

Regulatory Division

STATE PROGRAMMATIC GENERAL PERMIT
STATE OF FLORIDA - (SPGP III-R1)

TO WHOM IT MAY CONCERN: On September 24, 1997, the Jacksonville District of the U.S. Army Corps of Engineers (Corps) issued an expanded State Programmatic General Permit (SPGP III). The purpose of the SPGP III was to avoid duplication of permitting between the Corps and the Florida Department of Environmental Protection (DEP) for minor work located in waters of the United States, including navigable waters. Thus, the need for separate approval from the Corps would be mostly eliminated. In addition to the four major categories of work authorized under SPGP I and SPGP II, SPGP III authorized the expansion of categories of work to include those covered by many of the State of Florida's exemptions and noticed general permits, the majority of which were already covered by existing Nationwide and General Permits. Furthermore, SPGP III extended geographic coverage throughout the entire State of Florida, excluding Monroe County and those counties within the jurisdiction of the Northwest Florida Water Management District. The results of the SPGP III implementation demonstrated that environmental protection continued while increasing the service to the public. In the short time since the SPGP III was issued, we have seen a need to clarify, update, and reformat it. This SPGP (SPGP III-R1) now reflects the culmination of those actions, and will simplify the SPGP process and further increase the efficiency of both State and Federal staff in serving the public. Because of the modifications made to the SPGP III, SPGP III is, as of the effective date stamped above, hereby revoked as unnecessary, and the criteria specified in the SPGP III are superseded by the criteria specified in the SPGP III-R1. Existing authorizations under any of the prior versions of the SPGP will be valid until the expiration date specified on the written authorization.

AUTHORITY: Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899.

COORDINATION AGREEMENT: An agreement has been signed by both the Corps and the DEP which outlines the steps each agency will take during the processing of an application under the SPGP.

The agreement, including all attachments, is, hereby, made a part of this SPGP (SPGP III-R1).

TYPES OF WORK: The following types of work will be covered by this SPGP:

a. *Shoreline Stabilization* (includes riprap, seawalls, and other shoreline stabilization. **Groins, jetties, breakwaters, and beach nourishment/re-nourishment are excluded**).

b. *Boat Ramps and Boat Launch Areas and Structures Associated with Such Ramps or Launch Areas.*

c. *All Docks, Piers, Marinas, and Associated Facilities.*

d. *Maintenance Dredging of Canals and Channels.*

e. *Selected DEP Exemptions* as listed below in "Permit Conditions Summary Tables."

f. *Selected DEP Noticed General Permits* as listed below in "Permit Conditions Summary Tables."

PROCEDURE: Permit applications for proposed projects will be submitted to the appropriate DEP office. Instead of immediately forwarding a copy of the project to the Corps, the DEP will review the project. If the type of work is covered under this SPGP, one of the following categories can be used as guidance on the final action for DEP to take:

a. Green: Projects which are considered "green" will be processed by the DEP. Verification of the state Exemption or state Noticed General Permit or issuance of an individual state permit will include language confirming Federal authorization under the SPGP.

b. Yellow: Projects under this category require review by the Federal commenting agencies. The Corps and the Federal resource agencies will meet to discuss the project. A combined Federal position will be forwarded to the DEP. This position may include: all concerns have been addressed during the meeting and the project is now considered in the "Green" category; concerns can be addressed by the addition of special conditions which should be incorporated into the Federal authorization under the SPGP, in which case the project will be placed in the "green" category; the Corps elects to evaluate the project separately, and the project is now considered in the "Red" category.

c. Red: DEP and the Corps review the project separately.

GUIDANCE ON "GREEN, YELLOW AND RED" CATEGORIES FOR EACH WORK TYPE:

a. Shoreline Stabilization - (Also refer to Permit Conditions Summary Tables below.):

(1) Green: To prevent erosion or to stabilize a shoreline where erosion has taken place, providing:

(i) No fill will be placed more than 5 feet waterward of the Mean High Water Line (MHWL) or Ordinary High Water Line (OHWL).

(ii) Stabilization measures other than a vertical seawall shall be no steeper than a 2H:1V slope.

(iii) No adverse impacts to wetlands or submerged aquatic vegetation will occur.

(iv) A manatee key will be used in the evaluation of any project proposed in manatee areas.

(v) The proposed project will not adversely affect a Federally listed threatened or endangered species or a species proposed for such designation, or destroy or adversely modify its designated critical habitat.

(2) Yellow: Any others not fitting the "green" criteria; projects adjacent to Federal Channels, except on the St. Johns River between the Fuller Warren Bridge (Duval County) and the City of Palatka (Putnam County); projects in Federal channels or rights-of-way.

(3) Red: "Yellow" projects moved to the "Red" category by the Federal agencies; projects located in any of the geographically excluded areas listed in Special Conditions e. and f.

b. Boat Ramps and Boat Launch Areas and Structures Associated with such Ramps or Launch Areas - (Also refer to Permit Conditions Summary Tables below.):

(1) Green: Private, single-family boat ramp or structure requiring 50 cubic yards of fill material or less, providing:

(i) A manatee key will be used in the evaluation of any project proposed in manatee areas.

(ii) The proposed project will not adversely affect a Federally listed threatened or endangered species or a species proposed for such designation, or destroy or adversely modify its designated critical habitat.

(iii) No adverse impacts to wetlands or submerged aquatic vegetation will occur.

(2) Yellow: Any others not fitting the "green" criteria, including public non-commercial, commercial, and private multi-family boat ramps or launching facilities; projects adjacent to Federal Channels, except on the St. Johns River between the Fuller Warren Bridge (Duval County) and the City of Palatka (Putnam County); projects in Federal channels or rights-of-way; any proposed dredging of access channels.

(3) Red: "Yellow" projects moved to the "Red" category by the Federal agencies; projects located in any of the geographically excluded areas listed in Special Conditions e. and f.

c. All Docks, Piers, Marinas, and Associated Facilities

(1) Green: (Also refer to Permit Conditions Summary Tables below.) Project must comply with the following:

(i) A manatee key will be used in the evaluation of any project proposed in manatee areas.

(ii) The proposed project will not adversely affect a Federally listed threatened or endangered species or a species proposed for such designation, or destroy or adversely modify its designated critical habitat.

(2) Yellow:

(i) Any others not fitting the "green" criteria; the structure is adjacent to a Federal channel, except between the Fuller Warren Bridge (Duval County) and the City of Palatka (Putnam County); projects in Federal channels or rights-of-way.

(ii) The project will adversely impact submerged aquatic vegetation or wetlands.

(3) Red: "Yellow" projects moved to the "Red" category by the Federal agencies; projects located in any of the geographically excluded areas listed in Special Conditions e. and f.

d. Maintenance Dredging of Canals and Channels - (Also refer to Permit Conditions Summary Tables below.):

(1) Green: Maintenance dredging providing:

(i) Dredging will be limited to the previous project depth, or to -5.0 feet below Mean Low Water (MLW) or Ordinary Low Water (OLW).

(ii) Excavated spoil material shall be deposited in a suitable upland (i.e., non-wetland pursuant to current Federal criteria) disposal site.

(iii) A manatee key will be used in the evaluation of any project proposed in manatee areas.

(iv) The proposed project will not adversely affect a Federally listed threatened or endangered species or a species proposed for such designation, or destroy or adversely modify its designated critical habitat.

(2) Yellow:

(i) Any others not fitting the "green" criteria; the project will adversely impact submerged aquatic vegetation or wetlands.

(ii) Any proposed activity in or adjacent to Federal channels or rights-of-way, or any activity proposed by a governmental entity, such as but not limited to, a County, City, Port Authority, or Navigation District.

(iii) The dredged material and/or return water is subject to evaluation under criteria prescribed in the "Inland Testing Manual" (ITM).

(3) Red: "Yellow" projects moved to the "Red" category by the Federal agencies; projects located in any of the geographically excluded areas listed in Special Conditions e. and f.

e. Permit Conditions Summary Tables. The following are tables summarizing all of the conditions under which the SPGP is applicable. Included as separate tables are: 1. conditions applicable to all permit types; 2. those associated with Individual Permits; 3. those associated with the selected Exemptions or Noticed General Permits presently being used by the State of Florida that are included in the SPGP. These Exemptions and/or Noticed General Permits, providing they satisfy all SPGP permit conditions, will be considered "green." Applications

which do not meet the terms of any of these conditions will automatically become "yellow" or "red."

Table 1. Conditions Applicable to All Projects Considered Under the SPGP III-R1

CONDITIONS APPLICABLE TO ALL PROJECTS		
Project status under each condition is determined as noted below		
Use SPGP manatee key in all evaluations to determine potential of manatee impacts and appropriate project status, green vs. yellow.	Projects on sites listed or eligible for listing in the <i>National Register of Historic Places</i> are automatically yellow.	Projects in Monroe County, NFWFMD, Timucuan Preserve, Loxahatchee River from Riverbend Park downstream to Jonathan Dickinson State Park, St. Mary's River above Bells River, the entire Wekiva River, including Wekiwa Springs Run, Rock Springs Run, the entire Seminole Creek, and Black Water Creek from its outfall at Lake Norris to its confluence with the Wekiva River, Golden Gate Estates south of I-75, Tampa Bypass Canal, Okeechobee Waterway between Franklin and St. Lucie locks are red.
Projects that may adversely impact Federal Threatened & Endangered species (listed or proposed), including non-wetland dependent species, or any designated critical habitat are yellow.	Projects adjacent to Federal Channels, except on the St. Johns River between the Fuller Warren Bridge & Palatka, and projects in, over or under Federal channels or rights-of-way are yellow.	No projects may be authorized by DEP consent orders; such projects are red.
Projects authorized by DEP after-the-fact permits are yellow.	Projects currently under Federal enforcement action are yellow.	No projects may be authorized under DEP emergency permitting; such projects are red.

Table 2. Selected Activities and Associated Conditions for SPGP III-R1 Authorization for Projects permitted under State of Florida Individual Permit Criteria

<p>ACTIVITIES WHICH MAY BE AUTHORIZED UNDER DEP INDIVIDUAL PERMITS</p>	<p>CONDITIONS: if conditions applicable to all projects and any other conditions listed below are not met, the project is YELLOW!</p>
<p>Shoreline Stabilization</p>	<p>See conditions applicable to all projects PLUS: groins, jetties, breakwaters, and beach nourishment are excluded; only to prevent erosion or stabilize eroded area; fill less than 5' waterward of MHWL or OHWL; except for vertical seawall, no slope steeper than 2H:1V; and no adverse impacts to wetlands or submerged aquatic vegetation.</p>
<p>Boat ramps/launch areas and structures associated with such.</p>	<p>See conditions applicable to all projects PLUS: limited to private single family ramp or structure requiring less than 50 cubic yards of fill and no dredging of access channels.</p>
<p>Docks, piers, marinas and associated structures</p>	<p>See conditions applicable to all projects PLUS: no adverse impacts to wetlands or submerged aquatic vegetation.</p>
<p>Maintenance dredging of canals and channels</p>	<p>See conditions applicable to all projects PLUS: dredging limited to previous project depth or -5' below MLW or OLW; upland (i.e. non-wetland pursuant to Federal criteria) spoil disposal only; and no adverse impacts to wetlands or submerged aquatic vegetation; any dredging activity proposed by a governmental entity, such as but not limited to, a County, City, Port Authority, or Navigation District is yellow; if dredged material and/or return water is subject to evaluation under criteria prescribed in the "Inland Testing Manual" (ITM) the project is yellow.</p>

Table 3. Selected State of Florida Exemptions and Associated Conditions which must be met for SPGP III-R1 Authorization

EXEMPTION	ACTIVITY	CONDITIONS: if conditions applicable to all projects and any other conditions listed below are not met, the project is YELLOW!
40B-400.051(2)(a); 40C-4.051(11)(a); 40D-4.051(12)(a); 40E-4.051(1)	The repair or replacement of existing functional pipes or culverts used for stormwater conveyance	See conditions applicable to all projects only.
40B-400.051(2)(b); 40C-4.051(11)(b); 40D-4.051(12)(d); 40E-4.051(2)(a)	Maintenance dredging of existing manmade canals, channels, basins, berths, and intake and discharge structures	See conditions applicable to all projects PLUS: dredging limited to previous project depth or -5' below MLW or OLW; upland (i.e. non-wetland pursuant to Federal criteria) spoil disposal only; and no adverse impacts to wetlands or submerged aquatic vegetation; any dredging activity proposed by a governmental entity, such as but not limited to, a County, City, Port Authority, or Navigation District is yellow ; if dredged material and/or return water is subject to evaluation under criteria prescribed in the "Inland Testing Manual" (ITM) the project is yellow .
40B-400.051(2)(c); 40C-4.051(11)(c); 40D-4.051(12)(j); 40E-4.051(2)(b)	Maintenance of functioning insect control structures, dikes, and irrigation, drainage and roadway ditches	See conditions applicable to all projects PLUS: maintenance only; install water control structures at MHW or OHW when ditches drain/connect to ephemeral ponds; and original design plans must be available.
40B-400.051(2)(e); 40C-4.051(11)(e); 40D-4.051(12)(k); 40E-4.051(2)(d)	Restoration of less than 100 feet in length of existing insect control impoundment dikes and maintenance of the connection of such impoundments to tidally influenced waters	See conditions applicable to all projects only.
40B-400.051(2)(f); 40C-4.051(11)(f); 40D-4.051(12)(b); 40E-4.051(3)(a)	Installation, replacement or repair of mooring pilings and dolphins associated with private docks	See conditions applicable to all projects PLUS: no adverse impacts to wetlands or submerged aquatic vegetation.
40B-400.051(2)(g); 40C-4.051(11)(g); 40D-4.051(12)(c); 40E-4.051(3)(b)	Installation of private docks of 500/1000 square feet or less of surface area over wetlands or other surface waters	See conditions applicable to all projects PLUS: no adverse impacts to wetlands or submerged aquatic vegetation.
40B-400.051(2)(h); 40C-4.051(11)(h); 40D-4.051(12)(g); 40E-4.051(3)(c)	Construction of private docks in artificially created waterways	See conditions applicable to all projects PLUS: structure must not extend more than 25% of waterway width; no adverse impacts to wetlands or submerged aquatic vegetation.

Table 3. Continued

40B-400.051(2)(i); 40C-4.051(11)(i); 40D-4.051(12)(h); 40E-4.051(3)(d)	Replacement or repair of existing docks and mooring piles	See conditions applicable to all projects PLUS: no adverse impacts to wetlands or submerged aquatic vegetation.
40B-400.051(2)(j); 40C-4.051(11)(j); 40D-4.051(12)(e); 40E-4.051(3)(e)	Installation and maintenance to design specifications of boat ramps on artificial bodies of water or public boat ramps on any waters	See conditions applicable to all projects PLUS: limited to private single family ramps.
40B-400.051(2)(k); 40C-4.051(11)(k); 40D-4.051(12)(f); 40E-4.051(4)(a)	Construction of seawalls or riprap, including only that backfilling needed to level the land behind seawalls or riprap, in artificially created waterways	See conditions applicable to all projects PLUS: no fill more than 5' waterward of MHW/OHW; slope required to be no steeper than 2H:1V (except for vertical seawalls); and no adverse impacts to wetlands or submerged aquatic vegetation.
40B-400.051(2)(l); 40C-4.051(11)(l); 40D-4.051(12)(i); 40E-4.051(4)(b)	Restoration of seawall or riprap at its previous location or upland of or within one foot waterward of its previous location	See conditions applicable to all projects PLUS: no fill more than 5' waterward of MHW/OHW; slope required to be no steeper than 2H:1V (except for vertical seawalls); and no adverse impacts to wetlands or submerged aquatic vegetation.
40B-400.051(2)(m); 40C-4.051(11)(m); 40D-4.051(12)(n); 40E-4.051(4)(c)	Construction of private vertical seawalls in wetlands or other surface waters, other than in an estuary or lagoon, and the construction of riprap revetments	See conditions applicable to all projects PLUS: no fill more than 5' waterward of MHW/OHW; slope required to be no steeper than 2H:1V (except for vertical seawalls); and no adverse impacts to wetlands or submerged aquatic vegetation.
40B-400.051(2)(n); 40C-4.051(11)(n); 40D-4.051(12)(l); 40E-4.051(5)(a)	Installation of subaqueous transmission and distribution lines laid on or embedded in waters and wetlands	See conditions applicable to all projects only.
40B-400.051(2)(o); 40C-4.051(11)(o); 40D-4.051(12)(m); 40E-4.051(5)(b)	Replacement of subaqueous transmission and distribution lines laid on or embedded in waters and wetlands	See conditions applicable to all projects only.
40B-400.051(2)(p); 40C-4.051(11)(p); 40D-4.051(13)(a); 40E-4.051(5)(c)	Activities necessary to preserve, restore, repair, remove or replace an existing communication or power pole or line	See conditions applicable to all projects only.
40B-400.051(2)(q); 40C-4.051(11)(q); 40D-4.051(12)(o); 40E-4.051(6)(a)	Replacement or repair of existing open-trestle foot bridges and vehicular bridges ≤100 feet in length and ≤2 lanes in width	See conditions applicable to all projects PLUS: no causeway fill authorized. NOTE: Applicant may need to coordinate with U.S. Coast Guard.
40B-400.051(2)(r); 40C-4.051(11)(r); 40D-4.051(13)(c); 40E-4.051(7)	Installation of aids to navigation and buoys associated with such aids	See conditions applicable to all projects only.

Table 3. Continued

40B-400.051(2)(s); 40C-4.051(11)(s); 40D-4.051(13)(d); 40E-4.051(8)	Use of Rotenone by FGFWFC	See conditions applicable to all projects only.
40B-400.051(2)(t); 40C-4.051(11)(t); 40D-4.051(13)(g); 40E-4.051(9)	Construction of freshwater fish attractors by FGFWFC	See conditions applicable to all projects only.
40B-400.051(2)(u); 40C-4.051(11)(u); 40D-4.051(13)(h); 40E-4.051(10)	Installation of piling support structures associated with water testing or monitoring equipment by the Department or District	See conditions applicable to all projects only.
40B-400.051(2)(v); 40C-4.051(11)(v); 40D-4.051(13)(f); 40E-4.051(6)(b)	Construction or maintenance of culverted driveway or roadway crossings and bridges of artificial waterways	See conditions applicable to all projects. NOTE: Applicant may need to coordinate with U.S. Coast Guard.
40B-400.051(2)(w); 40C-4.051(11)(w); 40D-4.051(13)(b); 40E-4.051(5)(d)	Installation, removal, and replacement of utility poles that support telephone or communication cable lines, or electric distribution lines $\leq 35\text{kV}$	See conditions applicable to all projects only.
373.406(6)	Activities determined to have minimal or insignificant individual or cumulative adverse impacts.	Yellow for all projects.

Table 4. Selected State of Florida Noticed General Permits and Associated Conditions which must be met for SPGP III-R1 Authorization

NOTICED GENERAL PERMIT	ACTIVITY	CONDITIONS: if conditions applicable to all projects and any other conditions listed below are not met, the project is YELLOW!
62-341.417	Construction, alteration and maintenance of boat ramps and associated accessory docks	See conditions applicable to all projects PLUS: limited to private single family ramps and dredging limited to 25 cubic yards for placement of structure.
62-341.427	Construction, extension and removal of certain piers and associated structures	See conditions applicable to all projects only.
62-341.431	Installation of riprap	See conditions applicable to all projects PLUS: no fill more than 5' waterward of MHW/OHW; slope required to be no steeper than 2H:1V; and no adverse impacts to wetlands or submerged aquatic vegetation.
62-341.437	Installation of fences	See conditions applicable to all projects only.

Table 4. Continued

62-341.439	Construction or maintenance of culverted driveways, roadway crossings, and bridges of artificial waterways	See conditions applicable to all projects PLUS: new structures can not provide access to an area larger than 1 acre. NOTE: Applicant may need to coordinate with U.S. Coast Guard.
62-341.447	Minor activities within existing rights-of-way or easement by FDOT, counties and municipalities	See conditions applicable to all projects PLUS: limited to FDOT projects.
62-341.453	Installation, maintenance, repair and removal of underground cable, conduit or pipeline	See conditions applicable to all projects only.
62-341.455	Construction of aerial pipeline, cable and conduit crossings of certain waters	See conditions applicable to all projects. NOTE: Applicant may need to coordinate with U.S. Coast Guard.
62-341.457	Construction of subaqueous utility crossings of artificial waterways	See conditions applicable to all projects only.
62-341.463	Construction and operation of culverts and associated water control structures in mosquito control impoundments by governmental mosquito control agencies	See conditions applicable to all projects only.
62-341.467	Breaching mosquito control impoundments by governmental mosquito control agencies	Yellow for all projects.
62-341.475(1)(a)	Piling supported structures, less than 1000 square feet, not in Outstanding Florida Waters	See conditions applicable to all projects PLUS: no adverse impacts to wetlands or submerged aquatic vegetation.
62-341.475(1)(b)	Piling supported structures, less than 500 square feet, in Outstanding Florida Waters	See conditions applicable to all projects PLUS: no adverse impacts to wetlands or submerged aquatic vegetation.
62-341.475(1)(c)	Dredging or filling of less than 100 square feet	See conditions applicable to all projects PLUS: fill limited to 10 cubic yards and dredging limited to 25 cubic yards; single, complete project and not for stream diversion; and no adverse impacts to coral reefs, wetlands, submerged aquatic vegetation, or fish spawning areas.
62-341.475(1)(e)	Maintenance dredging 50 cubic yards or less, spoil in uplands, turbidity control	See conditions applicable to all projects PLUS: dredging limited to 25 cubic yards; no adverse impacts to coral reefs, wetlands, submerged aquatic vegetation, or fish spawning areas; upland (i.e. non-wetland pursuant to Federal criteria) spoil disposal only; and limited to basins, canals, boat slips.
62-341.475(1)(f)	Single family residence	Yellow for all projects.
62-341.483	Minor activities conducted by the Water Management Districts	See conditions applicable to all projects only.

Table 4. Continued

62-341.487	Change operating schedules for Water Management District control structures	See conditions applicable to all projects only.
62-341.495	Minor works within national forests by the U.S. Forest Service	See conditions applicable to all projects only.
62-341.600	Construction of artificial reefs	Yellow for all projects.
62.341.601	Clam and oyster culture on sovereignty submerged land aquaculture leases	Yellow for all projects.
62.341.602	Installation and maintenance of intake and discharge pipes associated with marine bivalve facilities	See conditions applicable to all projects PLUS: intake pipe must be under or attached to existing dock or lying on bottom.
62.341.603	Non-nursery cultivation and wild collection of aquatic plants	See conditions applicable to all projects only.
62.341.610	Phosphate prospecting	See conditions applicable to all projects only.
62.341.611	Temporary dragline crossings of waterways	See conditions applicable to all projects only.
62.341.612	Low water crossings	See conditions applicable to all projects only.
62.341.621	Relocation of Aerial electric and communication lines associated with road improvement projects	See conditions applicable to all projects only.

SPECIAL CONDITIONS FOR USE OF THE SPGP: In addition to the conditions specified in the tables above, the following special conditions apply to all projects reviewed under this SPGP.

a. The District Engineer reserves the right to require that any request for authorization under this general permit be evaluated as an Individual Permit. Compliance with the terms and conditions of this SPGP does not automatically guarantee a permit.

b. No activity is authorized under this SPGP which is likely to adversely affect a Federally listed threatened or endangered species or a species proposed for such designation, or destroy or adversely modify its designated critical habitat.

c. On a case-by-case basis the Corps may impose special conditions which are deemed necessary to minimize adverse environmental impacts.

d. Failure to comply with all conditions of the Federal authorizations under this SPGP would constitute a violation of the Federal authorization.

e. This SPGP is not applicable in the geographical boundaries of the Timucuan Ecological and Historical Preserve (Duval County), the St. Mary's River, from its headwaters to its

confluence with the Bells River, the entire Wekiva River, including Wekiwa Springs Run, Rock Springs Run, the entire Seminole Creek, and Black Water Creek from its outfall at Lake Norris to its confluence with the Wekiva River, the Loxahatchee River from Riverbend Park downstream to Jonathan Dickinson State Park, Golden Gate Estates south of I-75 (Alligator Alley), the Tampa Bypass Canal, and the Okeechobee Waterway between the Franklin Locks and the St. Lucie Locks.

f. This SPGP is not applicable in the following counties: Monroe County and those counties within the jurisdiction of the Northwest Florida Water Management District, which includes Leon, Wakulla, Franklin, Gadsden, Liberty, Gulf, Calhoun, Jackson, Holmes, Washington, Bay, Walton, Okaloosa, Santa Rosa, and Escambia Counties, and the approximate western one-half of Jefferson County.

g. No work will be authorized under this SPGP on properties listed or eligible for listing in the *National Register of Historic Places*.

h. This SPGP will be valid for 5 years from the date of issuance unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies will conduct periodic reviews to determine if continuation of the permit is not contrary to the public interest. If revocation occurs, any future applications for activities covered by the SPGP will be evaluated by the Corps.

i. If the SPGP III-R1 expires or is revoked prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP III-R1 will remain in effect provided the activity is completed within 12 months of the date the SPGP III-R1 expired or was revoked.

j. The General conditions attached hereto are made a part of this permit and must be attached to all authorizations processed under this permit.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Joe R. Miller
Colonel, U.S. Army
District Engineer

GENERAL CONDITIONS FOR FEDERAL AUTHORIZATION FOR SPGP III-R1

General Conditions

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

Further Information:

1. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)