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

FEDERAL FISH AND WILDLIFE PERMIT

2. AUTHORITY-STATUTES
16 USC 1539(a)
16 USC 1533(d)
16 USC 703-712

REGULATIONS
50 CFR 17.22
50 CFR 17.32
50 CFR 21.23 & 21.27
50 CFR 13

1. PERMITTEE

ESCAMBIA COUNTY
221 PALAFOX PLACE, SUITE 420
PENSACOLA, FL 32502
U.S.A.

3. NUMBER
TE46592A-0

4. RENEWABLE
☒ YES
☐ NO

5. MAY COPY
☒ YES
☐ NO

6. EFFECTIVE
12/05/2014

7. EXPIRES
12/31/2044

8. NAME AND TITLE OF PRINCIPAL OFFICER *(If #1 is a business)*
JACK R. BROWN
COUNTY ADMINISTRATOR

9. TYPE OF PERMIT
NATIVE ENDANGERED & THREATENED SP. HABITAT CONSERVATION PLAN - E & T WILDLIFE; MIGRATORY BIRDS

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED
Perdido Key, Escambia County, Florida. Private and County-owned lands eastward from the Florida-Alabama stateline, westward from Gulf Islands National Seashore, and from the mean high waterline of the Gulf of Mexico to the mean high waterline of Old River. Excluding Perdido Key State Park and Gulf Islands National Seashore.

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 employees, contractors, and 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 (12 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	DATE
[signature]	DEPUTY REGIONAL DIRECTOR	12/05/2014

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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, and occupied by, the following endangered and threatened species:

Perdido Key beach mouse	*Peromyscus polionotus trissyllepsis*
Loggerhead sea turtle	*Caretta caretta*
Green sea turtle	*Chelonia mydas*
Leatherback sea turtle	*Dermochelys coriacea*
Kemp's Ridley sea turtle	*Eretmochelys imbricata*
Piping plover (all populations)	*Charadrius melodus.*

These are the "covered species" under this Permit. This Permit does not authorize take of the covered species from activities that are not described in the HCP or any unlawful activities.

This Permit does not authorize take of the covered species associated with impacts from widening the driving lanes or other transportation related improvements of State Road 292 (Perdido Key Drive).

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 described in the Permittee's 2010 habitat conservation plan (HCP), throughout the Permit Area, and as conditioned herein. Activities considered in the HCP that may result in incidental take of the covered species include:

1. Direct or indirect effects of construction of non-federal, private development, and County infrastructure improvements approved under Permittee's authorities.

2. Physical interaction with private and County developments and infrastructure installed under this Permit.

3. Direct and indirect effects of beach driving, beach cleanup, use of recreational beach equipment, special beach events, beach concessions, and other activities authorized by the Permittee.

4. Direct and indirect effects related to emergency management activities,

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primarily related to post tropical storm clean-up, but excluding Federal Emergency Management Agency funded activities and excluding activities or conditions associated with the implementation of Permittee approved temporary emergency shoreline protection measures.

5. The Permittee may act to relieve immediate threats to human safety in an emergency whenever a conflict between human safety needs and the Permit or HCP is unexpectedly encountered. In such an event, the Permittee may act as it believes is most consistent with this Permit, and shall notify the Service by close of the next business day to initiate evaluation of any desirable modifications and/or amendments to the HCP or this Permit, in accordance with Conditions 11.I.1 through 3, below.

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 employ the planning and minimization measures, development monitoring, covered species monitoring, on-site and off-site conservation measures, funding plans, and its enforcement authorities, as described in the HCP, so 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.

Perdido Key Beach Mouse Monitoring

1. Access to the preserved and restored areas will be granted to the Service, to conduct monitoring and predator control.

2. A Service approved monitoring plan shall be implemented within the first year of permit issuance following the hiring of pertinent staff to implement the HCP and this Permit. The Permittee will monitor the restored and preserved areas to assess restoration success, functionality of habitat, and to inform further restoration needs. Habitat monitoring will be performed annually on each covered project site per the approved monitoring plan. If conditions do not meet habitat expectations and success criteria, the Permittee will contact the Service to discuss future

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G. 2. (Continued).

management plans. The exception will be following destructive storm events, at which time, restoration needs will be evaluated by the Permittee within 3 months of the storm to evaluate needs and implement management action to restore damaged habitat. This post-storm monitoring may occur at any time or frequency during the five-year period as necessitated by storm occurrence.

3. These ongoing monitoring efforts, and the consistency and quality of the resulting data, are essential to monitoring the progress of the HCP. These data shall be compiled and maintained by the County and submitted to the Service on an annual or as needed basis.

Project Design and Construction

4. The Permittee will implement the following exterior lighting restrictions throughout the Permit Area to minimize the effects of artificial lighting on covered species habitat.

   a. The Permittee will limit exterior lighting on each project to those areas deemed essential for human health, safety, and welfare. Where essential, install shielded wildlife-friendly lighting in conjunction with current Service recommendations.

   b. All lighting shall be directed downward. Beachfront lighting shall be directed downward and away from beaches and Gulf waters.

   c. All windows and glass doors shall have glass or window tint that only allows 45% light transmittance from inside to outside.

   d. The Permittee shall be responsible for review and approval of each project's lighting plan. These should be provided on construction drawings and maintained for Service review. Each projects' lighting plan shall be consistent with the Permittee's lighting ordinance, per Condition 11.G.5, below. The Service will review for consistency with current lighting requirement within 14 business days from receipt.

5. The Permittee shall finalize and enact a Service-approved lighting ordinance for the Permit Area within 180 days after issuance of this Permit.

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6. The Permittee shall ensure the preservation and restoration of native habitat for covered species.

a. Each project will be required to delineate preserved/restored areas during pre-development consultation with the Permittee. Prior to land disturbance activities, silt fencing shall be placed 25 feet beyond each vertical construction footprint to limit impacts outside of the footprint. Silt fencing shall be placed 4 inches above the ground to allow passage by Perdido Key beach mice.

b. Each project will provide a minimum 10-foot natural vegetated corridor/buffer along all sides of each parcel. These corridors shall be maximized and linked as much as practicable on projects north of SR 292 where a contiguous primary dune is not available for habitat connectivity. The corridors shall be the entire length of a project.

c. Permanent fencing may be required for some project sites to restrict access through covered species habitat. Post and rope or split rail fencing are appropriate options.

d. Each project shall select plants from the current list of native plants required for landscaping within the coastal dune ecosystem of Escambia County. This list is available from the Service. Restoration of temporary impact areas shall be completed prior to receiving Certificate of Occupancy.

e. Gulf-front projects shall construct elevated dune walkovers, consistent with existing Service guidelines, to manage and discourage human traffic from entering and impacting natural and restored dune habitat.

f. Prior to commencement of construction, each project shall submit a final site plan for each specific project overlaid on a current aerial showing all conservation areas. The Permittee shall send the plan to Service in its annual report. A database or map shall be maintained that shows where each project is within the Permit Area to depict areas accessible for monitoring.

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g. Each project will record a conservation easement over the preserved and/or restored areas within each site per requirements of Section 704.06, Florida Code. The conservation easements shall be recorded with the Permittee within sixty (60) days after receiving a Certificate of Occupancy. A copy of the recorded conservation easement shall be provided to the Service no later than thirty (30) after the easement is recorded in the Permittee's public records.

h. Each project will develop and record restrictions and covenants for each site to provide for the long-term management and maintenance of the preserved and restored areas and to obligate the project developer, homeowners association, or other project manager to implement and fund the long-term management and maintenance of these areas. These documents must be provided to the Service within ninety (90) days after receiving Certificate of Occupancy.

i. Following a major storm event, preserved and restored areas that have been extensively damaged must be replanted by the Permittee or individual project manager according to the current native plant list.

j. All project areas temporarily impacted during construction will be restored to ambient or design grade and planted with native dune vegetation. Restoration of temporarily impacted habitat shall be completed prior to receiving a Certificate of Occupancy.

7. Final landscaping plans for each project will be reviewed by the Permittee to confirm the plants proposed are consistent with the current list of native coastal dune plants and contain a variety of species. The landscape plans shall allow for habitat connectivity for the covered species. A copy of the approved landscape plans shall be provided to the Service as part of the annual report.

8. Permit and HCP requirements shall be provided to the general contractors and should be incorporated into project contracts. The construction contract should also obligate the general contractor to provide the permit requirements to all sub-contractors and obtain affirmation for compliance. No later than 30 days prior to commencement of construction of any

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project, the Permittee shall review Permit and HCP requirements with the project developer and any contractors.

9. Informational signage concerning the significance of habitat used by covered species shall be designed in coordination with the Service. The signage plan will be used for each project during project construction. The County shall develop a standard signage plan to be used for any project. The Service will review and approve this signage plan within 60 days prior to the first project governed by this Permit.

10. The use of mulch and landscape fabric is prohibited in dune habitat, other native habitats, and in restored, landscaped areas.

11. Irrigation of planted vegetation within restoration areas may be by hand hose or backpack, no surface or subsurface irrigation pipes shall be permitted.

Operation and Maintenance

12. Permanent signs and/or approved fencing must be used to prevent pedestrian traffic in Perdido Key beach mouse habitat. Educational signs shall be permanently installed to increase awareness of coastal conservation, listed species endemic to the area, and to encourage sustainable use. These educational signs can be the same as the construction phase, but will be permanent and maintained throughout the life of the Permit. The signs shall be provided to the Service for review and approval sixty (60) days prior to issuance of a Certificate of Occupancy. A standard sign can be developed for similar habitats and submitted for review and approval once. The signage location shall be placed in the project plan to be submitted in the annual report.

13. Prior to issuing a Certificate of Occupancy, the Permittee shall submit the pertinent portions of the draft restrictions and covenants to the Service for review and approval. Within 30 days, the Service will provide comments or approval.

14. Each project developer shall pay the $100,000-per-acre mitigation payment for each acre of permanent impact within Perdido Key beach mouse habitat, as provided in the Unified Mitigation Option specified in the Business Plan for the Perdido Key Beach Mouse Conservation

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Management Fund (CMF) (July 1, 2005) and the Intergovernmental Agreement (USFWS Agreement No. 401816K002) executed in December 2005 by the Service, Florida Fish and Wildlife Commission, and Escambia County (Intergovernmental Agreement). Each project developer will pay the per-acre mitigation payment applicable to each phase of development 30 days prior to commencing each phase of development. The final acreage of permanent impact will be depicted on any building permit issued by the Permittee. Each project developer will submit the mitigation payments to the Permittee for deposit in the CMF as provided in the Intergovernmental Agreement.

15. The recorded restrictions and covenants for projects shall provide notice that dwelling units within the areas designated by the Section 7.13.01(E) LDC as Perdido Key beach mouse habitat will be required to pay the annual $201 per unit special assessment payments to Escambia County, Florida in accordance with Section 7.13.01(E) LDC. Hotels would be assessed $201 per room annually. Commercial developments will be assessed $201 per designated parking space annually.

16. The Permittee shall incorporate into the each project's recorded restrictions and covenants the following requirements:

a. Prohibit domestic cats as pets or the possession or maintenance of domestic cats at any time.

b. No pets may free-range within any project site and all dogs shall be maintained on a leash and under direct control of their owner while outdoors.

c. All household trash and other waste materials shall be maintained and deposited for disposal in animal-proof containers.

d. Prohibit the use or disposal of herbicides or pesticides that are harmful to native plants or rodents within the project site.

e. Information fliers on the ecology and history of Perdido Key, the biology and status of beach mice, and the importance of natural areas to wildlife and human quality of life will be made available to project residents and guests.

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f. Prior written approval by the Service is required for modification of any provisions associated with any of these conditions.

Reporting

17. Prior to conveyance of title to any real property within any development, the Permittee shall record a separate legally binding covenants and restrictions or other appropriate legal instruments for that development incorporating and requiring full and timely compliance with the pertinent requirements of this Permit and the HCP. Such documents shall include a brief description of the project and the requirements associated with protecting covered species. The conservation measures associated with the HCP and this Permit shall be incorporated in these documents as well as a statement that no changes would be made that would cause noncompliance with these requirements without prior written approval from the Service. Within ninety (90) days after the initiation of construction for each project, the Permittee shall provide certification of the compliance with this requirement, along with a copy of the said documents, to the Service. In accordance with State of Florida condominium Association requirements, the HCP and Permit requirements will be transferred to the property owners association at the appropriate time when a majority of the units are no longer owned by the developer.

18. An annual report will be provided at the end of each calendar year. The Permittee's HCP Coordinator will compile and analyze data collected under this Permit and the HCP. These data will be summarized in a manner that allows for an assessment of natural and human related impacts to covered species on Perdido Key. Direct, indirect, and cumulative impacts to covered species related to private development activities and Permittee infrastructure improvements will be identified. The phased take acreages and additional take acreages associated with the Permit and HCP will be reported to ensure compliance. Data from the Permittee's predator control program will be analyzed to ensure that targeted goals are being met. Any deficiencies within the Permit or HCP will be identified and potential remedial actions proposed in accordance with Conditions 11.1 through 3, below.

19. Incidental take of loggerhead, green, leatherback, and Kemp's Ridley sea turtles, and of piping plover is not anticipated under the Permit and HCP requirements. If take of these species, in the form of harm, occurs, the

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G. 19. (Continued).

Permittee shall notify the Service and consider amendment or modification of this Permit and the HCP in accordance with Conditions 11.1 through 3, below.

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 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

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I. 1. (Continued).

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.

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. Parts13 and 17.

J. This Permit also constitutes a Special Purpose Permit under 50 C.F.R. § 21.27 for the take of piping plover 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. By January 1st of each year that this Permit is in effect, the Permittee shall submit an annual report to the Service offices identified in Conditions 11.M and N, below. The annual report 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 annual 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

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K. (Continued).

appropriate inquiries of all relevant persons involved in the preparation of this report, the information submitted is true, accurate, and complete.

Annual 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, Groveland, Florida at (352) 429-1037. Notification should also be made, by the next work day, to the contact office of 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
Panama City Ecological Services Field Office
1601 Balboa Avenue
Panama City, Florida 32405
Telephone: 850/769-0552
Facsimile: 850/763-2177

END