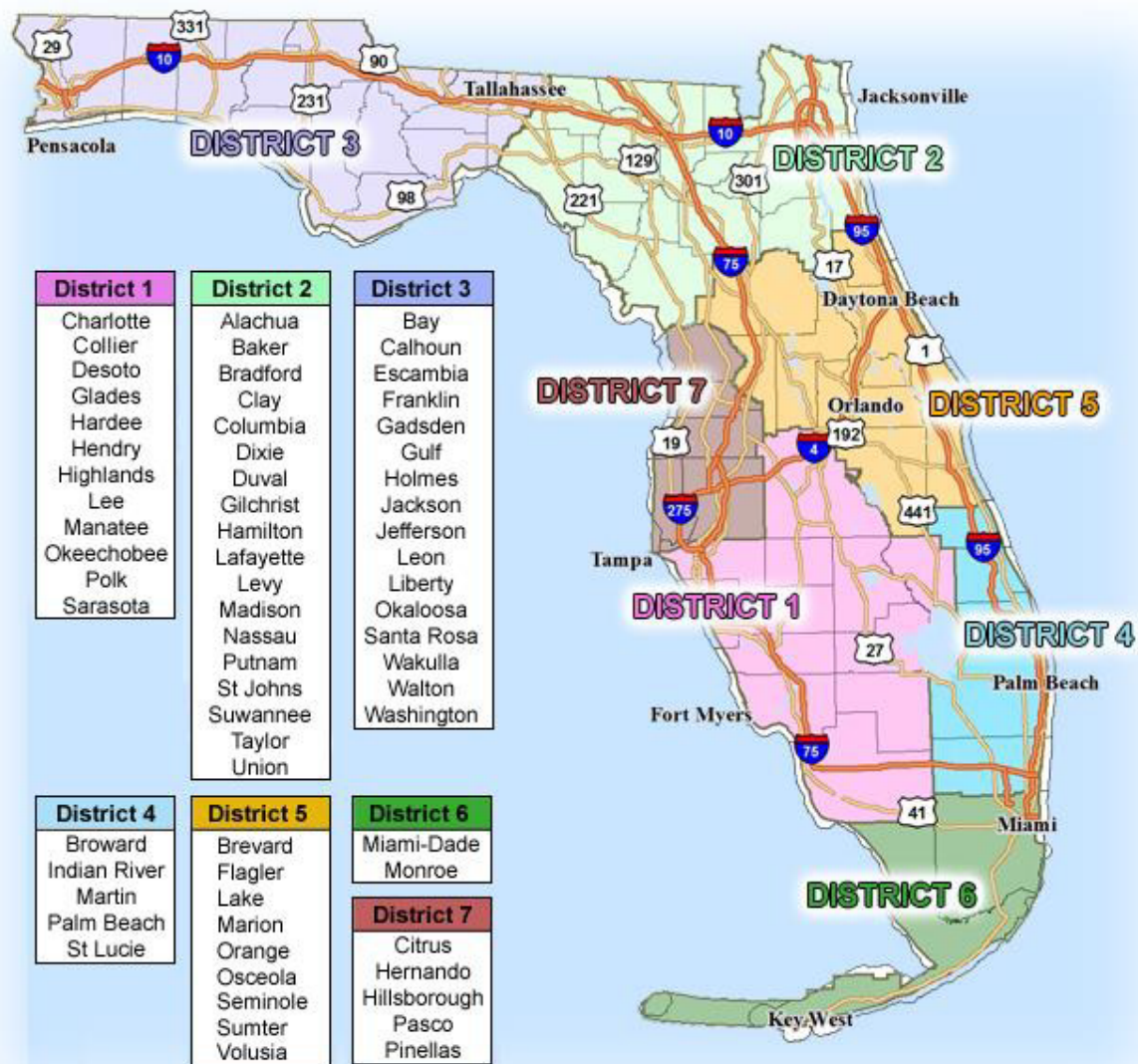
1. Geographic Boundaries of FDOT and FTE
2. As-Built Certification by Professional Engineer Form
3. Transfer Form

U.S. Army Corps of
Engineers Regional
General Permit SAJ-92
FDOT and FTE – Road Infrastructure Projects

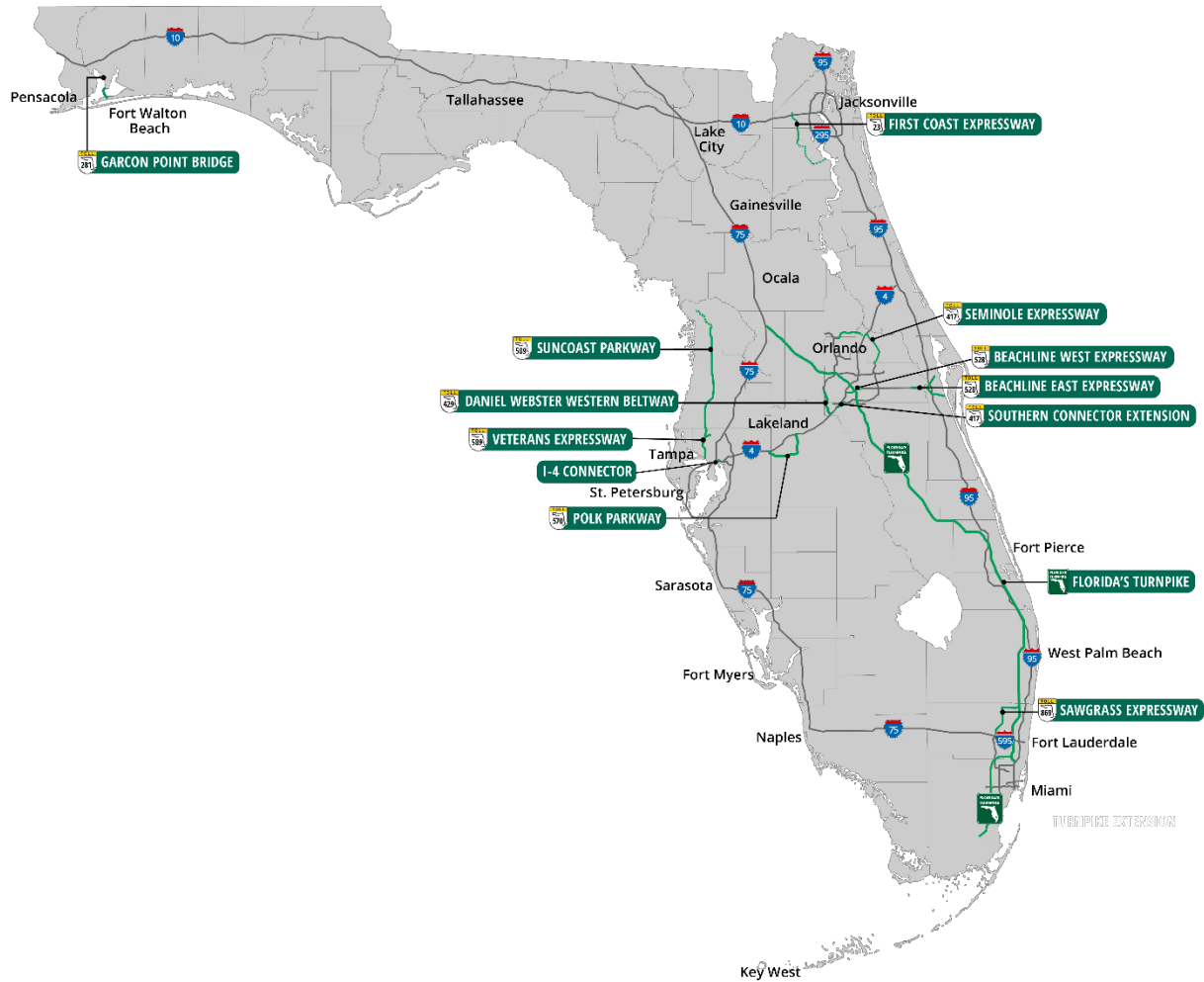
ATTACHMENT 1:

Geographic Boundaries of FDOT and FTE
(2 Pages)

Geographic Boundaries of FDOT



Geographic Boundaries of FTE



U.S. Army Corps of Engineers
Regional General Permit SAJ-92
FDOT and FTE – Road Infrastructure Projects

ATTACHMENT 2:

As-Built Certification by Professional Engineer Form
(2 pages)

AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

*Within sixty (60) days of completion of the authorized work, submit this form and one set of as-built engineering drawings via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, but not to exceed 15 MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019. If you have questions regarding this requirement, please contact the Enforcement Branch at 904-232-3131.*

1. Department of the Army Permit Number: SAJ-YEAR-XXXX(RGP-XXX)

2. Permittee Information:

Name: _____

Address: _____

3. Project Site Identification (physical location/address):

4. As-Built Certification: I hereby certify that the authorized work, including any mitigation required by Special Conditions to the permit, has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

Signature of Engineer

Name (*Please type*)

(FL, PR, or VI) Reg. Number

Company Name

City

State

ZIP

(Affix Seal)

Date

Telephone Number

Date Work Started: _____ Date Work Completed: _____

Identify any deviations from the approved permit drawings and/or special conditions (attach additional pages if necessary):

U.S. Army Corps of Engineers
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FDOT and FTE – Road Infrastructure Projects

ATTACHMENT 3:

Transfer Form
(1 Page)

Transfer Form

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 the permit verification 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)