

DEPARTMENT OF THE ARMY

REGIONAL GENERAL PERMIT SAM-20

RESIDENTIAL DEVELOPMENTS WITHIN THE MOBILE DISTRICT, REGULATORY
DIVISION'S GEOGRAPHIC BOUNDARY OF HANCOCK, HARRISON, JACKSON,
PEARL RIVER, STONE, AND GEORGE COUNTIES, MISSISSIPPI

AUTHORITY: Upon recommendation of the Chief of Engineers, pursuant to Section 404 of the Clean Water Act (33 U.S.C. § 1344), the U.S. Army Corps of Engineers, Mobile District, Regulatory Division, is proposing to issue a Regional General Permit (RGP SAM-20), which gives general authority for activities required for the construction or expansion of residential building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures. RGP SAM-20 is subject to the following special conditions:

SPECIAL CONDITIONS:

1. The work herein authorized includes activities required for the construction or expansion of residential building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures within the Mobile District, Regulatory Division's Geographic Boundary of Hancock, Harrison, Jackson, Pearl River, Stone, and George Counties, Mississippi. Attendant features include but are not limited to roads, parking lots, garages, yards, utility lines and stormwater management facilities.

NOTE: Stormwater management facilities may require separate state and federal permitting. Attendant features do not include ponds, golf courses, fitness facilities, playgrounds, playing fields, etc. Examples of residential developments include multiple and single unit developments.

2. The cumulative total area of permanently impacted waters of the United States associated with a single and complete project shall not exceed three acres under a single stand-alone project for the entire tract of land (i.e. no piece-mealing is authorized by this RGP). For new residential developments, the total loss of waters of the United States authorized shall not exceed three acres. For expansion of residential developments, the originally filled areas (those areas that previously impacted wetlands) and proposed fill areas, combined, shall not exceed three acres.

3. No work shall be performed until the applicant receives written authorization from the District Engineer.

4. No work is authorized in tidal waters. The term "tidal waters" means those waters that rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by hydrologic, wind, or other effects.
5. No work is authorized in non-tidal waters that are adjacent to tidal waters. The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes and the like are adjacent wetlands.
6. No speculative filling is authorized. If no residential structures (i.e houses or apartments) are constructed, prior to the expiration date of this RGP SAM-20 (or within 12 months of expiration date, if work has commenced or is under contract to commence), the applicant/owner shall remove all fill material associated with the authorized activity. The removal of the fill material will be at the applicants/owners expense.
7. Recreational and/or aesthetic impoundments are not authorized.
8. RGP SAM-20 shall only be used for impacts to low quality wetlands, based on a USACE approved WRAP assessment. Low quality wetlands are defined by a score of 0.5 or less on a WRAP assessment.
9. No work is authorized in the following areas:
 - a. Historical Preserves or parcels/tracts abutting these lands;
 - b. National Estuarine Research Reserves or parcels/tracts abutting these lands;
 - c. National Wildlife Refuges or parcels/tracts abutting these lands;
 - d. Coastal Preserves or parcels/tracts abutting these lands;
 - e. Conservation Lands, Conservation Easements, Conservation Trusts, USACE required mitigation areas or parcels/tracts abutting these lands;
 - f. Pascagoula River Wildlife Management Area or parcels/tracts abutting these lands;
 - g. Important Bird Areas (IBA), as defined by the National Audubon Society, or parcels/tracts abutting these lands;

- h. Within or abutting projects that are currently being formulated as part of the Mississippi Coastal Improvements Program comprehensive plan for hurricane storm damage reduction and environmental restoration. The MsCIP will identify those areas within the 3 southern coastal counties (Jackson, Harrison, Hancock) which are considered priority for possible evacuation of structures with subsequent environmental restoration;
 - i. Within the Turkey Creek watershed;
 - j. Within 100-year floodplains, as documented by Federal Emergency Management Administration's (FEMA) Flood Insurance Rate Maps, FEMA-approved local floodplain maps and flood risk maps.
10. No registered properties or properties listed as eligible for inclusion in the National Register of Historic Places shall be affected. Permit submittal must include either a Phase I survey or a letter from the State Historic Preservation Officer, for Mississippi, confirming that no impacts to known cultural/historical resources will occur on the project site.
11. Should artifacts or archaeological features be encountered during project activities, work shall cease and the Mississippi State Historic Preservation Officer and the U.S. Army Corps of Engineers, Mobile District, Regulatory Division shall be consulted immediately. The USACE 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.
12. In the event any items falling under Native American Graves and Repatriation Act (NAGPRA) are discovered during construction, the appropriate persons, including state and tribal NAGPRA representatives will be notified immediately for further consultation.
13. This permit does not authorize stream channelization or relocation.
14. Stream impacts are limited to road crossings with a width not to exceed 30-feet for any single crossing. Each road crossing shall be culverted using bottomless arch culverts, box-culverts or other USACE approved methods. The authorized activities must not increase flooding, cause downstream bank erosion, increase peak discharge, or negatively impact the pre-project hydrologic flow characteristics or water quality of any affected stream. For the purpose of this condition, the 30-feet of impacts will be calculated into an acreage figure and included in the 3-acre limit. In addition, a 30-foot vegetated buffer will be maintained between the development and streams.
15. Sewage will be treated in publicly owned treatment works or in a septic system authorized by the State or County Health Department.

16. No activity, authorized by this permit, shall increase flooding onto adjacent properties.

17. No authorization shall be granted for any project that may affect any threatened or endangered species and/or their critical habitats. Permit submittal must include a Federally-listed threatened and endangered animal and plant species survey. If Federally-listed animal and/or plant species are found on the site, no activities will be authorized until the U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service have completed consultation for the proposal, under Section 7 of the Endangered Species Act. No activity shall be authorized which:

a) may affect: any other Federally listed threatened or endangered species; or

b) may destroy or adversely modify: designated critical habitat for any Federally listed threatened or endangered species.

18. Compensatory mitigation, for unavoidable impacts to waters of the United States, will be required through the purchase of in-kind credits at a USACE-approved mitigation bank. The applicant is required to use the particular bank's ratio in determining the amount of credits to be purchased. The applicant is required to purchase credits from mitigation banks whose service area includes the project area (i.e. same watershed as impacts). If a project does not fall within any mitigation bank's service area, the applicant shall then purchase in-kind mitigation bank credits from the next closest USACE-approved mitigation bank to the project site. If stream mitigation credits are not available from a mitigation bank, the applicant is required to provide appropriate mitigation and will use the most current approved stream functional assessment method. Proof of mitigation credit purchase shall be provided to the U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Post Office Box 2288, Mobile, Alabama 36628-0001, after receiving USACE authorization and prior to the start of any authorized work.

19. The applicant must allow representatives, from the U.S. Army Corps of Engineers, Mobile District, Regulatory Division, 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 this RGP.

20. Prior to construction, the limits of the proposed fill areas shall be clearly flagged and staked by the agent and/or contractor. All construction personnel shall be shown the location(s) of all wetland areas outside of the construction area to prevent encroachment from heavy equipment into those areas. In addition, all filled areas shall be completely contained through installation of toed-in silt fencing and staked hay bales and maintained until work has been completed.

21. Any temporary impacts shall be restored to pre-project conditions within 30 days of completion of work associated with this permit.
22. All persons/contractors involved in this permitted activity shall be provided copies of the permit in its entirety. A copy shall remain on site at all times during construction.
23. Fill material used with this project shall be limited to suitable, clean fill material, which excludes material such as trash, debris, car bodies, asphalt, construction materials, concrete block with exposed reinforcement bars, and any soils contaminated with any toxic substance in toxic amounts (see Section 307 of the Clean Water Act).
24. All slopes shall be stabilized with sod, degradable mats and/or seed and mulch. Erosion controls in the form of toed-in silt fencing and staked hay bales will be installed and maintained until the vegetative cover is established.
25. The permittee shall notify the U.S. Army Corps of Engineers, upon commencement and completion of work authorized by this RGP. Such notification must be provided within 5 days of initiation and completion of the authorized work. The notification shall be submitted to the U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Post Office Box 2288, Mobile, Alabama 36628-0001.
26. Within 60 days of completion of the authorized work, the RGPs Self-Certification Statement of Compliance must be completed and submitted to the U.S. Army Corps of Engineers. Mail the completed form to the U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Post Office Box 2288, Mobile, Alabama 36628-0001.
27. If you sell the property associated with this RGP, you must complete and submit the Department of the Army Permit Transfer Request. Mail the completed form to the U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Post Office Box 2288, Mobile, Alabama 36628-0001.
28. Conformance with descriptions and quantities contained herein does not necessarily guarantee authorization under this Regional General Permit. The District Engineer reserves the right to require that any request for authorization under this Regional General Permit be evaluated as a standard permit. In addition, this RGP does not obviate the need for the permittee to obtain other Federal, state, or local authorizations required by law, nor does it grant any property rights or exclusive privileges.
29. Permit applications shall be submitted to the U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Coastal Mississippi Branch, Post Office Box 2288, Mobile, Alabama 36628-0001, using the Mississippi Joint Application form and must include the following:

- a. A delineation of wetlands and/or other waters of the U.S. The onsite wetlands/waters of the U.S. must be flagged and easily accessible.
- b. Data sheets, as outlined in the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Miss., 1987 (87 Manual).
- c. 8-1/2" X 11" plan-view drawings of existing and proposed site conditions.
- d. 8-1/2" X 11" cross-sectional drawings for road crossings. Road crossings must use bottomless arch culverts, box culverts, or other USACE approved methods and the drawing must include elevation and dimensions.
- e. Topographic map; indicating project boundary and Latitude/Longitude in degrees, minutes, and seconds.
- f. Soil survey.
- g. An aerial photo or ground-level pictures of the site, depicting current conditions.
- h. Location map.
- i. Mitigation calculations/bank name.
- j. WRAP assessment.
- k. 100-year floodplain documentation through Federal Emergency Management Administration's (FEMA) Flood Insurance Rate Maps, FEMA-approved local floodplain maps and flood risk maps.
- l. Documentation that work is not within or on parcels/tracts abutting areas identified in Special Condition 8 above.
- m. Statement as to how project relates to redevelopment due to Hurricane Katrina.
- n. Demonstration that the project will not increase flooding onto adjacent properties.
- o. A statement that sewage will be treated in publicly owned treatment works or in a septic system authorized by the State or County Health Department.
- p. A clearance letter from SHPO or Phase I survey.

- q. A Federally-listed threatened and endangered animal and plant species survey.
- r. A written statement explaining how avoidance and minimization for losses of waters of the United States were achieved on the project site.
- s. Demonstration that the activity will not increase flooding, cause downstream bank erosion, increase peak discharge, or negatively impact the pre-project hydrologic flow characteristics or water quality of any affected stream.

30. RGP SAM-20 shall be valid until May 23, 2009, unless suspended or revoked by issuance of a public notice by the District Engineer. If RGP SAM-20 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 RGP SAM-20 will remain in effect provided the activity is completed within 12 months of the date RGP SAM-20 expired or was revoked.

All applications for use by the RGP SAM-20 will be sent to the applicable State and Federal agencies for a 7-day (working days) coordination period. After coordination has concluded, the U.S. Army Corps of Engineers will either issue the RGP, issue the RGP with conditions, or elevate the application to an Individual/Standard Permit review. At any time, for any reason, the U.S. Army Corps of Engineers reserves the right to elevate an application, for use of this RGP, to an Individual Standard Permit review.

MOBILE DISTRICT
U.S. Army Corps of Engineers

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

RGP SAM-20 PERMIT NUMBER: SAM- - -

When the structures or work verified 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, the transferee should sign and date below. Following completion, the form should be returned to the U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Post Office Box 2288, Mobile, Alabama 36628-0001.

(TRANSFEREE - SIGNATURE)

(DATE)

(NAME - PRINTED)

(SUBDIVISION)

(LOT/BLOCK)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

RGP SAM-20 PERMIT NUMBER: SAM- - -

Permittee's Name & Address (Please print or type): _____

Telephone Number: _____

Location of the Work: _____

Date Work Started: _____ Date Work Completed: _____

Description of the Work (e.g. bank stabilization, residential or commercial filling, docks, dredging, etc.): _____

Acreage or Square Feet of Impacts to Waters of the United States: _____

Describe Mitigation completed: _____

Describe any Deviations from Permit (attach drawing(s) depicting the deviations): _____

I certify that all work and mitigation was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

Signature of Permittee

Date