JACKSONVILLE DISTRICT NATIONWIDE PERMITS

Summary of Applicability, Limits, State and Tribal Certifications, and Regional Conditions

March 29, 2012

Type of Nationwide Permit | Applicable Waters | Acreage & Linear Limits | PCN Threshold and/or Requirements | Coordination Req’d | WQC FL | CZM FL | WQC PR | CZM PR | WQC VI | CZM VI | WQC STF | CZM STF | WQC MTIF | CZM MTIF | GENERAL CONDITIONS
---|---|---|---|---|---|---|---|---|---|---|---|---|---|---

1. Aids to Navigation (10) | Navigable | NA | Regional Condition #9 | No | NA | Yes* | 1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and, as applicable, Chapters 597 and 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 the NWP that qualify for an exemption under s. 403.8131(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 under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities, as well as for aquaculture certificates issued by the Florida Department of Agriculture and Consumer Services under s. 597.004, 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, Chapters 597 and 258, F.S., and the rules of the F.A.C. adopted therewith. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (CZM-FL)
2. Structures in Artificial Canals (10) | Artificial Canals | NA | Regional condition #9 | No | NA | Yes* | 1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and, as applicable, Chapters 597 and 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 the NWP that qualify for an exemption under s. 403.8131(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 under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities, as well as for aquaculture certificates issued by the Florida Department of Agriculture and Consumer Services under s. 597.004, 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, Chapters 597 and 258, F.S., and the rules of the F.A.C. adopted therewith. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (CZM-FL)

NOTE: U.S. Army Corps of Engineers (Corps) Regional Conditions are Jacksonville District conditions and have (COE) beside the condition. All others are special conditions attached to Water Quality Certification or Coastal Zone Consistency. A Nationwide permit cannot be used in an exclusion area designated by the Corps (COE). Exclusion areas attached to WQC/CZM are denied without prejudice until individual WQC/CZM is received. Where technical notes, guidelines, etc. are referenced in the regional conditions below, these documents may be subject to revision at any time. It is our intention that the most recent version of these conditions shall be utilized during the evaluation of the permit application.

1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and, as applicable, Chapters 597 and 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 the NWP that qualify for an exemption under s. 403.8131(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 under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities, as well as for aquaculture certificates issued by the Florida Department of Agriculture and Consumer Services under s. 597.004, 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, Chapters 597 and 258, F.S., and the rules of the F.A.C. adopted therewith. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (CZM-FL)
2. In Florida, prior to installation of aids to navigation and other water dependent informational signs, the permittee must have the appropriate authorization required from the U.S. Coast Guard and the Florida Fish and Wildlife Conservation Commission. (CZM-FL)
3. Aids to navigation may not be located on tribal lands or in tribal waters without prior written approval from the Seminole Tribe of Florida. (WQC-STF)
4. Excluded from all navigable waters within the boundaries of the Florida Keys National Marine Sanctuary, except when NWP 1 is used by the Sanctuary in carrying out its mandate. (COE)
5. Excluded within the boundaries of Designated Marine Reserves, Marine Protected Areas, or Parks in the Antilles, except when used within those areas by the local or federal agency responsible for the management of those areas. (COE)
6. In Florida and Puerto Rico, for projects in WOTUS accessible to manatees, the permittee shall utilize the "Standard Manatee Conditions For In-Water Work" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)
7. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)
8. In the Jacksonville District placement of aids to navigation cannot cause adverse impacts to coral assemblages. (COE)
9. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE)
10. PCN in the Antilles in designated critical habitat for Acropora spp. (COE)

See Last Page for List of Acronyms and Definitions.
Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions

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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 NWP 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 under 33 C.F.R. § 325.20(2) may reject CZCC for those 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 shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (CZM-FL)

A structure may not be located on tribal lands or in tribal waters without prior written approval from the Seminole Tribe of Florida. (WQC-STF)

3. Structures are limited to private, single-family docks/piers, and/or mooring pilings, davits, and boat lifts on lands owned by the Seminole Tribe of Florida. (WQC-STF)

4. Excluded from all navigable waters within the boundaries of the Florida Keys. (COE)

5. In Florida, other than the Florida Keys, this NWP is limited to the installation and removal of individual, single family docks/piers and/or mooring pilings, davits, and boat lifts at single-family residences. (COE)

6. All dock or pier construction over submerged aquatic vegetation, marsh, and/or mangroves shall comply with the 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 - August 2001,” and where applicable, the “Key for Construction Conditions for Docks or Other Minor Structures Constructed in or Over Johnson’s seagrass (Halophila johnsonii) National Marine Fisheries Service/U.S. Army Corps of Engineers - February 2002.” (See http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) (COE)

7. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the “Sea Turtle and Smalltooth Sawfish Construction Conditions” (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)

8. In Florida and Puerto Rico, PCN required for projects in waters accessible to manatees. (COE)

9. PCN in Puerto Rico shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE)

See Last Page for List of Acronyms and Definitions
Regional Conditions
March 29, 2012

JACKSONVILLE DISTRICT NATIONWIDE PERMITS
Summary of Applicability, Limits, State and Tribal Certifications, and
Regional Conditions

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Applicable Waters
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PCN Threshold and/or Requirements
Coordination Req’d
WQC C FL
CZM FL
WQC PR
CZM PR
WQC VI
CZM VI
WQC MTIF
WQC C VI

GENERAL CONDITIONS
Permittee must satisfy all applicable general conditions. General Condition #22 restrictions are noted below.

Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions

NOTE: U.S. Army Corps of Engineers (Corps) Regional Conditions are Jacksonville District conditions and have (COE) beside the condition. All others are special conditions attached to Water Quality Certification or Coastal Zone Consistency. A Nationwide permit cannot be used in an exclusion area designated by the Corps (COE). Exclusion areas attached to WQC/CZM are denied without prejudice until individual WQC/CZM is received. Where technical notes, guidelines, etc. are referred to in the regional conditions below, these documents may be subject to revision at any time. It is our intention that the most recent version of these conditions shall be utilized during the evaluation of the permit application.

3. Excluded from use in the Antilles if the structure is within 100 feet of the near edge of a Federal channel. (COE)
4. In Florida PCN required for projects proposed adjacent to Federally maintained channels. No structures, including mooring piles, authorized under this Nationwide Permit shall be within the established 100’ setback, calculated from the near bottom edge of the channel. The setback may vary between different Federal channels and between specific reaches of the same Federal channel. Exact locations of the proposed work may be verified by use of Florida State Plane Coordinate System (XY coordinates). Any activity within Federal rights-of-way may require the permitting to enter into a consent-to-easement with the Real Estate Division, U.S. Army Corps of Engineers, Jacksonville or Mobile District, as appropriate, prior to the commencement of any construction activity. (COE)
5. PCN required prior to start of any work in the Florida Keys, any activity proposed within submerged aquatic vegetation, tidal wetlands, and/or coral assemblages anywhere in the Jacksonville District, or any work located in the Coastal Zone of the Antilles, including the areas listed in Notes 1 and 2 below. The PCN shall be submitted in accordance with General Condition 31. (COE)
6. For all work in the Parguera area and Culebra Island, in the Commonwealth of Puerto Rico, the permittee must submit a PCN to the District Engineer prior to commencing the activity, in accordance with General Condition 31. Reconstruction of structures within La Parguera will not be allowed under this nationwide permit. (COE)
7. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE)
8. In Florida and Puerto Rico, PCN required for projects in waters accessible to manatees. (COE)
9. In Florida, PCN required for projects proposed within critical habitat for the smalltooth sawfish. (COE)
10. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the “Sea Turtle and Smalltooth Sawfish Construction Conditions” (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)

3. Fish and All None Regional If over ½ acre of
Wildlife at None Habitat
3

4. Fish and All None Regional If over ½ acre of
Wildlife at None Habitat
3

1. In Florida, activities qualifying for this Nationwide general permit (NWP) 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 NWP 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 under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities, as well as for aquaculture certificates issued by the Florida Department of Agriculture and Consumer Services under s. 597.004, by operation of s. 380.29(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL)
2. Dredging of sediments is not authorized (except if approved under Condition 1), except for recreational, commercial, aquaculture broodstock collection, scientific research, education, and exhibition harvesting activities authorized pursuant to Chapter 379, F.S., and/or Title 68, Florida Administrative Code, (WQC/CZM-FL)
3. In Florida, aquaculture projects must be certified pursuant to s. 597.004, F.S., and, if applicable, have obtained a submerged land lease pursuant to Chapter 253, F.S. (WQC/CZM-FL)
4. In Florida and the adjacent EEZ, the placement of any type of surface or subsurface fish aggregating devices (FADS) is prohibited for all but research purposes. (WQC/CZM-FL)
5. In Florida and Puerto Rico, PCN required for structures proposed in waters accessible to manatees. (COE)
JACKSONVILLE DISTRICT NATIONWIDE PERMITS
Summary of Applicability, Limits, State and Tribal Certifications, and Regional Conditions
March 29, 2012

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5. **Scientific Measurement Devices**
(10/404)
- All 25cy for None If over ½ acre of WOTUS will be lost

1. In Florida, activities qualifying for this Nationwide general permit (NWP) 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, Chapters 597 and 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 NWP that qualify for an exemption under s. 403.813(1), or s. 403.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities, as well as for aquaculture certificates issued by the Florida Department of Agriculture and Consumer Services under s. 597.004, by operation of s. 380.237(1), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL)
2. In Florida and the adjacent EEZ to Florida, this NWP is excluded from use for any activity in, anchored or otherwise affixed in, or in proximity to live/ hard-bottom communities or NOAA-designated coral or deepwater coral Habitat Areas of Particular Concern (HAPC). (WQC/CZM-FL)
3. The maximum size of the measurement device and associated structures shall not exceed 1000 sq. feet, and the structure shall be used exclusively for purposes associated with scientific measurement unless authorized by the applicable permit under Condition 1. (WQC/CZM-FL)
4. A structure may not be located on tribal lands or in tribal waters without prior written approval from the Seminole Tribe of Florida. (WQC-STF)
5. A structure may not be located on the sea bed of the Florida Keys without prior approval from NOAA Florida Keys National Marine Sanctuary. (COE)
6. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the “Sea Turtle and Smalltooth Sawfish Construction Conditions” (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)
7. In Florida and Puerto Rico, for projects in WOTUS accessible to manatees, the permittee shall utilize the “Standard Manatee Conditions For In-Water Work” (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)

6. **Survey Activities**
(10/404)
- All None Regional Condition #8

1. In Florida, activities qualifying for this Nationwide general permit (NWP) 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, Chapters 597 and 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 NWP that qualify for an

See Last Page for List of Acronyms and Definitions
### Type of Nationwide Permit

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### GENERAL CONDITIONS

Permittee must satisfy all applicable general conditions. General Condition #22 restrictions are noted below.

### Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Special Conditions

#### NOTE:

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#### Outfall

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#### Discharges not authorized in designated Critical Resource Waters and/or their adjacent wetlands.

1. In Florida, activities qualifying for this Nationwide general permit (NWP) 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, Chapters 597 and 258, F.S. Such permit issued by the Department of Environmental Protection, a water management district under s. 373.009, 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 the NWP 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 under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities, as well as for aquaculture certificates issued by the Florida Department of Agriculture and Consumer Services under s. 597.004, 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, Chapters 597 and 258, F.S., and the rules of the F.A.C. adopted thereunder.

The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL)

2. Seismic exploratory devices are not authorized within the limits of the Everglades as defined in Sections 403.031(13)(a) and (b), F.S., and the Big Cypress and Water Conservation Areas 1, 3A, 2B, 3 and 3A. (WQC/CZM-FL)

Activities involving surveying for oil and gas exploration or production shall be performed in accordance with an applicable permit from DEP’s Bureau of Mining and Minerals Regulation. (WQC/CZM-FL)

3. No survey may be located on tribal lands or in tribal waters without prior written approval from the Seminole Tribe of Florida. (WQC-STF)

5. Seismic exploratory activities on tribal lands or in tribal waters are not authorized without prior written approval from the Seminole Tribe of Florida. (WQC-STF)

6. Survey activities on tribal lands or in tribal waters using ground penetrating radar are not authorized without prior written approval from the Seminole Tribe of Florida. (WQC-STF)

7. Survey activities on tribal lands or in tribal waters using isotope technology are not authorized. (WQC-STF)

8. In the Jacksonville District, PCN required for seismic exploratory activities in WOTUS accessible to manatees, Gulf sturgeon, shortnose sturgeon, swimming sea turtles, smalltooth sawfish, or whales. (COE)

9. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the “Sea Turtle and Smalltooth Sawfish Construction Conditions” (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)

10. A structure may not be located on the sea bed of the Florida Keys without prior approval from NOAA Florida Keys National Marine Sanctuary. (COE)

11. In Florida and Puerto Rico, for projects in WOTUS accessible to manatees, the permittee shall utilize the “Standard Manatee Conditions For In-Water Work” (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)

12. Discharges not authorized in designated Critical Resource Waters and/or their adjacent wetlands.

5. Outfall Structures and Associated Structures (3/404)

All | None | All activities | If over ½ acre WOTUS will be lost | Yes | Yes |

22. Discharges not authorized in designated Critical Resource Waters and/or their adjacent wetlands.

See Last Page for List of Acronyms and Definitions

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JACKSONVILLE DISTRICT NATIONWIDE PERMITS

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**NOTE:** U.S. Army Corps of Engineers (Corps) Regional Conditions are Jacksonville District conditions and have (COE) beyond the condition. All others are special conditions attached to Water Quality Certification or Coastal Zone Consistency. A Nationwide permit cannot be used in an exclusion area designated by the Corps (COE). Exclusion areas attached to WQC/CZM are denied without prejudice until individual WQC/CZM is received. Where technical notes, guidelines, etc. are referenced in the regional conditions below, these documents may be subject to revision at any time. It is our intention that the most recent version of these conditions shall be utilized during the evaluation of the permit application.

2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE)

3. In the Antilles, this NWP is excluded from use in coral assemblages, forested wetlands, salt flats, and/or submerged aquatic or tidal vegetation. (COE)

4. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the “Sea Turtle and Smalltooth Sawfish Construction Conditions” (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)

5. In Florida and Puerto Rico, for projects in WOTUS accessible to manatees, the permittee shall utilize the “Standard Manatee Conditions For In-Water Work” (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)

6. Oil and Gas Structures on the Outer Continental Shelf (10)

7. Structures in Fleeting and Anchorage Areas (10)

8. Mooring Buoys (10)

See Last Page for List of Acronyms and Definitions
### Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions

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### General Conditions

Permittee must satisfy all applicable general conditions. General Condition #22 restrictions are noted below.

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<tr>
<td>11. Non-tidal Recreational Structures (#10)</td>
<td>Navigable</td>
<td>None</td>
<td>Regional Condition #2</td>
<td>No</td>
<td>NA</td>
<td>Yes*</td>
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<tr>
<td>12. Utility</td>
<td>Non-tidal</td>
<td>½ acre</td>
<td>If over ½</td>
<td>Yes*</td>
<td>Yes*</td>
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1. In Florida, activities qualifying for this Nationwide general permit (NWP) 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 therefor, and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP 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 under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities, as well as for aquaculture certificates issued by the Florida Department of Agriculture and Consumer Services under s. 597.004, by operation of s. 380.237, F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapters 258 and 256, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (CZM-FL)

2. In Florida and Puerto Rico, for projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the “Sea Turtle and Smalltooth Sawfish Construction Conditions” (see [http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm](http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm)) and/or requirements, as appropriate for the proposed activity. (COE)

3. In Florida, activities qualifying for this Nationwide general permit (NWP) 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 therefor, and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP 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 under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.237(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 shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (CZM-FL)

4. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the “Sea Turtle and Smalltooth Sawfish Construction Conditions” (see [http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm](http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm)) and/or requirements, as appropriate for the proposed activity. (COE)

5. A structure may not be located on the sea bed of the Florida Keys without prior approval from NOAA Florida Keys National Marine Sanctuary. (COE)

6. Excluded within the boundaries of Designated Marine Reserves, Marine Protected Areas, or Parks in the Antilles, except when used within those areas by the local or federal agency responsible for the management of those areas. (COE)

7. *See Last Page for List of Acronyms and Definitions*
Type of Nationwide Permit | Applicable Waters | Acreage & Linear Limits | PCN Threshold and/or Requirements | Coordination Required | WQC | CZM | CZM | WQC | CZM | WQC | CZM | WQC | MTIF | GENERAL CONDITIONS
---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---
Line Activities (10/404) | Utility lines and foundations for overhead utility line towers, poles, and anchors. | Section 10; Regional Conditions #2, #5, #6, #7, #12, #13 | acre of WOTUS will be lost. | authorized in Designated Critical Resource Waters and/or their adjacent wetlands. | NOTE: U.S. Army Corps of Engineers (Corps) Regional Conditions are Jacksonville District conditions and have (COE) beside the condition. All others are special conditions attached to Water Quality Certification or Coastal Zone Consistency. A Nationwide permit cannot be used in an exclusion area designated by the Corps (COE). Exclusion areas attached to WQC/CZM are denied without prejudice until individual WQC/CZM is received. Where technical notes, guidelines, etc. are referenced in the regional conditions below, these documents may be subject to revision at any time. It is our intention that the most recent version of these conditions shall be utilized during the evaluation of the permit application.

Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions
1. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the “Sea Turtle and Smalltooth Sawfish Construction Conditions” (see 8 See Last Page for List of Acronyms and Definitions

Regional Conditions

- Coordinating with the District Engineer prior to commencing the activity, in accordance with General Condition 31. The PCN must contain plans and drawings, a description of all WOTUS impacted by the project, amount of water to be withdrawn in MGDs, and minimum in-stream flows in MGDs after water extraction, Q99. (COE)
- PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE)
- In the Antilles, this NWP is excluded from use in forested wetlands, submerged aquatic vegetation, tidal wetlands, and/or coral assemblages. (COE)
- In Florida, PCN required prior to the start of any activity proposed within submerged aquatic vegetation, tidal wetlands, and/or coral assemblages. (COE)
- PCN required for projects in the following rivers, creeks, and their tributaries: Escambia River, Yellow River, Choctawhatchee River, Chipola River, Apalachicola River, Ochlockonee River, Santa Fe and New Rivers, and Econofina Creek. (COE)
- In Florida, PCN required for projects in WOTUS accessible to the Florida panther. (COE)
- Aerial transmission lines must meet the U.S. Army Corps of Engineers clearance criteria as described in 33 CFR, Part 322.5(1)(1), (2), (3), and (4). (COE)
- Excluded from use in or under all Federal channels with design depths greater than 14 feet (COE)
- In the Jacksonville District, all subaqueous utility and/or transmission lines authorized by this general permit must be installed a minimum of 14 feet below the authorized depth of any Federal 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. (COE)
- 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 National Oceanic 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, attention Regulatory Division, and NOAA, at Silver Spring, MD 20910-3282. This notification shall include “as-built plans,” signed and sealed by a registered surveyor/engineer licensed in the State of Florida, Commonwealth of Puerto Rico, or Territory of U.S. Virgin Islands, as appropriate, that certify the project is constructed as authorized, and must include an accurate (within plus or minus 1 foot) depiction of the location and configuration of the completed activity in relation to the mean high water of the navigable water. (COE)
- In Florida and Puerto Rico, PCN required for projects in waters accessible to manatees. (COE)
- In Florida, PCN required for projects proposed within critical habitat for the smalltooth sawfish. (COE)
- For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the “Sea Turtle and Smalltooth Sawfish Construction Conditions” (see 8 See Last Page for List of Acronyms and Definitions
### Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions

**General Conditions**
- Permittee must satisfy all applicable general conditions.
- General Condition #22 restrictions are noted below.

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#### March 29, 2012

**Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions**

**NOTE:** U.S. Army Corps of Engineers (Corps) Regional Conditions are Jacksonville District conditions and have (COE) beside the condition. All others are special conditions attached to Water Quality Certification or Coastal Zone Consistency. A Nationwide permit cannot be used in an exclusion area designated by the Corps (COE). Exclusion areas attached to WQC/CZM are denied without prejudice until individual WQC/CZM is received. Where technical notes, guidelines, etc. are referenced in the regional conditions below, these documents may be subject to revision at any time. It is our intention that the most recent version of these conditions shall be utilized during the evaluation of the permit application.

**http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm** and/or requirements, as appropriate for the proposed activity. (COE)

1. In Florida, activities qualifying for this Nationwide general permit (NWP) 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, Chapters 597 and 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 the NWP that qualify for an exemption under s. 403.8131(1), or s. 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 under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities, as well as for aquaculture certificates issued by the Florida Department of Agriculture and Consumer Services under s. 597.004, 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, Chapters 597 and 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM/FL)

2. Excluded from use in the Florida Keys. (COE)

3. PCN required for all activities under this NWP in the Antilles. (COE)

4. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE)

5. PCN required for all activities under this NWP in the Antilles. (COE)

6. In Florida, PCN required for projects proposed adjacent to Federally maintained channels. No structures, including mooring piles, authorized under this Nationwide Permit shall be within the established 100’ setback, calculated from the near bottom edge of the channel. The setback may vary between different Federal channels and between specific reaches of the same Federal channel. Exact locations of the proposed work may be verified by use of Florida State Plane Coordinate System (XY coordinates). Any activity within Federal rights-of-way may require the permittee to enter into a consent-to­easement with the Real Estate Division, U.S. Army Corps of Engineers, Jacksonville or Mobile District, as appropriate, prior to the commencement of any construction activity. (COE)

7. PCN required for projects in the following rivers, creeks, and their tributaries: Escambia River, Yellow River, Shoal River, Choctawahatchee River, Chipola River, Apalachee River, Ochlockonee River, Santa Fe and New Rivers, and Econfina Creek. (COE)

8. In Florida, PCN required for projects proposed within critical habitat for the smalltooth sawfish. (COE)

9. In Florida and Puerto Rico, PCN required for projects in waters accessible to manatees. (COE)

10. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)

### Jacksonville District Nationwide Permits

**Coordination Req’d**

**Summary of Applicability, Limits, State and Tribal Certifications, and/or Requirements:**

- **Acreage & Linear Limits**
- **Applicable Waters**
- **Regional Conditions**
- **Type of Nationwide Permit**
- **PCN Threshold and/or Requirements**
- **Coordination Req’d**
- **WQC FL**
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2. Excluded from use in the Florida Keys. (COE)

3. PCN required for all activities under this NWP in the Antilles. (COE)

4. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE)

5. Excluded from use in the Antilles if the structure is within 100 feet of the near edge of a Federal channel (COE)

6. In Florida, PCN required for projects proposed adjacent to Federally maintained channels. No structures, including mooring piles, authorized under this Nationwide Permit shall be within the established 100’ setback, calculated from the near bottom edge of the channel. The setback may vary between different Federal channels and between specific reaches of the same Federal channel. Exact locations of the proposed work may be verified by use of Florida State Plane Coordinate System (XY coordinates). Any activity within Federal rights-of-way may require the permittee to enter into a consent-to­easement with the Real Estate Division, U.S. Army Corps of Engineers, Jacksonville or Mobile District, as appropriate, prior to the commencement of any construction activity. (COE)

7. PCN required for projects in the following rivers, creeks, and their tributaries: Escambia River, Yellow River, Shoal River, Choctawahatchee River, Chipola River, Apalachee River, Ochlockonee River, Santa Fe and New Rivers, and Econfina Creek. (COE)

8. In Florida, PCN required for projects proposed within critical habitat for the smalltooth sawfish. (COE)

9. In Florida and Puerto Rico, PCN required for projects in waters accessible to manatees. (COE)

10. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)

11. Linear Tidewater Waters (10/404)

12. Non-tidal Tidal Waters (10/404)

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**Regional Conditions:***

1. Activities in designated Critical Resource Waters and/or their adjacent wetlands require notification.

2. In the Antilles, this NWP is excluded from use in forested wetlands, submerged aquatic vegetation, coral assemblages, and/or tidal wetlands. (COE)

3. PCN required for all projects in the Antilles and shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE)

4. Excluded from use in the Belle Meade South bounded by I-75 to the north, CR 951 to the west, Miller Canal to the east, and U.S. 41 to the south in Collier County, FL. (COE)

5. Excluded from use in Golden Gate Estates, south of Alligator Alley in Collier County. This NWP may apply up to the 1/2 acre limit within Golden Gates Estates north of Alligator Alley. (COE)

6. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and 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 NWP 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 under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.237(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 shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL)

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8. In Florida, PCN required for proposed projects within critical habitat for the smalltooth sawfish (COE)

10. PCN required for projects in the following rivers, creeks, and their tributaries: Escambia River, Yellow River, Shoal River, Choctawhatchee River, Chipola River, Apalachicola River, Ochlockonee River, Santa Fe and New Rivers, and Econfina Creek. (COE)

11. Excluded from use in the Florida Keys. (COE)

14. Activities in designated Critical Resource Waters and/or their adjacent wetlands require notification.

15. U.S. Coast Guard Approved Bridges (404)

16. Return Water from Upland Contained

See Last Page for List of Acronyms and Definitions
Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions

Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions

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Disposal areas (404)

and/or their adjacent wetlands.

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 NWP 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 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 373, F.S., and, as applicable, Chapter 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL)

2. In the Antilles, this NWP is excluded from use in forested wetlands, submerged aquatic vegetation, tidal vegetation, and/or coral assemblages. (COE)

Project w/ FERC exemption None

3. Excluded from use in the Florida Keys. (COE)

17. Hydropower Projects (404)

e-existing reservoirs, project licensed by FERC

Total generating capacity< 500 KVW

All activities If over ½ acre of WOTUS will be lost Yes Yes

1. In Florida, activities qualifying for this Nationwide general permit (NWP) 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 NWP 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 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 shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL)

4. In the Antilles, this NWP is excluded from use in forested wetlands, submerged aquatic vegetation, tidal vegetation, and/or coral assemblages. (COE)

18. Minor Discharge (10/404)

All Discharge does not exceed 10 cy below OHWM

10 cy below OHWM or any high tide line; Any fill in special aquatic site; Regional Conditions #2, #6, #7, #8, GC #22

Yes Yes

1. In Florida, activities qualifying for this Nationwide general permit (NWP) 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, Chapters 597 and 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 NWP 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 under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities, as well as for aquaculture certificates issued by the Florida Department of Agriculture and Consumer Services under s. 587.004, 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, Chapters 597 and 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL)

2. In the Antilles PCN required for all activities proposed in the areas listed below in Notes 1 and 2. (COE)

3. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG Form 4345,Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE)

4. In the Antilles, this NWP is excluded from use in forested wetlands, submerged aquatic vegetation, tidal wetlands, and/or coral assemblages. (COE)

5. Excluded from use in the Florida Keys. (COE)

6. In Florida, PCN required for projects proposed within critical habitat for the smalltooth sawfish. (COE)

7. In Florida, PCN required for projects in WOTUS accessible to the Florida panther. (COE)

See Last Page for List of Acronyms and Definitions
### Summary of Applicability, Limits, State and Tribal Certifications, and Regional Conditions

#### March 29, 2012

| Type of Nationwide Permit | Applicable Waters | Acreage & Linear Limits | PCN Threshold and/or Requirements | Coordination Req’d | WQC FL | CZM FL | WQC PR | CZM PR | WQC VI | CZM VI | WQC STF | CZM STF | WQC MTIF | CZM MTIF | GENERAL CONDITIONS |
|---------------------------|-------------------|-------------------------|----------------------------------|-------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|----------|-------------------|
|                           |                   |                         |                                  |                   |        |        |        |        |        |        |        |        |         |          | Permittee must satisfy all applicable general conditions. General Condition #22 restrictions are noted below. |

**NOTE:** U.S. Army Corps of Engineers (Corps) Regional Conditions are Jacksonville District conditions and have (COE) beside the condition. All others are special conditions attached to Water Quality Certification or Coastal Zone Consistency. A Nationwide permit cannot be used in an exclusion area designated by the Corps (COE). Exclusion areas attached to WQC/CZM are denied without prejudice until individual WQC/CZM is received. Where technical notes, guidelines, etc. are referenced in the regional conditions below, these documents may be subject to revision at any time. It is our intention that the most recent version of these conditions shall be utilized during the evaluation of the permit application.

8. In Florida and Puerto Rico, PCN required for projects in waters accessible to manatees. (COE)
9. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the “Sea Turtle and Smalltooth Sawfish Construction Conditions” (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)
19. Minor Navigable (10/404) Dredging 25 cy below OHWM/ MHW No Yes* Yes*
22. Activities in Designated Critical Resource Waters and/or their adjacent wetlands require notification.
21. Oil Spill Cleanup (10/404) All None None No Yes* Yes* 22. Discharges not authorized in Designated Critical Resource Waters and/or their adjacent wetlands.

See Last Page for List of Acronyms and Definitions
Type of Nationwide Permit | Applicable Waters | Acreage & Linear Limits | Coordination Req’d | WQC FL | CZM FL | WQC PR | CZM PR | WQC VI | CZM VI | WQC STF | WQC MTIF | GENERAL CONDITIONS
---|---|---|---|---|---|---|---|---|---|---|---|---
22. Removal or alteration (10/404) | All | None | Vessels listed or eligible for NRHP, activity in special aquatic sites, regional condition #2: GC #22 | Yes* | Yes* | | | | | | | |
23. Approved Categorical Exclusions (10/404) | All | None | Those stipulated by the CatExs themselves, GC #22 | If stipulated by the CatExs themselves | Yes* | Yes* | | | | | | |
22. Activities in designated critical resource waters and/or their adjacent wetlands require notification.

1. In Florida, activities qualifying for this Nationwide general permit (NWP) 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, Chapters 597 and 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 NWP 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 under 33 C.F.R. § 325.20(v) may presume CZCC for the above exempt activities, as well as for aquaculture certificates issued by the Florida Department of Agriculture and Consumer Services under s. 597.004, 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, Chapters 597 and 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL)
2. In Florida and the Antilles, PCN required prior to use in forested wetlands, submerged aquatic vegetation, tidal wetlands, and/or coral assemblages. (COE)
3. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE)
4. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the “Sea Turtle and Smalltooth Sawfish Construction Conditions” (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)
5. In Florida and Puerto Rico, for projects in WOTUS accessible to manatees, the permittee shall utilize the “Standard Manatee Conditions For In-Water Work” (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)
6. PCN required if the activity is proposed within designated critical habitat for any federally listed species (COE)

Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions
NOTE: U.S. Army Corps of Engineers (Corps) Regional Conditions are Jacksonville District conditions and have (COE) beside the condition. All others are special conditions attached to Water Quality Certification or Coastal Zone Consistency. A Nationwide permit cannot be used in an exclusion area designated by the Corps (COE). Exclusion areas attached to WQC/CZM are denied without prejudice until individual WQC/CZM is received. Where technical notes, guidelines, etc. are referenced in the regional conditions below, these documents may be subject to revision at any time. It is our intention that the most recent version of these conditions shall be utilized during the evaluation of the permit application.

See Last Page for List of Acronyms and Definitions
### Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions

**GENERAL CONDITIONS** Permittee must satisfy all applicable general conditions. General Condition #22 restrictions are noted below.

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2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE)

3. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the “Sea Turtle and Smalltooth Sawfish Construction Conditions” (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)

4. In Florida and Puerto Rico, for projects in WOTUS accessible to manatees, the permittee shall utilize the “Standard Manatee Conditions For In-Water Work” (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)

### Summary of Applicability, Limits, State and Tribal Certifications, and PCN Threshold and/or Requirements:

**Regional Conditions** March 29, 2012

Applicable Waters

1. In Florida, activities qualifying for this Nationwide general permit (NWP) 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 NWP that qualify for an exemption under s. 403.813(1) or 403.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.237, 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 shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL)

2. PCN required for all projects in the Antilles and shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE)

3. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the “Sea Turtle and Smalltooth Sawfish Construction Conditions” (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)

4. In Florida and Puerto Rico, for projects in WOTUS accessible to manatees, the permittee shall utilize the “Standard Manatee Conditions For In-Water Work” (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)

24. Indian Tribe or State Administered Section 404 Programs (10) All None None No NAJ NAJ

25. Structural Discharges (404) All None Regional Condition #2; GC #22 No Yes* Yes*

26. Aquatic Habitat Restoration, Establishment, and Enhancement Activities (10/404) All None All activities except those undertaken with USFWS, NRCS, FSA, NMFS, NOS, or OSM in accordance with the If over ½ acre of WOTUS will be lost Yes* Yes*

27. Aquatic Resource Waters * and/or their adjacent wetlands require notification.

22. Activities in Designated Critical Resource Waters * and/or their adjacent wetlands require notification.

### Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions

Date: March 29, 2012

See Last Page for List of Acronyms and Definitions
Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions

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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, Chapters 577 and 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL)

2. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE)

3. Lake restoration projects proposing any type of in-lake disposal of dredged or fill material are excluded from use of this permit. (COE)

4. Except when used by the Sanctuary for restoration work within the Sanctuary as noted in regional condition #5 below, projects proposing restoration of submerged aquatic vegetation are excluded from this permit. (COE)

5. Excluded from all navigable waters within the boundaries of the Florida Keys National Marine Sanctuary, except when NWP 27 is used by the Sanctuary for restoration work within the Sanctuary. (COE)

28. Modifications of Existing Marinas (10) Navigable None Regional Conditions #3, #5; GC #22 No NA Yes1

22. Activities in Designated Critical Resource Waters1 and/or their adjacent wetlands require notification.

1. In Florida, activities qualifying for this Nationwide general permit (NWP) 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 NWP 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 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 shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (CZM-FL)

2. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE)

3. In Florida and Puerto Rico, PCN required for projects in waters accessible to manatees. (COE)

4. For projects in WOTUS or jurisdictional waters, the permittee shall utilize the "Sea Turtle and Shortnose Sawfish Construction Conditions" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)

5. PCN is required prior to the start of any activity proposed within submerged aquatic vegetation, tidal wetlands, and/or coral assemblages. (COE)

6. Excluded from use in the Florida Keys. (COE)
Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions

GENERAL CONDITIONS

Permittee must satisfy all applicable general conditions. General Condition #22 restrictions are noted below.

Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions

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Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions

2. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE)

3. Excluded from use in forested wetlands in the Antilles. (COE)

4. Excluded from use in the Florida Keys. (COE)

5. Excluded from use in Golden Gate Estates, south of Alligator Alley in Collier County. This NWP may apply up to the 1/2 acre limit within Golden Gates Estates north of Alligator Alley. (COE)

6. Excluded from use in the Belle Meade South bounded by I-75 to the north, CR 951 to the west, Miller Canal to the east, and U.S. 41 to the south in Collier County, FL. (COE)

22. Activities in Designated Critical Resource Waters and/or their adjacent wetlands.

1. In Florida, activities qualifying for this Nationwide general permit (NWP) 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 NWP 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 under 33 C.F.R. § 325.2(b)(2) may preclude from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL)

2. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE)

31. Completed Enforcement Actions

1. In Florida, activities qualifying for this Nationwide general permit (NWP) 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 NWP 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 under 33 C.F.R. § 325.2(b)(2) may preclude from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL)

2. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE)

32. Completed Enforcement Actions

1. In Florida, activities qualifying for this Nationwide general permit (NWP) 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 NWP 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 under 33 C.F.R. § 325.2(b)(2) may preclude from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL)

2. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE)

See Last Page for List of Acronyms and Definitions
### Summary of Applicability, Limits, State and Tribal Certifications, and Regional Conditions

**March 29, 2012**

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<th>CZM VI</th>
<th>WQC STF</th>
<th>CZM MTIF</th>
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<tr>
<td>Temporary Construction, Access and Dewatering (10/404)</td>
<td>All</td>
<td>None</td>
<td>All activities</td>
<td>If over 1/3 acre of WOTUS will be lost</td>
<td>Yes*</td>
<td>Yes*</td>
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<tr>
<td>Cranberry Production Activities (404)</td>
<td>All</td>
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<td>All activities</td>
<td>If over 1/3 acre of WOTUS will be lost</td>
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<td>Maintenance Dredging of Existing Basins (10)</td>
<td>Navigable</td>
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<td>Regional Conditions #4 &amp; 5</td>
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#### GENERAL CONDITIONS

Permittee must satisfy all applicable general conditions. General Condition #22 restrictions are noted below.

Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions

**NOTE:** U.S. Army Corps of Engineers (Corps) Regional Conditions are Jacksonville District conditions and have (COE) beside the condition. All others are special conditions attached to Water Quality Certification or Coastal Zone Consistency. A Nationwide permit cannot be used in an exclusion area designated by the Corps (COE). Exclusion areas attached to WQC/CZM are denied without prejudice until individual WQC/CZM is received. Where technical notes, guidelines, etc. are referenced in the regional conditions below, these documents may be subject to revision at any time. It is our intention that the most recent version of these conditions shall be utilized during the evaluation of the permit application.

- **Regional Conditions:**
  - **PCN in the Antilles:** shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE)
  - **Cranberry Production Activities:** CRANBERRY PRODUCTION DOES NOT OCCUR IN THE JACKSONVILLE DISTRICT.

### Special Conditions

2. Application shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010. The application must also contain the information described in General Condition 31. (COE)

3. In the Antilles, this NWP cannot be used to legalize any unauthorized fill activities with impacts to forested wetlands. (COE)

### Regional Conditions

1. In Florida, the activities under this NWP may have already received WQC and applicable CZCC as part of a permit under Part IV of Chapter 373, F.S., and any applicable authorization for work on state-owned submerged lands under Chapter 253, F.S., for the larger activity for which construction access is required. If it has not, prior to the initiation of any construction or alteration under this NWP, the construction access must be authorized by the applicable permits required under Chapter 373, F.S., by the DEP, a WMD under Section 373.069, F.S., or a delegated local government under Section 373.441, F.S., as well as any authorization required for the use of state-owned submerged lands under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. (WQC/CZM-FL)

2. On lands of the Seminole Tribes of Florida the following conditions will apply:
   - **Dredging authorized by this nationwide permit will not exceed the originally excavated depth. (WQC-STF)**
   - Documentation shall be provided showing the originally authorized depth. (WQC-STF)

3. Any spoil material shall be deposited at a self-contained upland spoil site in such a manner that it will be totally contained in the uplands without discharge. (WQC-STF)

4. In Florida other than the Florida Keys, a PCN is required prior to the start of any activity proposed within submerged aquatic vegetation, tidal wetlands, and/or coral assemblages. (COE)

5. In Florida, PCN required for projects in waters accessible to manatees. (COE)

### See Last Page for List of Acronyms and Definitions
### Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification

Special Conditions

NOTE: U.S. Army Corps of Engineers (Corps) Regional Conditions are Jacksonville District conditions and have (COE) beside the condition. All others are special conditions attached to Water Quality Certification or Coastal Zone Consistency. A Nationwide permit cannot be used in an exclusion area designated by the Corps (COE). Exclusion areas attached to WQC/CZM are denied without prejudice until individual WQC/CZM is received. Where technical notes, guidelines, etc. are referenced in the regional conditions below, these documents may be subject to revision at any time. It is our intention that the most recent version of these conditions shall be utilized during the evaluation of the permit application.

**6. In Florida, PCN required for projects proposed within critical habitat for the smalltooth sawfish. (COE)**

**7. For projects in WOTUS accessible to sea turtles, Smalltooth sawfish, Gulf sturgeon, or Shortnose sturgeon, the permittee shall utilize the “Sea Turtle and Smalltooth Sawfish Construction Conditions” (see [http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm](http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm)) and/or requirements, as appropriate for the proposed activity. (COE)**

**8. Hopper dredging is not allowed under this NWP. (COE)**

### Type of Nationwide Permit

| Applicable Waters | Acreage & Linear Limits | PCN Threshold and/or Requirements | Coordination Req’d | WQC FL | CZM FL | WQC PR | CZM PR | WQC VI | CZM VI | WQC MTIF | CZM MTIF | GENERAL CONDITIONS
|-------------------|-------------------------|----------------------------------|--------------------|--------|--------|--------|--------|--------|--------|--------|---------|---------|-----------------------------
|                   |                         |                                  |                    |        |        |        |        |        |        |        |         |         | Permittee must satisfy all applicable general conditions. General Condition #22 restrictions are noted below. |

**NOTE:**

- U.S. Army Corps of Engineers (Corps) Regional Conditions are Jacksonville District conditions and have (COE) beside the condition. All others are special conditions attached to Water Quality Certification or Coastal Zone Consistency. A Nationwide permit cannot be used in an exclusion area designated by the Corps (COE). Exclusion areas attached to WQC/CZM are denied without prejudice until individual WQC/CZM is received. Where technical notes, guidelines, etc. are referenced in the regional conditions below, these documents may be subject to revision at any time. It is our intention that the most recent version of these conditions shall be utilized during the evaluation of the permit application.

**38. Boat Ramps** (10/404)

| All except special aquatic sites | 50 cy, 20 ft wide | > 50 cy, > 20 ft wide; Regional and/or their adjacent wetlands require notification. | No | Yes* | Yes* |

**22. Activities in Designated Critical Resource Waters and/or their adjacent wetlands require notification.**

**1. In Florida, activities qualifying for this Nationwide general permit (NWP) 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., as, and, applicable, Chapters 597 and 258, F.S. Such permit issued by the Department of Environmental Protection, a water management district under s. 373.099, 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 NWP 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 under 33 C.F.R § 325.2(b)(2) may presume CZCC for the above exempt activities, as well as for aquaculture certificates issued by the Florida Department of Agriculture and Consumer Services under s. 597.004, 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., as, and, applicable, Chapters 597 and 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL)**

**2. No boat ramps may be constructed on tribal lands or in tribal waters without prior written approval of the STF. (WQC-STF)**

**3. Excluded from use in the Florida Keys and the Antilles.**

**4. Excluded in areas without existing access to navigation channels where the minimum water depth for ingress to or egress from the navigation channels is less than -3 feet at mean or ordinary low water. (COE)**

**5. In Florida, PCN required for projects in WOTUS accessible to the Florida panther. (COE)**

**6. In Florida, other than the Florida Keys, PCN required for projects in waters accessible to manatees. (COE)**

**7. In Florida, PCN required for projects proposed within critical habitat for the smalltooth sawfish. (COE)**

**8. For projects in WOTUS accessible to sea turtles, Smalltooth sawfish, Gulf sturgeon, or Shortnose sturgeon, the permittee shall utilize the “Sea Turtle and Smalltooth Sawfish Construction Conditions” (see [http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm](http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm)) and/or requirements, as appropriate for the proposed activity. (COE)**

**37. Emergency Watershed Protection and Rehabilitation** (10/404)

| All | NRCS, USFS, or DOI only | All activities | If over ½ acre of WOTUS will be lost | Yes* | Yes* |

**22. Activities in Designated Critical Resource Waters and/or their adjacent wetlands require notification.**

**1. In Florida, activities qualifying for this Nationwide general permit (NWP) 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., as, and, applicable, Chapters 597 and 258, F.S. Such permit issued by the Department of Environmental Protection, a water management district under s. 373.099, 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 the NWP 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 under 33 C.F.R § 325.2(b)(2) may presume CZCC for the above exempt activities, as well as for aquaculture certificates issued by the Florida Department of Agriculture and Consumer Services under s. 597.004, 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., as, and, applicable, Chapters 597 and 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL)**

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Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions

22. Discharges not authorized in Designated Critical Resource Waters and/or their adjacent wetlands.

1. In Florida, activities qualifying for this Nationwide general permit (NWP) 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., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. 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 shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL)

4. Excluded from use in the Florida Keys. (COE)

5. Excluded from use in the Belle Meade North bounded by I-75 to the south, Golden Gate Canal to the west, and Miller Canal to the east, and Belle Meade South bounded by I-75 to the north, CR 951 to the west, Miller Canal to the east, and U.S. 41 to the south in Collier County, FL. (COE)

6. Excluded from use in Golden Gate Estates, south of Alligator Alley in Collier County. This NWP may apply up to the 1/2 acre limit within Golden Gates Estates north of Alligator Alley. (COE)

20. See Last Page for List of Acronyms and Definitions
Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions

GENERAL CONDITIONS Permittee must satisfy all applicable general conditions. General Condition #22 restrictions are noted below.

WQC MTIF
WQC STF
CZM VI
WQC PR
CZM PR
WQC FL
WQC VI
CZM PR

JACKSONVILLE DISTRICT NATIONWIDE PERMITS
Coordination Req'd

Summary of Applicability, Limits, State and Tribal Certifications, and PCN Threshold and/or Requirements:

NOTE: U.S. Army Corps of Engineers (Corps) Regional Conditions for Jacksonville District conditions and (COE) beside the condition. All others are special conditions attached to Water Quality Certification or Coastal Zone Consistency. A Nationwide permit cannot be used in an exclusion area designated by the Corps (COE). Exclusion areas attached to WQC/CZM are denied without prejudice until individual WQC/CZM is received. Where technical notes, guidelines, etc. are referenced in the regional conditions below, these documents may be subject to revision at any time. It is our intention that the most recent version of these conditions shall be utilized during the evaluation of the permit application.

Acreage & Linear Limits
Applicable Waters

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Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions

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Type of Nationwide Permit
Applicable Waters
Acreage & Linear Limits
PCN Threshold and/or Requirements
Coordination Req’d

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**Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions**

**NOTE:** U.S. Army Corps of Engineers (Corps) Regional Conditions are Jacksonville District conditions and have (COE) beside the condition. All others are special conditions attached to Water Quality Certification or Coastal Zone Consistency. A Nationwide permit cannot be used in an exclusion area designated by the Corps (COE). Exclusion areas attached to WQC/CZM are denied without prejudice until individual WQC/CZM is received. Where technical notes, guidelines, etc. are referenced in the regional conditions below, these documents may be subject to revision at any time. It is our intention that the most recent version of these conditions shall be utilized during the evaluation of the permit application.

### General Conditions
Permittee must satisfy all applicable general conditions. General Condition #22 restrictions are noted below.

### Regional Conditions

1. **Uplands necessary acre of executed by the Governor or the Secretary of FDEP, or 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 NWP 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 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 shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL)

2. **Excluded from use in the Antilles if the structure is within 100 feet of the near edge of a Federal channel.** (COE)

3. In Florida, PCN required for projects proposed adjacent to Federally maintained channels. No structures, including mooring piles, authorized under this Nationwide Permit shall be within the established 100’ setback, calculated from the near bottom edge of the channel. The setback may vary between different Federal channels and between specific reaches of the same Federal channel. Exact locations of the proposed work may be verified by use of Florida State Plane Coordinate System (XY coordinates). Any activity within Federal rights-of-way may require the permittee to enter into a consent-to-easement with the Real Estate Division, U.S. Army Corps of Engineers, Jacksonville or Mobile District, as appropriate, prior to the commencement of any construction activity. (COE)

4. **PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010** and the form must indicate it is a NWP Pre-Construction Notification. (COE)

5. For projects in WOTUS accessible to sea turtles, Smalltooth sawfish, Gulf sturgeon, or Shortnose sturgeon, the permittee shall utilize the “Sea Turtle and Smalltooth Sawfish Construction Conditions” (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)

### Acronyms and Definitions

See Last Page for List of Acronyms and Definitions
| Type of Nationwide Permit | Applicable Waters | Acreage & Linear Limits | PCN Threshold and/or Requirements | Coordination Req’d | WQC FL | CZM FL | WQC PR | CZM PR | WQC VI | CZM VI | WQC MTIF | WQC MTIF | GENERAL CONDITIONS | Permittee must satisfy all applicable general conditions. General Condition #22 restrictions are noted below. |
|--------------------------|------------------|-------------------------|----------------------------------|-------------------|--------|--------|--------|--------|--------|--------|---------|---------|-----------------|-----------------|-----------------|
| 46. Commercial shellfish Aquaculture Activities (10/404) | All | None, unless new project area has >1/2 acre impact on SAV | Change in species; or no change in culture methods; or new project area. | Regional Conditions #3, 44, 45, 46 | All requiring PCN | Yes* | Yes* |  |  |  |  |  | Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions |
| 47. | [Reserved] |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 48. Coal Remining Activities (10/404) | All | None | All activities | If over 1/2 acre of WOTUS will be lost | NAJ | NAJ | NAJ | NAJ | NAJ | NAJ | NAJ | NAJ | 22. Discharges not authorized in Designated Critical Resource Waters and/or their adjacent wetlands. |
| 49. Underground Coal Mining | All | 2 acres non-tidal waters | All activities | If over 1/2 acre of WOTUS | NAJ | NAJ | NAJ | NAJ | NAJ | NAJ | NAJ | NAJ | 22. Discharges not authorized in Designated Critical Resource Waters and/or their adjacent wetlands. |

Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions

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6. Excluded from use in the Florida Keys. (COE)
7. Excluded from use in Golden Gate Estates, south of Alligator Alley in Collier County. This NWP may apply up to the 1/2 acre limit within Golden Gates Estates north of Alligator Alley. (COE)
8. Excluded from use in the Belle Meade South bounded by I-75 to the north, the river, CR 951 to the west, Miller Canal to the east, and U.S. 41 to the south in Collier County, FL. (COE)
23

See Last Page for List of Acronyms and Definitions
Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions

GENERAL CONDITIONS Permittee must satisfy all applicable general conditions. General Condition #22 restrictions are noted below.

WQC MTIF
WQC STF
CZM VI
WQC VI
CZM PR
WQC PR
CZM FL
WQC FL

JACKSONVILLE DISTRICT NATIONWIDE PERMITS
Coordi-

March 29, 2012

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Activities (10/404)

will be lost ; if more than300 linear feet of intermittent or ephemeral stream bed will be lost

Resource Waters * and/or their adjacent wetlands.

51. Land-Based Renewable Energy Generation Facilities (10/404)

Non-tidal, excluding wetlands adjacent to tidal waters

1/2 acre; All activities If over 1/2 acre of WOTUS will be lost ; if more than300 linear feet of intermittent or ephemeral stream bed will be lost

Yes* Yes*

22. Discharges not authorized in Designated Critical Resource Waters* and/or their adjacent wetlands.

1. In Florida, activities qualifying for this Nationwide general permit (NWP) 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 NWP 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 under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.237(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 shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL)

2. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE)

3. Excluded from use in forested wetlands in the Antilles. (COE)

4. Excluded from use in the Florida Keys. (COE)

5. Excluded from use in Golden Gate Estates, south of Alligator Alley in Collier County. This NWP may apply up to the 1/2 acre limit within Golden Gates Estates north of Alligator Alley. (COE)

6. Excluded from use in the Belle Meade South bounded by I-75 to the north, CR 951 to the west, Miller Canal to the east, and U.S. 41 to the south in Collier County. FL. (COE)

52. Water-Based Renewable Energy Generation Pilot Projects (10/404)

All

1/2 acre; All Activities If over 1/2 acre of WOTUS will be lost ; if more than300 linear feet of intermittent or ephemeral stream bed will be lost

Yes* Yes*

22. Discharges not authorized in Designated Critical Resource Waters* and/or their adjacent wetlands.

1. In Florida, activities qualifying for this Nationwide general permit (NWP) 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 NWP 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 under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.237(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 shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL)

2. In Florida, in addition to not being available in coral reefs, this NWP is not applicable in the following areas: other coral communities, submerged aquatic vegetation communities, live/hard-bottom communities, and shellfish harvesting areas. A visual survey, conducted by qualified professionals, documenting the benthic habitat types in the project area must be submitted. (CZM-FL)
1. Puerto Rico: Culebra Island; the coastal zone of La Parguera from Punta Jorobado for a distance of approximately twenty kilometers west to Cabo Rojo; Cartagena Lagoon; Tortuguero Lagoons; Mona Island; Forest Reserve Area at Pinones and Torrecilla; Las Cabezas; El Yunque; Jobos Bay; Mar Negro; Rio Mameyes; Las Cucharillas Marsh; Caño Tiburones; Rio Herrera/Miri-Miri/Mediana area; entire Municipality of Cabo Rojo; Caño Boquillas west of PR-2; Cayures Marsh in Aguada and its contiguous wetlands; the basin wetlands of Bayuraz at Isabela, Camuy, and Camarizales in Arecibo; Prieta wetlands at Vega Alta; San Pedro wetlands in Dorado and Toa Alta; Cienaga Baja en Rio Grande; wetlands associated with Herrera and Espiritu Santo rivers; coastal wetlands of Santa Isabel; and all Commonwealth designated Natural Reserve areas. Also, areas along Martin Pena Channel and associated wetlands; Pinones State Forest wetlands; Torecilla Alta Pterocarpus Forest - Loiza; El Faro (Cabezas de San Juan) - Fajardo; wetlands in the Guanica State Forest; Humacao Swamp and Pterocarpus Forest; Caja de Muertos - Ponce, Jobos Bay - Salinas, Mar Negro - Salinas, Boqueron State Forest - Cabo Rojo; Dorado Pterocarpus Forest; Vieques Biotiniminent Bay; Laguna Tortugero; Caño Tiburones; Espinar Swamp (Aguada-Aguadilla); Laguna Joyuda mangroves - Cabo Rojo; Pandura and Guadarramas Special Planning Area; and Ceiba State Forest.

2. U.S. Virgin Islands: St. Croix Annality, Green Cay, Isaac Bay, Cramer’s Park and East Point, Sandy Point, Salt River, Teague Bay Reef, Vagthus Point, Altonna Lagoon; St. John -- All Cays, Lagoon Point Newfound Bay, Chocolate Hole, Fish Bay; and St. Thomas -- Botany Bay and Sandy Bay, Coki Cliffs, Mangrove Lagoon (in its entirety), Bovoni wetland area; All cays, Cane Bay, Magens Bay, Mandahl Bay, Neffjeb Bay and Stumpy Bay.

3 In accordance with General Condition No. 21, Designated Critical Resource Waters in Florida are:
(b) State natural heritage sites, and the Marjorie Harris Carr Cross Florida Greenway State Recreation and Conservation Area.
(c) Wetlands and other surface waters in the Florida Keys.
(d) Wetlands and other surface waters in active designated State of Florida Areas of Critical State Concern, including the Green Swamp, and the Big Cypress Swamp, and surface waters of the state (as defined in rule 62-32.030, F.A.C.) in the City of Apalachicola.

See Last Page for List of Acronyms and Definitions
Antilles: For purposes of these regional conditions, the Antilles means either or both the Commonwealth of Puerto Rico and the Territory of the U.S. Virgin Islands.

COE: U.S. Army Corps of Engineers
CZM: Consistency with the State’s Coastal Zone Management Plan
DEP: Florida Department of Environmental Protection
FL: Florida
FWS: U.S. Fish and Wildlife Service
MTIF: Miccosukee Tribe of Indians of Florida
NA: Not Applicable
NAJ: Not applicable in the Jacksonville District
NMFS: National Marine Fisheries Service
NOAA: National Oceanic and Atmospheric Administration
PCN: Pre-construction notification
PR: Commonwealth of Puerto Rico
STF: Seminole Tribe of Florida
USVI: Territory of the U.S. Virgin Islands
WOTUS: waters of the United States
WQC: Water Quality Certification conferred by the State

* Indicates a special condition requiring State of Florida individual review language in verification letter.

The term “coral assemblage” includes coral reefs as well as other hard and soft coral communities, including hard-bottom communities.

The term “live/hard-bottom communities” includes any area that contains varying biological assemblages of algal species and/or invertebrates such as corals (stony, soft or black corals), hydroids, gorgonians, teleostaceans, anemones, zoanthids, corallimorphs, worms, bryozoans, tunicates or sponges, living upon and attached to naturally occurring permanent or ephemeral hard or rocky formations with rough, broken or smooth topography and of variable vertical relief. This would include both natural reefs (e.g., coral reefs, oyster reefs, and worm reefs), and artificial reefs.