



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

February 14, 2019

DEPARTMENT OF THE ARMY PERMIT
REGIONAL GENERAL PERMIT (RGP) SAJ-13
SAJ-2005-09320 (RGP-JCP)

AERIAL TRANSMISSION LINES IN FLORIDA

Upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), and Section 404 of the Clean Water Act (33 U.S.C. 1344) general authority is hereby given for activities required for the installation, construction, maintenance, replacement, and repair of aerial transmission and distribution lines over all waters of the United States (WoUS) in the State of Florida. Authority is also given for discharges associated with the construction, maintenance, replacement, and/or repair of electrical substations and access roads for the construction and maintenance of overhead power lines and electrical substations, in non-navigable WoUS in the State of Florida. This authorization is valid subject to the following Special and General Conditions.

SPECIAL CONDITIONS:

1. **Description of Authorized Work:** The work herein authorized includes activities required for the installation, construction, maintenance, replacement, and repair of aerial transmission lines, electrical substations, and access roads for the construction and maintenance of overhead power lines and electrical substations.
2. **Terms and Limits of Fill Material:** The limits of discharge of dredged or fill material authorized by this RGP for the installation, construction, maintenance, replacement, and/or repair is as follows:
 - a. Foundations for overhead transmission line towers, poles, and anchors in all waters of the United States, excluding those areas listed in Special Condition 6, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.
 - b. Electrical substations in non-tidal waters of the United States, excluding areas listed in Special Condition 6 and all non-tidal wetlands adjacent to tidal waters, providing the discharge does not cause the permanent loss of greater than ½ acre of non-tidal waters of the United States.

- c. Access roads in non-tidal waters of the United States, except those areas excluded herein, and all non-tidal wetlands adjacent to tidal waters, for the construction and maintenance of overhead transmission lines and electrical substations, provided the discharge does not result in the permanent loss of greater than 1 acre of waters of the United States per 2-mile segment within waters of the United States. *Note: Access roads shall be the minimum width necessary. Access roads constructed under this permit shall be made of pervious materials such as sand, gravel, limestone, etc. Access roads must be constructed so that the length of the road minimizes the adverse effects on waters of the United States and as near as possible to preconstruction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above preconstruction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows. Access roads used solely for construction of the overhead power line must be removed upon completion of the work and the area restored to preconstruction contours, elevations, and wetland conditions.*
3. **Construction Plans:** No work shall be performed until the applicant submits satisfactory plans for the proposed activity and receives written authorization from the District Engineer.
4. **Clean Fill Material:** Fill material used with a project shall be limited to suitable, clean fill material, which excludes materials such as trash, debris, car bodies, asphalt, construction materials, concrete block with exposed reinforcement bars, and any soils contaminated with any toxic amounts (see Section 307 of the Clean Water Act).
5. **Temporary Impacts:** Areas subject to temporary impacts, such as staging areas, shall be restored to pre-construction contours and planted with suitable native plants, including seed source, saplings, and containerized trees, appropriate for the ecoregion and habitat type impacted.
6. **Exclusion Zones:** No work shall be authorized by this RGP in or over waters of the United States within the following areas:
 - a. Monroe County (including 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);
 - b. Timucuan Ecological and Historical Preserve (Duval County);
 - c. Biscayne Bay National Park Protection Zone (Miami-Dade County);

- d. Guana Tolomato Matanzas National Estuarine Research Reserve (St. Johns and Flagler Counties);
 - e. The St. Lucie Impoundment (Martin County);
 - f. All areas regulated under the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan, located between the St. Lucie Lock (Martin County) and the W.P. Franklin Lock (Lee County);
 - g. The coastal lakes, their outfalls, and/or the shore areas between the lakes and the Gulf of Mexico as depicted on the attached map (Figure 1);
 - h. Lake Miccosukee near Monticello (Jefferson County);
 - i. American crocodile (*Crocodylus acutus*) Critical Habitat;
 - j. Federally-maintained deep-draft navigation channels.
 - k. Everglades National Park;
 - l. Big Cypress National Preserve
 - m. Motorboat prohibited zones, no entry zones, federal manatee sanctuaries, Kings Bay/Crystal River/Homosassa/Salt River system (Citrus County) and canals connected to the waters.
- 7. Threatened and Endangered Species Exclusion and Restriction Zones:** In accordance with Section 7 of the Endangered Species Act (ESA), projects proposed within the following areas cannot be authorized unless separate, project-specific consultation has been concluded with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS), as appropriate:
- a. within ½ mile of an active red-cockaded woodpecker (*Picoides borealis*) colony site;
 - b. in the Atlantic Ocean or Gulf of Mexico or on or contiguous with the Atlantic Ocean or Gulf of Mexico beaches;
 - c. within Gulf sturgeon (*Acipenser oxyrinchus desotoi*) designated critical riverine habitat under the jurisdictional responsibility of the U.S. Fish and Wildlife Service;
 - d. Gulf Sturgeon (*Acipenser oxyrinchus desotoi*) critical habitat migratory restriction zones or Smalltooth Sawfish (*Pristis pectinata*) limited exclusion zones as defined

in JAXBO (reference

<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>);

- e. within the Florida panther (*Puma concolor coryi*) consultation area (reference <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>);
- f. within rivers, identified as habitat for federally listed and candidate species of freshwater mussels (i.e., the Escambia River, Yellow River, Choctawhatchee River, Chipola River, Apalachicola River, Ochlockonee River, Santa Fe and New Rivers, and Econfina Creek (Florida panhandle), the Suwannee River, and their creeks and tributaries); or
- g. within a Core Foraging Area (CFA) of a wood stork rookery and project does not incorporate the wood stork guidelines (see <http://www.saj.usace.army.mil/Missions/Regulatory/Sourcebook.aspx>);

8. NMFS Programmatic Biological Opinion Project Design Criteria (PDCs):

Structures authorized under this RGP must satisfy the PDCs provided (attached) for all activities and structures as stated in the NMFS' U.S. Army Corps of Engineers Jacksonville District Programmatic Biological Opinion, November 2017 (JAXBO). In accordance with the ESA, the Corps will seek individual consultation with the NMFS for all projects that do not comply with the PDCs of JAXBO prior to verification. Please note that failure to comply with the attached PDCs, where a take of listed species occurs, would constitute an unauthorized take, and noncompliance with this RGP. The NMFS is the appropriate authority to enforce the terms and conditions of JAXBO. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division internet webpage in the Endangered Species section of the Sourcebook located at:

<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx> Note: JAXBO may be subject to revision at any time. It is the Corps' intention that the most recent version of these conditions will be utilized during the evaluation of the permit application.

- 9. Wood Stork Effect Determination Key:** Prior to verification of authorization, the dichotomous key titled, *The Corps of Engineers, Jacksonville District, U.S. Fish and Wildlife Service, Jacksonville Ecological Services Field Office, and State of Florida Effect Determination Key for the Wood Stork in Central and North Peninsular Florida, September 2008*; or, as appropriate, *The Corps of Engineers, Jacksonville District, U.S. Fish and Wildlife Service, Jacksonville Ecological Services Field Office, and State of Florida Effect Determination Key for the Wood Stork in South Florida, January 2010* (reference <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>), will be used to

determine potential affects upon wood stork (*Mycteria americana*). Those projects determined to be a “may affect” will not be authorized unless consistent with the Programmatic Consultation, or individual consultation on the project has been re-initiated and concluded with the FWS in accordance with the ESA. Additionally, in accordance with the dichotomous key, 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 with the FWS. *Note: This key may be subject to revision at any time. It is Corps’ intention that the most recent version of this technical tool will be utilized during the evaluation of the permit application.*

10. **Manatee Effect Determination Key:** 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, April 2013* (<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>), will be used to determine potential impacts to manatee (*Trichechus manatus*). Those determined to be a “may affect” to the manatee will not be authorized unless consistent with the Programmatic Consultation or individual consultation on the project has been reinitiated and concluded with the U.S. Fish and Wildlife Service in accordance with the ESA. 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 Corps’ intention that the most recent version of this technical tool will be utilized during the evaluation of the permit application.*
11. **Manatee Construction Conditions:** For projects in, over, and/or under waters accessible to manatees, the permittee will implement the *Standard Manatee Conditions for In-Water Work, 2011* (reference <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>) and/or requirements as appropriate for the proposed activity. *Note: These conditions may be subject to revision at any time. It is Corps’ intention that the most recent version of these conditions will be utilized during the evaluation of the permit application.*
12. **Sea Turtle and Smalltooth Sawfish Construction Conditions:** For projects in waters accessible to sea turtles, smalltooth sawfish (*Pristis pectinata*), Gulf sturgeon (*Acipenser oxyrinchus desotoi*), Atlantic sturgeon (*Acipenser oxyrinchus*), or shortnose sturgeon (*Acipenser brevirostrum*), the permittee will utilize the *Sea Turtle and Smalltooth Sawfish Construction Conditions, March 23, 2006* (reference <http://www.saj.usace.army.mil/Missions/Regulatory/index.htm>) and/or requirements, as appropriate for the proposed activity. *Note: These conditions may be subject to revision at any time. It is Corps’ intention that the most recent version of these conditions will be utilized during the evaluation of the permit application.*

- 13. Eastern Indigo Snake Effect Determination Key:** Prior to verification of authorization, the dichotomous key titled, *Eastern Indigo Snake Programmatic Effect Determination Key (South Florida), Revised August 1, 2017*; or, as appropriate, *Eastern Indigo Snake Programmatic Effect Determination Key (North Florida), August 12, 2013* (reference <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>), will be used to determine potential effects upon eastern indigo snakes (*Drymarchon corais couperi*). Those projects determined to be a “may affect” to eastern indigo snakes will not be authorized unless consistent with the Programmatic Consultation or individual consultation on the project has been re-initiated and concluded with the U.S. Fish and Wildlife Service in accordance with the ESA. 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: This key may be subject to revision at any time. It is Corps’ intention that the most recent version of this technical tool will be utilized during the evaluation of the permit application.* To ensure minimal impacts to eastern indigo snakes, for all projects proposed in eastern indigo snake habitat, the permittee shall implement the *U.S. Fish and Wildlife Service’s Standard Protection Measures for the Eastern Indigo Snake, August 12, 2013* (reference <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>)
- 14. Incidental Take of Endangered Species:** This RGP has been conditioned to protect species and potential critical habitat protected by the ESA. No activity shall be authorized under this RGP which is likely to result in incidental take, or adversely affect a protected species or a species proposed for listing, or destroy or adversely modify critical habitat protected under the ESA. Consultation with the FWS and/or NMFS may be initiated if any work authorized under this RGP is determined to affect the following: 1) any federally-listed threatened or endangered species, including those listed in Attachment 4, or a species proposed for such designation; or, 2) designated critical habitat for these or any other federally-listed threatened or endangered species or habitat proposed to be designated as critical habitat for any federally-listed threatened or endangered species. In the event of incidental take, you must cease work and notify the Corps immediately. No work shall continue or new work commence, until consultation is re-initiated and concluded, in accordance with Section 7, ESA. During Section 7 consultation, any verification under this RGP shall be suspended, and such verification may be revoked or modified, as deemed appropriate to comply with Federal law. Species and protected habitat under the purview of the FWS and NMFS may be obtained by accessing the following sites: <https://ecos.fws.gov/ipac/>
<https://www.fisheries.noaa.gov/species-directory>

15. **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, 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.

16. **Aerial Transmission Line Clearance Criteria:** Aerial transmission lines shall meet the U.S. Army Corps of Engineers clearance criteria as described in 33 CFR, Part 322.5(i)(1), (2), (3), and (4). This clearance does not apply in the case of a lift bridge. Minimum clearance for lift bridges will be determined on a case-by-case basis.

- a. The minimum clearance* (see NOTE in b.) 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 U.S. Coast Guard 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.
- b. 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	Minimum Clearance
<u>Voltage (kV)</u>	<u>Above Bridge Clearance (As Established by the USCG)</u>
115 and below	20 feet
138	22
161	24
230	26
350	30
500	35
700	42
750 to 765	45

*NOTE: Minimum 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 (MHW) of the navigable waters of the US beneath the bridge.

- 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 US Army Corps of Engineers in order to determine the minimum clearance between the line and MHW necessary to protect navigational interests.

17. Notification of Unmarked Utilities: 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, unless the permittee is the same entity as the owner(s) or operator(s).

18. Prohibition on Severing Jurisdiction: No project will be authorized under this RGP if the proposed fill activity will result in upstream waters of the United States being removed from Federal jurisdiction.

19. Compensatory Mitigation: Compensatory mitigation for unavoidable permanent impacts to waters of the United States may be required at the discretion of the Corps. To offset lost wetland and other aquatic resource functions, appropriate mitigation, including purchase of credits at a federally-approved mitigation bank, may be accepted. Mitigation undertaken at a federally-approved mitigation bank will be assessed using a minimum ratio of 1:1 (impact acreage: credit) or an appropriate functional assessment method (e.g., Uniform Mitigation Assessment Methodology (UMAM)) in accordance with the guidelines found in the Final Compensatory Mitigation Rule (33 CFR 332), which can be accessed at: www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx

Waters of the United States temporarily affected by filling, flooding, excavation, or drainage, where the project area is restored to preconstruction contours and elevation, are not included in the calculation of permanent loss of waters of the United States. This includes temporary construction mats (e.g., timber, steel, geotextile) used during construction and removed upon completion of the work. Where certain functions and values of waters of the United States are permanently adversely affected, such as the conversion of a forested wetland to an herbaceous wetland in the aerial transmission line right-of-way, mitigation will be required to reduce the adverse effects of the project to the minimal level.

20. Turbidity Control: Turbidity control measures, including best management practices, shall be used throughout construction to control erosion and siltation to

ensure there are no violations of State Water Quality Standards as established in sections 62-4.242 and 62-4.244 of the Florida Administrative Code and Chapters 62-302, 62-520, 62-522, and 62-550 of the Florida Administrative Code.

Reduction and/or elimination of turbid water conditions and the erosion of disturbed or filled areas in adjacent water bodies and wetlands are to be achieved through the use of silt curtains, silt screens, or other appropriate erosion control measures, between the construction area and wetlands or surface waters, during periods of fill placement and construction. Such devices shall be properly maintained until such time as those disturbed areas become sufficiently stabilized by natural recruitment of vegetation or other measures.

21. **Water Quality Certification and Coastal Zone Management Consistency:** The Florida Department of Environmental Protection, under Section 373.069, F.S., has provided the applicable Water Quality Certification (WQC), and Coastal Zone Consistency Concurrence (CZCC) upon compliance with all permit conditions. WQC is waived for activities authorized under this RGP that qualify for an exemption under Section 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.
22. **National Oceanic Atmospheric Administration (NOAA) Notification of Utilities over Navigable Waters:** Where the proposed aerial transmission line is to be installed over navigable waters of the United States, at least two weeks prior to the start of the authorized work, the permittee must notify 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, or by e-mail to ocs.ndb@noaa.gov. The post-construction notification will include "as-built plans", signed and sealed by a registered surveyor/engineer licensed in the State of Florida, that certify the project is constructed as authorized; and, must include an accurate depiction of the location and configuration of the completed activity in relation to the mean high water of the navigable water.
23. **Wild and Scenic Rivers:** Work authorized under this RGP must be designed and constructed to avoid or mitigate any adverse effects to rivers listed in the National Rivers Inventory which are protected under the Wild and Scenic Rivers Act and subject of the August 2, 1979 Presidential Memorandum. Work that could adversely affect (i.e., alter, or otherwise threaten the protection and conservation of) these systems shall be coordinated with the National Park Service and such coordination shall be concluded prior to any verification under this RGP. The National Rivers Inventory list and consultation instructions may be obtained at the following website: <https://www.nps.gov/ncrc/programs/rtca/nri/index.html>

24. 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.
- b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and 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), the Permittee shall immediately stop all work in the vicinity and notify the Corps. The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.
- c. A cultural resources assessment may be required of the permit area, if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 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 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO and the Corps.
- d. 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 in the vicinity shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist. The Corps shall then notify the appropriate SHPO and THPO(s). 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. Such activity shall not resume without written authorization from the State Archeologist, SHPO, and the Corps.
- e. 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 in the vicinity shall immediately cease and the Permittee immediately notify the Corps. The Corps shall then notify the appropriate THPO(s) 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 CFR Part 325.7. After such notification, project activities on federal lands shall not resume without written authorization from the Corps, and/or appropriate THPO(s), SHPO, and federal manager. After such notification, project activities on tribal lands shall not resume without written authorization from the appropriate THPO(s) and the Corps.

- 25. Tribal Coordination:** Coordination with Federally recognized Tribes (e.g., Miccosukee Tribe of Indians of Florida, Seminole Tribe of Florida) is required prior to verification of any activity or work authorized by this RGP when such work would occur adjacent to, or on, Tribal lands. Projects or work proposed adjacent to, or on, tribal lands shall require review for any impacts of the proposed work to Tribal trust resources prior to verification. No verification under this RGP shall be made until coordination with the appropriate Tribe(s) has been concluded.
- 26. Prohibition on Altering Stream Flow:** This permit does not authorize stream channelization or the bank-to-bank filling, relocating, and/or culverting of perennial or intermittent streams. The authorized activities must not increase flooding or negatively impact the pre-project hydraulic flow characteristics or water quality of any affected stream.
- 27. Reporting Address:** The Permittee shall submit all construction notifications, compliance documentation and any other correspondence required by the general and special conditions of this permit to the following address. The Permittee shall reference this permit number, SAJ-2005-09320 (RGP-JCP), on all submittals.
- a. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Special Projects and Enforcement Branch, PO Box 4970, Jacksonville, Florida 32232.
 - b. For electronic mail: SAJ-RD-Enforcement@usace.army.mil (Submittals shall not exceed 10 MB).
- 28. Discretionary Authority:** Conformance with descriptions and quantities contained herein does not necessarily guarantee authorization under this regional general permit. The District Engineer reserves the right to require that any request for authorization under this regional general permit be evaluated as an individual permit.
- 29. Ability to Rescind or Revoke Authorization:** Authorization under this regional general permit may be rescinded or revoked at any time if the information provided by the applicant in support of the permit application proves to have been false, incomplete, or inaccurate.

30. **Hold Harmless:** The permittee shall defend and hold the Government harmless from any and all claims by reason of the placement and installation of subaqueous transmission lines authorized by this permit.
31. **Assurance of Navigation:** 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.
32. **Modification or Alteration of Federal Projects:** In order to assure that this RGP does not impair the usefulness of existing Corps projects and that it is not injurious to the public, the following special conditions are made part of this RGP:
- a. All work and structures that may impact a federal project will require verification that the non-federal sponsor concurs with the proposed work. This could be in the form of an endorsement letter or a 408 request, which indicates that the non-federal sponsor does not object to the proposed project.
 - b. All transmission poles, guy-wire anchoring, junction boxes, pads, or other associated structures must be a minimum of 50 lateral feet from the dam toe, 15 lateral feet from the levee toe, and 15 lateral feet from the canal top of bank of any existing Corps project.
 - c. The minimum clearance for aerial lines as noted in Special Condition 16 of this RGP.
 - d. On all navigable waters of the US, as defined in 33 CFR Part 329, 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 transmission line(s) and mean high water elevation necessary to protect navigational interests.
 - e. All projects over a Federal flood risk reduction or navigation channel will be required to provide at the completion of work, an as-built survey showing the horizontal and vertical location (X-Y-Z coordinates in NAD 83 and NAVD 88, as applicable) of the object above 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.

- f. Evaluation of applications for aerial transmission line crossings of levees, dikes, dams, or other water retaining structures and crossings over deep draft federal navigation projects will require case specific review and approval pursuant to 33 U.S.C. 408 prior to authorization under this RGP. Aerial transmission line crossings, proposed in all Federal canals with Federal levees, will require project specific approval for compliance with 33 U.S.C. 408 from the U.S. Army Corps of Engineers prior to receiving authorization under this RGP. Once, the project specific approval under 33 U.S.C. 408 has been received, and all other conditions of the permit have been met, a permit verification letter may be issued.
- g. Work and structures crossing federal projects that are not in compliance with the above criteria, shall not be eligible for authorization under this RGP 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, or the Chief of EN, per the Delegation of Authority Certification for Small and Low Impact Section 408 Approvals, dated 10 October 2018.
- h. A portion of the authorized work may be located within the Federal right-of-way for an identified Federal project and would require a Department of the Army Consent to Easement (CTE). Prior to commencement of construction within the right-of-way of a Federal project, the Permittee shall receive written confirmation from the Real Estate Division, U.S. Army Corps of Engineers, Jacksonville or Mobile District, as appropriate, that a CTE is being processed. Confirmation may be obtained by submitting your request to real estate via the following addresses:

Jacksonville District (all of Florida east of the Aucilla River)
Email box: repermittssaj.cesaj@usace.army.mil
Phone: (904) 570-4514

Mobile District (from Escambia County east to the Aucilla River)
Address: US Army Corps of Engineers
Mobile District
Real Estate Division
P.O. Box 2288
Mobile, AL 36628
Phone: (770) 904-3254

Confirmation from the Real Estate Division shall suffice for the purpose of regulatory permitting and allow for commencement of construction of the

authorized activity prior to receipt of the CTE.

- 33. 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" form (Attachment) to the Corps. The as-built drawings shall be signed and sealed by a registered professional engineer and include the following:
- a. A plan view drawing of the location of the authorized work footprint, as shown on the permit drawings, with transparent overlay of the work as constructed in the same scale as the permit drawings on 8½-inch by 11-inch sheets. The plan view drawing should show all "earth disturbance," including wetland impacts and water management structures.
 - 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. Include the Department of the Army permit number on all sheets submitted.
- 34. General Conditions:** The permittee shall perform all work and subsequent actions in accordance with the attached general conditions.

35. **RGP Expiration:** This RGP 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, in conjunction with the Federal resource agencies, will conduct annual reviews to ensure that continued use of the permit during the 5-year authorization period is not contrary to the public interest. If this RGP 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 this RGP will remain in effect provided the activity is completed within 12 months of the date this RGP expired or was revoked.

BY AUTHORITY OF THE SECRETARY OF THE ARMY



for Andrew D. Kelly Jr.
Colonel, U.S. Army
District Commander

Enclosures:

GENERAL CONDITIONS
33 CFR PART 320-330

1. The time limit for completing the work authorized ends on the **dates identified in the letter.**
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 of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representative 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