



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
10117 PRINCESS PALM AVENUE, SUITE 120
TAMPA, FLORIDA 33610

REPLY TO
ATTENTION OF

Tampa Regulatory Office
SAJ-2006-1652-MEP

OCT 12 2006

Bayonne Development, LLC
Bayonne Investments, LLC
510 Blackburn Point Road
Osprey, Florida 34229

Dear Sirs:

Your application for a Department of the Army permit received on March 3, 2006, has been assigned number SAJ-2006-1652-MEP. A review of the information and drawings provided shows the proposed work is to construct a 13 acre, 152 unit, residential multi-family condominium subdivision known as "The Residences at Grande Bay", and construct an associated 18 acre mixed-use residential and commercial development, known as "The Shoppes at Grande Bay". The project, as proposed, will impact 0.11 acres of a 1.14 acre fresh water wetland that is dominated by exotic vegetation, and will impact 0.39 acres of a ditch that connects the freshwater wetland to little Sarasota Bay. To mitigate for impacts to wetlands of the United States, 1.03 acres of the on-site wetland will be enhanced, and 0.14 acres of forested wetlands will be created. The project is located just west of the intersection of U.S. Highway 41 and Beneva Road, in Section 28, Township 37 South, Range 18 East, Sarasota County, Florida.

Latitude 27.2358° North, Longitude -82.5056° West

The Supreme Court handed down a decision on June 19, 2006, in the Rapanos and Carabell cases. That decision addresses the scope of Clean Water Act jurisdiction over certain waters of the United States, including wetlands. We anticipate that the decision will lead the Corps and the U.S. Environmental Protection Agency to make some changes in our scope of jurisdiction.

Your project includes activities, which are regulated under the current interpretation of Federal jurisdiction under Section 404 of the Clean Water Act. Your project includes special conditions that require compensatory mitigation for impacts to

areas of Federal jurisdiction. Any changes to our scope of jurisdiction could require reassessment of these mitigation requirements and/or other project modification. You will have an opportunity to re-address the terms or conditions of this authorization following issuance of the anticipated EPA/Army substantive Rapanos/Carabell guidance, if such guidance affects Federal jurisdiction on your permit site.

Your project, as depicted on the enclosed drawings, is authorized by Nationwide Permit (NWP) Number 39. In addition, project specific conditions have been enclosed. This verification is valid until March 18, 2006. This verification is valid until the NWP is modified, reissued, or revoked prior to March 18, 2007. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are issued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit. Please access the U.S. Army Corps of Engineers' Jacksonville District's Regulatory web address at <http://www.saj.usace.army.mil/permit/permitting/nwp.htm> to access web links to view the Final Nationwide Permits, Federal Register 67, January 15, 2002, the Corrections to the Final Nationwide Permits, Federal Register 67, February 13, 2002, and the List of Regional Conditions. These files contain the description of the Nationwide Permit authorization, the Nationwide Permit general conditions, and the regional conditions, which apply specifically to this verification for NWP 39. Additionally, enclosed is a list of the six General Conditions, which apply to all Department of the Army authorizations. You must comply with all of the special and general conditions and any project specific condition of this authorization or you may be subject to enforcement action. In the event you have not completed construction of your project within the specified time limit, a separate application or re-verification may be required.

The following special conditions are included with this verification:

1. Within 60 days of completion of the work authorized, the attached "Self-Certification Statement of Compliance" must be completed and submitted to the U.S. Army Corps of Engineers. Mail the completed form to the Regulatory Division, Enforcement Section, Post Office Box 4970, Jacksonville, Florida 32232-0019.
2. The permittee shall comply with the attached Biological Opinion for the bald eagle, dated September 14, 2006, and the terms, conditions, and recommendations specified therein.
3. The permittee shall follow the attached "Standard Protection Measures for the Eastern Indigo Snake".
4. To mitigate for wetland impacts, the permittee shall enhance 1.03 acres of on-site wetlands, and create 0.14 acres of forested wetlands. The mitigation shall be constructed, monitored, and maintained in compliance with the attached permit drawings and SWFWMD ERP No. 44030481.000 (attached).

This letter of authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. In Florida, projects qualifying for this NWP must be authorized under Part IV of Chapter 373 by the Department of Environmental Protection, a water management district under §. 373.069, F.S., or a local government with delegated authority under §. 373.441, F.S., and receive Water Quality Certification (WQC) and Coastal Zone Consistency Concurrence (CZCC) (or a waiver), as well as any authorizations required by the State for the use of sovereignty submerged lands. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

This letter does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your

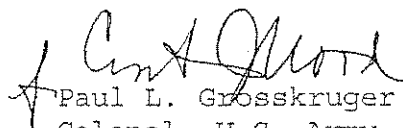
site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced NWP, please contact Mark E. Peterson by telephone at (813)769-7065, or by e-mail at Mark.E.Peterson@saj02.usace.army.mil.

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit the following link and complete our automated Customer Service Survey:

http://www.saj.usace.army.mil/permit/forms/customer_service.htm.
Your input is appreciated - favorable or otherwise.

Sincerely,


Paul L. Grosskruger
Colonel, U.S. Army
District Commander

Enclosures

Copies Furnished:

USFWS, Vero Beach, Florida (Al Begazo)
FWC, Punta Gorda, Florida (Jim Beaver)
FWC, Tallahassee, Florida (Dan Sullivan)
BRA, Sarasota, Florida (Ray Loraine)

bcc:
CESAJ-RD-PE

GENERAL CONDITIONS
33 CFR PART 320-330

PUBLISHED FEDERAL REGISTER DATED 13 NOVEMBER 1986

1. The time limit for completing the work authorized ends on March 18, 2007. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
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 of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a 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.

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: NW-39

Application Number: SAJ-2006-1652-MEP

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 (if applicable): _____

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

I certify that all work, and mitigation (if applicable) 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

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: SAJ-2006-1652-MEP

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. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, FL 32232-0019.

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

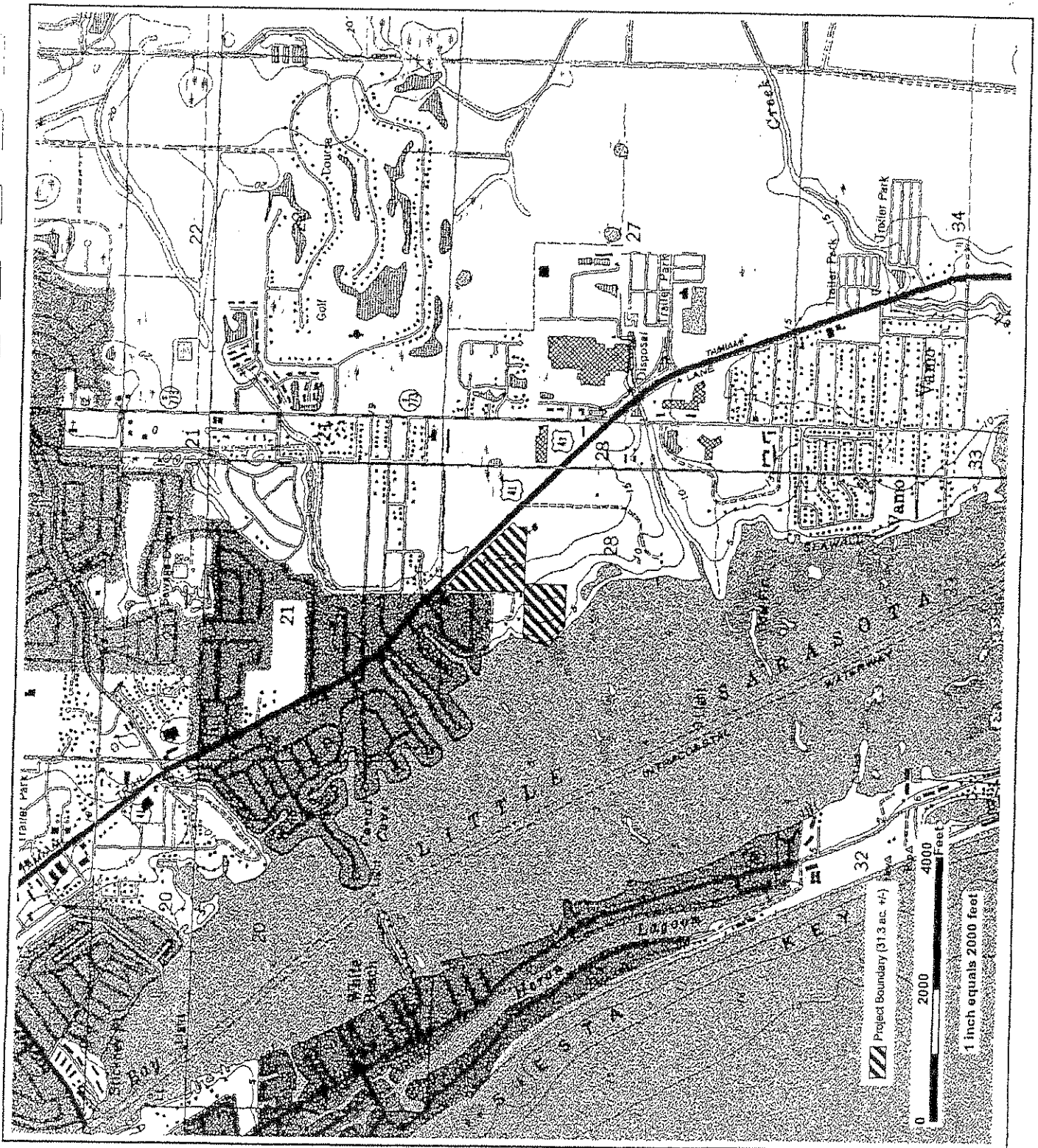
(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)



Sec 28, Twp 37 S, Rng 18 E

Image: USGS Quadrangle

Preparation Date: 29 Dec 2005
Revision Date: 7105-001-W70
Project Number: 7105-001-W70

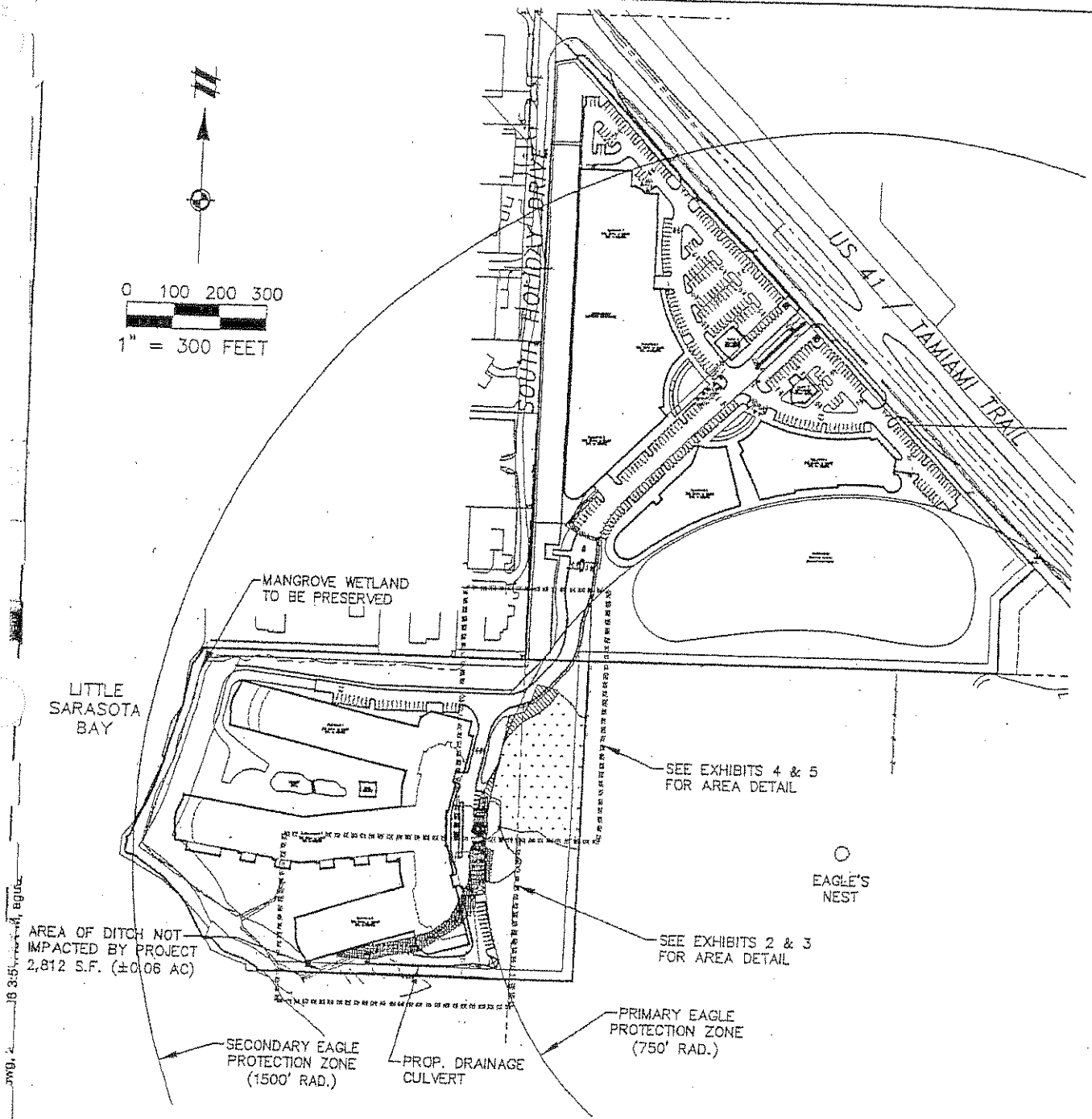
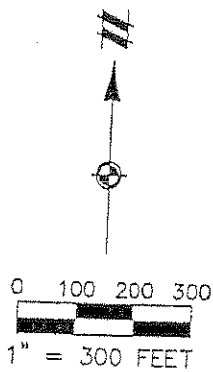
Project Manager: RKL
GIS Operator: MBP
GIS QA/QC:



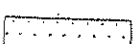
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Plot File: quad_8x11.pdf

USGS Quadrangle
Grande Bay
Sarasota County, Florida

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Applicant: Bayonne Development
CESAJ-RD-SW-T
Date: 12-Oct-2006
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-  PROPOSED WETLAND IMPACT
(±0.11 AC TOTAL)
-  PROPOSED SURFACE WATER IMPACT
(±0.33 AC TOTAL)
-  PROPOSED WETLAND ENHANCEMENT
(±1.03 AC TOTAL)

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2/16/06

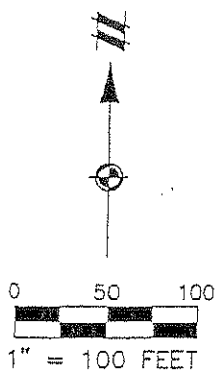
**CORPS OF ENGINEERS
WETLAND IMPACT EXHIBIT**
PREPARED FOR:
BAYONNE DEVELOPMENT, LLC
BAYONNE INVESTMENTS, LLC

PROJECT: 05001078.30
DATE: FEBRUARY 14, 2006
DRAWN: JMIS
CHECKED: T.JOHNSON
CAD FILE: 05001078CE-01-L

Permit No. SAJ-2006-1652-MEP
Applicant: Bayonne Development
CESAJ-RD-SW-T
Date: 12-Oct-2006
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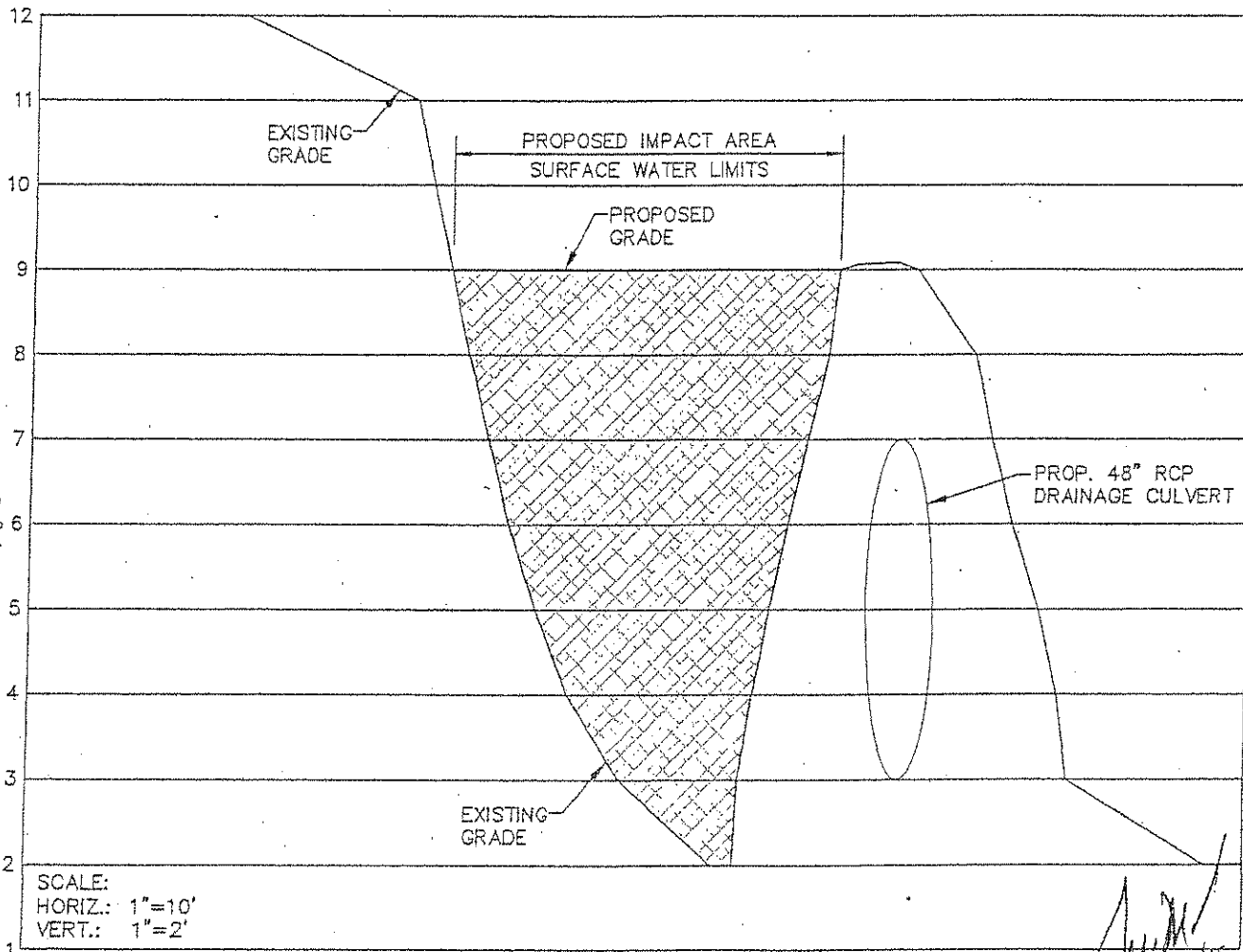
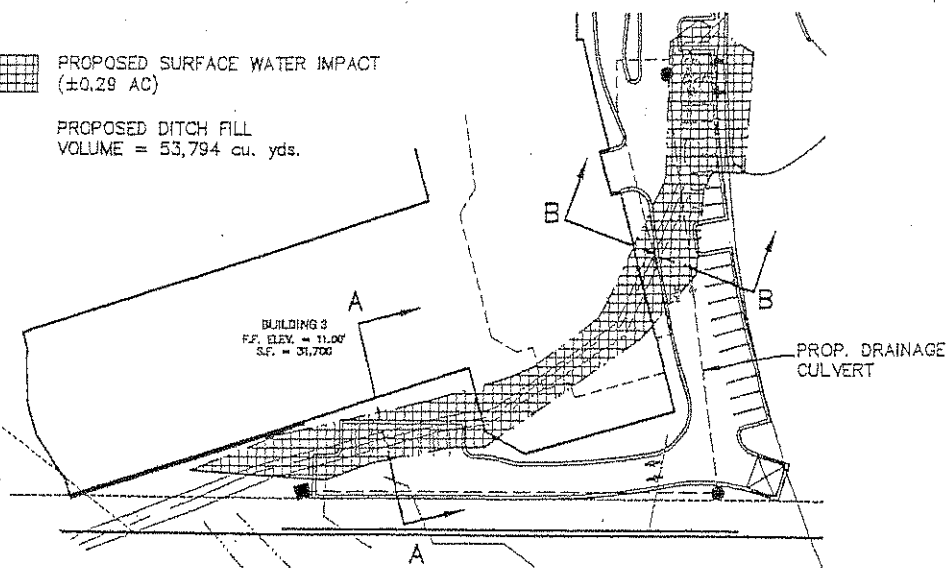
W-1

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PROPOSED SURFACE WATER IMPACT
(±0.29 AC)

PROPOSED DITCH FILL
VOLUME = 53,794 cu. yds.



SECTION A-A

CORPS OF ENGINEERS
WETLAND IMPACT EXHIBIT

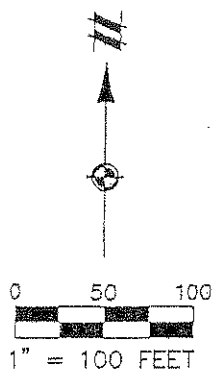
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BAYONNE DEVELOPMENT, LLC
BAYONNE INVESTMENTS, LLC

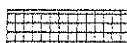
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DATE: FEBRUARY 14, 2006
DRAWN: JMIS
CHECKED: T.JOHNSON
CAD FILE: 05001078CE-01-L

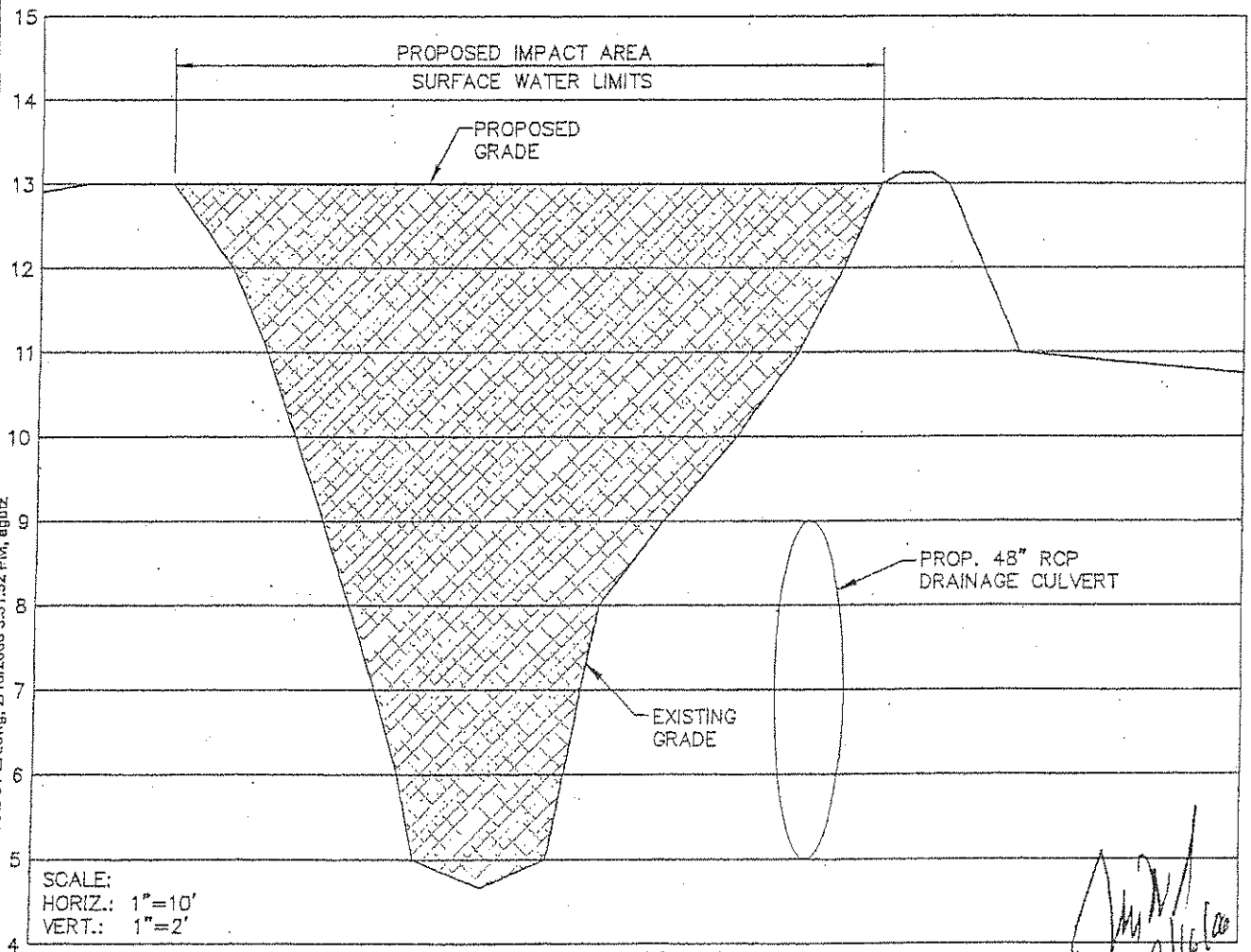
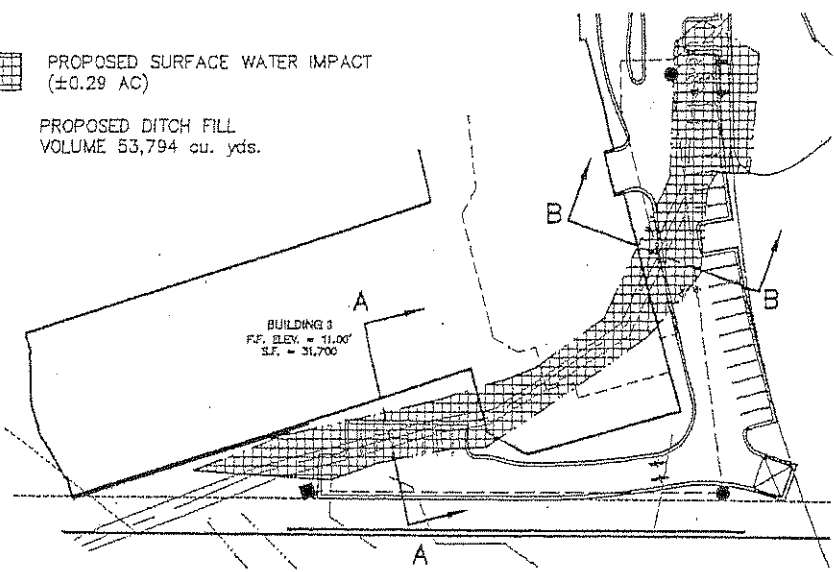
Permit No. SAJ-2006-1652-MEP
Applicant: Bayonne Development
CESAJ-RD-SW-T
Date: 12-Oct-2006
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 PROPOSED SURFACE WATER IMPACT
 (±0.29 AC)
 PROPOSED DITCH FILL
 VOLUME 53,794 cu. yds.



SCALE:
 HORIZ.: 1"=10'
 VERT.: 1"=2'

SECTION B-B

W-3

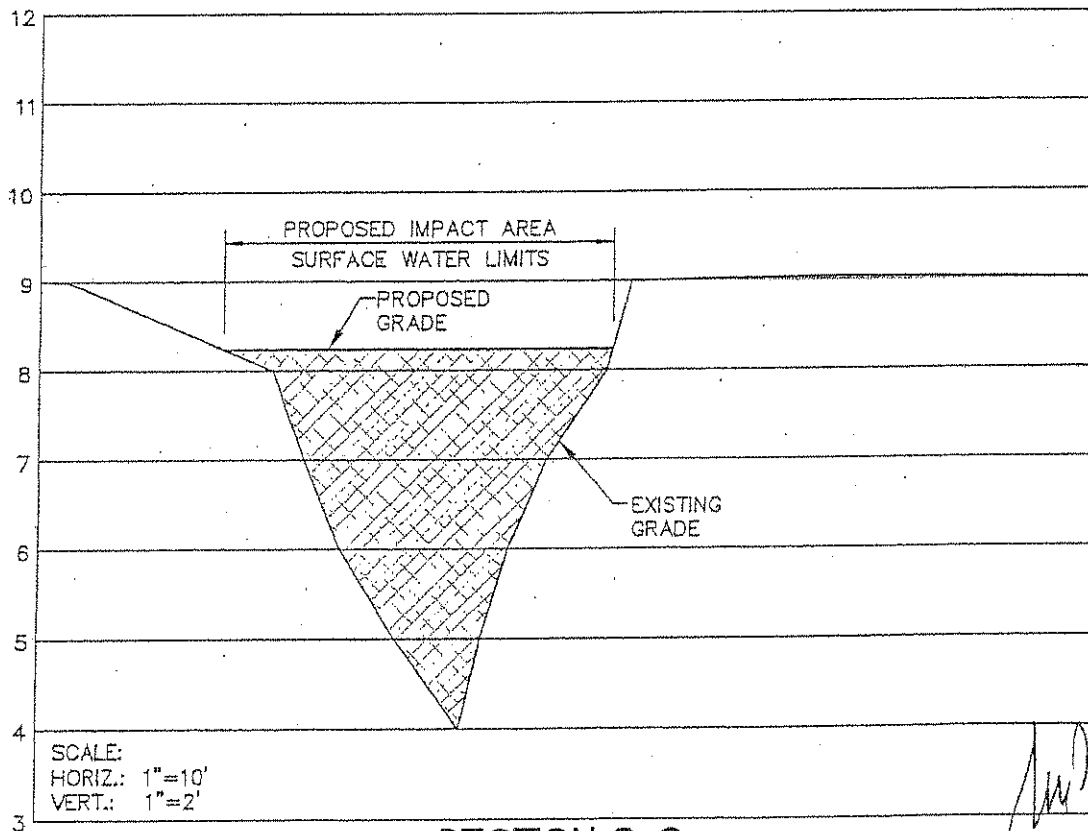
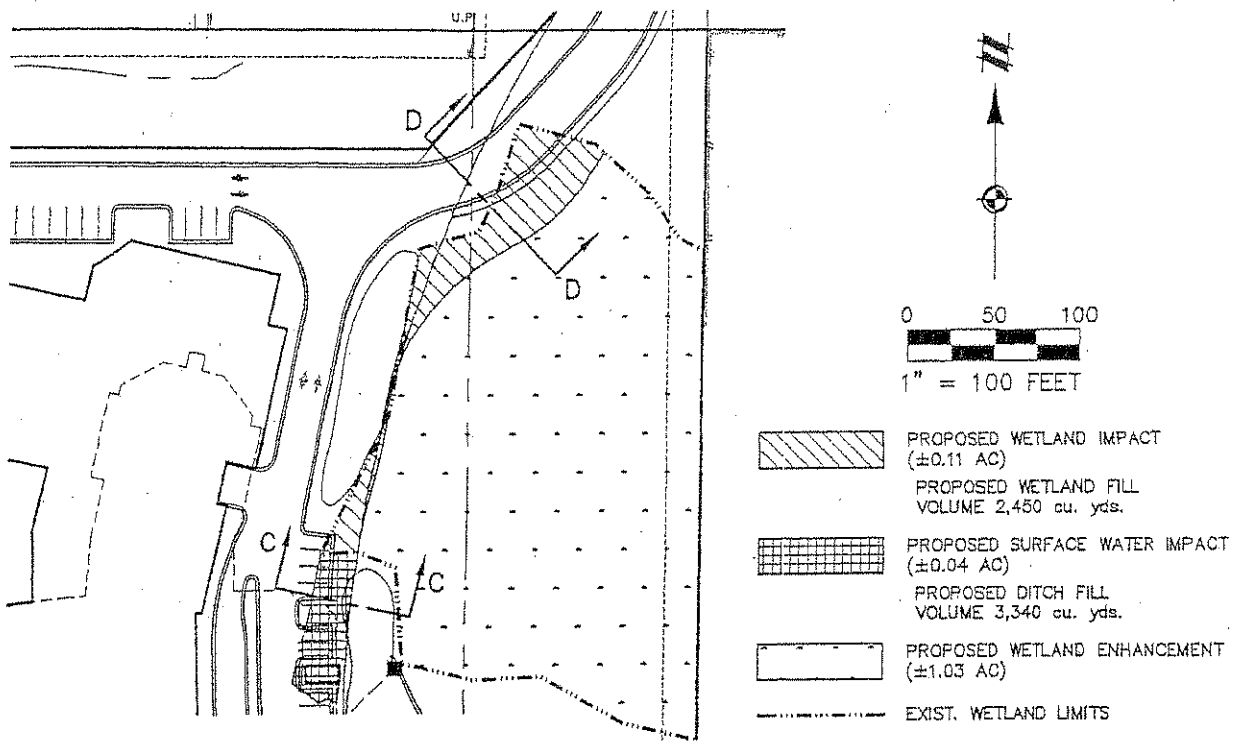
CORPS OF ENGINEERS
 WETLAND IMPACT EXHIBIT
 PREPARED FOR:
 BAYONNE DEVELOPMENT, LLC
 BAYONNE INVESTMENTS, LLC

PROJECT: 05001078.30
 DATE: FEBRUARY 14, 2006
 DRAWN: JMIS
 CHECKED: T.JOHNSON
 CAD FILE: 05001078CE-01-L

Permit No. SAJ-2006-1652-MEP
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 CESAJ-RD-SW-T
 Date: 12-Oct-2006
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SECTION C-C

W-4

CORPS OF ENGINEERS WETLAND IMPACT EXHIBIT

PREPARED FOR:

BAYONNE DEVELOPMENT, LLC
BAYONNE INVESTMENTS, LLC

PROJECT: 05001078.30

DATE: FEBRUARY 14, 2006

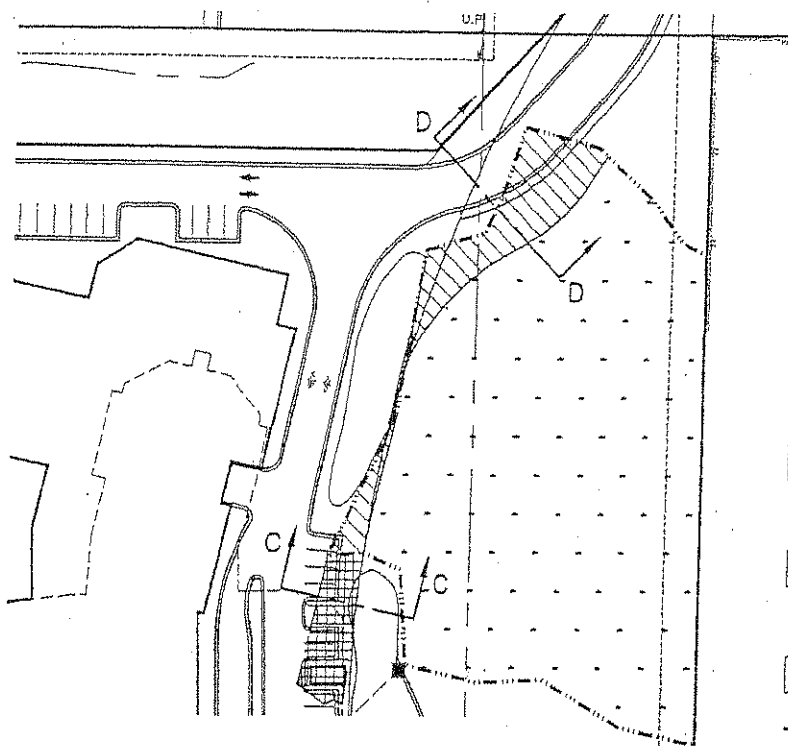
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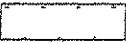
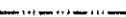
CHECKED: T. JOHNSON

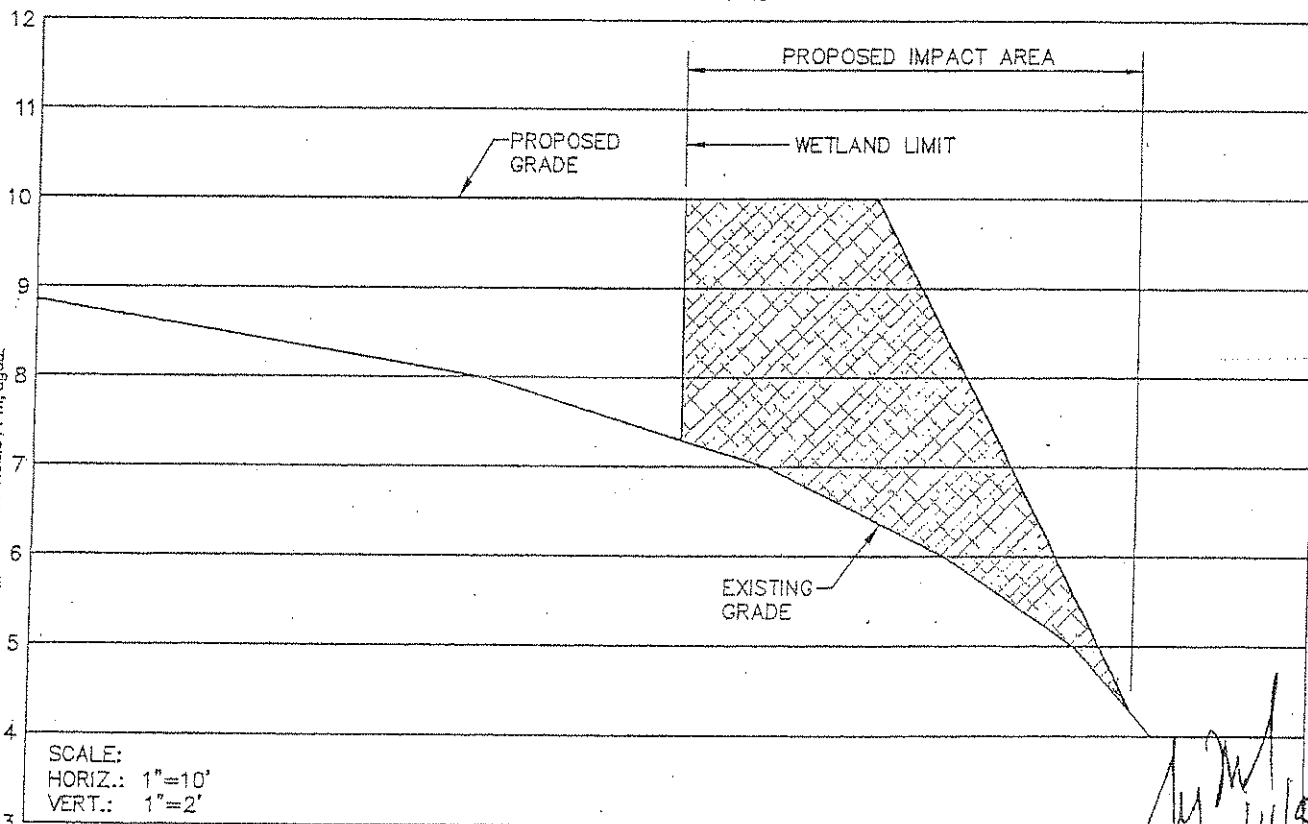
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Applicant: Bayonne Development
CESAJ-RD-SW-T
Date: 12-Oct-2006
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-  PROPOSED WETLAND IMPACT
(± 0.11 AC)
-  PROPOSED SURFACE WATER IMPACT
(± 0.04 AC)
-  PROPOSED WETLAND ENHANCEMENT
(± 1.03 AC)
-  EXIST. WETLAND LIMITS



SECTION D-D

W-5

CORPS OF ENGINEERS WETLAND IMPACT EXHIBIT

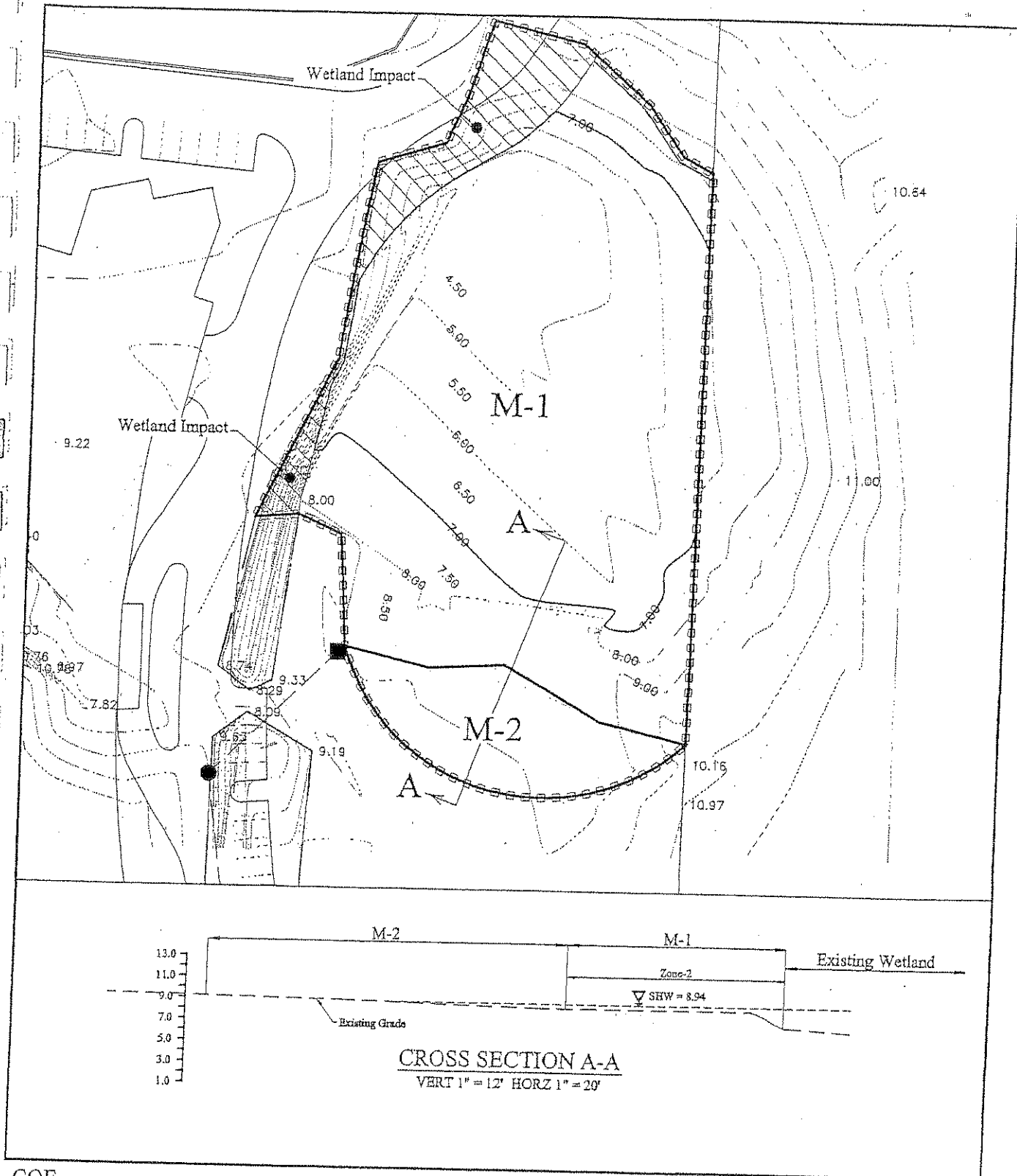
PREPARED FOR:
BAYONNE DEVELOPMENT, LLC
BAYONNE INVESTMENTS, LLC

PROJECT: 05001078.30
DATE: FEBRUARY 14, 2006
DRAWN: JMIS
CHECKED: T.JOHNSON
CAD FILE: 05001078CE-01-L

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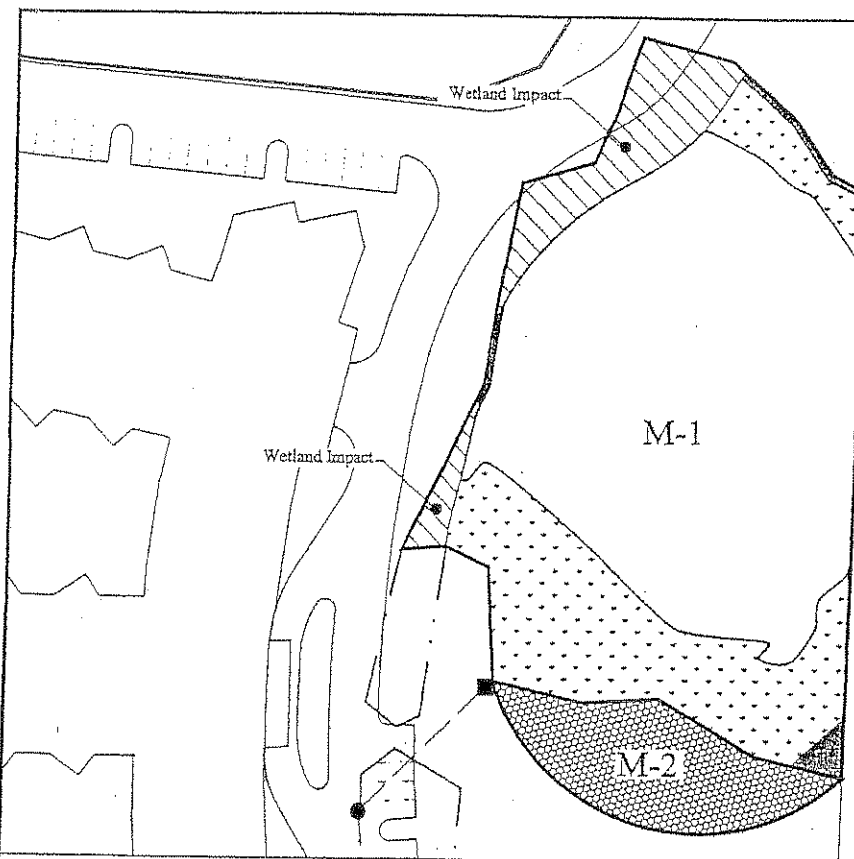
SH-1

	Preparation Date: 02/03/06	Revision Date:
	Project Manager: CNH	CAD QA/QC:
	Project #: 7105-001-w97	CAD Operator: JMB
	<p>Grande Bay Mitigation Areas Plan View & Cross Section</p>	

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Applicant: Bayonne Development
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Grande Bay M-1

Zone	Scientific Name	Area	%	Size	Spacing	Quantity
	<i>Myrica carifera</i>	0.02	40%	1 gallon	10' oo	5
	<i>Peltandra obtusum</i>		10%	1 gallon	10' oo	2
	<i>Ilex cassine</i>		10%	3 gallons	15' oo	1
	<i>Persea borbonia</i>		10%	3 gallons	15' oo	1
	<i>Juriparus officinalis</i>		10%	3 gallons	15' oo	1
	<i>Ulmus americana</i>		10%	3 gallons	15' oo	1
	<i>Fraxinus cordata</i>	0.30	20%	bare root/eq equiv	3' oo	325
	<i>Sagittaria longifolia</i>		20%	bare root/eq equiv	3' oo	325
	<i>Persea americana</i>		20%	bare root/eq equiv	3' oo	325
	<i>Thalictrum flavum</i>		15%	bare root/eq equiv	3' oo	185
	<i>Nyctaginia</i>		15%	bare root/eq equiv	3' oo	185
	<i>Cryptanthus occidentalis</i>		10%	1 gallon	3' oo	125

Grande Bay M-2

Zone	Scientific Name	Area	%	Size	Spacing	Quantity
	<i>Myrica carifera</i>	0.14	40%	1 gallon	10' oo	65
	<i>Peltandra obtusum</i>		10%	1 gallon	10' oo	18
	<i>Ilex cassine</i>		10%	3 gallons	15' oo	15
	<i>Persea borbonia</i>		10%	3 gallons	15' oo	15
	<i>Juriparus officinalis</i>		10%	3 gallons	15' oo	28
	<i>Ulmus americana</i>		10%	3 gallons	15' oo	28

COE

SH-2

	Preparation Date:	Revision Date:
	02/03/06	
	Project Manager:	CAD QA/QC:
	CNH	
	Project #:	CAD Operator:
	7105-001-w97	JMB

Grande Bay Mitigation Areas Planting Plan & Legend

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Applicant: Bayonne Development
CESAJ-RD-SW-T
Date: 12-Oct-2006
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