



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



REPLY TO
ATTENTION OF

21 MAY 1996

Construction-Operations Division
Regulatory Branch

PUBLIC NOTICE

LOP CATEGORIES OF WORK

TO WHOM IT MAY CONCERN: In accordance with 33 CFR Part 325.2(e)(1), on March 22, 1994, the Jacksonville District, U.S. Army Corps of Engineers, issued a public notice proposing changes and additions to the categories of work evaluated as Letters of Permission (LOPs) under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Based on comments received and an analysis of all relevant issues, the Jacksonville District is instituting the following changes to the categories of work evaluated as LOPs under these Acts. The geographic area in which the categories of permit applications will be evaluated as LOPs encompasses the entire Jacksonville District, excluding Puerto Rico and the U.S. Virgin Islands.

a. Pursuant to Section 10 of the Rivers and Harbors Act, the following categories will be evaluated as LOPs:

(1) Minor structures that do not qualify for a Nationwide Permit or General Permit, however, they are considered so minor (e.g., small platforms, mooring dolphins, multiple mooring pilings) that Individual Permitting is not required.

(2) Maintenance dredging up to 50,000 cubic yards with upland disposal.

(3) New dredging up to 50,000 cubic yards (restricted to a maximum of 5000 cubic yards in Monroe County) provided no emergent wetlands, submerged aquatic vegetation, or live bottom is impacted. All spoil is to be deposited on uplands.

(4) Marinas or multifamily piers with 20 or fewer boat slips. We will continue to use the Manatee Key, dated May 1995, developed by the U.S. Fish and Wildlife Service to determine "no effect" or "may affect" and condition applicable permits with the Standard Manatee Conditions.


b. Under Section 404 of the Clean Water Act, the following categories will be evaluated as LOPs:

- (1) Mosquito control activity including rotary ditching.
- (2) Erosion control activities not to exceed 0.2 acre of fill.
- (3) Minor modifications to previously issued Department of the Army Individual Permits not to exceed 10 percent of the original authorization, and, not to exceed 10 acres.
- (4) Backfill to eliminate existing, unvegetated boat basins and boat ramps, limiting the size to 0.2 acre. All backfill is to consist of suitable material. Vegetative or construction debris is not acceptable.
- (5) Restoration efforts required by the Florida Department of Environmental Protection DEP where a discharge into Section 404 areas is required or additional mitigation is required after a Department of the Army permit is issued.

c. All projects evaluated as LOPs under Section 404 of the Clean Water Act will require Section 401 WQC from the appropriate State agency prior to issuance of the DA permit. In addition, for many Section 10 marina and/or dredging projects, where water quality issues are a concern, receipt of Section 401 WQC will also be required prior to issuance of the DA permit.

d. Coastal Zone Management (CZM) consistency/permit:
Where applicable, all LOPs will require a Coastal Zone Management consistency determination from the appropriate State agency. Issuance of a state permit indicates that the project is consistent with the CZM plan.

Questions or comments may be addressed to Ms. Marie Burns at the letterhead address or by telephone at (904) 232-3943.


for John R. Hall
Chief, Regulatory Branch