



DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE PERMIT

1 PERMITTEE

CHARLOTTE COUNTY BOARD OF COUNTY COMMISSIONERS
18500 MURDOCK CIRCLE
PORT CHARLOTTE, FL 33948
U.S.A.

2 AUTHORITY-STATUTES
16 USC 1533(d)
16 USC 703-712

REGULATIONS
50 CFR 17.32
50 CFR 21.23
50 CFR 21.27
50 CFR 13

3 NUMBER
TE09117B-0

4 RENEWABLE
 YES
 NO

5 MAY COPY
 YES
 NO

6 EFFECTIVE
12/12/2014

7 EXPIRES
12/31/2044

8 NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)
RAY SANDROCK
COUNTY ADMINISTRATOR

9. TYPE OF PERMIT
NATIVE THREATENED SP. HABITAT CONSERVATION PLAN - T
WILDLIFE, MIGRATORY BIRDS

10 LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED
Charlotte County, Florida.

11. CONDITIONS AND AUTHORIZATIONS

A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS

B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL, TRIBAL, OR OTHER FEDERAL LAW

C. VALID FOR USE BY PERMITTEE NAMED ABOVE.

Also valid for use by Permittee's authorized agents.

D. Acceptance of this Permit serves as evidence that the Permittee and its authorized agents, successors, and assigns understand and agree to abide by the terms of this Permit and all sections of Title 50 Code of Federal Regulations, Parts 13 and 17, pertinent to issued permits. Section 11 of the Endangered Species Act of 1973, as amended, provides for civil and criminal penalties for failure to comply with permit conditions.

BLOCK 11 OF THIS PERMIT CONSISTS OF CONDITIONS A - M (6 PAGES TOTAL).

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12 REPORTING REQUIREMENTS

Reports will be provided to the U.S. Fish and Wildlife Service Office appearing in Condition 11.M of this Permit.

ISSUED BY

TITLE

DEPUTY REGIONAL DIRECTOR

DATE

12/12/2014

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Block 11:

- E. The Permit Area will consist of those lands identified in Block 10 above. The Permittee regulates private land uses, and develops its own improvements on County-owned lands, throughout the Permit Area.

The Permit Area contains habitat suitable for use, or occupied by, the following threatened species:

Florida scrub-jay	<i>Aphelocoma coerulescens</i>
Eastern indigo snake	<i>Drymarchon corais couperi</i> .

These are the "covered species" under this Permit. Subject to the continuing validity of this Permit, the Permittee and its designated agents, successors, and assigns are authorized to take the covered species, in the form of harassment, harm, or mortality, incidental to private and Permittee development and land use activities, and Reserve management described in the Permittee's March 2013, habitat conservation plan (HCP), throughout the Permit Area, and as conditioned herein. An estimated 3,056 acres of suitable or occupied habitat is anticipated to be converted to developments authorized or implemented by the Permittee. This Permit does not authorize take of the covered species from activities that are not described in the HCP or any unlawful activities.

- F. The Permittee, upon reasonable notice, shall allow personnel from the contact office of the U.S. Fish and Wildlife Service (Service) identified in Condition 11.M, below, or other properly permitted and qualified persons designated by the Service to enter the Permit Area at reasonable hours and times for the general purposes specified in 50 C.F.R. §13.21(e)(2).
- G. The Permittee shall implement the long term land management, acquisition and monitoring plans described in the HCP to ensure that take of the covered species is minimized and mitigated. The Permittee is responsible for strict compliance with the terms and conditions of this Permit and implementing the HCP. Where a conflict occurs between the HCP and this Permit, the Permit shall control.
1. The Permittee shall minimize covered species impacts by avoiding land clearance activities during the Florida scrub-jay nesting season, March 1 through June 30, and by implementation of eastern indigo snake, standard protection measures.
 2. The Permittee shall acquire via purchase, conservation easement, or by purchase of credits from a Service-approved conservation bank, at least 1,336 acres of habitat to augment the current conservation Reserve's

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G. 2. (Continued).

existing area to result in a total of 4,496 acres. Reserve acquisition shall be oriented toward providing suitable linkages between, and expansion of, previously acquired Reserve tracts.

3. The Permittee may execute conservation easements for Reserve lands only upon Service review and approval of the easement language.
 4. By year 15 of this Permit's term, the Permittee will maintain at least 30 Florida scrub-jay groups within the Reserve, and maintain 60 scrub-jay groups by year 30 of the Permit term.
 5. The Permittee shall track its authorization of development within the Permit Area and maintain an account of scrub habitat cleared each year. This information will be used to ensure mitigation exceeds or remains commensurate with habitat losses, and shall be included in annual reports to the Service.
 6. The Permittee shall survey for Florida bonneted bats (*Eumops floridanus*), or otherwise evaluate Reserve management activities, to identify effects on potential Florida bonneted bat natural roost sites. If Florida bonneted bats are discovered at natural roost sites on Reserve lands scheduled for management, the roost site protection measures detailed in the HCP shall be employed.
- H. Unforeseen and/or changed circumstances may become apparent either to the Permittee and its authorized agents or to Service personnel. For purposes of implementation of this condition, unforeseen circumstances are defined as changes in circumstances affecting a species or geographic area covered by the HCP that could not reasonably have been anticipated by the HCP developers and the Service at the time of the HCP's negotiation and development and that result in a substantial and adverse change in the status of the covered species. Changed circumstances are defined as changes in circumstances affecting a species or geographic area covered by the HCP that can reasonably be anticipated by HCP developers and the Service and that can be planned for.

The Permittee and the Service acknowledge that even with the above detailed provisions for mitigating and/or minimizing impacts, circumstances could arise which were not fully anticipated by this Permit and which are considered unforeseen. Such circumstances may become apparent either to the Permittee or

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H. (Continued).

to personnel of the Service. For purposes of implementation of this condition, unforeseen circumstances are defined as any significant, unanticipated adverse change in the status of species; any significant, unanticipated adverse change in impacts of the Project or in other factors upon which the HCP and Permit are based; or any other significant new information relevant to the Permit and Activity that was unforeseen by the Permittee and the Service that could give rise to the need to review the Permittee's conservation program.

- I. The Permittee and the Service agree that modification and amendments to the Permittee's HCP and this Permit may occur through its effective term. The following procedures shall govern the modification and amendment process:
1. Either the Permittee or the U.S. Fish and Wildlife Service may propose modifications and/or amendments to the HCP or this Permit by providing written notice. Such notice shall include a statement of the reason for the proposed modification and an analysis of its environmental effects, including its effects on operations under the HCP and on the covered species. This analysis shall be conducted jointly by the Permittee and the Service contact office identified in Condition 11.M, below. The Service or the Permittee will use best efforts to respond to a proposed modification or amendment within sixty (60) days of receipt of such notice. Absent any objection from the Service or the Permittee, and provided such proposed modification or amendment does not fall within the limits of Condition 11.I.2, below, the proposed modification and/or amendment will be determined to be minor and shall become effective upon written approval by the Service or the Permittee. If the Service determines that a proposed modification or amendment would result in either of the conditions set forth in Condition 11.I.2, below, such proposed modification or amendment must be processed in accordance with Condition 11.I.3, below.
 2. The Service will not propose or approve minor modifications or amendments to the HCP or this Permit if the Service determines that such modifications or amendments would result in operations under the HCP and Permit that are significantly different from those analyzed in connection with the HCP, adverse effects on the environment that are new or significantly different from those analyzed in connection with the HCP or additional take of the covered species that was not analyzed in connection with the HCP.

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I. (Continued).

3. Any amendment or modification shall conform to and be in accordance with all applicable legal requirements, including, but not limited to, the Endangered Species Act, the National Environmental Policy Act, and the U.S. Fish and Wildlife Service's regulations at 50 C.F.R. Parts 13 and 17.
4. The Permittee and the Service shall consider and implement appropriate modifications and amendments of the HCP and this Permit, in accordance with Condition 11.I.1 through 3, above, in the event the gopher tortoise, *Gopherus polyphemus*, is listed under the Endangered Species Act.

J. This Permit also constitutes a Special Purpose Permit under 50 C.F.R. § 21.27 for the take of Florida scrub-jay in the amount and/or number authorized by this Permit and subject to the terms and conditions specified herein. Any such take of these species will not be in violation of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. §§ 701 - 712).

K. According to the schedule specified in the HCP, the Permittee shall submit reports to the Service office identified in Condition 11.M, below. Reports shall describe implementation of the terms of this Permit and the HCP. The Permittee shall identify each occurrence of non-compliance with this Permit and/or the HCP and identify measures employed to resolve such non-compliance. Each report shall also include the following certification from a responsible official who supervised or directed the preparation of the report:

Under penalty of law, I certify that, to the best of my knowledge, after appropriate inquiries of all relevant persons involved in the preparation of this report, the information submitted is true, accurate, and complete.

Reports shall include biological data or other required information collected through the above-mentioned studies and notifications (Condition 11.G) utilizing the same format as that used for the pre-construction studies. The reports shall also provide detailed information about amount of habitat affected by each component of the Project and the extent to which the Permittee has complied with each avoidance, minimization and mitigation measure set forth in this Permit and the HCP.

L. Upon locating a dead, injured, or sick individual of any covered species, or any other threatened or endangered species, initial notification must be made to the U.S. Fish and Wildlife Service, Law Enforcement Office, St. Petersburg, Florida

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L. (Continued).

at 727/570-5398, and secondary notification should be made to the Florida Fish and Wildlife Conservation Commission, South Region, Lakeland, Florida at 800/282-8002. Notification should also be made, by the next work day, to the Service contact office identified in Condition 11.M, below. Care should be taken in handling sick, injured, or dead specimens to ensure effective treatment and/or the preservation of biological materials for later analysis. In conjunction with the care of sick or injured threatened or endangered species or with the preservation of biological materials from a dead animal, the finder should take responsible steps to ensure that the site is not unnecessarily disturbed.

M. For purposes of monitoring compliance with the terms and conditions of this Permit and the HCP, including, but not limited to, the review of annual reports and coordination on unforeseen circumstances, the contact, address, and phone number of the local U.S. Fish and Wildlife Service office is:

U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960
Telephone: 772/562-3909
Facsimile: 772/562-4288

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