



**US Army Corps  
of Engineers®**

# PUBLIC NOTICE

Proposed Issuance of Regional  
General Permit SAJ-116  
SAJ-2025-01920

Published: Aug 14, 2026  
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**Jacksonville District  
Proposed Issuance of Regional General Permit SAJ-116  
EMERGENCY-RELATED ACTIVITIES**

**TO WHOM IT MAY CONCERN:**

To simplify and expedite processing of Department of the Army permits for minor, substantially similar activities, the Jacksonville District, U.S. Army Corps of Engineers (Corps) proposes to issue the SAJ-116 for a suite of minor activities for necessary repair and protection measures associated with emergency situations in Florida.

Minor activities that would be authorized under the SAJ-116 include the following, pursuant to Section 10 of the Rivers and Harbors Act (33 USC 403) and/or Section 404 of the Clean Water Act (33 USC 1344):

**Category 1 Activities - Temporary Emergency Repairs and Activities:**

- 1.a. Repair, Construction and Reconstruction of Linear Transportation Features
- 1.b. Protection, Repair and Replacement of Utility Structures
- 1.c. Emergency Dredging
- 1.d. Debris Removal
- 1.e. Catchment Facilities
- 1.f. Bank Stabilization
- 1.g. Flood Control Barriers, Staging and Dewatering

**Category 2 Activities - Permanent Emergency Repairs and Activities**

- 2.a. Repair, Construction and Reconstruction of Linear Transportation Features
- 2.b. Protection, Repair and Replacement of Utility Structures
- 2.c. Bank Stabilization
- 2.d. Flood Control Facility Repair
- 2.e. Repair, Replacement and Rehabilitation of Previously Authorized Structures or Fills
- 2.f. Beach Renourishment

On June 10, 2026, the Jacksonville District issued a public notice announcing its proposal to issue regional general permit (RGP) SAJ-116. The public notice comment period ended July 9, 2026. The Jacksonville District made several revisions to the draft

permit instrument as a result of the comments that were received. The Jacksonville District is therefore publishing this second public notice with the revised draft permit instrument (attached). Specifically, the Jacksonville District made the following changes to the draft SAJ-116:

- Added information in Section VII. Pre-Construction Notification Procedures regarding the Corps' intended response timeframe and imminent threat situations.
- Added the following activities to Category 2 – Permanent Emergency Repairs and Activities:
  - Repair, Construction and Reconstruction of Linear Transportation Features
  - Protection, Repair and Replacement of Utility Structures.
- Clarified that the Category 1 and 2 activities of Protection, Repair and Replacement of Utility Structures apply to utility lines and associated facilities.
- Expanded the Category 2 activity of Beach Renourishment to the entire state and removed beach scraping from this activity.

#### BACKGROUND:

An “emergency” situation, as defined in 33 CFR 325.2(e)(4), is “a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures.” This may include emergencies due to a natural disaster (e.g., flood, hurricane) or manmade causes (e.g., wrecks, explosions, ruptures, spills of hazardous or other materials).

The Corps anticipates utilization of the SAJ-116 to address future requests for minor emergency response and protection activities within Florida. This RGP improves efficiencies for the review and verification of minor activities, thus improving service to the regulated public.

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

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

#### MITIGATION:

The SAJ-116 would authorize activities that are minor and commonplace. The proposed terms and conditions of the SAJ-116 require activities proposed for authorization to be minimal in nature and avoid and minimize impacts to aquatic resources to the maximum extent. Compensatory mitigation may be required for certain activities authorized by the SAJ-116 to offset unavoidable losses of aquatic resource functions and values. The Corps will determine appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

#### CULTURAL RESOURCES:

The Corps is not making an effect determination to historic properties for this permit instrument. Instead, each activity proposed for authorization under the SAJ-116 will be evaluated for compliance with Section 106 of the National Historic Preservation Act (NHPA) and the guidelines of 33 CFR Part 325, Appendix C.

For each activity proposed for authorization under the SAJ-116, the Corps will conduct an individual evaluation of the activity's potential effects to historic properties and Tribal resources, in accordance with Section 106 of the NHPA and Tribal Trust responsibilities.

No activity shall be authorized under this RGP which is likely to adversely affect historic properties listed on, or eligible for listing on the National Register of Historic Places.

If the proposed activity requires consultation under the NHPA, the proposed activity cannot be authorized under this RGP until consultation with the State Historic Preservation Office and other appropriate consulting parties is initiated and concludes with a determination that the activity has little likelihood to affect a historic property.

#### ENDANGERED SPECIES:

Prior to issuance of a verification, the Corps will review the activity in accordance with all available, applicable programmatic consultations or tools. If the activity may affect a federally listed threatened or endangered species and/or critical habitat, the activity must be consistent with all applicable existing programmatic consultations (e.g., *U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion, November 2017* (JAXBO)). Alternatively, emergency consultation under Section 7 of

the Endangered Species Act (ESA) must be completed with the U.S. Fish and Wildlife Service (FWS) and/or National Marine Fisheries Service (NMFS) in accordance with 50 CFR 402.05 prior to verification. Activities do not qualify for verification under this RGP if they do not meet applicable ESA programmatic consultations or if an emergency consultation cannot be completed with the FWS and/or NMFS.

#### ESSENTIAL FISH HABITAT:

This notice initiates consultation with the National Marine Fisheries Service (NMFS) on essential fish habitat (EFH) as required by the Magnuson-Stevens Fishery Conservation and Management Act of 1996. Our initial determination is that the issuance of the SAJ-116 and subsequent activities to be authorized under the SAJ-116 would not have a substantial adverse impact on EFH or Federally managed fisheries in Florida. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

#### WATER QUALITY CERTIFICATION:

The Corps will request general water quality certification from the Florida Department of Environmental Protection (FDEP), Seminole Tribe of Florida, Miccosukee Tribe of Indians, and the Environmental Protection Agency (EPA).

#### COASTAL ZONE MANAGEMENT CONSISTENCY:

The Corps will request general coastal zone consistency concurrence from the FDEP.

#### IMPACT ON NATURAL RESOURCES:

Coordination with FWS, EPA, NMFS, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area.

#### EVALUATION:

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

production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

#### COMMENTS:

The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue this permit. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed action.

COMMENTS regarding the potential authorization of the SAJ-116 should be submitted in writing within 15 days from the date of this notice. Comments should be submitted via the Regulatory Request System public notice module at <https://rrs.usace.army.mil/rrs/public-notices>. Alternatively, you may submit written comments to Jessica Cordwell at [Jessica.L.Cordwell@usace.army.mil](mailto:Jessica.L.Cordwell@usace.army.mil).

QUESTIONS concerning this public notice should be directed to Jessica Cordwell at [Jessica.L.Cordwell@usace.army.mil](mailto:Jessica.L.Cordwell@usace.army.mil), or by telephone at 813-233-6877.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the action. Requests for public hearings shall state the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.



**\*DRAFT\* DEPARTMENT OF THE ARMY PERMIT  
REGIONAL GENERAL PERMIT  
SAJ-2025-01920  
SAJ-116**

**EMERGENCY-RELATED ACTIVITIES**

**I. Permittee:** Recipient of a verification of a Regional General Permit (RGP) SAJ-116 from the Regulatory Division of the U.S. Army Corps of Engineers (Corps), South Atlantic Division, Jacksonville District (SAJ).

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

**II. Effective Date:** To be determined upon issuance.

**III. Expiration Date:** To be determined upon issuance (five years from the effective date).

This RGP will be valid for a period of five years from the effective date specified above unless suspended or revoked by the District Engineer prior to that date. If SAJ-116 expires or is revoked prior to completion of the authorized work, authorization of activities that have commenced or are under contract to commence in reliance on SAJ-116 will remain in effect provided the activity is completed within 60 days of the date SAJ-116 expired or was revoked, as long as this timeframe does not exceed the expiration of the verification.

Authorized work under this RGP shall be completed within 180 days of the verification date. If it is anticipated that work will not be completed prior to the expiration of the verification, the Permittee may request an extension. The extension request must be received at least 30 days prior to the expiration date. The request shall include justification for the extension.

**IV. Issuing Office:** Regulatory Division, Jacksonville District.

**V. Authorized Activities:** The following activities are authorized under SAJ-116 pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344), for necessary repair and protection measures associated with an emergency situation, in accordance with the terms and conditions of this permit:

Category 1 Activities - Temporary Emergency Repairs and Activities:

- 1.a. Repair, Construction and Reconstruction of Linear Transportation Features
- 1.b. Protection, Repair and Replacement of Utility Structures
- 1.c. Emergency Dredging
- 1.d. Debris Removal
- 1.e. Catchment Facilities
- 1.f. Bank Stabilization
- 1.g. Flood Control Barriers, Staging and Dewatering

Category 2 Activities - Permanent Emergency Repairs and Activities

- 2.a. Repair, Construction and Reconstruction of Linear Transportation Features
- 2.b. Protection, Repair and Replacement of Utility Structures
- 2.c. Bank Stabilization
- 2.d. Flood Control Facility Repair
- 2.e. Repair, Replacement and Rehabilitation of Previously Authorized Structures or Fills
- 2.f. Beach Renourishment

**VI. Geographic Area:** This RGP applies to all waters of the U.S. located within the State of Florida.

**VII. Pre-Construction Notification Procedures:**

- 1. To be authorized under this RGP, you must first submit a pre-construction notification (PCN), including drawings, to the appropriate permitting section via the Regulatory Request System ([rrs.usace.army.mil](http://rrs.usace.army.mil)). In the RRS submittal, you should indicate "emergency" in the project name.
- 2. The following information is the minimum required for initial reporting, to the extent it can practicably be provided:
  - a. Contacts: The name, address, telephone number and email address of the applicant and any designated agent.
  - b. Location of the proposed activity:
    - i. For specific project sites, provide an address and latitude and longitude (decimal degrees) coordinates.
    - ii. For linear projects, provide the latitude and longitude (decimal degrees) coordinates for start and end points.

- iii. Identification of the affected water(s).
- c. Nature of Emergency: A description of the emergency situation and the need for the proposed activity. Pictures are strongly encouraged.
- d. Description of Proposed Work: A description of the work proposed to rectify the emergency situation. This should include a complete description of each single and complete project.
  - i. For the discharge of dredged and/or fill material into waters of the U.S., the description shall include the amount (in acres) and type of fill material proposed to be placed into waters of the U.S., and whether the fill material is temporary or permanent.
  - ii. For any proposed work or structures in navigable waters of the U.S., the description shall include the dimensions of the proposed structures and/or amount of dredging (in acres), and whether the structures are temporary or permanent.
  - iii. As can practicably be provided, drawings or sketches of the proposed work, including a plan and cross-section view depicting proposed structures and fills in waters of the U.S.
- 3. The Corps will determine if the proposed work meets the criteria for an emergency pursuant to 33 CFR 325.2(e)(4). An "emergency" situation, as defined in [33 CFR 325.2\(e\)\(4\)](#), is *"a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate unforeseen and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures."*

These are very serious situations that could result in the loss of life, the loss of property, and/or a significant economic hardship if steps to remedy the situation are not immediately pursued. This may include emergencies due to a natural disaster (e.g., hurricane, flood) or an unanticipated manmade event (e.g., wreck, oil spill). The Corps may not view an action as an emergency if the applicant has known of the deficient condition of the failing structure and has not made reasonable attempts to secure appropriate permits and conduct timely repairs.

- 4. If the activity meets the criteria for an emergency and meets the terms and conditions of this RGP, the Corps will issue a written verification. The Corps will aim to issue the verification within two business days of receipt of the pre-construction notification for activities that do not require additional agency coordination. After receipt of written verification, you are authorized to perform work in accordance with the terms and conditions specified in this permit

instrument and any project-specific terms and conditions in the verification.

5. Although the Corps aims to provide a written verification within two business days, we recognize there may be situations in which immediate action is needed to prevent loss of life or property before the Corps is able to provide a written verification. It is not the intent of this permit to allow such an imminent threat to result in actual loss. In these limited extreme situations, authorization under this RGP may be granted by email or phone upon initial contact with the Corps, provided the prospective permittee can present sufficient information on the location, nature, and extent of the work to establish that an imminent threat exists and the proposed work meets the terms and conditions of the permit. The Corps will provide a written verification as soon as possible in these instances.

## **VIII. Terms and Conditions:**

### **A. TERMS AND CONDITIONS APPLICABLE TO ALL OR MULTIPLE ACTIVITIES**

**1. Emergency Situations:** The activity must meet the definition of an emergency per 33 CFR 325.2(e)(4), as determined by the Corps. Any work authorized by this RGP must be the minimum necessary to alleviate the immediate emergency.

**2. Avoidance and Minimization:** The activity must be designed and constructed to avoid and minimize temporary and permanent adverse effects to aquatic resources to the maximum extent practicable.

**3. Compensatory Mitigation:** Compensatory mitigation is required for wetland losses exceeding 1/10 acre and stream bed losses exceeding 3/10 acre. Compensatory mitigation may also be required for wetland losses less than 1/10 acre and stream bed losses less than 3/10 acre on a case-by-case basis. Where certain functions and services of waters of the U.S. are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the U.S. that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, compensatory mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level. Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR Part 332.

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

### **5. Cultural Resources and Historic Properties:**

- a. No structure or work shall adversely affect, impact, or disturb properties listed in the *National Register of Historic Places* (NRHP) or those eligible for inclusion in the NRHP.

- b. If, during the ground disturbing activities and construction work within the permit area, archaeological/cultural materials are encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Corps. The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.
- c. A cultural resources assessment may be required of the permit area, if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO and the Corps.
- d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work in the vicinity shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist. The Corps shall then notify the appropriate SHPO and THPO(s). Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist, SHPO, and the Corps.
- e. In the unlikely event that human remains are encountered on federal or tribal lands, or in other situations where the Archaeological Resources Protection Act of 1979, or Native American Graves Protection Repatriation Act of 1990 applies, all work in the vicinity shall immediately cease and the Permittee must immediately notify the Corps. The Corps shall then notify the appropriate THPO(s) and SHPO. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. After such notification, project activities on federal lands shall not resume without written authorization from the Corps, and/or appropriate THPO(s), SHPO, and federal manager. After such notification, project activities on tribal lands shall not resume without written authorization from the appropriate THPO(s) and the Corps.

**6. Management of Water Flows:** To the maximum extent practicable, the preconstruction course, condition, capacity, and location of open waters must be maintained for each activity. The activity must be constructed to withstand expected high flows, including tidal flows. The activity must not restrict or impede the passage of normal or high flows, including tidal flows, unless the primary purpose of the activity is to impound water or manage high flows.

**7. Fill Material:** The Permittee shall use only clean fill material. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance in toxic amounts, in accordance with Section 307 of the Clean Water Act.

**8. Erosion Control:** Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the work area into waters of the U.S. The erosion control measures shall remain in place and be maintained until all authorized work is completed and the work areas are stabilized.

**9. Dredged Material and Debris Disposal:** The Permittee shall place all dredged material and debris in a self-contained, upland disposal site. The Permittee shall maintain the upland disposal site to prevent the discharge of dredged material and associated effluent into waters of the U.S.

**10. Threatened and Endangered Species:** If the activity may affect a federally listed threatened or endangered species and/or critical habitat, the activity must be consistent with all applicable existing programmatic consultations (e.g., *U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion, November 2017* (JAXBO)). Alternatively, emergency consultation under Section 7 of the Endangered Species Act (ESA) must be completed with the U.S. Fish and Wildlife Service (FWS) and/or National Marine Fisheries Service (NMFS) in accordance with 50 CFR 402.05 prior to verification. Activities do not qualify for verification under this RGP if they do not meet applicable ESA programmatic consultations or if an emergency consultation cannot be completed with the FWS and/or NMFS.

**11. Essential Fish Habitat:** No work shall be authorized by this RGP which may result in direct or indirect adverse impacts to the following habitats: submerged aquatic vegetation, mangroves, salt marsh, oyster reefs and shell banks, corals, sponges and live/hard bottom. This criterion may be waived by the District Engineer if determined that unavoidable impacts are necessary to address the emergency. If waived, mitigative measures, including compensatory mitigation, may be required. Actions that require waivers due to impacts to these resources require coordination with the NMFS-Habitat Conservation Division prior to verification.

**12. Assurance of Navigation:** This RGP does not authorize any structure or discharge of dredged or fill material that may interfere with general navigation. For projects

authorized under this RGP in navigable waters of the U.S., the Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

### **13. Activities Affecting Federal Projects:**

- a. For activities proposed adjacent to federal channels, no structure may be constructed within the established setback, calculated from the near design edge of the channel, until coordination with and concurrence from the Corps' Navigation business line is complete. Exact locations of the proposed structures relative to the channel may need to be verified by use of the Florida State Plane (XY) Coordinate System. Prior to issuance of a verification for any activity proposed adjacent to a federal channel, the Corps will review the activity in accordance with the *U.S. Army Corps of Engineers, Jacksonville District, Setback Guidance for Structures along Certain Federal Channels – November 09, 2017* (Setback Guidance). Note: The Setback Guidance may be subject to revision at any time. The most recent version will be utilized during the evaluation of the PCN. The Setback Guidance can be accessed on the Jacksonville District, Regulatory Division's web page at <https://www.sad.usace.army.mil/Missions/Regulatory/Florida/>.
- b. Any activity within federal lands, easements or 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.
- c. Any proposed activity to be verified that would result in the modification, alteration, or construction upon, or adjacent to, an existing federal project, or be constructed within federal lands, easements or rights-of-way may require permission from the Corps' Engineering Division under 33 USC 408. If Section 408 coordination is required, the Regulatory Division will initiate coordination in accordance with the most current standard operating procedures. A verification will not be issued until Section 408 approval is granted.

### **B. TERMS AND CONDITIONS APPLICABLE TO CATEGORY 1 – TEMPORARY EMERGENCY REPAIRS AND ACTIVITIES**

Description of Category 1: Temporary placement of structures and dredged or fill material to restore, repair, and/or stabilize features that have been damaged or destroyed, or are in imminent danger of failing due to an emergency event.

- The activity shall be the minimum necessary to alleviate the immediate emergency.
- All discharges and structures shall be removed within 180 days following the emergency activity being addressed and the site shall be restored to pre-construction and/or pre-emergency event conditions.

### **Category 1 Activities:**

#### **1.a. Repair, Construction and Reconstruction of Linear Transportation Features**

Authorized Activities: Structures and/or discharges of dredged or fill material necessary to protect, repair or restore linear transportation features such as roads, railways, runways, trails, etc., or construct temporary access routes until permanent repairs can occur.

Limitations: The temporary discharge of dredged or fill material outside the limits of previously existing filled footprint (pre-emergency event) cannot exceed 1 acre in waters of the U.S.

#### **1.b. Protection, Repair and Replacement of Utility Structures:**

Authorized Activities: Structures and/or discharges of dredged or fill material required to protect, repair or re-establish aerial or subaqueous utility lines and associated facilities until permanent repairs can occur.

Limitations:

- (1) The temporary discharge of dredged or fill material outside the limits of the previously existing filled footprint (pre-emergency event) cannot exceed 1 acre in waters of the U.S.
- (2) Material resulting from trench excavation may be temporarily sidecast into waters of the U.S., provided that the material is not placed in such a manner that it is dispersed by currents or other forces. The top 6-12 inches of the trench shall only be backfilled with topsoil from the trench. Furthermore, the trench cannot be constructed in such a manner as to drain waters of the U.S. (e.g., backfilling with extensive gravel layers, creating a French drain effect).
- (3) Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

### **1.c. Emergency Dredging:**

Authorized Activities: Dredging to remove accumulated debris, sediment, or vegetation that has formed a blockage in a canal/channel or around existing structures.

Limitations:

- (1) Dredging in canals/channels is limited to restoring flow and/or channel geometry to pre-event dimensions. Dredging to establish depths or widths greater than that which existed prior to the blockage is not authorized.
- (2) Dredging around structures: The removal of accumulated sediments and debris outside the immediate vicinity of existing structures is limited to the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend farther than 500 feet in any direction from the structure.
- (3) Hopper dredging is not authorized.

### **1.d. Debris Removal:**

Authorized Activities: Structures and discharges of dredged or fill material required for the removal of large debris such as derelict vessels.

Limitations: The temporary discharge of dredged or fill material into waters of the U.S. is limited to the minimum amount necessary to remove the debris/vessel.

### **1.e Catchment Facilities:**

Authorized Activities: Structures and discharges of dredged or fill material for the construction of temporary barriers intended to capture debris (e.g., dislodged vegetation, accumulations of algae, trash), waste materials or hazardous materials.

Limitations: The temporary discharge of dredged or fill material into waters of the U.S. is limited to the minimum amount necessary to install the catchment structure.

### **1.f. Bank Stabilization:**

Authorized Activities: Discharges of dredged or fill material necessary to stop shoreline erosion until permanent repairs can occur.

Limitations: The temporary discharge of dredged or fill material outside the limits of the previously existing filled footprint (pre-emergency event) cannot exceed 1 acre in waters of the U.S.

### **1.g. Flood Control Barriers, Staging and Dewatering:**

Authorized Activities: Structures and discharges of dredged or fill material necessary for temporary flood control barriers, construction access, staging and dewatering activities.

Limitations: The temporary discharge of dredged or fill material outside the limits of the previously existing filled footprint (pre-emergency event) cannot exceed 1 acre in waters of the U.S.

## **C. TERMS AND CONDITIONS APPLICABLE TO CATEGORY 2 – PERMANENT EMERGENCY REPAIRS AND ACTIVITIES**

Description of Category 2: Placement of permanent structures and dredged or fill material to permanently restore features that have been damaged or destroyed due to an emergency event.

- The activity shall be the minimum necessary to remediate damages caused by the emergency.

### **Category 2 Activities:**

#### **2.a. Repair, Construction and Reconstruction of Linear Transportation Features**

Authorized Activities: Permanent structures and/or discharges of dredged or fill material necessary to repair or restore linear transportation features such as roads, railways, runways, trails, etc. damaged by an emergency event.

Limitations: The permanent discharge of dredged or fill material outside the limits of previously existing filled footprint (pre-emergency event) cannot exceed 1 acre in waters of the U.S.

#### **2.b. Protection, Repair and Replacement of Utility Structures**

Authorized Activities: Permanent structures and/or discharges of dredged or fill material required to repair or re-establish aerial or subaqueous utility lines and associated facilities damaged by an emergency event.

Limitations:

- (1) The permanent discharge of dredged or fill material outside the limits of the

previously existing filled footprint (pre-emergency event) cannot exceed 1 acre in waters of the U.S.

- (2) Material resulting from trench excavation may be temporarily sidecast into waters of the U.S., provided that the material is not placed in such a manner that it is dispersed by currents or other forces. The top 6-12 inches of the trench shall only be backfilled with topsoil from the trench. Furthermore, the trench cannot be constructed in such a manner as to drain waters of the U.S. (e.g., backfilling with extensive gravel layers, creating a French drain effect).
- (3) Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

## **2.c. Bank Stabilization:**

Authorized Activities: Permanent structures and/or discharges of dredged or fill material necessary to stop shoreline erosion that resulted from an emergency event. Activities include repair, replacement and reinforcement of existing vertical seawalls, restoring living/vegetated and unconsolidated shorelines and stream banks, placement of rip rap or other stabilization materials, or a combination of bank stabilization techniques.

### Limitations:

- (1) This RGP does not authorize the installation of new vertical seawalls.
- (2) The repair and replacement of existing vertical seawalls and footers cannot extend more than 18 inches waterward from the wet face of the existing seawall, unless necessary to align with one or more adjacent seawalls.
- (3) If red mangroves are present:
  - a. Replacement seawalls shall be installed landward of the red mangrove root system.
  - b. Rip rap boulders shall be hand-placed around red mangrove prop roots.
- (4) New shoreline stabilization materials such as rip rap, articulating blocks or mats, sand cement bags, and geotextile/filter fabric and mattresses, where none previously existed, cannot extend more than 10 feet waterward of the mean high water line.
- (5) Rip rap repair and replacement may occur at its previous location, upland of, or within 18 inches waterward of its previous location.

(6) For the restoration of stream banks and other unconsolidated shorelines:

- a. The restored area must not extend waterward of the ordinary high water mark, mean high water line, high tide line, or previous contours that existed prior to the damage (i.e., the restoration must not narrow the width of the waterbody as it existed prior to the damage).
- b. The slope of the restored area below the ordinary high water mark must not exceed the slope that existed prior to the damage (i.e., banks may be laid back to reduce the slope but cannot be steeper than what existed prior to the damage).

#### **2.d. Flood Control Facility Repair:**

Authorized Activities: Permanent structures and/or discharges of dredged or fill material necessary for the repair of an existing flood control facility such as a levee, dam or weir.

Limitations: The discharge of dredged or fill material outside the limits of the previously existing filled footprint (pre-emergency event) cannot exceed 1 acre in waters of the U.S.

#### **2.e. Repair, Replacement and Rehabilitation of Previously Authorized Structures or Fills:**

Authorized Activities: Structures and/or discharges of dredged or fill material necessary to repair, replace or rehabilitate existing structures and fills that were previously authorized by the Corps.

Limitations: The proposed configuration and fill area must match the previous (pre-emergency event) configuration and filled areas.

Note: Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized.

#### **2.f. Beach Renourishment:**

Authorized Activities: The excavation and discharge of beach-compatible sand waterward of the high tide line (HTL) for emergency beach restoration following an emergency event (e.g., hurricane).

Limitations:

- (1) This activity is limited to emergency beach renourishment using sand that has already been sourced.
- (2) This activity is limited to immediate erosion relief to eroded areas that threaten inhabited structures or developed areas.
- (3) This RGP does not authorize new dredging projects for the purpose of sourcing sand for beach renourishment. Beach compatible material must come from one of the following sources:
  - a. An upland source, such as a sand mine
  - b. An existing federal dredging project
  - c. An existing dredging project under a currently valid Corps permit that authorized the placement of dredged material onto beaches.
- (4) Placement of material is not to exceed the footprint of the beach area prior to the discrete emergency event which caused the erosion.
- (5) Sand utilized for beach nourishment activities must be compatible with the sand in the nourished area.
- (6) Excavation of natural shoals or sand bars is not authorized.
- (7) The permittee shall make every effort to contour and shape the excavated area such that the average depth decreases with proximity to the shoreline.

**IX. Discretionary Authority:** Conformance with the descriptions and criteria contained herein does not guarantee authorization under this RGP. The District Engineer reserves the right to require that any request for authorization under this RGP be processed as an individual permit.

**X. General Conditions:**

1. The time limit for completing the work authorized ends 180 days after the date of the verification letter.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with the permit verification, you must obtain the signature and mailing address of the new owner in the space on the transfer page provided below and forward a copy of the permit verification and executed transfer page to this office to validate the transfer of the authorization.

5. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**XI. Further Information:**

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

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403)

(X) Section 404 of the Clean Water Act (33 USC 1344)

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1413)

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

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

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

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

\_\_\_\_\_  
(DISTRICT ENGINEER)

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

\_\_\_\_\_  
(DATE)

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

\_\_\_\_\_  
(TRANSFEREE-SIGNATURE)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(NAME-PRINTED)

\_\_\_\_\_  
(ADDRESS)