



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

REPLY TO
ATTENTION OF

Regulatory Division
South Permits Branch
General Permit No. 59
Revision

AUG 2 1994

Mr. Frank Bernardino
Assistant to the Director
Dade County Department of Environmental
Resources Management
33 SW. 2nd Avenue, Suite 1200
Miami, Florida 33130-1540

Dear Mr. Bernardino:

Enclosed is the issued revision to Department of the Army General Permit Number 59 (GP-59). The revision adds the 40 acre parcel to the current property; expands the fill area allowed to 20 acres; and extends the duration until September 30, 1999.

As noted in Special Condition number 6, monthly and annual reports are to be submitted. As appropriate, these should describe both the fill and the offsite mitigation areas. A data sheet is included for each authorized fill action under this permit. These sheets, or clear copies of them, will be provided to the Jacksonville District, Attention: South Permits Branch (GP-59), at the letterhead address on a monthly basis.

You may be interested in knowing that during the development of this revision there were no critical comments or concerns expressed by any agency or individual. This would indicate that the intended purpose of the original GP-59 is being well served.

Thank you for your cooperation in developing this and we look forward to a continued professional and cordial relationship.

Sincerely,


John R. Hall
Chief, Regulatory Division

Enclosure



REPLY TO
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P. O. BOX 4970
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DEPARTMENT OF THE ARMY

AUG 2 1994

GENERAL PERMIT NUMBER 59
(REVISION)

RESIDENTIAL FILL IN WETLANDS EAST OF 144TH AVENUE
IN BIRD DRIVE - EVERGLADES BASIN, DADE COUNTY

Upon recommendation of the Chief of Engineers, pursuant to Section 404 of the Clean Water Act, general authority is hereby given to discharge fill material for the construction of residential housepads and driveways or other minor, noncommercial and nonagricultural structures in wetlands west of 139th Avenue to 144th Avenue and south of U.S. 41 (Tamiami Trail) as shown on the enclosed map. This revision adds the northwest corner 40 acre parcel bounded on the north by Tamiami Trail, on the west by 144th Avenue, and on the south and east by the existing GP59 property.

General authority is hereby given to the Dade County, Department of Environmental Resource Management (DERM) to administer the Department of the Army permit numbered above to place fill subject to the conditions of this permit.

SPECIAL CONDITIONS:

1. This permit applies only to residential construction for homes or other minor, noncommercial and nonagricultural structures, including their appurtenant structures and driveways in Sections 3, 10, and 15, Township 54 South, Range 39 East.
2. The applicant must submit satisfactory plans for the proposed activity and receive written authorization from the District Engineer or the agency administering the permit prior to the start of work.
3. Only clean fill and rock material compatible with existing soils shall be used (i.e., material consisting of soil, rock, sand, earth marl, clay, stone, and/or concrete rubble).
4. (Revised): This permit is confined to parcels less than or equal to 20 acres.
5. (Revised): Impacts from the filling of parcels of 20 acres or less will be offset by enhancing offsite impacted wetlands on an 1:1½ acre impact to enhancement basis. All plans for offsite enhancement will be approved prior to the start of

work. The applicant may participate in the Dade County/ Everglades National Park East Everglades Exotic Vegetation control Program.

6. A report will be submitted to the Jacksonville District Office monthly on the number of projects authorized by this general permit. A yearly report will be submitted by DERM outlining the results of the offsite mitigation. This would include the number of acres enhanced and the locations of the mitigation sites.

7. Plans for any offsite mitigation will be submitted with the Department of the Army application.

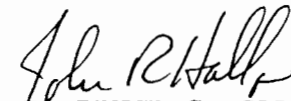
8. No discharge will be authorized under the general permit which would adversely affect Federally listed threatened or endangered plant or animal species.

9. (Revised): This General Permit will be valid until September 30, 1999.

10. The District Engineer reserves the right to require that any request for authorization under this general permit be processed as an individual permit.

11. The attached General Conditions are made a part of this permit.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:



TERRENCE C. SALT
Colonel, Corps of Engineers
Commanding

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GENERAL PERMIT

GENERAL CONDITIONS

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension, or revocation of this permit in whole or in part, as set forth more specifically in General Conditions j or k hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended, or revoked in whole or in part.

b. That all activities authorized herein shall, if they involve a discharge or deposit into waters of the United States or ocean waters be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, and pretreatment standards established pursuant to Sections 301, 302, 306, and 307 of the Clean Water Act, or pursuant to applicable State and local law.

c. That when the activity authorized herein involves a discharge or deposit of dredged or fill material into waters of the United States, the authorized activity shall, if applicable water standards are revised or modified during the term of this permit, be modified if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

d. That the permittee agrees to make every reasonable effort to prosecute the construction or work authorized herein in a manner so as to minimize any adverse impact of the construction or work on fish, wildlife, and natural environmental values.

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GENERAL PERMIT

e. That the permittee(s) agree to prosecute the construction of work authorized herein in a manner so as to minimize any degradation of water quality.

f. That the permittee shall permit the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

g. That the permittee shall maintain the structure or work authorized herein in good condition and in accordance with the plans and drawings that are approved.

h. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations, nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized herein.

i. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by, or result from existing or future operations undertaken by the United States in the public interest.

j. That this permit may be either modified, suspended, or revoked in whole or in part if the Secretary of the Army or his authorized representative determines that there has been a violation of any of the terms or conditions of this permit, or that such action would otherwise be in the public interest.

k. That in issuing approval to perform work under this permit the Government has relief on the information and data which the permittee has provided in connection with his application. If, subsequent to the issuance of approval, such information and data prove to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part and/or the Government may, in addition, institute appropriate legal proceedings.

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GENERAL PERMIT

l. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

m. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

n. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

o. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by Congress or other agencies of the Federal Government.

p. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Conditions hereof, he must restore the area to a condition satisfactory to the District Engineer.

q. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

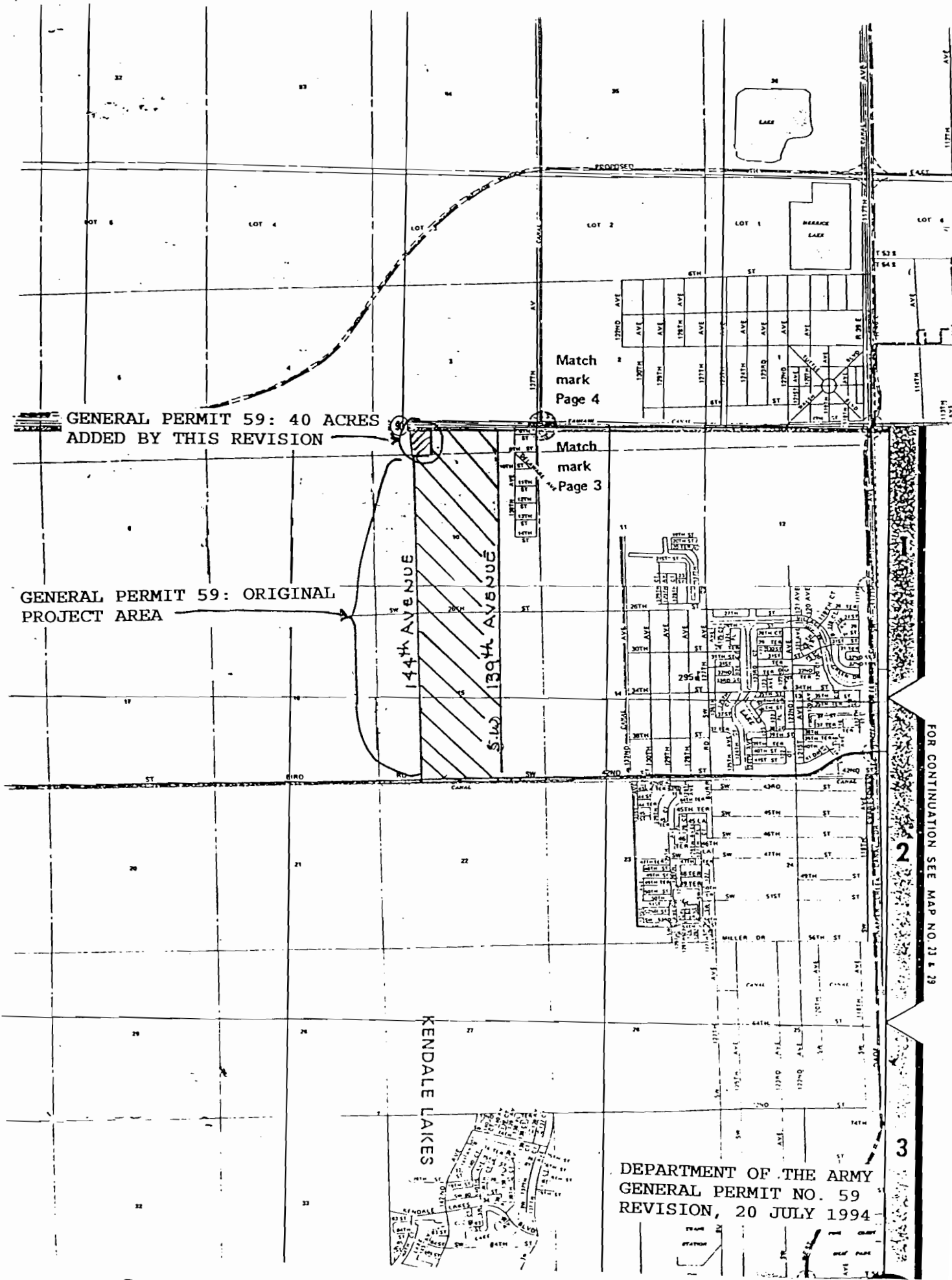
r. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

s. That authorization under this permit may not be transferred to a third party without prior written notice to the District Engineer by the transferee's written agreement to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance

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of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Registrar of Deeds or other appropriate official if law permits.

t. The terms "permittee" means the party or parties authorized by the District Engineer to accomplish work under this general permit.



GENERAL PERMIT 59: 40 ACRES
ADDED BY THIS REVISION

GENERAL PERMIT 59: ORIGINAL
PROJECT AREA

Match
mark
Page 4

Match
mark
Page 3

KENDALE LAKES

DEPARTMENT OF THE ARMY
GENERAL PERMIT NO. 59
REVISION, 20 JULY 1994

FOR CONTINUATION SEE MAP NO. 21 & 29

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MEMORANDUM OF FINDINGS FOR GENERAL PERMIT SAJ-59

RESIDENTIAL FILL/DADE COUNTY

NAME: _____

LOCATION: _____

PROJECT: _____

1. Is the proposed project located in either Sections 3, 10, or 15, Township 54 South, Range 39 East? YES NO _____

2. Is the proposed project for residential fill or other minor, non-commercial and nonagricultural structures including appurtenant structures and driveways? YES NO _____

3. Will the proposed project use only clean rock and fill compatible with existing soils (i.e. material consisting of soil, rock, sand, earth, marl, clay, stone and/or concrete rubble)? YES NO _____

4. Is the proposed work confined to parcels less than or equal to 20 acres? YES NO _____

5. Does the applicant have an approved offsite mitigation plan with each acre of fill mitigated by 1 1/2 acre of offsite enhancement? YES NO _____

6. Would any federally listed threatened or endangered plant or animal species be adversely affected? YES _____ NO

Inspector Date

ALL ANSWERS MUST BE CHECKED IN BOXES TO QUALIFY FOR GENERAL PERMIT SAJ-59