Homeland Security

Environmental Planning and Historic Preservation Decision Support System

Hurricane Michael Restore CG Station Panama City, FL - Project Approved

Status

- In Preparation (08/27/2021)
- Environmental Review (09/07/2021)
- Senior Environmental Review (09/07/2021)
- Proponent Review (09/08/2021)
- Project Approved (09/08/2021)

Project Information

General

Name: Hurricane Michael Restore CG Station Panama City, FL
DSS ID: DSS-USCG-2019-8159
Security: Unclassified
Description: This project is to restore USCG Station and its tenant units at Panama City, FL as a result of severe damage caused by Hurricane Michael. The site is in CG owned property located at 1700 Thomas Dr. Panama City, FL 32408, within the perimeter of US Naval Support Activity (NSA) Panama City. The scope of the project includes: demolition, site improvements, waterfront restoration, dredging, restoration of existing Station bldg., a new multi-functional facility, fuel tank size upgrades, and independent alternate emergency power generation facilities for both the existing CG Station bldg. and the new multi-functional building. For additional information see Project Description Document attached.
Critical Infrastructure?: No
Adopting Another Agency Catex Determination?: No
Project Types:

· Construction & Maintenance - Construction, installation, operation, maintenance, and removal of utility and communication systems (such as mobile antennas, data processing cable, and similar electronic equipment) that use existing rights-of-way, easements, utility distribution systems, and/or facilities. This is limited to activities with towers where the resulting total height does not exceed 200 feet and where the FCC would not require an environmental assessment or environmental impact statement for the acquisition, installation, operation or maintenance. (E1)

· Construction & Maintenance - New construction upon, or improvement of land where - the structure and proposed use are substantially in compliance with prevailing local planning and zoning standards; the site is on heavily developed property and/or located on a previously disturbed site in a developed area; the proposed use will not substantially increase the number of motor vehicles at the facility; and the site and scale of construction are consistent with those of existing, adjacent, or nearby buildings (*E2, USCG *L14)

· Construction & Maintenance - Maintenance dredging and debris disposal to an existing

approved disposal site (*D5)

Existing EA/EIS?: No
Requires EA/EIS?: No
Project Priority: High
Federal Assistance: No
Type of Permit: N/A
Estimated Project Cost: $39,000,000

Component

Component: USCG - U.S. Coast Guard
Region/Area: USCG Civil Engineering Unit – Miami Fl
Tracking Number: 11893259

Dates

FY Funding: 2022
Proposed Project Start: 06/01/2021
Proposed Project End: 09/01/2023
Review Start: 07/12/2019

Project Location

- Site Specific: 1700 Thomas Drive, Panama City, Florida, 32408

Team

- Document Preparer, Jessica Parks, jessica.e.parks@uscg.mil
- Environmental Reviewer, Richard Hylton (Level II), rick.d.hylton@uscg.mil
- Senior Environmental Reviewer, Richard Hylton (Level II), rick.d.hylton@uscg.mil
- Proponent, John Berry, john.d.berry@uscg.mil

Categorical Exclusions

- L14* - Coast Guard new construction upon, or improvement of, land where all of the following conditions are met:
  (a) The structure and proposed use are substantially in compliance with prevailing local planning and zoning standards.
  (b) The site is on heavily developed property and/or located on a previously disturbed site in a developed area.
  (c) The proposed use will not substantially increase the number of motor vehicles at the facility.
  (d) The site and scale of construction are consistent with those of existing, adjacent, or nearby buildings.
- L24* - Minor renovations and additions to buildings, roads, airfields, grounds, equipment, and other facilities that do not result in a change in functional use of the real property (e.g. realigning interior

spaces of an existing building, extending an existing roadway in a developed area a short distance, installing a small antenna on an already existing antenna tower, adding a small storage shed to an existing building, etc.).

- L30* - Minor renovations and additions to waterfront facilities, including mooring piles, fixed floating piers, existing piers, and unburied power cables, which do not require special, site-specific regulatory permits.

Required Conditions

1. 1. Spec must include: Best management practices (BMP) must be implemented to maintain Water Quality pursuant to Rule 62-302 F.A.C. At a minimum, BMPs should include the use of tarps and working enclosures to prevent debris from reaching the waterway.
2. 2. Spec must include: Light ballasts and oil filled electrical transformers identified as containing PCBs, or assumed to be PCB containing shall be managed IAW 40CFR761.
3. 3. Applicable regulatory permits and approvals must be obtained prior to construction commencement. This includes FDEP NPDES, SWFWMD, and USACE.
4. 4. Initial EPCRA notification for LOX will need to be made to SERC, LEPC, and local FD. Unit may be required to file annual reports of storage and usage.
5. 5. Asbestos, lead, and mold surveys must be performed. Appropriate and applicable control measures must be placed in the work specification.
6. 6. Migratory Bird BMPs must be placed in the work specification.
7. 7. Spec must include a requirement for construction to be halted and KO notified if human or aboriginal remains are encountered during excavation.
8. 8. Spec must include: Universal Waste Fluorescent Bulbs shall be managed in accordance with Chapter 62-737 of the Florida Administrative Code. Disposal receipts must be submitted to the USCG.
9. 9. Spec must include: Solid waste and non-hazardous debris must be managed in accordance with F.A.C. Rule 62-701. Construction and demolition debris shall be disposed of at a permitted facility in accordance with F.A.C. Rule 62-701.730.
10. 10. Spec must include: Petroleum impacted soil, if encountered, must be properly containerized and disposed in accordance with applicable State regulations. Prior to proceeding with the project the contractor must contact COTR and USCG Construction Branch Manager.
11. Any change to the Proposed Action that may cause a physical interaction with the human environment will require re-evaluation for compliance with NEPA and other EP&HP requirements before the action can proceed.
12. This review addresses NEPA and other EP&HP requirements as described in DHS Directive 023-01. This review may identify the need for additional federal, state, and/or local permits, approvals, etc. required for the Proposed Action. However, this review may not satisfy those requirements and the

Proponent is responsible for ensuring that all other appropriate federal, state, and/or local permits, approvals, etc. have been obtained.

Decision Documents

- Record of Environmental Consideration (REC), 14.06kB

Attachments

- 2016 Biological Survey of Waterfront, 19.34MB
- BMPs for surface cleaning, 41.50kB
- Eastern Indigo Snake Guidelines, 50.79kB
- Gopher Tortoise Permitting, 1.36MB
- Manatee Grating Requirements for Stormwater conveyances, 142.59kB
- MIGRATORY BIRD CONSERVATION MEASURES, 235.34kB
- Sea Turtle LIghting Guidelines, 280.36kB
- Std Manatee Protection Conditions, 116.51kB
- Std Sea Turtle and Sawfish Conditions, 46.00kB

Comments

- Richard Hylton (Level II), During the design phase of the project (this is a design-build contract), the USCG will apply for environmental permits. The contractor will provide permit application documents for the USCG to submit.

  The USCG anticipates that any additional consultation with USFWS and NOAA Fisheries regarding endangered species and/or critical habitat will take place through the USACE permitting process. (09/07/2021 03:27:07)
- Jessica Parks, Florida State Clearinghouse Letter received 05AUG2021. Florida State Clearinghouse staff has reviewed the proposal under the following authorities: Presidential Executive Order 12372; § 403.061(42), Florida Statutes; the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended; and the National Environmental Policy Act, 42 U.S.C. §§ 4321-4347, as amended. Based on the information submitted and minimal project impacts, the state has no objections to the proposed project and, therefore, it is consistent with the Florida Coastal Management Program (FCMP). (08/10/2021 10:34:37)
- Jessica Parks, There are no known historical structures on this Station. We know of no other cultural resources this project could affect. The Pier/Wharf is the only known structure that is >50 years old according to the shore facility inventory. This pier has deteriorated over the years and has reached to end of its life expectancy and was further damaged by the recent hurricanes. The USCG does not consider it to have any cultural or historical characteristics and plans to replace it as part of this

project. (07/27/2021 02:07:53)

- Jessica Parks, State Clearinghouse was initially contacted on 14JUN2021. (07/27/2021 02:07:13)
- Jessica Parks, Environmental Soil Sampling conducted in June 2021. The results of this assessment have identified no impacts to soil above the SCTLs for Direct Exposure Residential limit, Direct Exposure Industrial limit, or the Leachability to Groundwater criteria. Four metals (barium, chromium, lead and mercury) were detected in the six soil samples collected from the site but none of the reported concentrations exceeded their respective SCTL or RSL.

  Based on these results, a soil management plan is not required for the anticipated construction of new Multi-Function Building at the USCG Station Panama City. Native soil material that is disturbed during construction activities, does not need to be managed as impacted soil. However, during construction, proper personal protective equipment (PPE) and dust control measures should be utilized in accordance with applicable Occupational Safety and Health Administration (OSHA) regulations. (07/27/2021 01:43:11)
- Jessica Parks, Consultation package sent to USFWS on 15JUL2021 seeking concurrence seeks concurrence on a finding that the proposed work may affect, but is not likely to adversely affect the Florida Skullcap, Godfrey's Butterwort, Harper's Beauty, Telephus Spurge, and White Birds-in-a-Nest. (07/21/2021 01:48:42)
- Luis Velazquez, See DD1391 Execution Proposal (EP) at: http://cglink.uscg.mil/f2ded0e6 (04/27/2020 04:35:46)
- Michael Clausen (Level II), Area to be built upon is on already disturbed lands. The spec must include a requirement for construction to be halted and KO notified if human or aboriginal remains are encountered during excavation. (04/07/2020 02:27:26)
- Michael Clausen (Level II), The Navy base will also be doing projects to restore the base. If needed we could possibly partner with the Navy base on a public comment period and possible EA is one is deemed necessary. Having been stationed in Panama City 4 years ago the public are very receptive to construction and welcome the jobs. In addition every 4 months the Navy/USCG have a community breakfast and discuss projects for public comment which resembles a public meeting. If needed the project can be discussed at this meeting for public opinion. (04/07/2020 01:37:34)
- Michael Clausen (Level II), I recommend putting "no" down. (11/04/2019 02:25:18)
- Michael Clausen (Level II), There is a housing development behind the USCG property that may disturb property owners. (11/04/2019 02:22:14)
- Michael Clausen (Level II), I would just put no on this one. (11/04/2019 01:55:14)
- Michael Clausen (Level II), I would mark this as yes and enter in Alligator Bayou. (11/04/2019 01:54:53)
- Michael Clausen (Level II), My research shows no marine sanctuaries in the immediate vicinity of this project. (11/04/2019 01:26:20)

- Michael Clausen (Level II), Changing the waterfront footprint such as culvert, storm drains, and drainage of the parking lot will require Water Management District, FDEP and possibly Army Corps Permits if it is not already in compliance with a existing permit. (11/04/2019 01:24:31)
- Robert Kappel (Interim), Use the same website as previous question to provide answers. At least 28 migratory bird species could be in the project area throughout various times of the year. Project spec must include the USFWS Standard BMPs for Migratory Bird Conservation. If any nests are identified within the project footprint and may be disturbed by construction, then consultation and permits may be required from USFWS and FWC. (09/12/2019 10:24:04)
- Robert Kappel (Interim), Query available information found on the website at fws.gov ipac. West Indian Manatee, sea turtles, birds, reptiles and Panama City Crayfish have been tentatively identified as potentially occurring in the project area. No designated Critical Habitat is present per the website. A biological survey of the project area will better identify what's there or not. Consultation with NMFS PRD, USFWS, and FWC may be required. Work spec must include the standard manatee, sea turtle and sawfish construction protection conditions as is required for all work in or over the water in Florida. New lighting shall be turtle friendly to the maximum extent pracicable. Indigo Snake and Gopher Tortoise protection measures should be included in the work spec in the unlikely event they are present within the project footprint. (09/12/2019 10:23:21)
- Robert Kappel (Interim), According to the NMFS EFH Mapper, the location intersects EFH for the Red Drum and variety of reef fish. However, No Habitat Areas of Particular Concern (HAPC) were identified at the report location, and No EFH Areas Protected from Fishing (EFHA) were identified at the report location. Prior project biological survey of waterfront identified patches of sea grass in the vicinity of the piers. Consultation with NMFS HCD may be required depending on the findings of the updated survey. (09/12/2019 10:22:13)
- Robert Kappel (Interim), BMPs for surface cleaning should be implemented to ensure contaminants do not get into the waterway or surrounding soils and groundwater. (09/12/2019 09:38:59)
- Robert Kappel (Interim), If it is determined that an environmental assessment is warranted for this project, then the public notice process will help answer this question. (09/12/2019 08:59:57)
- Robert Kappel (Interim), Spec will need to include the following: All fuel tank system work must comply with Florida Administrative Code Chapter 62-762. Unit's SPCC Plan must be amended and recertified by a PE once fuel system construction is completed. Waste batteries and fluorescent bulbs must be managed in accordance with applicable universal waste regulations. CCA waste timber shall be disposed in a State permitted Class I lined landfill, and shall remain covered and secured while awaiting disposal. (09/12/2019 08:57:51)
- Robert Kappel (Interim), All of Florida is considered to be in the coastal zone and subject to the State's Coastal Zone Management Program (CZMP). Consultation with Florida State Clearinghouse must be conducted to ensure project is consistent with the Florida CZMP. (09/12/2019 08:44:21)
- Robert Kappel (Interim), Waterfront work, culvert, storm drains, and dredging will require Water Management District, FDEP and Army Corps Permits. (09/12/2019 08:34:32)

- Robert Kappel (Interim), Please confirm using SFI. If any buildings or structures are at least 50 years old and will be affected by the proposed action, then SHPO must be consulted. (09/12/2019 08:29:08)
- Robert Kappel (Interim), Consultation with SHPO and THPO should be done during project design. (09/12/2019 08:13:54)
- Robert Kappel (Interim), There are no available records indicating that the project site has historical or cultural value. The land has been previously disturbed. No archaeological surveys have been conducted. (09/12/2019 08:12:57)
- Robert Kappel (Interim), Lead paint, asbestos, and mold are likely to be present and testing should be performed prior to construction activities. While there is no history of recent prior spills at the Station, there could be residual soil contamination from past practices regarding waste disposal and underground storage tank usage. (09/12/2019 08:07:40)
- Robert Kappel (Interim), Use the link provided. (09/12/2019 08:03:34)
- Robert Kappel (Interim), An air permit for construction and operation of the new EGs needs to be considered during project design. (09/12/2019 08:01:56)
- Robert Kappel (Interim), Won't heavy machinery and equipment be used during demolition and new construction including pile driving and dredging activities? (09/12/2019 07:59:34)
- Robert Kappel (Interim), Permit with utility company may be required. (09/12/2019 07:57:40)
- Robert Kappel (Interim), First, floodplain must be defined. (09/12/2019 07:54:49)
- Robert Kappel (Interim), The US Wild and Scenic Rivers Map did not indicate any in the vicinity of the project. (09/12/2019 07:14:06)
- Robert Kappel (Interim), Previously identified were Alligator Bayou St Andrews Bay and Gulf of Mexico. (09/12/2019 07:08:51)
- Robert Kappel (Interim), National Marine Sanctuaries Website did not indicate the presence of any protected areas in the immediate vicinity of the project site. The Flower Garden Banks NMS is well offshore in the Gulf of Mexico. (09/12/2019 07:07:46)
- Robert Kappel (Interim), Won't the swale work? (09/11/2019 03:27:38)
- Robert Kappel (Interim), The only way to answer this question is to obtain a copy of the NPDES/MS4 Permit. (09/11/2019 03:26:31)
- Robert Kappel (Interim), Based on the answer, a copy of the permit should be obtained and uploaded to the DSS. (09/11/2019 03:25:39)
- Robert Kappel (Interim), Storm water permitting will be required. NPDES permitting may also be required. (09/11/2019 03:24:00)

EPHP Review

Environmental Resources

- Is the proposed action associated with any other proposed actions? -- No
- Will the proposed action take place ENTIRELY WITHIN the interior of an existing building or structure? -- No
- Will the proposed action take place ENTIRELY ON an existing building/structure? -- No
- Will there be any ground disturbing activities? -- Yes
  Please provide a brief description of the projecct site (size, current/past land uses) and the proposed ground disturbance (square feet, depth, reason for disturbance). A longer description can be attached.: The property is Coast Guard owned, about 20.6 acres, and is located inside the perimeter of the U.S. Naval Support Activity Panama City dating back to 1966. The site was severely impacted by Hurricane Michael. The scope of the project includes: demolition (12 bldgs. about 14K SF total), new multi-functional facility (31K SF), site improvements: Stormwater system repair (grading, pipe repair), soil stabilization (9K SF), burying service power lines (2K LF), and new paved area (40K SF) for vehicle circulation and parking, waterfront restoration (new piers and boat ramp), dredging (approx. 650 CY), restoration of existing Station bldg. (9.5K SF), fuel tank (above ground) size upgrades, and two independent alternate emergency power generation facilities. Refer to project description documents for further details.
  Attachments: Additional Description of Land Disturbance: (No files uploaded yet.)
- Is the proposed action located in an urban area as designated by the U.S. Census Bureau? -- Yes
- Are there any sole source aquifers or wellhead/wellfield protection zones in or adjacent to the project area? -- No
- Will the proposed action increase impervious surfaces (i.e., buildings, parking lots) or stormwater runoff? -- Yes
  Please Describe: Incidental to the new multi-functional building that will replace facilities damaged by Hurricane Michael, about 40K SF of new impervious area will be required for vehicle circulation parking and laydown.
  Comments:
  Michael Clausen (Level II), Changing the waterfront footprint such as culvert, storm drains, and drainage of the parking lot will require Water Management District, FDEP and possibly Army Corps Permits if it is not already in compliance with a existing permit. (11/04/2019 13:24:31)
  Robert Kappel (Interim), Storm water permitting will be required. NPDES permitting may also be required. (09/11/2019 15:24:00)
- Is the treatment of stormwater during construction and/or for the final action included in the proposed action/design? -- Yes
  Please Describe: Preventive measures to eliminate contamination of stormwater during construction shall be implemented
- Will the proposed action take place at a Federally-owned facility with an existing NPDES/MS4 permit? -- No
  Comments:

Robert Kappel (Interim), Based on the answer, a copy of the permit should be obtained and uploaded to the DSS. (09/11/2019 15:25:39)

- Is a local or state stormwater permit needed? -- Yes
  Please describe: Temporary and permanent stormwater best management practices (BMPs) and a Stormwater Pollution Prevention Plan (SWPPP) will be incorporated into
  the project.
- Will any part of the proposed action involve creating, disturbing, and/or removing vegetated areas? -- Yes
  Please describe (e.g., what is the size of the area to be affected and what type(s) of vegetation are present?): Areas vegetated by turf grass may be disturbed in order to excavate to repair/replace stormwater system as well as construct the new multi-function building.
  Comments:
  Robert Kappel (Interim), Won't the swale work? (09/11/2019 15:27:38)
- Could the proposed action involve areas where the presence of non-indigenous or invasive species are of special concern? -- No
- Could the proposed action cause or promote the spread of non-indigenous or invasive species? -- No
- Could the proposed action have the potential to assist with the management of non-indigenous or invasive species? -- No
- Are there any state or federally listed threatened or endangered plant species and/or critical habitat present in areas directly/indirectly affected by the proposed action? -- Yes
  Indicate source(s) of information and coordination and attach correspondence, if available.:
  Consultation package sent to USFWS on 15JUL2021.
  Attachments: Protected Species Coordination: State Clearance LTR 05AUG2021 (State Clearance Letter for FL202106159260C- US Coast Guard Station Panama City.pdf, 588.28kB) IPaC Species List (Enc 1 Species List_ Panama City Ecological Services Field Office.pdf, 182.52kB)
  ** This question should be carefully checked by the Environmental Reviewer.
- Will the action affect state or federally listed threatened or endangered plant species or their designated critical habitat? -- May affect but not likely to adversely affect species or designated critical habitat
  Please Explain: Area is highly developed/paved and project may affect but not likely to adversely affect species or designated critical habitat. The in-water work will undergo additional consultation with USFWS and NOAA Fisheries during the permitting process. The USCG initiated consultation with both the USFWS and NOAA, but have not heard back from either.
  Comments:
  Jessica Parks, Consultation package sent to USFWS on 15JUL2021 seeking concurrence seeks concurrence on a finding that the proposed work may affect, but is not likely to adversely affect the Florida Skullcap, Godfrey’s Butterwort, Harper’s Beauty, Telephus Spurge, and White Birds-in-a-Nest. (07/21/2021 13:48:42)

- Has the USFWS/NMFS concurred with DHS' determination? -- Yes
  Please Explain: NOAA has requested that consultation occur during the permit application phase and this will take place once a 35% design has occurred and after the design build contract is awarded.
  Attachments: Concurrence Letter: SERO-2021-01708 USCG Panama City Station Restoration.pdf (SERO-2021-01708 USCG Panama City Station Restoration.pdf, 119.73kB)
- Will elements of the proposed action occur on, in, or adjacent to bodies of water? -- Yes
  Please Explain: The northern boundary of the site is waterfront (about 1,350 LF) to Alligator Bayou, Saint Andrew Bay, FL.
  Comments:
  Robert Kappel (Interim), Waterfront work, culvert, storm drains, and dredging will require Water Management District, FDEP and Army Corps Permits. (09/12/2019 08:34:32)
- Is there essential fish habitat in the vicinity of the proposed action? -- Yes
  Please Explain: EFH query shows that the location is an EFH for Red Drum, a variety of Reef Fish, Coastal Migratory Pelagics, four species of shrimp, Bull Shark, Spinner Shark, Scalloped Hammerhead Shark, Blacktip Shark (Gulf of Mexico stock), and Bonnethead Shark (Gulf of Mexico stock).
  There are no Habitat Areas of Particular Concern (HAPC) identified at the report location.
  No EFH Areas Protected from Fishing (EFHA) were identified at the report location.
  Comments:
  Robert Kappel (Interim), According to the NMFS EFH Mapper, the location intersects EFH for the Red Drum and variety of reef fish. However, No Habitat Areas of Particular Concern (HAPC) were identified at the report location, and No EFH Areas Protected from Fishing (EFHA) were identified at the report location. Prior project biological survey of waterfront identified patches of sea grass in the vicinity of the piers. Consultation with NMFS HCD may be required depending on the findings of the updated survey. (09/12/2019 10:22:13)
- Could the proposed action adversely affect essential fish habitat? -- No
  Please Explain: Permitting for in-water work will go through NOAA consults and USFWS consults and USACE and state in-water permitting will specify any permit conditions that when followed will prevent an adverse effect on essential fish habitat.
- Are there any marine sanctuaries within the immediate vicinity of the proposed action? -- No
  Comments:
  Michael Clausen (Level II), My research shows no marine sanctuaries in the immediate vicinity of this project. (11/04/2019 13:26:20)
  Robert Kappel (Interim), National Marine Sanctuaries Website did not indicate the presence of any protected areas in the immediate vicinity of the project site. The Flower Garden Banks NMS is well offshore in the Gulf of Mexico. (09/12/2019 07:07:46)
- Are there wetlands or waters of the U.S. on the project site or in the vicinity of the proposed action? -- Yes

Explain and attach map of wetlands/waters of the U.S.: Alligator Bayou is adjacent to the project and is considered a wetland.
Attachments: Wetland Map: STA Panama City Wetland Mapper (STA Panama City Wetland Mapper.pdf, 619.48kB)
Comments:
Michael Clausen (Level II), I would mark this as yes and enter in Alligator Bayou. (11/04/2019 13:54:53)
Robert Kappel (Interim), Previously identified were Alligator Bayou St Andrews Bay and Gulf of Mexico. (09/12/2019 07:08:51)

- Does the proposed action involve construction in, filling of, placement of a structure (culvert, levy, etc.) in, discharge to, or crossing of the wetland/waters of the U.S.? -- Yes
  Describe impact (area of fill, crossing, etc.): Consultation with utilities and Florida waterways district will be needed.
- Can the proposed action be undertaken in a manner to avoid impacts to wetlands or waters of the U.S.? -- No
  Please Explain: The USCG has identified the effects and avoided, minimized, or compensated for those impacts by building on already disturbed ground.
- Have measures been taken as part of the proposed action to minimize impacts to wetlands/waters of the U.S.? -- Yes
  Please Explain: The USCG has identified the effects and avoided, minimized, or compensated for those impacts by planning to build on already disturbed ground.
- Does the proposed action qualify for a Nationwide Permit pursuant to Section 404 of the Clean Water Act? -- Yes
  Name Nationwide Permit under which the proposed action is covered.: North Florida Water Management District storm water permit required for increase of impervious surface > or = to 4,000 sf in uplands. NPDES Permit mod may be required for increase in storm water discharge to navigable water. Petroleum contaminated soil and groundwater may be encountered during excavation.
- Have you received a Nationwide Permit under the Clean Water Act? -- No
  ** This question should be carefully checked by the Environmental Reviewer.
- Is the proposed action on or adjacent to a Wild and Scenic River? -- No
  Comments:
  Michael Clausen (Level II), I would just put no on this one. (11/04/2019 13:55:14)
  Robert Kappel (Interim), The US Wild and Scenic Rivers Map did not indicate any in the vicinity of the project. (09/12/2019 07:14:06)
- Is there a Coastal Barrier Unit or otherwise protected area on or adjacent to the proposed action? -- No
  Please Explain: The Coastal Barrier Mapper does not show any coastal barriers for this or adjacent

sites.

- Is the proposed action in or adjacent to a wilderness area? -- No
- Is the proposed action in or adjacent to a Wildlife Refuge? -- No
- Is the proposed action on or adjacent to a National Natural Landmark? -- No
- Is the proposed action in or adjacent to a National Park and/or Monument? -- No
- Could a state or federal listed threatened or endangered species and/or critical habitat be present in the area of the proposed action? -- No

  Explain how you know that there are no protected species or habitat in areas that may be influenced by the proposed action.: Area to be rebuild is already on previously disturbed land.

  Attachments: Federal and/or State correspondence: State Clearance LTR 05AUG2021 (State Clearance Letter for FL202106159260C- US Coast Guard Station Panama City.pdf, 588.28kB)

  Comments:

  Robert Kappel (Interim), Query available information found on the website at fws.gov ipac. West Indian Manatee, sea turtles, birds, reptiles and Panama City Crayfish have been tentatively identified as potentially occurring in the project area. No designated Critical Habitat is present per the website. A biological survey of the project area will better identify what's there or not. Consultation with NMFS PRD, USFWS, and FWC may be required. Work spec must include the standard manatee, sea turtle and sawfish construction protection conditions as is required for all work in or over the water in Florida. New lighting shall be turtle friendly to the maximum extent pracicable. Indigo Snake and Gopher Tortoise protection measures should be included in the work spec in the unlikely event they are present within the project footprint. (09/12/2019 10:23:21)
- Could any part of the proposed action have the potential to affect migratory birds, and/or their habitat? -- No

  Comments:

  Robert Kappel (Interim), Use the same website as previous question to provide answers. At least 28 migratory bird species could be in the project area throughout various times of the year. Project spec must include the USFWS Standard BMPs for Migratory Bird Conservation. If any nests are identified within the project footprint and may be disturbed by construction, then consultation and permits may be required from USFWS and FWC. (09/12/2019 10:24:04)
- Is the proposed action or any part located within the 100-year floodplain, also known as a Special Flood Hazard Area (SFHA)? -- Yes

  Please indicate the FEMA flood zone your project/proposal is in.: Project site is located in Zones: AE (EL 8', 9',10'), and VE (EL 10')

  Attachments: FEMA Flood Map: Flood Map - STA Panama City, FL (Flood Map - Panama City.pdf, 447.66kB)
- Can the action be undertaken outside of the floodplain? -- No
- Could the proposed action impact the floodplain and/or could flooding affect the proposed action? -- Yes

What impacts would occur?: The project is in the vicinity of a flood plain.
Comments:
Robert Kappel (Interim), First, floodplain must be defined. (09/12/2019 07:54:49)

- Has a public notice been published? -- No - Notice is not required
  Why is a public notice not required?: Currently no notice is required as its building on a already existing base.
  ** This question should be carefully checked by the Environmental Reviewer.
- Have measures to minimize impacts to/from the floodplain been incorporated into the proposal? -- Yes
  What measures have been included?: BMP are put in place.
- Will any part of the proposed action take place within the coastal zone and/or State's Coastal Management Area? -- Yes
  Comments:
  Robert Kappel (Interim), All of Florida is considered to be in the coastal zone and subject to the State's Coastal Zone Management Program (CZMP). Consultation with Florida State Clearinghouse must be conducted to ensure project is consistent with the Florida CZMP. (09/12/2019 08:44:21)
- Is a Coastal Zone Consistency Determination needed? -- Yes
  Attachments: Consistency Determination: State Clearinghouse LTR 05AUG2021 (State Clearance Letter for FL202106159260C- US Coast Guard Station Panama City.pdf, 588.28kB)
- Will the proposed action require the use of or increased use of potable water? -- Yes
  Please Explain: The new multi-functional facility (30,500 SF) will introduce Showers (approx. 875 SF) and Housing units (approx. 2,850 SF) that the facilities it will replace did not.
- Will the potable water be provided by a public water supply? -- Yes
- Does the system have capacity to supply the amount of water needed? -- Yes
- Will new water lines need to be constructed? -- Yes
  Please Describe (Length of connection, size of pipe, etc.): New multi-functional building will need to connect to main water supply line on site.
  Comments:
  Robert Kappel (Interim), Permit with utility company may be required. (09/12/2019 07:57:40)

  ** This question should be carefully checked by the Environmental Reviewer.
- Will noise levels be temporarily or permanently elevated by the proposed action? -- Yes
  Please Explain: Pile driving and construction equipment will temporarily cause an increase in airborne and in-water noise.
  Comments:
  Michael Clausen (Level II), There is a housing development behind the USCG property that may disturb property owners. (11/04/2019 14:22:14)
  Robert Kappel (Interim), Won't heavy machinery and equipment be used during demolition and new

construction including pile driving and dredging activities? (09/12/2019 07:59:34)

- Could the increased noise impact nearby sensitive receptors (e.g., residential areas, schools, daycare, place of worship, hospitals, parks, wildlife refuges)? -- Yes
  What types of receptors are nearby?: Residential area
- Will the noise increases be temporary (i.e., limited to the construction phase of the action)? -- Yes
- Will measures be taken to minimize impacts from noise (e.g., limit to hours of construction)? -- Yes
  Please Explain: All projects have standard hours of work. All contracts have specify that noise levels be minimized to max extent practicable. All noise requirements listed in permits will be complied with.
- Are there any local or State noise laws/regulations with which the proposed action must comply? -- Yes
  Describe requirement: Bay County Code Sec. 17-72.: The following activities are exempt from the above sound level and noise prohibitions:
  (2)Constructing, repairing or demolishing buildings or structures or driving pilings:
  a.In areas zoned residential or seasonal resort, from 7:00 a.m. to 7:00 p.m., except at no times on Sundays;
  b.In areas zoned commercial, industrial, agricultural or public/institutional from 6:00 a.m. to 7:00 p.m.
- Will the proposed action be in compliance with local/State noise requirements? -- Yes
- Will the project generate air emissions?
  -- Yes
  Please Explain: Air emissions will be generated thru the construction process. During normal operations, air emissions will remain similar to before the project, except for an additional emergency generator this project will introduce. The existing site had one emergency generator in the building that was devastated by Hurricane Michael, this project will replace it with the new multi-functional bldg. and add another one to the existing STA bldg. Population, boats, and vehicles will not increase with this project.
  Comments:
  Robert Kappel (Interim), An air permit for construction and operation of the new EGs needs to be considered during project design. (09/12/2019 08:01:56)
- Is the proposed action located in a nonattainment area? -- No
- Could the increase in emissions exceed the EPA de minimis levels for criteria pollutants? -- No
  Describe emission levels.: The area is a Navy base in a rural area.
  Comments:
  Michael Clausen (Level II), I recommend putting "no" down. (11/04/2019 14:25:18)
  Robert Kappel (Interim), Use the link provided. (09/12/2019 08:03:34)
- Will any part of the proposed action take place at an existing site where there is potential for environmental contamination? -- No

- Will any part of the proposed action involve the use of hazardous materials or substances or generate hazardous waste? -- Yes
  Please describe the hazardous or toxic chemicals, radioactive materials, munitions, or explosives that may be used or generated.: Construction of the new multi-functional building that includes marine shops, the new emergency power generator facilities, and the waterfront piers restoration will involve the use of paint, diesel and gasoline fuels.
- Does the proposed action include safety measures for the use, disposal, or transport of these media? -- Yes
  Please Describe: During construction, the project will take measures for pollution prevention. After construction, the CG Station will follow the guidelines of their Pollution Prevention Plan.
- If needed, are there measures included in the proposed action to address potential effects to worker safety and public health? -- Yes
  Please Describe: The project will have safety measures in place following current codes and safety guidelines.
- Could the proposed action increase the potential for a terrorist attack on critical infrastructure or a sensitive target? -- No
- Will the proposed action involve the use of new or unproven technology? -- No
- Could the proposed action degrade current environmental conditions? -- No
  Comments:
  Robert Kappel (Interim), BMPs for surface cleaning should be implemented to ensure contaminants do not get into the waterway or surrounding soils and groundwater. (09/12/2019 09:38:59)
- Are there low-income and/or minority populations in the vicinity of the proposed action? -- No
- Would the proposed action be consistent with the local master plan, existing zoning, surrounding land use, or the official land use plan for the specific site and/or the affected delineated areas? -- Yes
- Is there potential for controversy (public or scientific) regarding the environmental impacts associated with the proposed action? -- No
  Comments:
  Michael Clausen (Level II), The Navy base will also be doing projects to restore the base. If needed we could possibly partner with the Navy base on a public comment period and possible EA is one is deemed necessary. Having been stationed in Panama City 4 years ago the public are very receptive to construction and welcome the jobs. In addition every 4 months the Navy/USCG have a community breakfast and discuss projects for public comment which resembles a public meeting. If needed the project can be discussed at this meeting for public opinion. (04/07/2020 13:37:34)
  Robert Kappel (Interim), If it is determined that an environmental assessment is warranted for this project, then the public notice process will help answer this question. (09/12/2019 08:59:57)
- Are there any other requirements for the protection of the environment that need to be considered for this proposed action? -- No
  Comments:

Robert Kappel (Interim), Spec will need to include the following: All fuel tank system work must comply with Florida Administrative Code Chapter 62-762. Unit's SPCC Plan must be amended and recertified by a PE once fuel system construction is completed. Waste batteries and fluorescent bulbs must be managed in accordance with applicable universal waste regulations. CCA waste timber shall be disposed in a State permitted Class I lined landfill, and shall remain covered and secured while awaiting disposal. (09/12/2019 08:57:51)

Historic Preservation & Cultural Resources

- Is the proposed action associated with any other proposed actions? -- No
- Will the proposed action take place ENTIRELY WITHIN the interior of an existing building or structure? -- No
- Will the proposed action take place ENTIRELY ON an existing building/structure? -- No
- Will there be any ground disturbing activities? -- Yes
  Please provide a brief description of the projecct site (size, current/past land uses) and the proposed ground disturbance (square feet, depth, reason for disturbance). A longer description can be attached.: The property is Coast Guard owned, about 20.6 acres, and is located inside the perimeter of the U.S. Naval Support Activity Panama City dating back to 1966. The site was severely impacted by Hurricane Michael. The scope of the project includes: demolition (12 bldgs. about 14K SF total), new multi-functional facility (31K SF), site improvements: Stormwater system repair (grading, pipe repair), soil stabilization (9K SF), burying service power lines (2K LF), and new paved area (40K SF) for vehicle circulation and parking, waterfront restoration (new piers and boat ramp), dredging (approx. 650 CY), restoration of existing Station bldg. (9.5K SF), fuel tank (above ground) size upgrades, and two independent alternate emergency power generation facilities. Refer to project description documents for further details.
  Attachments: Additional Description of Land Disturbance: (No files uploaded yet.)
- Is the proposed action located in an urban area as designated by the U.S. Census Bureau? -- Yes
- Are there any sole source aquifers or wellhead/wellfield protection zones in or adjacent to the project area? -- No
- Will the proposed action increase impervious surfaces (i.e., buildings, parking lots) or stormwater runoff? -- Yes
  Please Describe: Incidental to the new multi-functional building that will replace facilities damaged by Hurricane Michael, about 40K SF of new impervious area will be required for vehicle circulation parking and laydown.
  Comments:
  Michael Clausen (Level II), Changing the waterfront footprint such as culvert, storm drains, and drainage of the parking lot will require Water Management District, FDEP and possibly Army Corps Permits if it is not already in compliance with a existing permit. (11/04/2019 13:24:31)
  Robert Kappel (Interim), Storm water permitting will be required. NPDES permitting may also be required. (09/11/2019 15:24:00)

- Is the treatment of stormwater during construction and/or for the final action included in the proposed action/design? -- Yes
  Please Describe: Preventive measures to eliminate contamination of stormwater during construction shall be implemented
- Will the proposed action take place at a Federally-owned facility with an existing NPDES/MS4 permit? -- No
  Comments:
  Robert Kappel (Interim), Based on the answer, a copy of the permit should be obtained and uploaded to the DSS. (09/11/2019 15:25:39)
- Is a local or state stormwater permit needed? -- Yes
  Please describe: Temporary and permanent stormwater best management practices (BMPs) and a Stormwater Pollution Prevention Plan (SWPPP) will be incorporated into
  the project.
- Will any part of the proposed action involve creating, disturbing, and/or removing vegetated areas? -- Yes
  Please describe (e.g., what is the size of the area to be affected and what type(s) of vegetation are present?): Areas vegetated by turf grass may be disturbed in order to excavate to repair/replace stormwater system as well as construct the new multi-function building.
  Comments:
  Robert Kappel (Interim), Won't the swale work? (09/11/2019 15:27:38)
- Could the proposed action involve areas where the presence of non-indigenous or invasive species are of special concern? -- No
- Could the proposed action cause or promote the spread of non-indigenous or invasive species? -- No
- Could the proposed action have the potential to assist with the management of non-indigenous or invasive species? -- No
- Are there any state or federally listed threatened or endangered plant species and/or critical habitat present in areas directly/indirectly affected by the proposed action? -- Yes
  Indicate source(s) of information and coordination and attach correspondence, if available.:
  Consultation package sent to USFWS on 15JUL2021.
  Attachments: Protected Species Coordination: State Clearance LTR 05AUG2021 (State Clearance Letter for FL202106159260C- US Coast Guard Station Panama City.pdf, 588.28kB) IPaC Species List (Enc 1 Species List_ Panama City Ecological Services Field Office.pdf, 182.52kB)
  ** This question should be carefully checked by the Environmental Reviewer.
- Will the action affect state or federally listed threatened or endangered plant species or their designated critical habitat? -- May affect but not likely to adversely affect species or designated critical habitat
  Please Explain: Area is highly developed/paved and project may affect but not likely to adversely affect species or designated critical habitat. The in-water work will undergo additional consultation

with USFWS and NOAA Fisheries during the permitting process. The USCG initiated consultation with both the USFWS and NOAA, but have not heard back from either.
Comments:
Jessica Parks, Consultation package sent to USFWS on 15JUL2021 seeking concurrence seeks concurrence on a finding that the proposed work may affect, but is not likely to adversely affect the Florida Skullcap, Godfrey's Butterwort, Harper's Beauty, Telephus Spurge, and White Birds-in-a-Nest. (07/21/2021 13:48:42)

- Has the USFWS/NMFS concurred with DHS' determination? -- Yes
  Please Explain: NOAA has requested that consultation occur during the permit application phase and this will take place once a 35% design has occurred and after the design build contract is awarded.
  Attachments: Concurrence Letter: SERO-2021-01708 USCG Panama City Station Restoration.pdf (SERO-2021-01708 USCG Panama City Station Restoration.pdf, 119.73kB)
- Will elements of the proposed action occur on, in, or adjacent to bodies of water? -- Yes
  Please Explain: The northern boundary of the site is waterfront (about 1,350 LF) to Alligator Bayou, Saint Andrew Bay, FL.
  Comments:
  Robert Kappel (Interim), Waterfront work, culvert, storm drains, and dredging will require Water Management District, FDEP and Army Corps Permits. (09/12/2019 08:34:32)
- Is there essential fish habitat in the vicinity of the proposed action? -- Yes
  Please Explain: EFH query shows that the location is an EFH for Red Drum, a variety of Reef Fish, Coastal Migratory Pelagics, four species of shrimp, Bull Shark, Spinner Shark, Scalloped Hammerhead Shark, Blacktip Shark (Gulf of Mexico stock), and Bonnethead Shark (Gulf of Mexico stock).
  There are no Habitat Areas of Particular Concern (HAPC) identified at the report location.
  No EFH Areas Protected from Fishing (EFHA) were identified at the report location.
  Comments:
  Robert Kappel (Interim), According to the NMFS EFH Mapper, the location intersects EFH for the Red Drum and variety of reef fish. However, No Habitat Areas of Particular Concern (HAPC) were identified at the report location, and No EFH Areas Protected from Fishing (EFHA) were identified at the report location. Prior project biological survey of waterfront identified patches of sea grass in the vicinity of the piers. Consultation with NMFS HCD may be required depending on the findings of the updated survey. (09/12/2019 10:22:13)
- Could the proposed action adversely affect essential fish habitat? -- No
  Please Explain: Permitting for in-water work will go through NOAA consults and USFWS consults and USACE and state in-water permitting will specify any permit conditions that when followed will prevent an adverse effect on essential fish habitat.
- Are there any marine sanctuaries within the immediate vicinity of the proposed action? -- No
  Comments:

Michael Clausen (Level II), My research shows no marine sanctuaries in the immediate vicinity of this project. (11/04/2019 13:26:20)
Robert Kappel (Interim), National Marine Sanctuaries Website did not indicate the presence of any protected areas in the immediate vicinity of the project site. The Flower Garden Banks NMS is well offshore in the Gulf of Mexico. (09/12/2019 07:07:46)

- Are there wetlands or waters of the U.S. on the project site or in the vicinity of the proposed action? -- Yes
  Explain and attach map of wetlands/waters of the U.S.: Alligator Bayou is adjacent to the project and is considered a wetland.
  Attachments: Wetland Map: STA Panama City Wetland Mapper (STA Panama City Wetland Mapper.pdf, 619.48kB)
  Comments:
  Michael Clausen (Level II), I would mark this as yes and enter in Alligator Bayou. (11/04/2019 13:54:53)
  Robert Kappel (Interim), Previously identified were Alligator Bayou St Andrews Bay and Gulf of Mexico. (09/12/2019 07:08:51)
- Does the proposed action involve construction in, filling of, placement of a structure (culvert, levy, etc.) in, discharge to, or crossing of the wetland/waters of the U.S.? -- Yes
  Describe impact (area of fill, crossing, etc.): Consultation with utilities and Florida waterways district will be needed.
- Can the proposed action be undertaken in a manner to avoid impacts to wetlands or waters of the U.S.? -- No
  Please Explain: The USCG has identified the effects and avoided, minimized, or compensated for those impacts by building on already disturbed ground.
- Have measures been taken as part of the proposed action to minimize impacts to wetlands/waters of the U.S.? -- Yes
  Please Explain: The USCG has identified the effects and avoided, minimized, or compensated for those impacts by planning to build on already disturbed ground.
- Does the proposed action qualify for a Nationwide Permit pursuant to Section 404 of the Clean Water Act? -- Yes
  Name Nationwide Permit under which the proposed action is covered.: North Florida Water Management District storm water permit required for increase of impervious surface > or = to 4,000 sf in uplands. NPDES Permit mod may be required for increase in storm water discharge to navigable water. Petroleum contaminated soil and groundwater may be encountered during excavation.
- Have you received a Nationwide Permit under the Clean Water Act? -- No
  ** This question should be carefully checked by the Environmental Reviewer.

- Is the proposed action on or adjacent to a Wild and Scenic River? -- No
  Comments:
  Michael Clausen (Level II), I would just put no on this one. (11/04/2019 13:55:14)
  Robert Kappel (Interim), The US Wild and Scenic Rivers Map did not indicate any in the vicinity of the project. (09/12/2019 07:14:06)
- Is there a Coastal Barrier Unit or otherwise protected area on or adjacent to the proposed action? -- No
  Please Explain: The Coastal Barrier Mapper does not show any coastal barriers for this or adjacent sites.
- Is the proposed action in or adjacent to a wilderness area? -- No
- Is the proposed action in or adjacent to a Wildlife Refuge? -- No
- Is the proposed action on or adjacent to a National Natural Landmark? -- No
- Is the proposed action in or adjacent to a National Park and/or Monument? -- No
- Could a state or federal listed threatened or endangered species and/or critical habitat be present in the area of the proposed action? -- No
  Explain how you know that there are no protected species or habitat in areas that may be influenced by the proposed action.: Area to be rebuild is already on previously disturbed land.
  Attachments: Federal and/or State correspondence: State Clearance LTR 05AUG2021 (State Clearance Letter for FL202106159260C- US Coast Guard Station Panama City.pdf, 588.28kB)
  Comments:
  Robert Kappel (Interim), Query available information found on the website at fws.gov ipac. West Indian Manatee, sea turtles, birds, reptiles and Panama City Crayfish have been tentatively identified as potentially occurring in the project area. No designated Critical Habitat is present per the website. A biological survey of the project area will better identify what's there or not. Consultation with NMFS PRD, USFWS, and FWC may be required. Work spec must include the standard manatee, sea turtle and sawfish construction protection conditions as is required for all work in or over the water in Florida. New lighting shall be turtle friendly to the maximum extent pracicable. Indigo Snake and Gopher Tortoise protection measures should be included in the work spec in the unlikely event they are present within the project footprint. (09/12/2019 10:23:21)
- Could any part of the proposed action have the potential to affect migratory birds, and/or their habitat? -- No
  Comments:
  Robert Kappel (Interim), Use the same website as previous question to provide answers. At least 28 migratory bird species could be in the project area throughout various times of the year. Project spec must include the USFWS Standard BMPs for Migratory Bird Conservation. If any nests are identified within the project footprint and may be disturbed by construction, then consultation and permits may be required from USFWS and FWC. (09/12/2019 10:24:04)

- Is the proposed action or any part located within the 100-year floodplain, also known as a Special Flood Hazard Area (SFHA)? -- Yes
  Please indicate the FEMA flood zone your project/proposal is in.: Project site is located in Zones: AE (EL 8', 9',10'), and VE (EL 10')
  Attachments: FEMA Flood Map: Flood Map - STA Panama City, FL (Flood Map - Panama City.pdf, 447.66kB)
- Can the action be undertaken outside of the floodplain? -- No
- Could the proposed action impact the floodplain and/or could flooding affect the proposed action? -- Yes
  What impacts would occur?: The project is in the vicinity of a flood plain.
  Comments:
  Robert Kappel (Interim), First, floodplain must be defined. (09/12/2019 07:54:49)
- Has a public notice been published? -- No - Notice is not required
  Why is a public notice not required?: Currently no notice is required as its building on a already existing base.
  ** This question should be carefully checked by the Environmental Reviewer.
- Have measures to minimize impacts to/from the floodplain been incorporated into the proposal? -- Yes
  What measures have been included?: BMP are put in place.
- Will any part of the proposed action take place within the coastal zone and/or State's Coastal Management Area? -- Yes
  Comments:
  Robert Kappel (Interim), All of Florida is considered to be in the coastal zone and subject to the State's Coastal Zone Management Program (CZMP). Consultation with Florida State Clearinghouse must be conducted to ensure project is consistent with the Florida CZMP. (09/12/2019 08:44:21)
- Is a Coastal Zone Consistency Determination needed? -- Yes
  Attachments: Consistency Determination: State Clearinghouse LTR 05AUG2021 (State Clearance Letter for FL202106159260C- US Coast Guard Station Panama City.pdf, 588.28kB)
- Will the proposed action require the use of or increased use of potable water? -- Yes
  Please Explain: The new multi-functional facility (30,500 SF) will introduce Showers (approx. 875 SF) and Housing units (approx. 2,850 SF) that the facilities it will replace did not.
- Will the potable water be provided by a public water supply? -- Yes
- Does the system have capacity to supply the amount of water needed? -- Yes
- Will new water lines need to be constructed? -- Yes
  Please Describe (Length of connection, size of pipe, etc.): New multi-functional building will need to connect to main water supply line on site.
  Comments:
  Robert Kappel (Interim), Permit with utility company may be required. (09/12/2019 07:57:40)

** This question should be carefully checked by the Environmental Reviewer.

- Will noise levels be temporarily or permanently elevated by the proposed action? -- Yes
  Please Explain: Pile driving and construction equipment will temporarily cause an increase in airborne and in-water noise.
  Comments:
  Michael Clausen (Level II), There is a housing development behind the USCG property that may disturb property owners. (11/04/2019 14:22:14)
  Robert Kappel (Interim), Won't heavy machinery and equipment be used during demolition and new construction including pile driving and dredging activities? (09/12/2019 07:59:34)
- Could the increased noise impact nearby sensitive receptors (e.g., residential areas, schools, daycare, place of worship, hospitals, parks, wildlife refuges)? -- Yes
  What types of receptors are nearby?: Residential area
- Will the noise increases be temporary (i.e., limited to the construction phase of the action)? -- Yes
- Will measures be taken to minimize impacts from noise (e.g., limit to hours of construction)? -- Yes
  Please Explain: All projects have standard hours of work. All contracts have specify that noise levels be minimized to max extent practicable. All noise requirements listed in permits will be complied with.
- Are there any local or State noise laws/regulations with which the proposed action must comply? -- Yes
  Describe requirement: Bay County Code Sec. 17-72.: The following activities are exempt from the above sound level and noise prohibitions:
  (2)Constructing, repairing or demolishing buildings or structures or driving pilings:
  a.In areas zoned residential or seasonal resort, from 7:00 a.m. to 7:00 p.m., except at no times on Sundays;
  b.In areas zoned commercial, industrial, agricultural or public/institutional from 6:00 a.m. to 7:00 p.m.
- Will the proposed action be in compliance with local/State noise requirements? -- Yes
- Will the project generate air emissions?
  -- Yes
  Please Explain: Air emissions will be generated thru the construction process. During normal operations, air emissions will remain similar to before the project, except for an additional emergency generator this project will introduce. The existing site had one emergency generator in the building that was devastated by Hurricane Michael, this project will replace it with the new multi-functional bldg. and add another one to the existing STA bldg. Population, boats, and vehicles will not increase with this project.
  Comments:
  Robert Kappel (Interim), An air permit for construction and operation of the new EGs needs to be

considered during project design. (09/12/2019 08:01:56)

- Is the proposed action located in a nonattainment area? -- No
- Could the increase in emissions exceed the EPA de minimis levels for criteria pollutants? -- No
  Describe emission levels.: The area is a Navy base in a rural area.
  Comments:
  Michael Clausen (Level II), I recommend putting "no" down. (11/04/2019 14:25:18)
  Robert Kappel (Interim), Use the link provided. (09/12/2019 08:03:34)
- Will any part of the proposed action take place at an existing site where there is potential for environmental contamination? -- No
- Will any part of the proposed action involve the use of hazardous materials or substances or generate hazardous waste? -- Yes
  Please describe the hazardous or toxic chemicals, radioactive materials, munitions, or explosives that may be used or generated.: Construction of the new multi-functional building that includes marine shops, the new emergency power generator facilities, and the waterfront piers restoration will involve the use of paint, diesel and gasoline fuels.
- Does the proposed action include safety measures for the use, disposal, or transport of these media? -- Yes
  Please Describe: During construction, the project will take measures for pollution prevention. After construction, the CG Station will follow the guidelines of their Pollution Prevention Plan.
- If needed, are there measures included in the proposed action to address potential effects to worker safety and public health? -- Yes
  Please Describe: The project will have safety measures in place following current codes and safety guidelines.
- Could the proposed action increase the potential for a terrorist attack on critical infrastructure or a sensitive target? -- No
- Will the proposed action involve the use of new or unproven technology? -- No
- Could the proposed action degrade current environmental conditions? -- No
  Comments:
  Robert Kappel (Interim), BMPs for surface cleaning should be implemented to ensure contaminants do not get into the waterway or surrounding soils and groundwater. (09/12/2019 09:38:59)
- Are there low-income and/or minority populations in the vicinity of the proposed action? -- No
- Would the proposed action be consistent with the local master plan, existing zoning, surrounding land use, or the official land use plan for the specific site and/or the affected delineated areas? -- Yes
- Is there potential for controversy (public or scientific) regarding the environmental impacts associated with the proposed action? -- No
  Comments:
  Michael Clausen (Level II), The Navy base will also be doing projects to restore the base. If needed we could possibly partner with the Navy base on a public comment period and possible EA is one is

deemed necessary. Having been stationed in Panama City 4 years ago the public are very receptive to construction and welcome the jobs. In addition every 4 months the Navy/USCG have a community breakfast and discuss projects for public comment which resembles a public meeting. If needed the project can be discussed at this meeting for public opinion. (04/07/2020 13:37:34)
Robert Kappel (Interim), If it is determined that an environmental assessment is warranted for this project, then the public notice process will help answer this question. (09/12/2019 08:59:57)

- Are there any other requirements for the protection of the environment that need to be considered for this proposed action? -- No
  Comments:
  Robert Kappel (Interim), Spec will need to include the following: All fuel tank system work must comply with Florida Administrative Code Chapter 62-762. Unit's SPCC Plan must be amended and recertified by a PE once fuel system construction is completed. Waste batteries and fluorescent bulbs must be managed in accordance with applicable universal waste regulations. CCA waste timber shall be disposed in a State permitted Class I lined landfill, and shall remain covered and secured while awaiting disposal. (09/12/2019 08:57:51)
- Will the proposed action take place ENTIRELY WITHIN the interior of an existing building or structure? -- No
- Will the proposed action take place ENTIRELY ON an existing building or structure? -- No
- Does any part of the proposed project involve ground disturbing activities? -- Yes
  Please provide a brief description of the projecct site (size, current/past land uses) and the proposed ground disturbance (square feet, depth, reason for disturbance). A longer description can be attached.: The property is Coast Guard owned, about 20.6 acres, and is located inside the perimeter of the U.S. Naval Support Activity Panama City dating back to 1966. The site was severely impacted by Hurricane Michael. The scope of the project includes: demolition (12 bldgs. about 14K SF total), new multi-functional facility (31K SF), site improvements: Stormwater system repair (grading, pipe repair), soil stabilization (9K SF), burying service power lines (2K LF), and new paved area (40K SF) for vehicle circulation and parking, waterfront restoration (new piers and boat ramp), dredging (approx. 650 CY), restoration of existing Station bldg. (9.5K SF), fuel tank (above ground) size upgrades, and two independent alternate emergency power generation facilities. Refer to project description documents for further details.
  Attachments: Additional Description of Land Disturbance: (No files uploaded yet.)
- Is the project on Federal land? -- Yes
- Does the proposed action have the potential to impact Native American graves or objects of cultural patrimony? -- No
  Explain: No native American grave sites are in the area. The area is on a Navy base on already disturbed land.
  Comments:
  Robert Kappel (Interim), There are no available records indicating that the project site has historical

or cultural value. The land has been previously disturbed. No archaeological surveys have been conducted. (09/12/2019 08:12:57)

- Have archeological studies been undertaken on the site? -- Yes, archeological sites or the potential for archeological sites were identified.
  Please explain.: The USCG consulted with the Florida State Clearinghouse to determine if there were any THPOs or FLSHPO that had an interest in this location
  Attachments: Archeological studies/correspondence: State Clearance Letter for FL202106159260C- US Coast Guard Station Panama City.pdf (State Clearance Letter for FL202106159260C- US Coast Guard Station Panama City.pdf, 588.28kB)
- Is there potential for archeological sites to be impacted by the proposed action? -- No
  Explain: No known archeological sites are known to exist. The RFP requires a work stoppage should potential cultural resources be encountered
  ** This question should be carefully checked by the Environmental Reviewer.
- Has concurrence been requested from the SHPO/THPO? -- Yes, the SHPO/THPO concurred
  Attachments: SHPO/THPO concurrence: State Clearance Letter for FL202106159260C- US Coast Guard Station Panama City.pdf (State Clearance Letter for FL202106159260C- US Coast Guard Station Panama City.pdf, 588.28kB)
- Is any portion of the proposed action located in, on, or in the vicinity of buildings or structures that are 45 years of age or older or have potential for historic significance? -- No
  Comments:
  Jessica Parks, There are no known historical structures on this Station. We know of no other cultural resources this project could affect. The Pier/Wharf is the only known structure that is >50 years old according to the shore facility inventory. This pier has deteriorated over the years and has reached to end of its life expectancy and was further damaged by the recent hurricanes. The USCG does not consider it to have any cultural or historical characteristics and plans to replace it as part of this project. (07/27/2021 14:07:53)
  Robert Kappel (Interim), Please confirm using SFI. If any buildings or structures are at least 50 years old and will be affected by the proposed action, then SHPO must be consulted. (09/12/2019 08:29:08)

Law By Law Review

- Is the proposed action associated with any other proposed actions? -- No
- Will the proposed action take place ENTIRELY WITHIN the interior of an existing building or structure? -- No
- Will the proposed action take place ENTIRELY ON an existing building/structure? -- No
- Will there be any ground disturbing activities? -- Yes
  Please provide a brief description of the projecct site (size, current/past land uses) and the proposed ground disturbance (square feet, depth, reason for disturbance). A longer description can be attached.: The property is Coast Guard owned, about 20.6 acres, and is located inside the perimeter

of the U.S. Naval Support Activity Panama City dating back to 1966. The site was severely impacted by Hurricane Michael. The scope of the project includes: demolition (12 bldgs. about 14K SF total), new multi-functional facility (31K SF), site improvements: Stormwater system repair (grading, pipe repair), soil stabilization (9K SF), burying service power lines (2K LF), and new paved area (40K SF) for vehicle circulation and parking, waterfront restoration (new piers and boat ramp), dredging (approx. 650 CY), restoration of existing Station bldg. (9.5K SF), fuel tank (above ground) size upgrades, and two independent alternate emergency power generation facilities. Refer to project description documents for further details.

Attachments: Additional Description of Land Disturbance: (No files uploaded yet.)

- Is the proposed action located in an urban area as designated by the U.S. Census Bureau? -- Yes
- Are there any sole source aquifers or wellhead/wellfield protection zones in or adjacent to the project area? -- No
- Will the proposed action increase impervious surfaces (i.e., buildings, parking lots) or stormwater runoff? -- Yes

  Please Describe: Incidental to the new multi-functional building that will replace facilities damaged by Hurricane Michael, about 40K SF of new impervious area will be required for vehicle circulation parking and laydown.

  Comments:

  Michael Clausen (Level II), Changing the waterfront footprint such as culvert, storm drains, and drainage of the parking lot will require Water Management District, FDEP and possibly Army Corps Permits if it is not already in compliance with a existing permit. (11/04/2019 13:24:31)

  Robert Kappel (Interim), Storm water permitting will be required. NPDES permitting may also be required. (09/11/2019 15:24:00)
- Is the treatment of stormwater during construction and/or for the final action included in the proposed action/design? -- Yes

  Please Describe: Preventive measures to eliminate contamination of stormwater during construction shall be implemented
- Will the proposed action take place at a Federally-owned facility with an existing NPDES/MS4 permit? -- No

  Comments:

  Robert Kappel (Interim), Based on the answer, a copy of the permit should be obtained and uploaded to the DSS. (09/11/2019 15:25:39)
- Is a local or state stormwater permit needed? -- Yes

  Please describe: Temporary and permanent stormwater best management practices (BMPs) and a Stormwater Pollution Prevention Plan (SWPPP) will be incorporated into
  the project.
- Will any part of the proposed action involve creating, disturbing, and/or removing vegetated areas? -- Yes

Please describe (e.g., what is the size of the area to be affected and what type(s) of vegetation are present?): Areas vegetated by turf grass may be disturbed in order to excavate to repair/replace stormwater system as well as construct the new multi-function building.
Comments:
Robert Kappel (Interim), Won't the swale work? (09/11/2019 15:27:38)

- Could the proposed action involve areas where the presence of non-indigenous or invasive species are of special concern? -- No
- Could the proposed action cause or promote the spread of non-indigenous or invasive species? -- No
- Could the proposed action have the potential to assist with the management of non-indigenous or invasive species? -- No
- Are there any state or federally listed threatened or endangered plant species and/or critical habitat present in areas directly/indirectly affected by the proposed action? -- Yes
  Indicate source(s) of information and coordination and attach correspondence, if available.:
  Consultation package sent to USFWS on 15JUL2021.
  Attachments: Protected Species Coordination: State Clearance LTR 05AUG2021 (State Clearance Letter for FL202106159260C- US Coast Guard Station Panama City.pdf, 588.28kB) IPaC Species List (Enc 1 Species List_ Panama City Ecological Services Field Office.pdf, 182.52kB)
  ** This question should be carefully checked by the Environmental Reviewer.
- Will the action affect state or federally listed threatened or endangered plant species or their designated critical habitat? -- May affect but not likely to adversely affect species or designated critical habitat
  Please Explain: Area is highly developed/paved and project may affect but not likely to adversely affect species or designated critical habitat. The in-water work will undergo additional consultation with USFWS and NOAA Fisheries during the permitting process. The USCG initiated consultation with both the USFWS and NOAA, but have not heard back from either.
  Comments:
  Jessica Parks, Consultation package sent to USFWS on 15JUL2021 seeking concurrence seeks concurrence on a finding that the proposed work may affect, but is not likely to adversely affect the Florida Skullcap, Godfrey’s Butterwort, Harper’s Beauty, Telephus Spurge, and White Birds-in-a-Nest. (07/21/2021 13:48:42)
- Has the USFWS/NMFS concurred with DHS' determination? -- Yes
  Please Explain: NOAA has requested that consultation occur during the permit application phase and this will take place once a 35% design has occurred and after the design build contract is awarded.
  Attachments: Concurrence Letter: SERO-2021-01708 USCG Panama City Station Restoration.pdf (SERO-2021-01708 USCG Panama City Station Restoration.pdf, 119.73kB)
- Will elements of the proposed action occur on, in, or adjacent to bodies of water? -- Yes
  Please Explain: The northern boundary of the site is waterfront (about 1,350 LF) to Alligator Bayou, Saint Andrew Bay, FL.

Comments:
Robert Kappel (Interim), Waterfront work, culvert, storm drains, and dredging will require Water Management District, FDEP and Army Corps Permits. (09/12/2019 08:34:32)

- Is there essential fish habitat in the vicinity of the proposed action? -- Yes
  Please Explain: EFH query shows that the location is an EFH for Red Drum, a variety of Reef Fish, Coastal Migratory Pelagics, four species of shrimp, Bull Shark, Spinner Shark, Scalloped Hammerhead Shark, Blacktip Shark (Gulf of Mexico stock), and Bonnethead Shark (Gulf of Mexico stock).
  There are no Habitat Areas of Particular Concern (HAPC) identified at the report location.
  No EFH Areas Protected from Fishing (EFHA) were identified at the report location.
  Comments:
  Robert Kappel (Interim), According to the NMFS EFH Mapper, the location intersects EFH for the Red Drum and variety of reef fish. However, No Habitat Areas of Particular Concern (HAPC) were identified at the report location, and No EFH Areas Protected from Fishing (EFHA) were identified at the report location. Prior project biological survey of waterfront identified patches of sea grass in the vicinity of the piers. Consultation with NMFS HCD may be required depending on the findings of the updated survey. (09/12/2019 10:22:13)
- Could the proposed action adversely affect essential fish habitat? -- No
  Please Explain: Permitting for in-water work will go through NOAA consults and USFWS consults and USACE and state in-water permitting will specify any permit conditions that when followed will prevent an adverse effect on essential fish habitat.
- Are there any marine sanctuaries within the immediate vicinity of the proposed action? -- No
  Comments:
  Michael Clausen (Level II), My research shows no marine sanctuaries in the immediate vicinity of this project. (11/04/2019 13:26:20)
  Robert Kappel (Interim), National Marine Sanctuaries Website did not indicate the presence of any protected areas in the immediate vicinity of the project site. The Flower Garden Banks NMS is well offshore in the Gulf of Mexico. (09/12/2019 07:07:46)
- Are there wetlands or waters of the U.S. on the project site or in the vicinity of the proposed action? -- Yes
  Explain and attach map of wetlands/waters of the U.S.: Alligator Bayou is adjacent to the project and is considered a wetland.
  Attachments: Wetland Map: STA Panama City Wetland Mapper (STA Panama City Wetland Mapper.pdf, 619.48kB)
  Comments:
  Michael Clausen (Level II), I would mark this as yes and enter in Alligator Bayou. (11/04/2019 13:54:53)
  Robert Kappel (Interim), Previously identified were Alligator Bayou St Andrews Bay and Gulf of

Mexico. (09/12/2019 07:08:51)

- Does the proposed action involve construction in, filling of, placement of a structure (culvert, levy, etc.) in, discharge to, or crossing of the wetland/waters of the U.S.? -- Yes
  Describe impact (area of fill, crossing, etc.): Consultation with utilities and Florida waterways district will be needed.
- Can the proposed action be undertaken in a manner to avoid impacts to wetlands or waters of the U.S.? -- No
  Please Explain: The USCG has identified the effects and avoided, minimized, or compensated for those impacts by building on already disturbed ground.
- Have measures been taken as part of the proposed action to minimize impacts to wetlands/waters of the U.S.? -- Yes
  Please Explain: The USCG has identified the effects and avoided, minimized, or compensated for those impacts by planning to build on already disturbed ground.
- Does the proposed action qualify for a Nationwide Permit pursuant to Section 404 of the Clean Water Act? -- Yes
  Name Nationwide Permit under which the proposed action is covered.: North Florida Water Management District storm water permit required for increase of impervious surface > or = to 4,000 sf in uplands. NPDES Permit mod may be required for increase in storm water discharge to navigable water. Petroleum contaminated soil and groundwater may be encountered during excavation.
- Have you received a Nationwide Permit under the Clean Water Act? -- No
  ** This question should be carefully checked by the Environmental Reviewer.
- Is the proposed action on or adjacent to a Wild and Scenic River? -- No
  Comments:
  Michael Clausen (Level II), I would just put no on this one. (11/04/2019 13:55:14)
  Robert Kappel (Interim), The US Wild and Scenic Rivers Map did not indicate any in the vicinity of the project. (09/12/2019 07:14:06)
- Is there a Coastal Barrier Unit or otherwise protected area on or adjacent to the proposed action? -- No
  Please Explain: The Coastal Barrier Mapper does not show any coastal barriers for this or adjacent sites.
- Is the proposed action in or adjacent to a wilderness area? -- No
- Is the proposed action in or adjacent to a Wildlife Refuge? -- No
- Is the proposed action on or adjacent to a National Natural Landmark? -- No
- Is the proposed action in or adjacent to a National Park and/or Monument? -- No
- Could a state or federal listed threatened or endangered species and/or critical habitat be present in the area of the proposed action? -- No
  Explain how you know that there are no protected species or habitat in areas that may be influenced

by the proposed action.: Area to be rebuild is already on previously disturbed land.
Attachments: Federal and/or State correspondence: State Clearance LTR 05AUG2021 (State Clearance Letter for FL202106159260C- US Coast Guard Station Panama City.pdf, 588.28kB)
Comments:
Robert Kappel (Interim), Query available information found on the website at fws.gov ipac. West Indian Manatee, sea turtles, birds, reptiles and Panama City Crayfish have been tentatively identified as potentially occurring in the project area. No designated Critical Habitat is present per the website. A biological survey of the project area will better identify what's there or not. Consultation with NMFS PRD, USFWS, and FWC may be required. Work spec must include the standard manatee, sea turtle and sawfish construction protection conditions as is required for all work in or over the water in Florida. New lighting shall be turtle friendly to the maximum extent pracicable. Indigo Snake and Gopher Tortoise protection measures should be included in the work spec in the unlikely event they are present within the project footprint. (09/12/2019 10:23:21)

- Could any part of the proposed action have the potential to affect migratory birds, and/or their habitat? -- No
  Comments:
  Robert Kappel (Interim), Use the same website as previous question to provide answers. At least 28 migratory bird species could be in the project area throughout various times of the year. Project spec must include the USFWS Standard BMPs for Migratory Bird Conservation. If any nests are identified within the project footprint and may be disturbed by construction, then consultation and permits may be required from USFWS and FWC. (09/12/2019 10:24:04)
- Is the proposed action or any part located within the 100-year floodplain, also known as a Special Flood Hazard Area (SFHA)? -- Yes
  Please indicate the FEMA flood zone your project/proposal is in.: Project site is located in Zones: AE (EL 8', 9',10'), and VE (EL 10')
  Attachments: FEMA Flood Map: Flood Map - STA Panama City, FL (Flood Map - Panama City.pdf, 447.66kB)
- Can the action be undertaken outside of the floodplain? -- No
- Could the proposed action impact the floodplain and/or could flooding affect the proposed action? -- Yes
  What impacts would occur?: The project is in the vicinity of a flood plain.
  Comments:
  Robert Kappel (Interim), First, floodplain must be defined. (09/12/2019 07:54:49)
- Has a public notice been published? -- No - Notice is not required
  Why is a public notice not required?: Currently no notice is required as its building on a already existing base.
  ** This question should be carefully checked by the Environmental Reviewer.

- Have measures to minimize impacts to/from the floodplain been incorporated into the proposal? -- Yes
  What measures have been included?: BMP are put in place.
- Will any part of the proposed action take place within the coastal zone and/or State's Coastal Management Area? -- Yes
  Comments:
  Robert Kappel (Interim), All of Florida is considered to be in the coastal zone and subject to the State's Coastal Zone Management Program (CZMP). Consultation with Florida State Clearinghouse must be conducted to ensure project is consistent with the Florida CZMP. (09/12/2019 08:44:21)
- Is a Coastal Zone Consistency Determination needed? -- Yes
  Attachments: Consistency Determination: State Clearinghouse LTR 05AUG2021 (State Clearance Letter for FL202106159260C- US Coast Guard Station Panama City.pdf, 588.28kB)
- Will the proposed action require the use of or increased use of potable water? -- Yes
  Please Explain: The new multi-functional facility (30,500 SF) will introduce Showers (approx. 875 SF) and Housing units (approx. 2,850 SF) that the facilities it will replace did not.
- Will the potable water be provided by a public water supply? -- Yes
- Does the system have capacity to supply the amount of water needed? -- Yes
- Will new water lines need to be constructed? -- Yes
  Please Describe (Length of connection, size of pipe, etc.): New multi-functional building will need to connect to main water supply line on site.
  Comments:
  Robert Kappel (Interim), Permit with utility company may be required. (09/12/2019 07:57:40)

  ** This question should be carefully checked by the Environmental Reviewer.
- Will noise levels be temporarily or permanently elevated by the proposed action? -- Yes
  Please Explain: Pile driving and construction equipment will temporarily cause an increase in airborne and in-water noise.
  Comments:
  Michael Clausen (Level II), There is a housing development behind the USCG property that may disturb property owners. (11/04/2019 14:22:14)
  Robert Kappel (Interim), Won't heavy machinery and equipment be used during demolition and new construction including pile driving and dredging activities? (09/12/2019 07:59:34)
- Could the increased noise impact nearby sensitive receptors (e.g., residential areas, schools, daycare, place of worship, hospitals, parks, wildlife refuges)? -- Yes
  What types of receptors are nearby?: Residential area
- Will the noise increases be temporary (i.e., limited to the construction phase of the action)? -- Yes
- Will measures be taken to minimize impacts from noise (e.g., limit to hours of construction)? -- Yes
  Please Explain: All projects have standard hours of work. All contracts have specify that noise

levels be minimized to max extent practicable. All noise requirements listed in permits will be complied with.

- Are there any local or State noise laws/regulations with which the proposed action must comply? -- Yes
  Describe requirement: Bay County Code Sec. 17-72.: The following activities are exempt from the above sound level and noise prohibitions:
  (2)Constructing, repairing or demolishing buildings or structures or driving pilings:
  a.In areas zoned residential or seasonal resort, from 7:00 a.m. to 7:00 p.m., except at no times on Sundays;
  b.In areas zoned commercial, industrial, agricultural or public/institutional from 6:00 a.m. to 7:00 p.m.
- Will the proposed action be in compliance with local/State noise requirements? -- Yes
- Will the project generate air emissions?
  -- Yes
  Please Explain: Air emissions will be generated thru the construction process. During normal operations, air emissions will remain similar to before the project, except for an additional emergency generator this project will introduce. The existing site had one emergency generator in the building that was devastated by Hurricane Michael, this project will replace it with the new multi-functional bldg. and add another one to the existing STA bldg. Population, boats, and vehicles will not increase with this project.
  Comments:
  Robert Kappel (Interim), An air permit for construction and operation of the new EGs needs to be considered during project design. (09/12/2019 08:01:56)
- Is the proposed action located in a nonattainment area? -- No
- Could the increase in emissions exceed the EPA de minimis levels for criteria pollutants? -- No
  Describe emission levels.: The area is a Navy base in a rural area.
  Comments:
  Michael Clausen (Level II), I recommend putting "no" down. (11/04/2019 14:25:18)
  Robert Kappel (Interim), Use the link provided. (09/12/2019 08:03:34)
- Will any part of the proposed action take place at an existing site where there is potential for environmental contamination? -- No
- Will any part of the proposed action involve the use of hazardous materials or substances or generate hazardous waste? -- Yes
  Please describe the hazardous or toxic chemicals, radioactive materials, munitions, or explosives that may be used or generated.: Construction of the new multi-functional building that includes marine shops, the new emergency power generator facilities, and the waterfront piers restoration will involve the use of paint, diesel and gasoline fuels.

- Does the proposed action include safety measures for the use, disposal, or transport of these media? -- Yes
  Please Describe: During construction, the project will take measures for pollution prevention. After construction, the CG Station will follow the guidelines of their Pollution Prevention Plan.
- If needed, are there measures included in the proposed action to address potential effects to worker safety and public health? -- Yes
  Please Describe: The project will have safety measures in place following current codes and safety guidelines.
- Could the proposed action increase the potential for a terrorist attack on critical infrastructure or a sensitive target? -- No
- Will the proposed action involve the use of new or unproven technology? -- No
- Could the proposed action degrade current environmental conditions? -- No
  Comments:
  Robert Kappel (Interim), BMPs for surface cleaning should be implemented to ensure contaminants do not get into the waterway or surrounding soils and groundwater. (09/12/2019 09:38:59)
- Are there low-income and/or minority populations in the vicinity of the proposed action? -- No
- Would the proposed action be consistent with the local master plan, existing zoning, surrounding land use, or the official land use plan for the specific site and/or the affected delineated areas? -- Yes
- Is there potential for controversy (public or scientific) regarding the environmental impacts associated with the proposed action? -- No
  Comments:
  Michael Clausen (Level II), The Navy base will also be doing projects to restore the base. If needed we could possibly partner with the Navy base on a public comment period and possible EA is one is deemed necessary. Having been stationed in Panama City 4 years ago the public are very receptive to construction and welcome the jobs. In addition every 4 months the Navy/USCG have a community breakfast and discuss projects for public comment which resembles a public meeting. If needed the project can be discussed at this meeting for public opinion. (04/07/2020 13:37:34)
  Robert Kappel (Interim), If it is determined that an environmental assessment is warranted for this project, then the public notice process will help answer this question. (09/12/2019 08:59:57)
- Are there any other requirements for the protection of the environment that need to be considered for this proposed action? -- No
  Comments:
  Robert Kappel (Interim), Spec will need to include the following: All fuel tank system work must comply with Florida Administrative Code Chapter 62-762. Unit's SPCC Plan must be amended and recertified by a PE once fuel system construction is completed. Waste batteries and fluorescent bulbs must be managed in accordance with applicable universal waste regulations. CCA waste timber shall be disposed in a State permitted Class I lined landfill, and shall remain covered and secured while awaiting disposal. (09/12/2019 08:57:51)

- Will the proposed action take place ENTIRELY WITHIN the interior of an existing building or structure? -- No
- Will the proposed action take place ENTIRELY ON an existing building or structure? -- No
- Does any part of the proposed project involve ground disturbing activities? -- Yes
  Please provide a brief description of the projecct site (size, current/past land uses) and the proposed ground disturbance (square feet, depth, reason for disturbance). A longer description can be attached.: The property is Coast Guard owned, about 20.6 acres, and is located inside the perimeter of the U.S. Naval Support Activity Panama City dating back to 1966. The site was severely impacted by Hurricane Michael. The scope of the project includes: demolition (12 bldgs. about 14K SF total), new multi-functional facility (31K SF), site improvements: Stormwater system repair (grading, pipe repair), soil stabilization (9K SF), burying service power lines (2K LF), and new paved area (40K SF) for vehicle circulation and parking, waterfront restoration (new piers and boat ramp), dredging (approx. 650 CY), restoration of existing Station bldg. (9.5K SF), fuel tank (above ground) size upgrades, and two independent alternate emergency power generation facilities. Refer to project description documents for further details.
  Attachments: Additional Description of Land Disturbance: (No files uploaded yet.)
- Is the project on Federal land? -- Yes
- Does the proposed action have the potential to impact Native American graves or objects of cultural patrimony? -- No
  Explain: No native American grave sites are in the area. The area is on a Navy base on already disturbed land.
  Comments:
  Robert Kappel (Interim), There are no available records indicating that the project site has historical or cultural value. The land has been previously disturbed. No archaeological surveys have been conducted. (09/12/2019 08:12:57)
- Have archeological studies been undertaken on the site? -- Yes, archeological sites or the potential for archeological sites were identified.
  Please explain.: The USCG consulted with the Florida State Clearinghouse to determine if there were any THPOs or FLSHPO that had an interest in this location
  Attachments: Archeological studies/correspondence: State Clearance Letter for FL202106159260C- US Coast Guard Station Panama City.pdf (State Clearance Letter for FL202106159260C- US Coast Guard Station Panama City.pdf, 588.28kB)
- Is there potential for archeological sites to be impacted by the proposed action? -- No
  Explain: No known archeological sites are known to exist. The RFP requires a work stoppage should potential cultural resources be encountered
  ** This question should be carefully checked by the Environmental Reviewer.
- Has concurrence been requested from the SHPO/THPO? -- Yes, the SHPO/THPO concurred
  Attachments: SHPO/THPO concurrence: State Clearance Letter for FL202106159260C- US Coast

Guard Station Panama City.pdf (State Clearance Letter for FL202106159260C- US Coast Guard Station Panama City.pdf, 588.28kB)

- Is any portion of the proposed action located in, on, or in the vicinity of buildings or structures that are 45 years of age or older or have potential for historic significance? -- No
  Comments:
  Jessica Parks, There are no known historical structures on this Station. We know of no other cultural resources this project could affect. The Pier/Wharf is the only known structure that is >50 years old according to the shore facility inventory. This pier has deteriorated over the years and has reached to end of its life expectancy and was further damaged by the recent hurricanes. The USCG does not consider it to have any cultural or historical characteristics and plans to replace it as part of this project. (07/27/2021 14:07:53)
  Robert Kappel (Interim), Please confirm using SFI. If any buildings or structures are at least 50 years old and will be affected by the proposed action, then SHPO must be consulted. (09/12/2019 08:29:08)
- National Historic Preservation Act (Not Answered)
- Endangered Species Act (Not Answered)
- Coastal Barrier Resources Act (CBRA) (Not Answered)
- Clean Water Act (Not Answered)
- Coastal Zone Management Act (CZMA) (Not Answered)
- Fish and Wildlife Coordination Act (FWCA) (Not Answered)
- Clean Air Act (Not Answered)
- Farmland Protection Policy Act (Not Answered)
- Migratory Bird Treaty Act (MBTA) (Not Answered)
- Magnuson-Stevens Fishery Conservation and Management Act (MSA) (Not Answered)
- Wild and Scenic Rivers Act (WSR) (Not Answered)
- Executive Order 11988 - Floodplains (Not Answered)
- Executive Order 11990 - Wetlands (Not Answered)
- Executive Order 12898 - Environmental Justice for Low Income and Minority Populations (Not Answered)

DHS Record of Environmental Consideration (REC) for Categorically Excluded Actions under NEPA

INTRODUCTION

The purpose of this Record of Environmental Consideration (REC) is to provide a record that the potential for impacts to the quality of the human environment has been considered in the decision to implement the Proposed Action described below, in accordance with the National Environmental Policy Act of 1969 (NEPA) and DHS Directive 023-01 and Instruction Manual 023-01-001-01 on implementation of NEPA. DHS integrates the NEPA process with review and compliance requirements under other Federal laws, regulations, Executive Orders, and other requirements for the stewardship and protection of the human environment, as reflected in Section II (8) of this REC. Signature of the DHS Proponent on this REC demonstrates that they have considered the potential for impacts to the human environment in their decision to implement the Proposed Action as required by NEPA, and are committing to any conditions listed in Section IV of this REC that may be required for implementation of the project. When completed, the form is to be signed by the Preparer, the Environmental Approver, and the Action Proponent. The completed REC becomes a part of the administrative record for the Proposed Action.

SECTION I - Description of Proposed Action

1. Name of Component Authorizing the Proposed Action:

U.S. Coast Guard USCG Civil Engineering Unit – Miami Fl

2. Title of Proposed Action:

Hurricane Michael Restore CG Station Panama City, FL

3. Identifying Number of Proposed Action:

DSS-USCG-2019-8159

4. Estimated Start Date and Useful Life of Proposed Action:

Start Date: 06/01/2021 - End Date: 9/1/2023

5. Location of Proposed Action:

Site Specific: 1700 Thomas Drive, Panama City, Florida, 32408

6. Description of Proposed Action:

This project is to restore USCG Station and its tenant units at Panama City, FL as a result of severe damage caused by Hurricane Michael. The site is in CG owned property located at 1700 Thomas Dr. Panama City, FL 32408, within the perimeter of US Naval Support Activity (NSA) Panama City. The scope of the project includes: demolition, site improvements, waterfront restoration, dredging, restoration of existing Station bldg., a new multi-functional facility, fuel tank size upgrades, and independent alternate emergency power generation facilities for both the existing CG Station bldg. and the new multi-functional building. For additional information see Project Description Document attached.

SECTION II - Analysis of Extraordinary Circumstances

7. ☒ Proposed Action is not a piece of a larger action

☐ Proposed Action is a piece of a larger action

Remarks:

8. For A through K, check the appropriate box and provide an explanation when appropriate. Include a summary of any coordination or consultation that occurred with a resource or regulatory agency, if relevant.

☐ Yes ☒ No A. Will the Proposed Action have a potentially significant effect on public health or safety?

Remarks:

☐ Yes ☒ No	B. Will the Proposed Action have a potentially significant effect on species or habitats protected by the Endangered Species Act, Marine Mammal Protection Act, Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, or Magnuson-Stevens Fishery Conservation and Management Act?
Remarks:	
☐ Yes ☒ No	C. Will the Proposed Action have a potentially significant effect on a district, highway, structure, or object that is listed or eligible for listing on the National Register of Historic Places (NRHP)? Will the Proposed Action have a potentially significant effect on a historic or cultural resource, traditionalor sacred site, or result in the destruction of a significant scientific, cultural, or historic resource?
Remarks:	
☐ Yes ☒ No	D. Will the Proposed Action have a potentially significant effect on an environmentally sensitive area?
Remarks:	
☐ Yes ☒ No	E. Will the Proposed Action result in the potential violation of a Federal, State, or local law or requirement imposed to protect the environment?
Remarks:	
☐ Yes ☒ No	F. Will the Proposed Action have an effect on the quality of the human environment that is likely to be highly controversial in terms of scientific validity, likely to be highly uncertain, or likely to involve unique or unknown environmental risks?
Remarks:	
☐ Yes ☒ No	G. Will the Proposed Action employ new or unproven technology that is likely to involve unique or unknown environmental risks, where the effect on the human environment is likely to be highly uncertain, or where the effect on the human environment is likely to be highly controversial in terms of scientific validity?
Remarks:	
☐ Yes ☒ No	H. Will the Proposed Action establish a precedent for future actions that have significant effects?
Remarks:	
☐ Yes ☒ No	I. Is the Proposed Action significantly greater in scope or size than normally experienced for its particular category of action?
Remarks:	
☐ Yes ☒ No	J. Does the Proposed Action have the potential to result in significant degradation of existing poor environmental conditions? Will the Proposed Action initiate a potentially significant environmentally degrading influence, activity, or effect in areas not significantly modified from their natural condition?
Remarks:	
☐ Yes ☒ No	K. Is the Proposed Action related to other actions with individually insignificant but cumulatively significant impacts?
Remarks:	

SECTION III - Categorical Exclusion (CATEX) Determination

9. This action is not expected to result in any significant adverse environmental impacts as described in the National Environmental Policy Act of 1969 (NEPA). The proposed action has been thoroughly reviewed by the U.S. Coast Guard and it has been determined, by the undersigned, that this action is categorically excluded under current DHS CATEX **L14*,L30*,L24*** from further environmental documentation, in accordance with Section 3 of DHS Directive 023-01, Environmental Planning Program since implementation of this action:

I. Clearly fits within one or more of the CATEXs listed in Appendix A, Table 1 of DHS Instruction Manual 023-01-001-01, Revision 01;
II. Is not a piece of a larger action which has been segmented into smaller parts in order to avoid a more extensive evaluation of the potential for significant environmental impacts;
III. Does not involve any extraordinary circumstances, as defined in Section 5(B)(2) of DHS Instruction Manual 023-01-001-01, Revision 01, that would preclude the application of a CATEX due to the potential for significant environmental impacts.

SECTION IV - Conditions

10. The following conditions are required to implement the Proposed Action:

☒1. Spec must include: Best management practices (BMP) must be implemented to maintain Water Quality pursuant to Rule 62-302 F.A.C. At a minimum, BMPs should include the use of tarps and working enclosures to prevent debris from reaching the waterway.

☒2. Spec must include: Light ballasts and oil filled electrical transformers identified as containing PCBs, or assumed to be PCB containing shall be managed IAW 40CFR761.

☒3. Applicable regulatory permits and approvals must be obtained prior to construction commencement. This includes FDEP NPDES, SWFWMD, and USACE.

☒4. Initial EPCRA notification for LOX will need to be made to SERC, LEPC, and local FD. Unit may be required to file annual reports of storage and usage.

☒5. Asbestos, lead, and mold surveys must be performed. Appropriate and applicable control measures must be placed in the work specification.

☒6. Migratory Bird BMPs must be placed in the work specification.

☒7. Spec must include a requirement for construction to be halted and KO notified if human or aboriginal remains are encountered during excavation.

☒8. Spec must include: Universal Waste Fluorescent Bulbs shall be managed in accordance with Chapter 62-737 of the Florida Administrative Code. Disposal receipts must be submitted to the USCG.

☒9. Spec must include: Solid waste and non-hazardous debris must be managed in accordance with F.A.C. Rule 62-701. Construction and demolition debris shall be disposed of at a permitted facility in accordance with F.A.C. Rule 62-701.730.

☒10. Spec must include: Petroleum impacted soil, if encountered, must be properly containerized and disposed in accordance with applicable State regulations. Prior to proceeding with the project the contractor must contact COTR and USCG Construction Branch Manager.

☒Any change to the Proposed Action that may cause a physical interaction with the human environment will require re-evaluation for compliance with NEPA and other EP&HP requirements before the action can proceed.

☒This review addresses NEPA and other EP&HP requirements as described in DHS Directive 023-01. This review may identify the need for additional federal, state, and/or local permits, approvals, etc. required for the Proposed Action. However, this review may not satisfy those requirements and the Proponent is responsible for ensuring that all other appropriate federal, state, and/or local permits, approvals, etc. have been obtained.

SECTION V - Signatures

11a. Preparer of this REC

Name: Jessica Parks	Digitally signed by Jessica Parks at 08/27/2021 2:54 PM Jessica Parks	Date: 08/27/2021
11b. Environmental Approver of this REC		
Name: Richard Hylton (Level II)	Digitally signed by Richard Hylton (Level II) at 09/07/2021 3:29 PM Richard Hylton (Level II)	Date: 09/07/2021
11c. Action Proponent		
Name: John Berry	Digitally signed by John Berry at 09/08/2021 4:17 PM John Berry	Date: 09/08/2021

Preview of Attachments

The following pages will display this project's attachments that are of these file types:

- .jpg /.jpeg
- .png
- .gif
- .txt
- .pdf

The attachments of compatible file types from this project are:

- MIGRATORY BIRD CONSERVATION MEASURES (nationwidestandardconservationmeasures.pdf)
- Manatee Grating Requirements for Stormwater conveyances (manatee_grates (2).pdf)
- Sea Turtle LIghting Guidelines (SeaTurtle_LightingGuidelines2.pdf)
- Std Manatee Protection Conditions (2011_StandardConditionsForIn-waterWork.pdf)
- Gopher Tortoise Permitting (GTPermittingGuidelines.pdf)
- Eastern Indigo Snake Guidelines (20130812_EIS Standard Protection Measures_final.pdf)
- 2016 Biological Survey of Waterfront (USCG Station Panama City Marine Resources Survey 20161206.pdf)

Note:

All project attachments can be downloaded at the 'Manage Attachments' page.

NATIONWIDE STANDARD CONSERVATION MEASURES

Listed below are effective measures that should be employed at all project development sites nationwide with the goal of reducing impacts to birds and their habitats. These measures are grouped into three categories: General, Habitat Protection, and Stressor Management. These measures may be updated through time. We recommend checking the Conservation Measures website regularly for the most up-to-date list.

1. **General Measures**
   a. Educate all employees, contractors, and/or site visitors of relevant rules and regulations that protect wildlife. See the Service webpage on Regulations and Policies for more information on regulations that protect migratory birds.
   b. Prior to removal of an inactive nest, ensure that the nest is not protected under the Endangered Species Act (ESA) or the Bald and Golden Eagle Protection Act (BGEPA). Nests protected under ESA or BGEPA cannot be removed without a valid permit.
      i. See the Service Nest Destruction Policy
   c. Do not collect birds (live or dead) or their parts (e.g., feathers) or nests without a valid permit. Please visit the Service permits page for more information on permits and permit applications.
   d. Provide enclosed solid waste receptacles at all project areas. Non-hazardous solid waste (trash) would be collected and deposited in the on-site receptacles. Solid waste would be collected and disposed of by a local waste disposal contractor. For more information about solid waste and how to properly dispose of it, see the EPA Non-Hazardous Waste website.
   e. Report any incidental take of a migratory bird, to the local Service Office of Law Enforcement.
   f. Consult and follow applicable Service industry guidance.

2. **Habitat Protection**
   a. Minimize project creep by clearly delineating and maintaining project boundaries (including staging areas).
   b. Consult all local, State, and Federal regulations for the development of an appropriate buffer distance between development site and any wetland or waterway. For more information on wetland protection regulations see the Clean Water Act sections 401 and 404.
   c. Maximize use of disturbed land for all project activities (i.e., siting, lay-down areas, and construction).
   d. Implement standard soil erosion and dust control measures. For example:
      i. Establish vegetation cover to stabilize soil
      ii. Use erosion blankets to prevent soil loss
      iii. Water bare soil to prevent wind erosion and dust issues

3. Stressor Management

Stressor: Vegetation Removal

Conservation Goal: Avoid direct take of adults, chicks, or eggs.

Conservation Measure 1: Schedule all vegetation removal, trimming, and grading of vegetated areas outside of the peak bird breeding season to the maximum extent practicable. Use available resources, such as internet-based tools (e.g., the FWS's Information, Planning and Conservation system and Avian Knowledge Network) to identify peak breeding months for local bird species; or, contact local Service Migratory Bird Program Office for breeding bird information.

Conservation Measure 2: When project activities cannot occur outside the bird nesting season, conduct surveys prior to scheduled activity to determine if active nests are present within the area of impact and buffer any nesting locations found during surveys.

1) Generally, the surveys should be conducted no more than five days prior to scheduled activity.
2) Timing and dimensions of the area to be surveyed vary and will depend on the nature of the project, location, and expected level of vegetation disturbance.
3) If active nests or breeding behavior (e.g., courtship, nest building, territorial defense, etc.) are detected during these surveys, no vegetation removal activities should be conducted until nestlings have fledged or the nest fails or breeding behaviors are no longer observed. If the activity must occur, establish a buffer zone around the nest and no activities will occur within that zone until nestlings have fledged and left the nest area. The dimension of the buffer zone will depend on the proposed activity, habitat type, and species present and should be coordinated with the local or regional Service office.
4) When establishing a buffer zone, construct a barrier (e.g., plastic fencing) to protect the area. If the fence is knocked down or destroyed, work will suspend wholly, or in part, until the fence is satisfactorily repaired.
5) When establishing a buffer zone, a qualified biologist will be present onsite to serve as a biological monitor during vegetation clearing and grading activities to ensure no take of migratory birds occurs. Prior to vegetation clearing, the monitor will ensure that the limits of construction have been properly staked and are readily identifiable. Any associated project activities that are inconsistent with the applicable conservation measures, and activities that may result in the take of migratory birds will be immediately halted and reported to the appropriate Service office within 24 hours.
6) If establishing a buffer zone is not feasible, contact the Service for guidance to minimize impacts to migratory birds associated with the proposed project or removal of an active nest. Active nests may only be removed if you receive a permit from your local Migratory Bird Permit Office. A permit may authorize active nest removal by a qualified biologist with bird handling experience or by a permitted bird rehabilitator.

Conservation Measure 3: Prepare a vegetation maintenance plan that outlines vegetation maintenance activities and schedules so that direct bird impacts do not occur.

Stressor: Invasive Species Introduction
Conservation Goal: Prevent the introduction of invasive plants.

Conservation Measure 1: Prepare a weed abatement plan that outlines the areas where weed abatement is required and the schedule and method of activities to ensure bird impacts are avoided.

Conservation Measure 2: For temporary and permanent habitat restoration/enhancement, use only native and local (when possible) seed and plant stock.

Conservation Measure 3: Consider creating vehicle wash stations prior to entering sensitive habitat areas to prevent accidental introduction of non-native plants.

Conservation Measure 4: Remove invasive/exotic species that pose an attractive nuisance to migratory birds.

Stressor: Artificial Lighting
Conservation Goal: Prevent increase in lighting of native habitats during the bird breeding season.

Conservation Measure 1: To the maximum extent practicable, limit construction activities to the time between dawn and dusk to avoid the illumination of adjacent habitat areas.

Conservation Measure 2: If construction activity time restrictions are not possible, use down shielding or directional lighting to avoid light trespass into bird habitat (i.e., use a 'Cobra' style light rather than an omnidirectional light system to direct light down to the roadbed). To the maximum extent practicable, while allowing for public safety, low intensity energy saving lighting (e.g. low pressure sodium lamps) will be used.

Conservation Measure 3: Minimize illumination of lighting on associated construction or operation structures by using motion sensors or heat sensors.

Conservation Measure 5: Bright white light, such as metal halide, halogen, fluorescent, mercury vapor and incandescent lamps should *not* be used.

Stressor: Human Disturbance
Conservation Goal: Minimize prolonged human presence near nesting birds during construction and maintenance actions.

Conservation Measure 1: Restrict unauthorized access to natural areas adjacent to the project site by erecting a barrier and/or avoidance buffers (e.g., gate, fence, wall) to minimize foot traffic and off-road vehicle uses.

Stressor: Collision

Conservation Goal: Minimize collision risk with project infrastructure and vehicles.

Conservation Measure 1: Minimize collision risk with project infrastructure (e.g., temporary and permanent) by increasing visibility through appropriate marking and design features (e.g., lighting, wire marking, etc.).

Conservation Measure 2: On bridge crossing areas with adjacent riparian, beach, estuary, or other bird habitat, use fencing or metal bridge poles (Sebastian Poles) that extend to the height of the tallest vehicles that will use the structure.

Conservation Measure 3: Install wildlife friendly culverts so rodents and small mammals can travel under any new roadways instead of over them. This may help reduce raptor deaths associated with being struck while tracking prey or scavenging road kill on the roadway.

Conservation Measure 4: Remove road-kill carcasses regularly to prevent scavenging and bird congregations along roadways.

Conservation Measure 5: Avoid planting "desirable" fruited or preferred nesting vegetation in medians or Rights of Way.

Conservation Measure 6: Eliminate use of steady burning lights on tall structures (e.g., >200 ft).

Stressor: Entrapment

Conservation Goal: Prevent birds from becoming trapped in project structures or perching and nesting in project areas that may endanger them.

Conservation Measure 1: Minimize entrapment and entanglement hazards through project design measures that may include:

1. Installing anti-perching devices on facilities/equipment where birds may commonly nest or perch
2. Covering or enclosing all potential nesting surfaces on the structure with mesh netting, chicken wire fencing, or other suitable exclusion material prior to the nesting season to prevent birds from establishing new nests. The netting, fencing, or other material must have no opening or mesh size greater than 19 mm and must be maintained until the structure is removed.
3. Cap pipes and cover/seal all small dark spaces where birds may enter and become trapped.

Conservation Measure 2: Use the appropriate deterrents to prevent birds from nesting on structures where they cause conflicts, may endanger themselves, or create a human health and safety hazard.

1. During the time that the birds are trying to build or occupy their nests (generally , between April and August, depending on the geographic location), potential nesting

surfaces should be monitored at least once every three days for any nesting activity, especially where bird use of structures is likely to cause take. It is permissible to remove non-active nests (without birds or eggs), partially completed nests, or new nests as they are built (prior to occupation). If birds have started to build any nests, the nests shall be removed before they are completed. Water shall not be used to remove the nests if nests are located within 50 feet of any surface waters.

2. If an active nest becomes established (i.e., there are eggs or young in the nest), all work that could result in abandonment or destruction of the nest shall be avoided until the young have fledged or the nest is unoccupied. Construction activities that may displace birds after they have laid their eggs and before the young have fledged should not be permitted. If the project continues into the following spring, this cycle shall be repeated. When work on the structure is complete, all netting shall be removed and properly disposed of.

Stressor: Noise

Conservation Goal: Prevent the increase in noise above ambient levels during the nesting bird breeding season.

Conservation Measure 1: Minimize an increase in noise above ambient levels during project construction by installing temporary structural barriers such as sand bags

Conservation Measure 2: Avoid permanent additions to ambient noise levels from the proposed project by using baffle boxes or sound walls.

Stressor: Chemical Contamination

Conservation Goal: Prevent the introduction of chemicals contaminants into the environment.

Conservation Measure 1: Avoid chemical contamination of the project area by implementing a Hazardous Materials Plan. For more information on hazardous waste and how to properly manage hazardous waste, see the EPA Hazardous Waste website.

Conservation Measure 2: Avoid soil contamination by using drip pans underneath equipment and containment zones at construction sites and when refueling vehicles or equipment.

Conservation Measure 3: Avoid contaminating natural aquatic and wetland systems with runoff by limiting all equipment maintenance, staging laydown, and dispensing of fuel, oil, etc., to designated upland areas.

Conservation Measure 4: Any use of pesticides or rodenticides shall comply with the applicable Federal and State laws.

1. Choose non-chemical alternatives when appropriate
2. Pesticides shall be used only in accordance with their registered uses and in accordance with the manufacturer's instructions to limit access to non-target species.

3. For general measures to reducing wildlife exposure to pesticides, see EPA's Pesticides: Environmental Effects website.

Stressor: Fire

Conservation Goal: Minimize fire potential from project-related activities.

Conservation Measure 1: Reduce fire hazards from vehicles and human activities (e.g., use spark arrestors on power equipment, avoid driving vehicles off road).

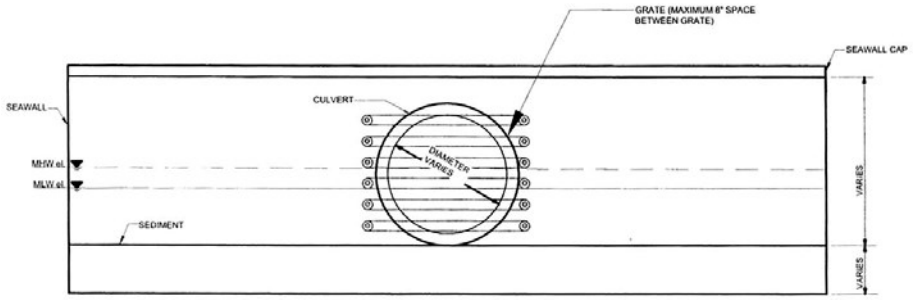
Conservation Measure 2: Consider fire potential when developing vegetation management plans by planting temporary impact areas with a palate of low-growing, sparse, fire resistant native species that meet with the approval of the County Fire Department and local FWS Office.

Grates and Other Manatee Exclusion Devices for Culverts and Pipes

October 2015

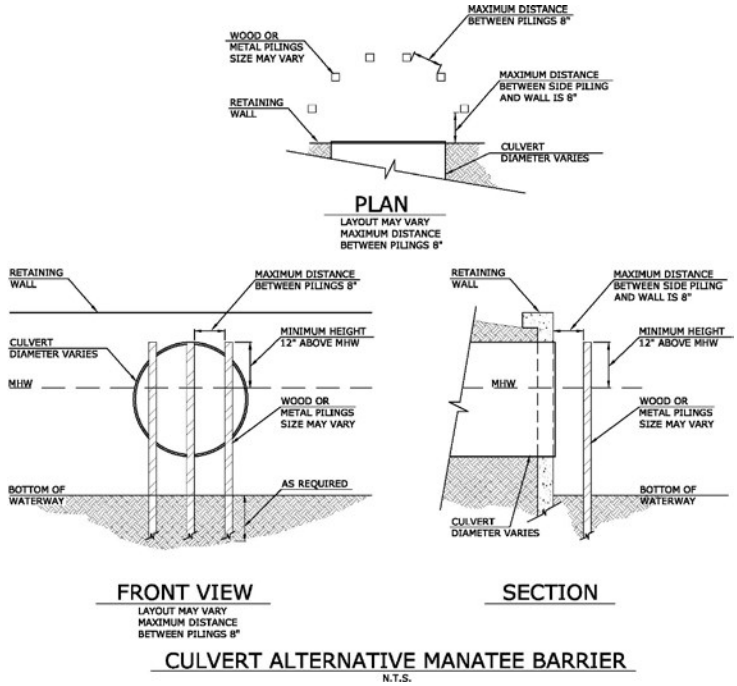
Numerous manatees have died from starvation or drowning after becoming stranded in culverts and pipes (such as storm water drains, dead-end culverts, etc.). Numerous manatees have been rescued from these structures, which seem to attract manatees due to the flow of fresh water, or the access that pipes or structures provide to other habitat. Because they cannot swim backwards, manatees can become entrapped when entering long or dead-end culverts.

There are various ways to preclude manatees from entering risky culverts and pipes, including grates, pilings, flap gates, and in some circumstances, valves. If a pipe or culvert is greater than 8 inches in diameter, but smaller than 8 feet, it is a possible risk to manatees because there is not enough room to turn around. Bars or pilings should be no more than 8 inches apart in front of the entrance to restrict manatee access. Bars on grates can be diagonal, horizontal or vertical, and grates can be hinged (swinging outwards) if needed so that debris can escape from inside the pipe.



TYPICAL CULVERT END WITH GRATING FOR MANATEE PROTECTION

NOTE: Not all culverts and pipes present a risk to manatees, and some provide needed corridors for other wildlife. The decision to allow a culvert to remain accessible to manatees will depend on culvert length, water level, available habitat and other risk factors. These situations can be evaluated on a case-by-case basis by the FWC.



CULVERT ALTERNATIVE MANATEE BARRIER
N.T.S.

FWC APPROVED SEA TURTLE LIGHTING

All exterior lighting for the entire project area including structural and landscape lighting must be reviewed and approved by FWC regardless of whether or not the area is seaward of the CCCL

ACCEPTABLE FIXTURES

All exterior fixtures on the seaward and the shore perpendicular sides of the building (and on the landward side of the building if they a should be well shielded, full cut-off, downward directed type fixtures. All exterior fixtures on the landward side of the building should only.

ACCEPTABLE LAMPS / BULBS AND OTHER LIGHT SOURCES

Long wave length lights, e.g. those that produce light that measures greater than 560 nanometers on a spectroscope, are necessary for a from and adjacent to marine turtle nesting beaches. Bright white light, such as metal halide, halogen, fluorescent, mercury vapor and in be approved. Filters are unreliable and not allowed. Limited use of shorter wavelength lights may be approved in areas where direct ar could not possibly be visible from the beach upon approval by FWC.

ACCEPTABLE LAMPS

- Low Pressure Sodium (LPS) 18w, 35w
- Red, orange or amber LED (true red, orange or amber diodes, NOT filters)
- True red neon
- Other lighting sources that produce light of 560 nm or longer

**** FWC approved lighting may be found at http://www.myfwc.com/wildlifehabitats/managed/sea-turtles/turtles-

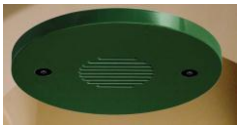
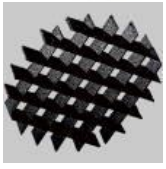
STATEMENT ABOUT TURTLE GLASS ON LIGHTING PLAN

The plan shall reflect that tinted glass or film with a visible light transmittance value of forty-five (45) percent or less shall be app doors within line of sight of the beach. This includes the seaward and shore-perpendicular sides of the structure. This may be spe on the Lighting Plan architectural drawing and should be included in the FDEP Permit Conditions.

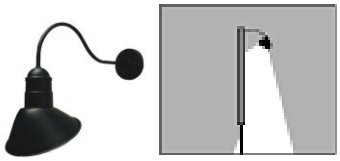
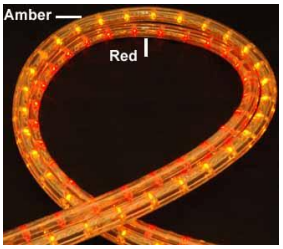
THE FOLLOWING ARE NOT ALLOWED

- Private balcony lights
- Up lights
- Tree strap downlights
- Decorative lighting, not necessary for hur
- Pond lights
- Dune walkover lighting
- Fountain lights on beach or shore perpendicular side of structure

EXAMPLES OF TURTLE FRIENDLY FIXTURES

FIXTURE	LAMP & WATTAGE	MOUNTING TYPE & HEIGHT	LOCATION	COM ar ADDITIONAL
Ceiling Mount Cylinder (with interior black baffles) 	Red/orange/amber LED	Ceiling Surface	if located on shore perpendicular or beach side of structure allow on ground floor only	Interior Black Ba
Wall Mount Cylinder Down Light (with interior black baffles) 	Red/orange/amber LED	Wall Mount Downward Directed 8 ft from floor	If located on shore perpendicular or beach side of structure allow on first habitable floor only	Interior Black Ba Hex cell louvers decrease wall wa
Recessed Ceiling Canister   	Red/orange/amber LED The following short wavelength lamps may only be used for covered driveway entry on landward side of structures • Halogen lamp • PAR spot lamps • LED lamps • HPS lamps • Compact Fluorescent	Recessed Ceiling	If located on shore perpendicular or beach side of structure allow on ground floor only	Interior black ba Hex cell (honeyc

Recessed and Wall Mounted Step Lights (louvered or downward directed)  	Red/orange/amber LED	Wall Mount Maximum height 24 inches on Ground Floor only Above Ground Floor Max height 12 inches	Ground Floor and Second level, and pool Deck	If on perimeter o be mounted direc beach.
Bollard (with downward directed louvers)  	18w LPS Red/orange/amber LED	Maximum height 42 in	Parking areas, commercial walkway, landscape, pathway and pool Deck	180° to 270° bea any fixture on pe deck or immedia beach.
High Intensity Full Cut Off Pole Lights  	18-35 w LPS (if twin head, maximum of 36w total) Orange/amber LED	Pole - maximum height 12 feet	Parking Area Landward side of structure only.	Beach Side shiel for any fixture w of beach.
Paver Lights  	Red/orange/amber LED	In Ground mount	Parking areas, driveways, pathways, pool decks	

Landscape/Pathway Lighting 	Red/orange/amber LED	Ground mount Maximum height 12 inches	Ground Level, landscape	
Signage 	Red/orange/amber LED	Must be mounted with light directed down on to sign. NOT UP	Sign should be on landward side of structure when possible and mounted perpendicular to the beach.	
Garage Lighting (Phoenix) 	35w LPS Amber/Orange/Red LED	Garage Ceiling	Garage	If a parking gara enclosed with so windows, louve that the interior i any section of be amber/orange LE used. Additiona necessary if park ground level.
Channel / Rope Lighting 	Red/orange/amber LED NOT colored plastic tubing with white lights No White LED	Must be mounted recessed under steps, bar, etc. and directed down to assure that light source or reflected light is not visible from beach	Pool deck, steps, pool bars.	

Water Feature Lighting	Red/orange/amber LED	Light must be downward or horizontally directed DO NOT direct light up	Submerged lights are only allowed on landward side of structure and only if fully shielded from beach by structure	
Underwater Swimming Pool Lighting	Red/orange/amber LED			
Emergency Egress Lighting  	Red LED Exit signs Full cut off downward directed Emergency egress fixtures may use short wavelength lamps			Short wavelengt emergency egres specified on fixt plans to be on se will only illumin power outage

Revised 4/26/11

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com

f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABI

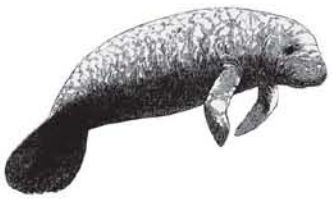
All project vessels

IDLE SPEED / NO WAK

When a manatee is within 50 feet of wor
all in-water activities must

SHUT DOWN

Report any collision with or injury to a mana



Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC

GOPHER TORTOISE PERMITTING GUIDELINES

Gopherus polyphemus

April 2008
(Revised April 2013)

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
620 South Meridian Street
Tallahassee, Florida 32399-1600

Insert: Permitting Guidelines Revisions History

September 2008

Authorized Gopher Tortoise Agent requirements were revised (pages 10 - 13).Revisions to the following sections have been made: definition of "gopher tortoise habitat" added to the glossary; Table 1, Mitigation Contributions, clarified, options for payment revised to delay acceptance of letters of credit; Recipient Site Permits; Appendix 3; Appendix 4; 100% surveying (various sections); 10 or Fewer Burrows permits criteria addressed in new Appendix 11; clarification of permit duration criteria; revision to when proof of local government approval is required; Improved Methods for Baseline Vegetation Sampling and Follow-up Monitoring on Recipient Sites in Appendix 7; Revised Indigo Snake handling and relocation guidance consistent with the U.S. Fish & Wildlife Service.

April 2009

Revisions to the following sections have been made: clarification on permitting phased projects in Permit Duration; clarification on when FWC can provide notice to the permittee to do an on-site inspection of a 100% survey prior capture activities, and what the procedure is if more burrows are discovered Burrow Surveys on Development Sites and in Appendix 4; clarification on when the 100-mile north/south relocation would be waived under Holding and Transport; clarification on permit duration for 5-year permits.

Upon approval of the revision to these guidelines, all guidelines will be implemented with the exception of Settlement permits. Guidelines in this document that address the issuance of Settlement permits (Permit for Authorized Relocation Post-Settlement of Law Enforcement Cases) are shaded because proposed revisions are still in draft form and full stakeholder input has not yet been solicited. Until the Settlement permit has been approved, the "after-the-fact" permit process continues to be in effect.

June 2010

Revisions to the following sections have been made: added clarification on impacts that occur within 25 feet of a burrow; added mitigation contributions for Temporary Exclusion permit; replaced "Settlement" permit with "Disturbed Site" permit; revised marking scheme; added "Authorized Agent" permit activity for "trainer;" included the option for the on-site relocation of tortoises whose burrows compromise existing structures; revised financial assurance requirements; added Appendix 13: "Criteria for Gopher Tortoise Recipient Sites to Qualify as Research Sites."

June 2011

Revised the monitoring and reporting requirements for long-term protected recipient sites; added new criteria for the relocation of gopher tortoises from public projects to contiguous public conservation lands; added pre-application opportunity for potential recipient sites; added new definitions in the glossary, updated Florida Rule numbers, and editorial and punctuation revisions on pages 11, 12, 16, 24, 25, 40, 41, 42, and 53.

November 2011

Added Appendix 12: "Guidelines for Restocking Public Conservation Lands;" revised criteria and mitigation associated with the Disturbed Site permit; updated FWC contact information; clarified that the $200 mitigation only applies to a project one time; clarified about listing assistants to authorized agents on after action reports; editorial and punctuation revisions on pages ii, ix, 1, 11, 13, 16, 17, 21, 23 and 40.

September 2012

Replaced Appendix 9: "Handling of Commensal Species during Relocations" with "Interim FWC Policy on the Relocation of Priority Commensals."

April 2013

Made updates to relevant sections to be consistent with the Gopher Tortoise Management Plan approved in September 2012; added that refunds will be issued to the permittee less a 3% administrative service charge assessed by the Wildlife Foundation of Florida (WFF); added an option for FWC to request an updated survey for renewal of relocation permits; added guidance regarding categorical exclusion for military installations and large, landscape-scale conservation agreements; included new guidelines for capture activities using mechanical excavation; added suggestion for projects to fence the project boundary to prevent tortoises from re-entering the site; updated Appendix 2 permit process map; revised Appendix 3 and added Appendix 3-1 that outlines specific financial assurance guidelines; updated FWC Conservation Easement template (Appendix 8); added new guidelines for waif tortoises (Appendix 14); added new criteria for Suspension, Revocation, or Nonrenewal of Authorized Gopher Tortoise Agent Permits and Registered Agent Authorization (Appendix 15).

TABLE OF CONTENTS

LIST OF TABLES

GLOSSARY

abandoned burrow – burrow appears unused and dilapidated. The entrance is partially or completely collapsed, and the burrow is partially or completely filled with leaves or soil. Recent rains, or recent activity by livestock or humans, do not appear to be the primary reason for burrow collapse. There are no trails into the burrow that might indicate that a tortoise recently passed through the leaf litter or that a small tortoise is using a dilapidated, adult burrow.

active burrow – burrow is in good repair, has the classic half-moon shaped entrance, and appears to be in use by a tortoise. These burrows generally have tortoise tracks or plastron scrapes clearly visible on the burrow floor or on the mound. The burrow floor often contains loose soil caused by tortoise activity. The burrow mound is usually clear of vegetation, and it may contain recently excavated soil. For burrow surveys and tortoise density determination, active burrows are combined with inactive burrows to create the *potentially occupied* classification.

asters – plants in the sunflower family.

baseline density – the estimated density (tortoises per acre) of resident gopher tortoises on a recipient site before relocated tortoises are released.

belt transect – a long, thin plot of specific or variable length and width. Burrows are counted within each transect to provide an estimate of the number of burrows, and tortoises, on a given site.

bucket trap – a plastic bucket (generally five gallons or 19 liters, but may be larger or smaller depending on burrow size) that is sunk directly in front of a burrow opening and covered with paper or cloth and soil (for camouflage) to create a pitfall trap for a gopher tortoise. Bucket traps may capture tortoises leaving or entering a burrow.

caliper – a device used to measure straight-line distance between two points of an object or animal. In this case, a caliper with two long metal "jaws" is used to measure the length of the top (carapace) and bottom (plastron) shells of gopher tortoises; this caliper was designed to measure the diameter of trees and can be obtained from forestry supply companies.

canopy cover – layer of vegetation extending above head height, usually composed of tree branches.

carapace – the top (upper) shell of a tortoise.

carrying capacity – the maximum number of individuals of a species that an area can support, given the amount and quality of food, water, and cover.

clinical signs – veterinary term referring to visible signs or symptoms of disease, illness, or lack of well-being in animals. Nasal discharge is a clinical sign that may be observed when tortoises have upper respiratory tract disease (URTD).

commensal – living in a relationship in which one animal derives food, refuge, or other benefits from another animal without hurting or helping the other animal. The gopher frog, eastern indigo snake, Florida pine snake, and Florida mouse are listed commensal species of the gopher tortoise.

compromised burrow – gopher tortoise burrow that compromises the integrity or utility of an existing structure (e.g., under a propane tank), or the safety of the resident gopher tortoise (e.g., burrows in a grass parking lot, dirt driveway, etc.).

conjunctiva – the mucous membrane that covers the exposed portion of the eyeball and the inner surface of the eye.

conservation easement – a voluntary legal agreement between a landowner and a land trust or government agency that limits the type or amount of development on the landowner's property, thus protecting the land's conservation value while retaining private ownership.

contiguous public conservation land relocation- one type of on-site relocation where a public project occurs within ½ mile to public conservation lands and where the native population of tortoises can remain intact. Public projects and public conservation lands are considered contiguous if two or more upland communities occur within a distance of 2,640 feet (1/2 mile), and there is no physical obstacle [e.g., paved road open to the public (i.e., greater than 2 lanes, curb and gutter or other physical barriers, or a speed limit >30mph), railroad bed, impenetrable fence, river, and lake] that prevents tortoise movement to other upland areas within the relocation/restocking site.

correction factor – also known as a burrow occupancy rate; the percentage of gopher tortoise burrows on a particular site that are occupied at a given time (tortoises generally use more than one burrow over time).

densitometer – a forestry device used to determine canopy cover for a given area.

depth to the seasonal high water table (DWT) – a soil suitability criterion referring to a saturated zone in the soil. Values provided in the Natural Resources Conservation Service (NRCS) website database are representative values (neither the highest nor lowest) for a particular soil type. The average value of the depth to the seasonal high water table range that is provided for each soil type in the NRCS database should be used when determining whether a soil type meets the acceptable or desirable soils criteria.

disturbed site (area)- a site where disturbance to the ground or vegetation has occurred.

donor site – the property, usually a development, from which tortoises are removed during relocations.

enclosure – a temporary, specified area of a recipient site that is surrounded by approved fencing or hay/pine straw bales to initially contain relocated tortoises and to help them acclimate to their new surroundings. See "soft release."

endemic – exclusively native to a particular geographic area.

final stocking rate – the density of tortoises that can be relocated to a recipient site after considering the baseline density of the resident population. The final stocking rate is calculated by determining the maximum stocking rate (also known as the site evaluation stocking rate) and subtracting the baseline density.

filter fabric fencing – see "silt fencing."

forage – plant material, such as grasses, legumes, and other flowering plants, eaten by grazing animals.

global positioning system (GPS) – a satellite-based navigational system; the receiver provides latitude and longitude data for specific applications (in this case, burrow locations).

gopher tortoise habitat – gopher tortoises use a variety of generally upland habitats including, but not restricted to, sandhill, scrub, xeric hammock, mixed hardwood-pine, pine flatwoods, dry prairies, coastal grasslands and dunes, and disturbed habitats (e.g., old fields, pastures).

ground cover – herbaceous plants and the lowest shrubs occupying an area: a generic term used to describe the mat of plants found on the forest floor.

herbaceous –nonwoody plants, generally green and leafy in appearance and texture.

impact - for the purposes of these Permitting Guidelines, unless otherwise noted as a "positive impact," an impact includes any act or outcome as defined in Rule 68A-27.003 F.A.C., that may adversely affect any gopher tortoise or gopher tortoise burrow.

inactive burrow – burrow is in good repair, but does not show recent tortoise use. The lack of tortoise activity may be due to weather or season. These burrows have the classic half-moon shaped entrance, but the soil on the burrow floor is usually hard-packed, as is the burrow mound. There are no tortoise tracks or recently excavated soil, either on the burrow floor or on the mound. The burrow mound may have vegetation growing on it or be partially covered with fallen leaves. For burrow surveys and tortoise density determination, inactive burrows are combined with active burrows to create the *potentially occupied* classification.

infraction – Any act or omission that does not comply with statutes or rules related to gopher tortoises, FWC-approved guidelines, or permit conditions.

infrastructure – structural elements that provide the framework supporting a development (e.g., roads, bridges, water resources, wastewater management, electric power transmission, and telecommunications).

keystone species - a plant or animal that increases or decreases the diversity of an ecosystem, depending on its abundance or rarity. The gopher tortoise is a keystone species in upland habitats in Florida.

legumes – plants in the bean family.

live trap – a mesh wire cage trap, either homemade or commercially available (e.g., Havahart) that is set directly in front of a burrow to capture the resident tortoise.

local government approval – a permit, agreement, development order, or other authorization issued or granted in writing by the local city or county government having jurisdiction over the property.

long-term protection (habitat) – either privately or publicly owned lands placed under a perpetual (i.e., endless duration) conservation easement.

mesic (habitat) – having a moderate or well-balanced supply of moisture.

midstory – the middle layer, generally 3-9 feet in height, of trees and shrubs (in a multi-layered forest) shaded by taller trees.

mitigation contribution – compensation, usually either in the form of monetary contributions or protected habitat donations, to offset the ill effects of human-related land change (e.g., development) on gopher tortoise populations.

mycoplasma – an infectious agent (bacterium) that has been associated with upper respiratory tract disease in gopher tortoises.

nares – external openings of the nostrils.

off-site (relocation) – a FWC-permitted recipient site that does not lie within the same boundaries (as defined in the legal description or as identified by the county parcel identification number) of the development area from which tortoises are to be removed and that may be under either the same or different ownership.

on-site (relocation) – a FWC-approved or permitted recipient site that is located within the same boundaries (as defined in the legal description or as identified by the county parcel identification number) of the development area from which tortoises or commensals are to be removed and which is under the same ownership as the development area or is contiguous to public conservation lands.

PIT tags – passive integrated transponder (PIT) tags are small microchips (about the size of a grain of rice) that are injected into a tortoise's hind leg using a hand-held applicator. A

hand-held scanner reads the tag's electromagnetic code and displays the tag's number. PIT tags provide an alternative method for permanently and uniquely marking individual tortoises.

plastron – the bottom (lower) shell of a tortoise.

plat – a map of land made by a surveyor showing boundary lines, buildings, and other improvements on the land.

population – a group of individuals of the same species that occur in a defined area at the same time and regularly interact or interbreed.

potential tortoise habitat – those land cover types and soil associations that are known to support the life history requirements of the gopher tortoise. These habitats include, but are not limited to, sandhill, scrub, scrubby flatwoods, pine flatwoods, dry prairie, coastal strand, xeric hammock, mixed pine-hardwoods, and disturbed habitats on suitably drained soils. Designation of an area as potential gopher tortoise habitat does not indicate that the area is currently inhabited by gopher tortoises.

potentially occupied burrow – this classification combines the active and inactive categories and, therefore, includes burrows with obvious signs of use and those with minimal or no obvious sign of use. A potentially occupied burrow is in good repair and has the classic half-moon shaped entrance. These burrows may have tortoise tracks or plastron scrapes clearly visible on the burrow floor or on the mound, or may have subtle or no tortoise sign. The lack of observable tortoise signs may be due to weather or season. The burrow floor may contain loose soil caused by tortoise activity, or it may be hard packed. The burrow mound may or may not have vegetation growing on it, and it may be partially covered by fallen leaves.

prescribed fire (controlled burning) – a planned fire applied within a particular land area under the right weather conditions to accomplish specific, well-defined management objectives.

protected lands (habitat) - Public or private lands that provide significant conservation and protection for imperiled wildlife, in this case the gopher tortoise, and are protected from imminent development or alteration, thereby ensuring present and future generations' access to important wildlife resources. Habitat protection can be accomplished through fee simple ownership, acquisition of less-than-fee interests, or other agreements associated with landowner incentive programs.

public conservation lands – publicly owned lands that are currently managed for conservation and are designated as conservation lands by Chapter 253.034, Florida Statutes, purchased for conservation purposes using funds from bonds or other monies dedicated specifically for conservation lands acquisition (e.g., Florida Forever, Preservation 2000, local bond initiatives, etc.), or afforded protection under federal law.

public project – a project on publicly owned land or land on which the government agency or entity has an easement and in which the public agency or entity is the applicant and subsequent permittee. Examples include public roads, schools, and government facilities.

recipient site – the property where relocated tortoises are released.

recommendation – preferred protocol or technique that permit applicants or permittees should follow, but that is not required (i.e., other viable methods are allowed). In the context of these guidelines, a recommendation is generally indicated by use of the verbs "should" or "may."

registered agent- an individual that has submitted a Registered Agent profile in the FWC online permitting system. Once submitted, this automatically issued status allows the Registered Agent to apply on behalf of the property owner for permits that does not otherwise require the use of an Authorized Gopher Tortoise Agent (i.e., 10 or Fewer Burrows permit with on-site relocation of tortoises captured using bucket trapping, hand shovel excavation or live trapping).

relocation – deliberately moving wild gopher tortoises or commensal species.

requirement – action or protocol that must be followed before FWC will issue a permit. A requirement also includes actions that must be undertaken to avoid violating FWC permit conditions and rules. In the text of these guidelines, a requirement is generally indicated by use of the verbs "must" or "shall," or if an action is prohibited, by use of "do not."

rescue relocation – deliberately moving individuals or groups of tortoises to areas that are typically unprotected and may be relatively small, disturbed, or inadequately managed to support long-term population viability. Rescue relocation is conducted primarily to remove wild gopher tortoises from human-caused harm.

responsible relocation – deliberately moving wild gopher tortoises into protected, managed, suitable habitat where their future survival and population viability are very likely.

restocking – deliberately moving wild gopher tortoises into protected, managed, suitable habitat where resident densities are extremely low and where the tortoises' future survival and long-term population viability are very likely.

restocking site – an area of protected, managed, suitable habitat where gopher tortoise populations have been severely depleted or eliminated.

roller chopping – a forestry method for preparing sites for planting pine trees; also used as a land management tool to reduce the height and density of understory vegetation. A bulldozer pulls a heavy cylindrical drum with cutting blades that chop vegetation.

scute – a bony external plate or scale, as on the shell of a tortoise.

seropositive – positive blood test indicating an immune response (exposure) to the bacteria that cause upper respiratory tract disease in gopher tortoises.

shaded – reducing or eliminating sunlight and excessive heat when using bucket traps or live traps or when transporting tortoises. Shade may be provided by man-made materials (e.g., plywood, plastic, cloth) or by vegetation (noting that vegetation dries with time and may fail to provide proper shade for more than a few days).

short-term protection (habitat) – either privately or publicly owned lands that have some enforceable protection commitment, but those commitments do not meet the definition of "long-term protection" or "public conservation lands."

shrub – a woody or herbaceous plant smaller in height than a tree and approximately 3 to 6 feet above the ground, often formed by a number of vertical or semi-upright branches or stems arising close to the ground.

silt fencing (Belton Industries, #935) – a durable type of silt fencing (36 in x 75 ft; pre-assembled, double-stapled, with oak stakes) that has been field-tested as an enclosure material for gopher tortoises. The manufacturer is Belton Industries, PO Box 127, Belton, SC; 800-845-8743; www.beltonindustries.com/silt.html. Distributors include Pallen Enterprises, Conyers, GA (770-922-1812) and Certified Slings, Ft. Myers, FL (239-334-1343).

silt fencing (filter fabric) – temporary sediment barrier consisting of a filter fabric stretched across and attached to supporting posts and entrenched. There are two types: 1) the silt fence is a temporary linear filter barrier constructed of synthetic filter fabric, posts, and, depending upon the strength of the fabric used, wire fence for support; 2) the filter barrier is constructed of stakes and burlap or synthetic filter fabric. These types of silt fencing are useful for temporary exclusion, but are generally not durable enough for six month-enclosures on recipient sites.

silviculture – the art and science of establishing and growing healthy, high-quality forests to meet human needs.

site evaluation stocking rate (maximum stocking rate) – the maximum allowable density on a particular recipient site, determined by evaluating habitat conditions such as canopy cover, soils, etc. Generally, maximum stocking rates range from two to four tortoises per acre.

site fidelity – remaining within a particular area.

soft release (relocation) – those releases where relocated animals are contained in a temporary enclosure at the recipient site for some period of time before being allowed to roam freely; this differs from hard releases where animals are turned loose without any period to acclimate to their new surroundings.

Strategic Habitat Conservation Area (SHCA) – an area not within existing publicly owned conservation lands that FWC has identified as needing protection to meet minimum conservation goals and provide greater security for rare native plants, animals, and habitats.

take – to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in such conduct. The term "harm" in the definition of take means an act which actually kills or injures fish or wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. The term "harass" in the definition of take means an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding or sheltering (Chapter 68A-27 F.A.C.).

understory – the lowest vegetative layer in a forest, consisting of woody and herbaceous growth less than 3 feet in height.

unprotected site (relocation) – lands that do not have any enforceable protection commitments or use restrictions that would prevent them from being modified and made unsuitable for tortoises.

upland (habitat) – high, generally dry lands that are not wetlands or surface(waters.

upper respiratory tract disease (URTD) – a disease that occurs in gopher tortoises, where infected individuals may show a discharge from the nasal passages or eyes, swelling of the eyelids or area around the eyes, or reddened third eyelid. These so-called clinical signs (i.e., symptoms) come and go over time.

viable population – a stable, self-sustaining population with a high likelihood (e.g., more than 95%) of surviving for a long-term period (e.g., 100 years).

waif tortoise - a gopher tortoise that has been removed from the wild but is not associated with a permitted relocation effort and is generally from an unknown location.

xeric (habitat) – very dry, in this case due to soil characteristics.

I. INTRODUCTION

The following gopher tortoise (*Gopherus polyphemus*) permitting guidelines have been produced by the Florida Fish and Wildlife Conservation Commission (FWC), with input from stakeholders, to provide a comprehensive overview of FWC's gopher tortoise permitting system. The gopher tortoise permitting system has been developed as one tool in accomplishing the goals and objectives set forth in FWC's *Gopher Tortoise Management Plan*, approved in September 2012.

The overall goal of the management plan is to restore and maintain secure, viable populations of gopher tortoises throughout Florida so the species no longer warrants listing. Objectives under this goal include the following: 1) minimize the loss of gopher tortoises; 2) increase and improve gopher tortoise habitat; 3) enhance and restore gopher tortoise populations; and 4) maintain the gopher tortoise's function as a keystone species.

This permit system has been designed to help accomplish all four of these objectives by providing incentives to landowners to manage their habitat for gopher tortoises, tortoise commensals, and other native wildlife species; providing incentives to responsibly relocate and restock tortoises to protected, managed lands rather than unprotected sites; providing a new permitting system that does not allow entombment of tortoises; and providing a permitting system with regulation and enforcement sufficient to ensure compliance with FWC guidelines and rules.

The *Gopher Tortoise Permitting Guidelines* is a document that may be edited and updated as needed in the future. Proposed changes to these guidelines will be reviewed annually by an FWC standing team and a public stakeholder advisory group. All changes will require approval from the FWC Executive Director. The FWC Executive Director will also coordinate with the FWC Chairman to determine when changes to these guidelines are substantive and warrant full review by the FWC Commissioners.

These guidelines do not address technical details or aspects of the permit application process associated with the gopher tortoise permitting website. The online permitting system allows individuals to register and submit permit applications, electronically submit required mitigation, and receive official communications including permits from FWC. It also allows the public to search for and view permit applications and issued permits. Additional information, instructions and frequently asked questions on the online permitting system is available at MyFWC.com/GopherTortoise.

These guidelines include specific requirements and recommendations for various elements of the gopher tortoise permitting system. *Requirements* include actions or protocols that must be followed before FWC will issue a permit. They also include actions that must be undertaken to avoid violating FWC permit conditions and rules. The terms "shall" or "must" in this document denote guideline requirements. *Recommendations* include preferred protocols or techniques that applicants or permittees should follow, but that are not required (i.e., other viable methods are allowed). The terms "should" and "may" in this document denote guideline recommendations.

These guidelines are intended to be a single source for all policy and protocols associated with FWC's gopher tortoise permitting system. As such, they are written primarily for an audience seeking such in-depth knowledge. Other publications and online materials have been developed to address the informational needs of groups that do not require an in-depth understanding of the entire system.

II. DETERMINING IF A PERMIT IS REQUIRED

Rules and Policies Protecting Tortoises and Their Burrows

Rules protecting gopher tortoises and their burrows, and the Gopher Tortoise Enforcement Policy, are found in Appendix 1.

Activities That Do Not Require a Permit

Agricultural, silvicultural, and wildlife management activities that impact gopher tortoises or gopher tortoise burrows do not require a permit if they are conducted in accordance with the Gopher Tortoise Enforcement Policy (Appendix 1), which is a part of these guidelines. These activities include tilling, planting, harvesting, prescribed burning, mowing, disking, roller chopping, and tree cutting. For additional guidance on activities that do not require a permit, refer to the *Gopher Tortoise Enforcement Policy* in Appendix 1.

Linear utility and highway right-of-way vegetation maintenance activities that may impact gopher tortoises or gopher tortoise burrows do not require a permit. These activities include mowing and tree cutting.

Routine yard and vegetation maintenance and landscaping activities that do not harm gopher tortoises or collapse tortoise burrows do not require a permit.

Note: Agricultural, silvicultural, wildlife management, and linear utility and highway right-of-way vegetation maintenance activities have not been shown to routinely result in significant gopher tortoise deaths (i.e., beyond the infrequent, accidental death of individual tortoises). Therefore, FWC will investigate reports of the death of significant numbers of tortoises to determine if these deaths resulted from activities that did not constitute bona fide agricultural, silvicultural, wildlife management, or linear utility and highway right-of-way vegetation maintenance activities. The FWC may pursue such activities as a violation of Rule 68A-27.003, Florida Administrative Code (F.A.C.), which is included in Appendix 1.

Note: Activities that are intended to prepare land for development are not considered bona fide agricultural, silvicultural, and wildlife management, linear utility, or highway right-of-way vegetation maintenance activities. A permit is required for land development activities (including site preparation for such activities) that result in impacts to gopher tortoises or their burrows. See Site Preparation Activities for Development below.

A FWC permit is not required if development activity on a project site avoids impacts to tortoise burrows by 25 feet in all directions from the mouth of all burrows. Development activity must not harm gopher tortoises nor violate rules protecting them. Leaving a 50-foot diameter (25-foot radius) circle of habitat around each burrow (e.g., undisturbed "islands" or "crop circles") and developing the rest of a project site does not qualify and requires a permit to ensure that gopher tortoises are not harmed. Examples of other violations noted in the past by FWC include but are not limited to killing or injuring a tortoise, harassing a tortoise by blocking access to its burrow, and altering gopher tortoise habitat to such an extent that resident tortoises are taken (see Glossary and Site Preparation Activities for Development, below).

Activities That Require a Permit

A permit is required for any activity not covered in the section above, that causes a take, harassment, molestation, damage, or destruction to gopher tortoises or their burrows (see Rule 68A-27.003, F.A.C., in Appendix 1.) Activities that can lead to rule violations include, but are not limited to, clearing, grading, paving, bulldozing, digging, building construction, and site preparation for development.

Examples of actions that are rule violations include the following:

1) killing or causing direct harm to gopher tortoises
2) collapsing gopher tortoise burrow entrances or other parts of tortoise burrows without a permit
3) blocking, covering, or filling in gopher tortoise burrow entrances without a permit
4) placing harmful substances or devices inside gopher tortoise burrows
5) penning or restricting gopher tortoises into small areas for more than 72 hours without a permit
6) altering gopher tortoise habitat to such an extent that resident tortoises are taken (see Glossary) by such activities
7) excluding tortoises from their burrows without a permit
8) relocating or possessing tortoises without a permit

Site Preparation Activities for Development

A permit is required for any site preparation activity conducted as a precursor to development that disturbs vegetation or the ground which impacts gopher tortoises or their burrows at the time of or as a result of development. To conduct these activities without a permit is a violation of Rule 68A-27.003, F.A.C. (see examples 1-8, above).

Site preparation activities such as hand trimming vegetation and other minor determinations of suitability of property for development do not require a permit. These low-impact activities are allowed without a permit if they do not harm gopher tortoise burrows, harm gopher tortoises, or disturb the ground or vegetation so that accurate tortoise burrow surveys or FWC site checks

cannot be conducted. FWC law enforcement will respond to reports of take, harassment, molestation, damage, or destruction of gopher tortoises or their burrows and investigate any potential criminal violations.

On sites where tortoises are present and burrows (active or inactive) are present, most site preparation activities require a permit. These activities include building construction, bulldozing, paving, clearing, or grading. If work has started without the proper permit, work shall stop on-site until a relocation permit has been obtained and all gopher tortoises have been relocated. If work has begun before a relocation permit is issued or before gopher tortoise relocation is complete, all prior permits may be voided and a Disturbed Site permit may be required.

Permit applications must include tortoise surveys of the entire development, not just infrastructure components. Permits will not be issued solely for proposed infrastructure (e.g., roads and utilities) that are part of a larger common development plan, project, plat, or subdivision. Issued permits must address all burrows to be impacted on the entire project, development, plat, or subdivision site plan (the development footprint). For example, if the entire development footprint impacts more than 10 burrows, such sites will not be eligible (i.e., meet the criteria) for issuance of a 10 or Fewer Burrows permit, even if the infrastructure itself impacts 10 or fewer burrows.

Applicants submitting permit applications for projects with site plans that include lots or space for residential, industrial, institutional, commercial, or other development must consider all burrows within such areas to be impacted by the development footprint. Only those tortoises residing in burrows that are located within either designated preserves or other areas that will not be impacted by any activity associated with the ultimate build-out of the proposed development site do not have to be relocated. Large projects that are subdivided into development phases where each phase is approved by the local government under a separate development order may be permitted separately, but only one 10 or Fewer Burrows permit will be issued per multi-phased project.

If site preparation activities occur before a gopher tortoise relocation permit is issued, then a Disturbed Site permit may be required. The Disturbed Site permit process may result in the denial of an existing permit application or revocation of an issued gopher tortoise relocation permit (see Section IV).

In disturbed site cases, an FWC law enforcement investigation will be conducted to determine if gopher tortoises or gopher tortoise burrows have been impacted. Regardless of the outcome of investigations, the permit application review process will not resume until any gopher tortoises potentially buried in disturbed portions of the project site are given adequate time to dig out (a minimum of 28 days, comparable to that required during tortoise trapping efforts; however, longer periods may be warranted during cold weather when tortoises are less active).

III. PERMITTING GUIDELINES

The FWC uses a multi-tiered approach to permitting actions involving gopher tortoises. These permits are divided into three main types: 1) Authorized Agent permits, which authorize persons to capture, transport, and release tortoises; 2) Site-specific relocation permits, which authorize capturing and relocation of tortoises either within the boundaries of the area being impacted (on-site) or from the area being impacted to a permitted recipient site (off-site); and 3) Recipient Site permits, which authorize the use of designated sites meeting specific criteria as recipient areas for tortoises. Emergency Take permits, Disturbed Site permits, and Burrow or Structure Protection permits are three additional permit types, only issued under unusual circumstances. The types of permits are illustrated by the flow chart in Appendix 2, FWC Gopher Tortoise Permitting System Process Map.

Entombment of tortoises is not allowed under the conditions of any permit, with the exception of Emergency Take permits. Emergency Take permits are available only in extreme circumstances where there is an immediate danger to public health and safety or in direct response to an official declaration of emergency by the Governor or local government authority. Local emergency situations that do not rise to the level of an official declaration should be handled by coordinating with FWC's Division of Law Enforcement and seeking assistance in determining steps that must be taken in order to avoid additional take or endangerment of gopher tortoises.

Mitigation Contributions

A mitigation contribution is required for all relocation permits. A flat mitigation contribution from each applicant applies to the first 10 burrows (up to 5 tortoises for conservation permits) impacted on each project site authorized under a 10 or Fewer Burrows or Conservation permit. This flat mitigation contribution of $200 is only applied one time for each project site. Additional mitigation for sites supporting more than 10 tortoise burrows is required. Mitigation contributions are assessed by determining the estimated number of tortoises impacted (the number of potentially occupied tortoise burrows to be impacted, divided by 2). A variable scale for additional contributions is based on the overall conservation value of the action being permitted and the estimated number of gopher tortoises being impacted by the project. Preferred conservation actions, such as responsibly relocating tortoises to long-term protected lands, require a lower contribution per tortoise than relocations to short-term protected or unprotected lands or relocations associated with Disturbed Site permits. All mitigation contributions support gopher tortoise conservation actions as specified in the FWC-approved Gopher Tortoise Management Plan.

Other costs may be incurred by applicants obtaining permits or conducting activities related to gopher tortoises. Examples of such costs include fees paid to consultants, fees paid for on-site preparation for gopher tortoise related activities, fees paid to owners of recipient areas, and fees associated with establishing conservation easements. These fees are not paid to FWC nor controlled by FWC.

All mitigation contributions must be submitted to FWC as specified in these guidelines. Gopher tortoise mitigation contributions for a 10 or Fewer Burrows permit, Authorized Agent permit, Recipient Site permit, Temporary Exclusion permit, Burrow or Structure Protection permit, or Disturbed Site permit must be submitted to FWC before the final permit will be issued. Mitigation contributions for Conservation permits representing 100% of the estimated total amount due will be submitted prior to issuance of the permit. Online submission of mitigation contributions is provided in order to expedite permit processing and issuance. FWC will continue to explore alternative methods of payment, such as letters of credit and performance bonds, in the future.

If the actual number of gopher tortoises relocated is less than the number estimated, a refund of any excess funds paid will be made to the permittee, less the 3% administrative service charge assessed by the Wildlife Foundation of Florida (WFF) applied only to the refunded amount. Permittees seeking a refund must submit a refund request form to FWC within 60 days of the date that the final after action report is approved. Disturbed Site permits follow a different refund process (see Section IV). If an issued gopher tortoise relocation permit is used to attempt to capture a gopher tortoise(s) but no gopher tortoise is captured or if a permit expires with no burrows impacted, the minimum mitigation amount required to obtain that type of relocation permit (e.g., $200 for 10 or Fewer Burrows permits or Conservation permits, or $100 for Temporary Exclusion permits with tortoises excluded for two months or less) less the 3% administrative service charge assessed by the WFF, will not be refunded to the permittee because the issued permit authorized both the capture of gopher tortoises, and the damage, collapse or covering of gopher tortoise burrow(s).

If the number of tortoises encountered during relocation exceeds the number permitted, then the permittee or agent must stop all attempts to capture any gopher tortoise in excess of the permitted number, and call the FWC Gopher Tortoise Permit Coordinator as soon as possible. The permittee or agent must submit an application to amend the relocation permit, submit the associated mitigation contribution for additional tortoises, and be in possession of the issued amended permit before attempting to capture or relocate any gopher tortoise in excess of the original number permitted.

Juvenile tortoises that are less than 130 mm [5 inches] carapace length must be included on the burrow surveys and permitted for relocation. However, refunds (less the 3% administrative service charge assessed by the WFF) will be provided for relocated juvenile tortoises that are less than 130 mm carapace length after the final after action report is submitted and approved, and a refund request form is submitted by the permittee or his/her agent. Gopher tortoise eggs and nests are not included when calculating the mitigation contribution. All eggs and juvenile tortoises must be relocated.

Emergency Take permit mitigation contributions will be handled on a case-by-case basis, in accordance with the facts and circumstances of each permit incident. In cases where the number of burrows impacted can be accurately determined because of pre-existing on-site surveys, mitigation contributions will be calculated by multiplying this number by 0.5. This adjusted number will be used to calculate mitigation contributions as prescribed in Table 1. In cases

where the total number of burrows impacted cannot be accurately estimated from prior surveys, mitigation contributions will be based on actual documented burrow evidence. Such evidence may include, but is not limited to, exit holes from old burrows, partial remains of burrows, and the density of gopher tortoise burrows (per acre) that occur within surrounding areas that contain similar vegetation and soil characteristics.

When an Emergency Take permit includes requirements for trapping or excavating burrows within an area that has been disturbed by clearing, grading, disking or other ground disturbance activities, no refunds will be made if the actual number of tortoises relocated is less than the number estimated, since gopher tortoises may have left the area during the disturbance.

The FWC realizes that all sites are unique and that circumstances influencing gopher tortoise populations are dynamic. For that reason, the initial permitting mitigation contribution is based on estimates from site surveys and a general application of a statewide correction factor. Estimating the total amount due is accomplished by calculating the number of potentially occupied burrows (based on surveys of not less than 15% of the project site areas where potential gopher tortoise habitat is found), dividing by 2, and then applying the mitigation contribution amounts shown for the various permit types described in Table 1.

The mitigation contribution amounts will be adjusted over time to keep pace with inflation. Tying these changes to the Consumer Price Index will ensure mitigation contributions are adjusted relative to actual price increases or decreases. The FWC will use the "All Urban Consumers Price Index" (CPI-U), which is a reflection of the highest percentage of the population, and the CPI-U for the Southeast region. Information on the Consumer Price Index is available online at www.bls.gov/cpi.

In subsequent years, mitigation contributions will change by an amount equal to the annual CPI-U for the Southeast region, and will be based on changes during the CPU calendar year (January 1– December 31). However, the minimum threshold for mitigation is set at the contribution levels outlined in the original approved version of the Gopher Tortoise Permitting Guidelines (April 2008). Adjustments to the contribution amount will take effect on March 1 of each year because the CPI for the previous year is usually not available until mid-February. The contribution will be calculated based on the date that a completed application is received by FWC. Mitigation contribution amounts will be published at MyFWC.com/GopherTortoise and sent out to all permittees.

Table 1. Permit Type, Duration, and Corresponding Mitigation Contribution

PERMIT TYPE	PERMIT DURATION**	MITIGATION CONTRIBUTION
Authorized Agent	2 years	$500 (one-time contribution)
Recipient Site	varies	$500 per site (one-time contribution)
10 or Fewer Burrows *Tortoises are relocated on-site or off-site**	6 months	$200
Conservation *>10 burrows relocated to **long-term protected** area, to **public conservation lands**, or **from public projects to contiguous public conservation land***	1 year or 60 months	$200 for first group of 10 burrows (up to five gopher tortoises) $300 each additional tortoise
Conservation *>10 burrows relocated to **short-term protected** area*	1 year	$200 for first group of 10 burrows (up to five gopher tortoises) $3,000 each additional tortoise
Conservation *Tortoises relocated to **unprotected** area*	1 year	$3,000 per tortoise
Temporary Exclusion *Exclusions for longer than 6 months must apply for a Conservation permit*	1 year or 60 months	$100 per tortoise (exclusions <2 months) $200 per tortoise (exclusions 2 to 4 months) $300 per tortoise (exclusions 4 to 6 months)
Burrow or Structure Protection *On-site relocation only*	6 months	$25 for up to 2 burrows
Emergency Take	Evaluated on a case-by-case basis	$4,000 per tortoise
Disturbed Site *See Section IV. Disturbed Site Permits for more information*	Evaluated on a case-by-case basis	$500*** additional per tortoise added to the standard mitigation for 10 or Fewer Burrows permits and Temporary Exclusion permits (exclusions 4-6 months only) $1,500*** additional per tortoise added to the standard mitigation for a Conservation permit

*****Gopher tortoises relocated off-site under a 10 or Fewer Burrows permit cannot be relocated to an unprotected recipient site.
**All permits can be amended and extended upon written request and prior to expiration.
***Additional per tortoise mitigation is not required for each tortoise authorized for relocation that is in excess of the number estimated (see Appendix 4) to occur within a Disturbed Site.

Documentation for Permit Applications and Issuance

In accordance with the requirements of Rules 68A-27.007 and 68A-27.003 (F.A.C.), a permit for a gopher tortoise capture/relocation/release activity must be secured from FWC before initiating any relocation work. Required information for applications is outlined in Appendix 3, Informational Needs for Relocation Permit Applications and Recipient Site Permit Applications. Checklists are provided at MyFWC.com/GopherTortoise to assist applicants with the required information for each permit type.

As of April 2009, most permits can be applied for online at MyFWC.com/GopherTortoise. The online permitting system allows individuals to register, submit permit applications, electronically submit required mitigation, and receive official communications including permits from FWC. Paper applications are also available, but applicants are encouraged to apply online to expedite the review process. Additional information, instructions and frequently asked questions regarding the online permitting system are available online at MyFWC.com/GopherTortoise.

Paper applications are available online at MyFWC.com/GopherTortoise or from the Gopher Tortoise Permit Coordinator, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Mail Station 2A, Tallahassee, FL 32399-1600; (850)921-1031; (850)488-5297 fax. For those opting to submit paper applications, the complete application should be submitted to the Gopher Tortoise Permit Coordinator at the above address at least 90 days prior to the time needed, although most applications will be processed in 45 days or less. Timely issuance of permits is dependent on receipt of required documentation.

Demonstration of need for a permit will require submittal of a development plan or proof of local government approval for the activity proposed (in the form of preliminary or final subdivision plat, or master planned unit development approval; Development of Regional Impact [DRI] development order; or authorization to commence clearing, grading, or construction activities). The actual capture and relocation authorized by the permit shall be conditioned upon the permittee submitting proof of local government approvals for clearing, grading or construction activities (if required at the local government level) to the FWC prior to commencing capture and relocation activities. Local governments may have requirements that an applicant demonstrate that FWC permits have been issued, or even that FWC permit requirements have been met, before issuing their final local government approval. The FWC will provide letters of intent or special conditions to permits, if necessary, that can be used to demonstrate agency concurrence with a proposed project. However, permits are not issued to move tortoises off a property where no development activity is planned.

Permit Duration, Permit Posting, and Post-Relocation Reporting

The duration of each type of permit will be indicated on the permit. Authorized Agent permits are valid for a two-year period and may be renewed without additional payment in two-year increments. Recipient Site permits with long-term protection do not expire, but will be subject to reporting requirements within the special conditions. Permits for short-term protected recipient sites and unprotected recipient sites may be renewed every two years, but will require no

additional mitigation contribution. Relocation permits for 10 or Fewer Burrows and Burrow or Structure Protection Permits will be valid for six months from the date of issuance and may be amended by the permittee to extend the permit duration for up to 6 months if relocation activities have not been completed. Conservation and Temporary Exclusion permits will be valid for either 12 months or 60 months and may be amended by the permittee to extend the permit duration for up to 12 months if relocation activities have not been completed. Emergency Take permits and Disturbed Site permits will be handled on a case-by-case basis, considering the circumstances of the development and the conditions present. Any request for permit renewal or amendments should be submitted at least 45 days prior to the expiration date of the existing permit. Permit amendments are issued based on the permitting guidelines and specific permit conditions in effect at the time the complete application for a permit amendment is received by the FWC. A comment must be included in the permit application that explains the purpose of the amendment request.

Phased projects, those projects with development phases based on geographic areas, may be permitted in one permit or in phases. Permits issued for individual phases will have conditions that specify the gopher tortoise conservation activities that must be conducted for those specifically permitted stages or phases of development. Refer to Appendix 3 for information needed for permit applications.

Either the original permit or a complete copy must be clearly posted at the affected site at all times while engaged in the permitted gopher tortoise relocation activities. Permits do not authorize access to any public or private properties. Any required permission must be secured from the appropriate landholders prior to undertaking any work on such properties.

Within 30 days of release of the relocated tortoises, the permittee, or authorized agent if applicable, shall submit a report detailing the capture/relocation actions to FWC's Gopher Tortoise Permit Coordinator via FWC's permitting portal at MyFWC.com/GopherTortoise.

Burrow Surveys on the Development Site

A burrow survey covering a minimum of 15% of the potential gopher tortoise habitat to be impacted by development activities (including staging areas for heavy equipment) is required in order to apply for a relocation permit. These 15% surveys must be conducted no more than 90 days before an application is submitted to FWC. If a permit amendment application has been submitted requesting permit renewal, an updated burrow survey may be requested based on site-specific attributes (e.g., 10 potentially occupied burrows on a project site for a 10 or fewer burrow permit). Burrow survey methods are outlined in Appendix 4, Methods for Burrow Surveys on Development (Donor) and Recipient Sites. Additional survey requirements for Disturbed Site permit applications are also listed in Appendix 4.

No more than 90 days prior to, and *no fewer* than 72 hours before (excluding weekends and holidays) commencing gopher tortoise capture and relocation activities, the authorized agent shall: 1) complete the 100% gopher tortoise survey of the donor site and burrow location map; and 2) deliver to the FWC the 100% survey and burrow location map. If FWC determines that

an on-site survey inspection is necessary prior to commencing capture activities, FWC will provide notification to the permittee or authorized agent within 48 hours (excluding weekends and holidays) of receipt of the 100% survey and burrow location map.

All surveys completed by authorized agents are subject to field verification by FWC. If FWC determines from the on-site survey inspection that the number of gopher tortoise burrows on site causes the total to exceed the number authorized for capture and relocation under the existing gopher tortoise permit, the permittee must apply for an amendment and obtain a permit for the additional burrows from FWC before initiating any capture and relocation activities for the additional burrows.

Site preparation for development (such as land clearing) may commence on the project site, or for phases of the project site, for which gopher tortoise capture and relocation activities have been completed (see Section II for details.)

Categorical Exclusion for Military Installations

As outlined in the Gopher Tortoise Management Plan (September 2012), FWC acknowledges military actions on U.S. Department of Defense (DoD) military service installations are exempt from state authorizations typically required for impacts to gopher tortoises. Additionally, FWC has also approved to categorically exclude the Florida National Guard Camp Blanding Military Reservation from state authorizations otherwise required for gopher tortoises. Therefore, the FWC intends to execute a memorandum of agreement (MOA) with each DoD military service branch that operates and maintains military installations in Florida. The FWC will execute an MOA, if the MOA does the following: identify the military installation(s) to be included in the agreement; the activities included under the agreement; and the rights, requirements, and obligations of each signatory entity. Actions covered under MOAs may include a variety of military training and other operational activities (e.g., troop maneuvers, ordinance and weapons testing and live fire operations, and equipment transport and maintenance) that are mission critical. The MOA will help to ensure all tortoises are relocated out of harm's way by qualified personnel to approved recipient sites utilizing humane methods and scientifically-supported techniques that help to ensure successful relocations. Supporting documentation (i.e., location map, soils map, vegetative communities map, acreage of suitable tortoise habitat, tortoise burrow survey results/baseline tortoise population estimates and available capacity [based on a maximum final tortoise density not to exceed 2/acre], habitat baseline vegetation conditions, and a habitat management plan) will be included for each recipient site proposed for inclusion in the MOA. Schedules for recipient site monitoring reports and relocation summaries will also be included in the MOA. For qualifying lands, a Candidate Conservation Agreement with Assurances (CCAA) for gopher tortoises may be used in lieu of a separate MOA.

Only gopher tortoises proposed to be relocated on-site within the same contiguous military facility will be considered in the MOA. Gopher tortoises proposed to be relocated off-site (do not occur within the same contiguous military installation) to FWC-permitted recipient sites will be permitted through the normal FWC gopher tortoise permit process.

When the INRMP is revised for each of the included military installations, specific gopher tortoise related conditions and commitments included in the MOA should also be included in the INRMP.

Large, Landscape-scale Conservation Agreements

The Gopher Tortoise Permitting Guidelines have been developed to provide options based on project size, timeframe, and type of impact and accommodate most project-based permitting needs. However, these guidelines may not address permitting needs of all larger, landscape-scale projects that affect gopher tortoises. Landowners with real estate holdings of significant regional impact, generally of 250,000 acres or more, and with the potential for extensive gopher tortoise impacts, may contact FWC to discuss options for agreements tailored to the specific needs of those holdings. FWC's consideration of entering into such agreements will include the landowner's commitment to provide additional conservation lift for the gopher tortoise that meets or exceeds the standard requirements outlined in these guidelines. These agreements are intended to be long-term (30 years or longer) in nature unless specific circumstances warrant otherwise. Separate FWC permits may need to be obtained in addition to the agreement. These types of agreements can be approved by the FWC Executive Director.

Capture, Handling, and Transport of Relocated Tortoises

Capture Methods: Tortoises must not be trapped, captured, or transported off project (donor) sites until local authorization for clearing, grading, or construction has been issued. The FWC must be notified at least 24 hours (excluding weekends and holidays) prior to the start of the relocation effort. Tortoises may be captured via bucket traps, live traps, hand capture outside burrows, and excavation by hand shovel or backhoe. Juvenile tortoise burrows 5.5 inches wide or smaller can be captured by bucket trap, hand shovel, or mechanical excavation depending on the experience and authorizations of the Authorized Gopher Tortoise Agent and site specific characteristics. Due to the undeveloped and soft carapace associated with juvenile tortoises, a pulling rod shall not be used to capture juvenile tortoises in burrows 5 inches wide or smaller.

Capturing gopher tortoises using mechanical excavation (backhoe) is often preferred among permittees and Authorized Agents because it typically is quicker than other capture methods and often leads to lower costs. This method, however, comes with an increased level of risk to the tortoises and Authorized Agent and the persons assisting with mechanical excavation activities. Authorized Gopher Tortoise Agents should be familiar with the U.S. Occupational Safety and Health Administration's (OSHA) Rules and Regulations for Construction (http://www.osha.gov), which includes locating utilities prior to digging, maintaining appropriate pit width and depth ratios and having safety equipment on-site. To prevent impalement of tortoises during backhoe excavation, the backhoe bucket must have a smooth cutting edge that lacks teeth (long prongs). Typically a flat blade is welded or bolted across the digging surface of the bucket. A flexible pipe or hose must be used to follow the tunnel of the burrow during excavation. Burrow excavation is not complete until the burrow terminus is reached and all side chambers are found and completely excavated. If the end of a burrow is reached without capturing a tortoise, the

agent must thoroughly probe the soil in all directions to locate a tortoise that may dig beyond the end to escape capture. Burrow excavations that cannot be completed to the fullest extent and uninterrupted (accounting for: weather that may halt capture activities, backhoe operators work schedules and hours, burrows heading toward immovable structures), the excavation of that burrow should not be attempted. If the excavation of a burrow is interrupted for any reason before the tortoise is captured and excavation cannot resume that day (and/or is terminated altogether), an open burrow tunnel path must be left so the tortoise can exit the trench or a bucket or live trap must be set at the entrance to the burrow at the bottom of the trench. The excavation should be resumed as soon as safely possible to lessen the possibility of a newly created burrow or a roaming tortoise. Note that because of seasonally fluctuating water levels, tortoises may seek higher ground by burrowing upward past the water table or branch off with a secondary tunnel at a higher elevation. If there is no sign of the end chamber or tortoise, and/or if the burrow tunnel was lost during the excavation, the excavated trench shall be left open for at least 72 hours to allow the tortoise to dig out (take safety precautions and erect temporary fencing or install flagging around the open trench as necessary or as required by OSHA). If there is no sign of the tortoise after 72 hours, all side chambers must be found and excavated. If the tortoise re-opens the burrow, the excavation must continue to the fullest extent.

Use of a pulling rod with a blunted tip to prevent injury to a tortoise will be allowed when the authorized gopher tortoise agent is permitted to utilize this method as authorized in the relocation permit. Only agents permitted to use this method of capture are authorized to capture tortoises using a modified pulling rod.

If bucket or live traps are used, the traps must be shaded, they must be checked at least once per day (preferably twice per day—once in the morning and once in the late afternoon), and they must remain in place for at least 28 consecutive days or until the resident tortoise is captured, whichever occurs first. In cases where traps are set during colder months in northern Florida (November – March) and no tortoise is captured after 28 consecutive days, burrows must be excavated to determine if they are occupied. All traps must be closed if at any time during the 28 consecutive days trapping period the forecasted low temperature is below 50˚ Fahrenheit at the donor site. The 28 consecutive day trapping period shall restart at day 1 when a trap is closed for any reason. Drainage holes must be drilled into the bottom and lower sides of bucket traps and must be sufficient in size and number to prevent rainwater from accumulating in the bucket. Bucket traps and live traps are not effective in capturing tortoises during cold weather, particularly in northern Florida (north of State Road 50), because tortoises may remain inactive for extended periods of time. Therefore, bucket traps are not recommended from November through March in northern Florida. If the 28-day trapping period has passed without a capture and property boundary constraints make excavation impossible, FWC should be contacted to discuss alternatives.

Burrow scoping is not an acceptable method of confirming vacancy or determining occupancy rates because not all potentially occupied burrows can be successfully scoped due to curves or obstructions. However, burrow scopes may be used to enhance capture success for tortoises and their commensals. Capturing a tortoise outside a burrow is not sufficient reason to assume the burrow is vacant. Although all burrows on the donor site must be flagged or otherwise marked, only potentially occupied burrows must be trapped or excavated (see Appendix 4).

All relocated tortoises must be individually marked, measured, and weighed (see exceptions in Appendix 11). Techniques for measuring shells and for uniquely marking individual tortoises (i.e., assigning them a permanent identification number) are provided in Appendix 5.

If gopher tortoise eggs are encountered, the following procedure should be followed:

1) place sand from around the eggs into a container;
2) remove soil from around the eggs carefully (eggs are fragile, please handle with care);
3) use a pencil to place a small "x" on top of each egg;
4) make an egg-sized depression with your finger in the sand in the container;
5) place each egg in a depression with "x" facing up;
6) during transport, cover the eggs with sand, and minimize sun exposure and agitation;
7) make note of approximate depth of nest in original burrow location, and;
8) at the recipient site, locate an existing burrow apron or other sandy area in an open, sunlit area and excavate to the approximate depth of original nest, place eggs "x" up in the new nest in approximately the same orientation as they were originally located, and mark the new nest with a ring of fencing or flagging.

Any injury or fatality associated with the capture or relocation of gopher tortoises must be reported to the FWC Gopher Tortoise Permit Coordinator within 48 hours.

Cold and hot weather handling: During the colder months, tortoises shall only be relocated when the low temperature at the recipient site is forecasted by the National Weather Service (www.nws.noaa.gov) to be above 50˚ Fahrenheit for three consecutive days after release (including the day of relocation). This three-day window of milder overnight temperatures is required to allow the relocated tortoises to settle into the recipient site and to reduce the chance of cold-related stress or mortality.

Because most tortoise relocations occur during the warmer months, overheating is a more common concern. During summer months, releases should not be made during the hottest part of the day at sites where shade is limited. Heat stress on gopher tortoises being captured and transported for relocation can be reduced or eliminated by assuring that captured tortoises and those tortoises being transported for release are continually in shaded or climate controlled conditions.

Holding and Transport: Gopher tortoises must be held in shaded conditions and in individual containers that are large enough to allow the tortoise to turn around. To help prevent dehydration, especially during times of drought, tortoises should be soaked for 20-30 minutes in just enough water to cover the container bottom and to allow the tortoise to easily drink. Moist soil may be used to cover the bottom of the bin. It is appropriate to use soil from the burrow depths during backhoe excavation. Hay, straw, or shredded paper are other acceptable materials to place in the bin.

Gopher tortoises must not be held more than 72 hours after capture—and preferably not more than 24 hours. Tortoises should be transported within covered, well-ventilated areas of vehicles (not in open trucks) and should be kept at moderate temperatures (i.e., 70-85˚ Fahrenheit).

Recipient areas may be situated any distance east or west of the donor site, but no more than 100 miles north or south of the donor site unless no such recipient site is available. Some recipient sites conducting research can accept tortoises from any location in the state and may be exempt from the 100-mile limit.

Relocated gopher tortoises should be released on the recipient site near existing abandoned burrows or excavated starter burrows. Starter burrows should be excavated to approximately two feet in length at an approximate 45° angle to the ground.

Health Considerations (including testing for mycoplasmal upper respiratory tract disease [URTD] and accommodation of symptomatic/seropositive tortoises): Most health variables are poorly known for wild gopher tortoises, and even veterinarians with advanced training in animal health can have difficulty detecting subtle clues that a tortoise is ill. Authorized agents may refer to Appendix 6 for detailed outlines of cursory health evaluations, clinical signs and symptoms, and a simple disinfection protocol to help prevent spread of pathogens. Although detailed health exams are not required, authorized agents should observe each tortoise for obvious clinical signs such as nasal discharge. Hands and equipment should be disinfected between handling tortoises within a donor site, but all equipment, particularly bins and bucket traps, must be disinfected between uses on different donor sites. Blood tests to detect exposure to the pathogen that causes mycoplasmal URTD are no longer mandated. However, in cases where recipient site owners require mycoplasmal URTD testing before relocation, Appendix 6 contains information on collection and handling of samples. Appendix 6 also provides guidance for the accommodation of symptomatic tortoises (i.e., those individuals that show signs of illness, especially respiratory disease) and those that test positive for mycoplasmal URTD or other diseases.

Fencing the Project Boundary: To prevent gopher tortoises from entering/re-entering the project site during and after relocation activities, or once site development has commenced, it is recommended that temporary silt fencing (buried at least 8” in the ground) around the project site be established and maintained for the duration of the project. Maintaining silt fencing for the duration of the project will prevent tortoises living nearby from moving into the development area and causing possible project delays. If the permitted number of tortoises has been captured, the permittee must request a permit amendment for any new burrow(s) that occur on the development site in order to excavate the burrow(s) and relocate the additional tortoise(s). Additional information on temporarily penning captured tortoises and excluding tortoises from the project area is included in Appendix 11.

IV. TYPES OF PERMITS

Authorized Gopher Tortoise Agent Permit

Note: Authorized agents included under this type of permit are not authorized agents of FWC,

but rather individuals authorized to handle gopher tortoises. These permits are not issued for scientific collection or research on gopher tortoises.

This permit authorizes the permittee, referred to as an authorized agent, to undertake those activities specified by the permit, including surveying, capturing, marking, transporting, relocating tortoises and tortoise commensals (e.g., gopher frog, pine snake, Florida mouse). The specific activities that an authorized agent is granted permission to perform will be listed on the permit. Authorized Agent permits also allow assistants to work under the authorized agent's supervision if these assistants are registered with the FWC. The Agent is responsible for any such activities performed by an assistant to the same extent as if they had themselves carried out those activities under the designated permit. The permit must be carried at all times by the agent and its assistants when conducting permit-related activities. Authorized Agent permits will not allow relocation of tortoises except when accompanied by a 10 or Fewer Burrows permit, a Conservation permit, a Temporary Exclusion permit, a Burrow or Structure Protection permit, or a Disturbed Site permit for a specific project.

Authorized agents must be well-qualified to perform the gopher tortoise conservation actions for which they are requesting permission. Agents will likely be the first point of contact for citizens when they are advised that gopher tortoises are protected. Agents must accurately represent FWC policies, guidelines, and rules to their clients and to the general public. As a benefit of receiving this permit, agents will have access to a streamlined online permitting process for certain gopher tortoise permit approvals.

Requirements for Authorized Gopher Tortoise Agents

Individual people may submit an application to FWC in order to be authorized to perform different activities related to gopher tortoise conservation. Not all agents will have the interest and the required expertise to perform all activities listed below. Each agent permit will clearly state what the agent is allowed to do and will be conditioned accordingly. Agent permits are authorizations to the agents and the assistants under their supervision to conduct the activities specified. The agent permits do not allow capture, possession, or transport of gopher tortoises unless a relocation permit specific to the development project or activity impacting gopher tortoises or their burrows has also been issued. All experience submitted in support of the application for an Authorized Gopher Tortoise Agent permit must have been from actions conducted in compliance with the FWC gopher tortoise permitting guidelines and standards. Experience gained during projects under which an infraction occurred shall not be claimed or accepted as experience on Authorized Agent permit applications.

Gopher tortoise surveys:
Applicant must have completed either 1) at least 120 hours conducting gopher tortoise surveys over the past year, or 2) a cumulative total of 480 hours conducting gopher tortoise surveys.

Completion of an FWC-approved training course module in gopher tortoise surveying may be substituted for the experience requirements.

Gopher tortoise capture using bucket trapping *or* live trapping *or* hand shovel excavation:

Applicant must have captured, with no gopher tortoise injuries or mortality, either: 1) an average of 10 gopher tortoises per year by a single method over a four-year period, or 2) a cumulative total of 40 gopher tortoises captured by a single method. Applicants are to list experience for each method separately in the agent permit application, as applicable.

Completion of an FWC-approved training course module in gopher tortoise capture methods may be substituted for the experience requirements.

Gopher tortoise capture using a modified pulling rod:
The applicant must have captured**,** with no gopher tortoise injuries or mortality, an average of 10 gopher tortoises per year over a four-year period by safely using a modified pulling rod. Applicants must include references to the permits under which the claimed experience was earned and provide a letter of reference from the Authorized Gopher Tortoise agent the applicant worked under to confirm their qualifications.

This is a very specialized technique for capturing tortoises; therefore, applicants requesting first-time authorization for capture with a pulling rod will be evaluated on a case-by-case basis. **Note:** Not all tortoises can be captured by pulling. Therefore, pulling cannot be used as a method for verifying that a burrow is unoccupied. Pulling may be used only in combination with trapping or backhoe/hand excavation to assure that every tortoise is relocated from a designated donor site.

Completion of a training course will not be accepted in lieu of the experience requirements listed.

Transport, marking, and release of gopher tortoises:
The applicant must have completed, with no gopher tortoise injuries or mortality, either: 1) an average of 10 gopher tortoises per year transported, marked, and released over a four-year period, or 2) a cumulative total of 40 gopher tortoises transported, marked, and released. These activities are considered together as one skill in the agent permit application.

Completion of an FWC-approved training course module in gopher tortoise transport, marking, and release methods may be substituted for the experience requirements.

Collection of blood samples:
The applicant must have completed, under the direct supervision of a qualified veterinarian or other appropriately authorized person, the successful collection of 10 blood samples from gopher tortoises.

Completion of a training course will not be accepted in lieu of the experience listed.

Supervision of gopher tortoise burrow excavations using mechanical equipment:
The applicant must demonstrate with no gopher tortoise injuries or mortality, either: 1) on-site experience of supervising at least 50 gopher tortoise burrow excavations, with the successful extraction of at least 20 gopher tortoises (include references to the permits under which those occurred), or 2) on-site experience under the supervision of another Authorized Gopher Tortoise

Agent who was directing backhoe operators in the excavation of at least 50 gopher tortoise burrows, with the successful extraction of at least 20 gopher tortoises, with the applicant actively participating in the recovery of gopher tortoises from the excavated burrows (include references to the permits under which those occurred).

Completion of an FWC-approved training course module in this activity, combined with experience directing backhoe excavation of 30 gopher tortoise burrows with successful extraction of at least 12 gopher tortoises, may be substituted for the full experience requirements above. Burrows mechanically excavated during the approved course in which the applicant actively directed excavation efforts without instructor input can count toward the excavation experience requirement; however, excavation must be conducted under the direct on-site supervision of an Authorized Gopher Tortoise Agent permitted in this technique.

It is the agent's responsibility to select operators of mechanical excavating equipment that are appropriately experienced and to direct their activity in a way that minimizes threats to gopher tortoises, commensal species, and persons assisting with the excavation. An authorized agent permitted to supervise mechanical excavation must be on-site at all times while mechanical excavation is being performed.

Authorization to train:
Authorized gopher tortoise agents may be authorized to train others in the activities and techniques associated with trapping, handling, and relocating tortoises with completion of a FWC-approved training course. Applicants must specify which courses and sections they will be teaching and provide a letter from the approved training entity verifying employment or agreement to train.

Application Criteria

All applications for the Authorized Agent permit must be from an individual, and the appropriate mitigation contribution as established in these guidelines must be paid before issuance of the permit. Applicants for this permit must provide standard contact information, satisfactory proof of knowledge, and specific gopher tortoise related experience in support of each of the activities they are requesting a permit to conduct. Applicants must list permit numbers under which experience was obtained for each skill listed in their application. For surveys, the applicant may list properties (and the associated gopher tortoise habitat acreages) surveyed, purpose of surveys, and documentation of completion and submittal of survey results where experience was acquired but no FWC permit applications were submitted, instead of listing permit numbers (since permits are not always obtained after surveying efforts). Applicants must swear and affirm that they have committed no wildlife violations in Florida, the information submitted in the application and supporting documents is complete and accurate, any false statement may result in criminal penalties, and agree to abide by all applicable state, federal, and local laws.

Professional certification by any industry body or trade group established for this purpose (gopher tortoise agent authorizations) in the future and approved by FWC may also be provided as supplementary documentation of knowledge and experience.

Note: Approval of courses for certification of gopher tortoise agents shall be at the discretion of the FWC Executive Director or his delegate.

Criteria for Suspension, Revocation or Nonrenewal of Authorized Gopher Tortoise Agent Permits and Registered Agent Authorization

The Authorized Gopher Tortoise Agent permit is conditional so that it can be suspended, revoked, or not renewed for just cause, as determined by FWC. In cases where agents or their assistants violate FWC rules, policies, or guidelines concerning gopher tortoises; engage in unethical or illegal behavior; falsify gopher tortoise permit applications, or after action or monitoring reports; or violate conditions of any gopher tortoise permit, the agent permit may be immediately suspended pending an investigation. Substantiated violations will result in appropriate action, up to and including revocation, at FWC's discretion. Any person whose Authorized Agent permit is revoked will be ineligible for any gopher tortoise related permits for some period of time, depending on the severity of the violation.

Appendix 15 of these guidelines outlines specific criteria for the suspension, revocation, or nonrenewal of Authorized Agent permits and registered agent authorization.

Assistants to Authorized Agents

An authorized agent may be assisted by additional persons. These assistants will be under the supervision of the authorized agent and must adhere to all rules, guidelines, and permit conditions when conducting activities relating to gopher tortoises. They must carry a letter from the agent designating them as an assistant and a copy of the authorized agent's permit with them at all times while engaged in activities related to the permit. Such assistants must be directly supervised on-site by the authorized agent during blood collection and/or mechanical excavation of burrows, or they themselves must be an authorized gopher tortoise agent permitted to conduct these activities. Authorized Agents not listed on the relocation permit are considered Assistants for the activities conducted under that relocation permit. In order for an assistant to gain credit for experience to meet qualification requirements for an Authorized Agent permit, the assistant must be listed in the relocation permit after action report within the online permit system. Assistants are not authorized to conduct any gopher tortoise related actions without approval of the authorized agent.

Relocation Permits for Properties with 10 or Fewer Burrows

This type of permit is available when 10 or fewer burrows (and the number of tortoises occupying those burrows) will be impacted on a development site. Application requirements, recipient site criteria, and tortoise handling procedures differ somewhat for this permit type (see Appendix 11.). In cases of phased developments, this permit may be obtained only once for any development on a single identified parcel or within a project under a common plan of development, platting, or subdivision/project name, whichever is largest. As part of the 10 or Fewer Burrows permit application process, the permit applicant must complete the required e-

Learning (available online at MyFWC.com/GopherTortoise) or the approved equivalent written training, if the applicant is not an authorized gopher tortoise agent.

Most typical activities associated with residential lawn and landscape maintenance do not require a permit, provided they do not collapse gopher tortoise burrows or harm gopher tortoises. Activities that do require a permit are listed in Section II, Determining If a Permit Is Required. Contacting an authorized agent or FWC before implementing any construction or major habitat modifications is advised.

Individuals who are not Authorized Gopher Tortoise Agents may apply on behalf of property owners for 10 or Fewer Burrows permits when all tortoises will be relocated on-site. The individual must complete a Registered Agent profile within the online permitting system and complete the e-Learning curriculum. Once submitted, this automatically issued status allows a Registered Agent to apply on behalf of the property owner for permits that do not otherwise require the use of an Authorized Gopher Tortoise Agent. Only property owners can be listed as permittees. Relocation activities for Registered Agents are limited to on-site relocation only using bucket trapping, hand shovel excavation, and live trapping to capture the gopher tortoises. The Registered Agent is not a permit, nor does it provide any authorizations not included in a separately issued 10 or Fewer Burrows permit. Authorized Gopher Tortoise Agents may conduct activities specified by their permit and do not need to apply to become Registered Agents. Registered agents may not have Assistants.

10 or Fewer Burrows Permit with On-Site Relocation

This permit authorizes landowners or other individuals who have completed FWC online e-Learning to capture gopher tortoises (via bucket trapping, hand-shovel excavation, or live trapping) and to relocate tortoises to an on-site location within the property boundaries of the development specified in the application. [**Note:** Only an authorized agent permitted to supervise burrow excavations may capture or attempt to capture gopher tortoises using a backhoe.] On-site recipient area criteria can be found in Appendix 11. Landowners may obtain the assistance of an authorized gopher tortoise agent for on-site relocations (as described in *Authorized Gopher Tortoise Agent* above).

Release of tortoises must be accomplished in such a way as to preclude tortoises from returning to their burrows. This permit type requires the temporary installation of filter fabric (silt fencing) or other comparable fencing (buried at least eight inches deep) along the outer edge of the construction right-of-way to block tortoise re-entry into the area of disturbance on the project site during construction activities. This temporary exclusion fencing must be removed following completion of construction activities. Penning is allowed only under this permit type, and only under specified circumstances (see Appendix 11).

10 or Fewer Burrows Permit with Off-Site Relocation

This permit authorizes gopher tortoises to be relocated off the development property to a permitted recipient area (a long-term protected site or a short-term protected site). An authorized agent must perform this relocation on behalf of the permittee. Authorized agents must have their

own permit from FWC for working with gopher tortoises and may assist the landowner or developer in obtaining all permit approvals for this type of action.

Conservation Permit

Conservation permits for relocation of tortoises on-site or off-site will be issued when more than 10 burrows will be impacted on a development site and for subsequent activity on properties undergoing development of phased projects when a 10 or Fewer Burrows permit has been previously issued.

This permit authorizes gopher tortoises to be relocated either on-site or off-site of the development property. The permittee must have an authorized gopher tortoise agent perform this relocation. Authorized agents must have their own permit from FWC that authorizes them to conduct the activities required to relocate the gopher tortoises, and they may assist the landowner or developer in obtaining all permit approvals for this type of action.

One of the four objectives of the *Gopher Tortoise Management Plan* is to increase the acres of permanently protected gopher tortoise habitat by providing incentives to landowners who protect habitat under perpetual conservation easements. These protected acres of habitat provide a net conservation benefit and assurance for long-term protection and management of the species. Restocking lands where populations have been depleted is another important objective which will also help to reach the Plan's goal. Therefore, mitigation contributions for gopher tortoise relocation are scaled based on the length of assurance for protection and management of the species at recipient sites.

The mitigation contribution for Conservation permits is determined by the level and duration of habitat protection and management provided by the recipient site to sustain gopher tortoises. Conservation permits issued for gopher tortoises relocated to a long-term protected recipient site or from public projects to contiguous public conservation lands will require a $200 mitigation contribution for the first group of ten burrows (up to five tortoises) and a $300 mitigation contribution per tortoise thereafter. If the tortoises are being moved to a short-term recipient site, a $200 mitigation contribution will be required for the first group of ten burrows (up to five tortoises), and a $3,000 mitigation contribution will be required per tortoise thereafter. Gopher tortoises that are relocated to an unprotected recipient site will require a $3,000 mitigation contribution per tortoise (see Table 1).

Conservation permits that involve on-site relocation to undeveloped areas that provide suitable tortoise habitat but that are not protected or do not meet the size criteria for a permitted recipient site will require a $3,000 mitigation contribution for each tortoise. Final stocking density is limited to of two per acre (including tortoises already on-site) within the designated recipient area. On-site relocation to an area that provides habitat protection equivalent to the requirements for a short-term protected recipient site will require $200 for the first 5 tortoises and an additional $3000 for each tortoise relocated on site.

On-site relocation may be authorized to areas that meet the criteria for a long-term protected recipient site, or when tortoises are relocated from public projects to contiguous public

conservation lands. A separate long-term protected recipient site permit must be obtained before gopher tortoises are relocated to the on-site area (see Recipient Site Permits below). However, if gopher tortoises are relocated from public projects to contiguous public conservation lands, the recipient site must meet the criteria specified below and be authorized as an on-site recipient site unit under the issued Conservation permit. Mitigation contributions for tortoises relocated to these on-site areas under this permit option qualify for the lower mitigation amount included in Table 1.

Relocating Gopher Tortoises from Public Projects to Contiguous Public Conservation Lands

The FWC recognizes that keeping tortoises within their native population is an important measure in conserving tortoises. This type of on-site relocation permit option encourages relocation within contiguous public lands by reducing mitigation costs and streamlining the process, thereby facilitating enhanced conservation for tortoises. Under this permit option, gopher tortoises can be retained within their native population instead of being moved off-site or to an on-site short-term or unprotected recipient site.

The intent of this permit option to relocate gopher tortoises from public projects to contiguous public conservation lands is to:

1) Encourage relocation of gopher tortoises from public project sites that are contiguous to public conservation lands;
2) Maintain local gopher tortoise populations, and their genetic and breeding integrity;
3) Minimize stress and other negative impacts to individual gopher tortoises;
4) Minimize the potential for disease transmission to new areas; and
5) Align with and complement existing gopher tortoise relocation options.

The key component to achieving this intent is to limit contiguous relocations to public conservation lands that gopher tortoises could reasonably access naturally and on their own.

This relocation option is intended for public projects where the donor site is contiguous to public conservation lands (see definition) and there is no physical obstacle [e.g., paved road open to the public (i.e., greater than 2 lanes, curb and gutter or other physical barriers, or a speed limit >30mph), railroad bed, impenetrable fence, river, and lake] that would prevent tortoise movement to the recipient site or other upland areas within the relocation/restocking site.

Donor and recipient site parcels or lands that are owned by the same public entity but not part of the contiguous landscape, or donor sites located more than one half-mile from the temporary enclosure area within the designated recipient site, will not be considered contiguous under this option. However, this permit option can be used if the contiguous habitat or land is owned by more than one entity, provided that a letter of acceptance is submitted from the recipient site landowner. If linear right-of-way project sites do not meet the definition of contiguous, or do meet the definition of contiguous but donor site tortoise burrow(s) are located more than one-half mile from the temporary enclosure within the designated recipient site, a Conservation permit for off-site relocation must be obtained.

Projects must meet the following criteria for relocating gopher tortoises from public projects to contiguous public conservation lands:

A. To receive a FWC Conservation permit for relocation to contiguous public conservations lands, donor sites must meet the following criteria.
    - The donor site must be contiguous to the public conservation land recipient site.
    - If the recipient site is contiguous but owned by a separate public entity, signed permission from the recipient site landowner must be submitted.
    - Mitigation for tortoises relocated under this Conservation permit option is $200 for the first group of 10 burrows (up to 5 tortoises) and $300 for each additional tortoise.
    - The location of the recipient site temporary enclosure must not be located more than one-half mile from the burrow(s) on the donor site.
B. The recipient site must be contiguous to the donor site and meet the following criteria.
    - Recipient sites must be designated as public conservation lands (see definition) or public lands protected by a minimum 50-year conservation easement (with FWC included as a grantee). For lands where title is held by the State of Florida, the preserve land management plan shall be amended to include a recipient site management commitment, an MOU must be executed between the FWC and the lead land management agency to provide the enforcement mechanism for the required habitat management and monitoring requirements, and the land lease must be renewed so the lease is valid for at least 50 years.
    - The public conservation lands recipient site must be a minimum of 40 acres and meet the *acceptable* or *desirable* criteria outlined in Table 2 of these guidelines. Smaller sites in highly developed counties, particularly in southern Florida, will be evaluated on a case-by-case basis, and will be allowed if they are instrumental in retaining the local tortoise resource and can be appropriately managed to perpetuate the relocated population.
    - A habitat management plan that includes recipient site requirements that has been approved by the FWC (or a management agreement between the managing agency and FWC), and proof of financial assurance in the form of a general appropriation or allocation approved by a public governing body for management, or equal to that of a long-term protected recipient site (see Appendix 3) must be submitted.
    - Monitoring reports that conform to the monitoring requirements described in Appendix 7 of the Gopher Tortoise Permitting Guidelines shall be submitted at the intervals specified for either the duration required for a long-term protected recipient site or 50 years, whichever is shorter.
    - The location of the recipient site temporary enclosure must not be located more than one-half mile from the tortoise burrow(s) on the donor site.
    - A contiguous recipient site may be utilized for more than one Conservation permit that meets the criteria for this permit option, but the number of tortoises relocated to the site shall not exceed the final site evaluation stocking density.
    - The recipient site maximum allowable gopher t**o**rtoise density (see Appendix 4) shall not exceed 50% of the maximum stocking density.

Exceptions to some of these criteria may be considered by FWC if the proposed contiguous relocation meets most, but possibly not every requirement outlined in the above criteria, and alternative mitigation activities are also implemented. Examples of alternative mitigation activities that may be considered include: temporarily enclosing tortoises (soft release) for 12 months instead of the minimum of 6 months; permanent fencing that prevents tortoises from entering roadways to reduce the risk of mortality; reduced speed limits adjacent to recipient sites and installation of wildlife crossing signs; or, a combination of these examples or other proposed alternatives that are consistent with and support the intent of these guidelines.

Note: Other options for on-site relocation (short-term or unprotected site) are available if a property does not meet the criteria outlined above for this "contiguous public conservation lands" option.

FWC will review this permit option in two years (from the date of approval) to evaluate if it is still needed and is helping to achieve the management plan goals for the gopher tortoise.

Offsite public lands option (Public Conservation Lands Restocking)

For public conservation lands that want to accept tortoises from projects where tortoise burrows are located more than one-half mile from the recipient site temporary enclosures, refer to Appendix 12 for the conservation lands restocking guidelines.

Recipient Site Permits

Criteria for Relocation of Gopher Tortoises to Recipient Sites

The overall conservation goal of the *Gopher Tortoise Management Plan* is "to restore and maintain secure, viable populations throughout the species' current range in Florida." Property owners play a significant role in helping Florida achieve this goal by providing the highest level of security for the gopher tortoise and its habitat on permitted recipient sites. Elements that are integral to meeting this objective include appropriate habitat management, population monitoring, legal protection, and long-term financial assurance provided by the landowner. Not all recipient sites afford relocated gopher tortoises with the same level of protection, however some sites do provide conservation value by restocking tortoises to managed lands where populations have been depleted, furthering research efforts, preventing the loss of tortoises on development sites, helping to retain local or regional tortoise resources and potentially contributing to the habitat preservation objective if such sites receive long-term protection in the future.

The *Gopher Tortoise Management Plan* contains a series of measurable objectives and conservation actions which include restocking gopher tortoises to protected, managed, suitable habitats where they no longer occur or where densities are low. A team of public conservation land managers has developed guidance regarding the restocking of gopher tortoises on public conservation lands (see Appendix 12). This team includes representatives from the Florida

Department of Environmental Protection Florida Park Service, Florida Department of Agriculture and Consumer Services Florida Forest Service, the five Water Management Districts, Florida Communities Trust, and Florida Fish and Wildlife Conservation Commission. Likewise, some of the future research goals outlined in the Gopher Tortoise Management Plan may require the use of sites that receive displaced tortoises to carry out research projects and consequently be designated as research recipient sites. The criteria for research recipient sites are outlined in Appendix 13 and are intended to provide further clarity as to how the agency will implement conservation actions specified in the Plan.

To receive a FWC recipient site permit, candidate properties must meet site suitability criteria for size, soil, and habitat. Site suitability criteria vary according to the level of conservation value provided by the recipient site.

Landowners who meet the basic criteria in these guidelines are encouraged to contact the FWC Gopher Tortoise Permit Coordinator to schedule a pre-application site visit. A preliminary site visit allows FWC staff to evaluate the suitability of the habitat on proposed site. Staff may provide information on habitat management assistance or other measures that may be undertaken prior to completing an application for a FWC recipient site permit. The pre-application site visit can help identify and address potential issues in advance, so the permit application can be processed more efficiently.

A. Conservation Easements or Other Protection: The conservation value of a permitted project and the required mitigation contribution is determined by the level of protection afforded to the relocated gopher tortoise at the recipient site. Four levels of conservation have been defined:

- **Long-term Protected Recipient Sites**: These privately or publicly owned recipient sites must be protected by a perpetual easement that conforms to the standard format available from FWC (see Appendix 8). Conservation easements that were previously granted by landowners to other regulatory, governmental, or conservation entities may be acceptable to FWC if their conditions and restrictions provide habitat protection and management requirements for gopher tortoises and their habitats that are comparable to those contained within FWC's standard easement. However, those easements would need to be modified to designate FWC as a co-grantee.
- **Recipient Sites for Restocking Public Conservation Lands**: These recipient sites consist of publicly owned lands that are currently managed for conservation and are either designated as conservation lands by Chapter 253.034, Florida Statutes; purchased for conservation purposes using funds from bonds or other monies dedicated specifically for conservation lands acquisition (e.g., Florida Forever, Preservation 2000, local bond initiatives, etc.); or afforded protection under federal law. These publicly owned lands must provide suitable gopher tortoise habitat and must be actively managed under an approved habitat management plan. The land managing agency and FWC must establish either a Memorandum of Understanding (MOU) or an easement that conforms to the standard format available from FWC. Additionally, existing land leases, covenants, and management plans may need to be amended to provide adequate assurance of management. See Appendix 12 for specific details and requirements for restocking public lands.

- **Short-term Protected Recipient Sites:** These recipient sites have some enforceable protection commitment, but those commitments do not meet the definition of "long-term."
- **Unprotected Recipient Sites**: These recipient sites provide relocated gopher tortoises protection for at least two years.

B. **Size**: Perimeter boundaries of recipient sites should ideally be configured in the form of a block, circle, or similar shape. Uplands are considered contiguous if two or more upland communities occur within a distance of 1,000 feet, and there is no physical obstacle (e.g., paved road open to the public, railroad bed, impenetrable fence, river, lake) to prevent tortoise movement to other upland areas within the recipient site. For administrative purposes, FWC will evaluate and authorize use of up to 1,000-acre portions of recipient sites in phases; however, only a one-time mitigation contribution of $500 will be required for permitting a recipient site.

- **Long-term Protected Recipient Sites:** Recipient sites must contain a minimum of 40 acres of contiguous suitable upland tortoise habitat that meet the criteria for soil and vegetation. Smaller sites in highly developed counties, particularly in southern Florida, will be evaluated on a case-by-case basis, and will be allowed if they are instrumental in retaining the local tortoise resource and can be appropriately managed to perpetuate the relocated population. Sites containing greater than 200 acres of contiguous suitable upland habitat will satisfy the size threshold for *Desirable* criteria and may be eligible for an additional 0.5 tortoise per acre increase in the site evaluation maximum allowable tortoise density (see below).
- **Recipient Sites for Restocking Public Conservation Lands:** Recipient sites must contain a minimum of 40 acres of contiguous suitable upland tortoise habitat that meet the criteria for soil and vegetation. Smaller sites in highly developed counties, particularly in southern Florida, will be evaluated on a case-by-case basis, and will be allowed if they are instrumental in retaining the local tortoise resource and can be appropriately managed to perpetuate the relocated population. Sites containing greater than 200 acres of contiguous suitable upland habitat will satisfy the size threshold for *Desirable* criteria and may be eligible for a 0.5 tortoise per acre increase in the site evaluation maximum allowable tortoise density.
- **Short-term Protected Recipient Sites:** Sites must contain a minimum of 25 acres of contiguous suitable upland tortoise habitat that meet the criteria for soil and vegetation.
- **Unprotected Recipient Sites:** Sites must contain a minimum of 25 acres of contiguous suitable upland tortoise habitat that meet the criteria for soil and vegetation.

C. **Soils**: Soils that meet *acceptable* criteria are moderately well-drained to excessively drained, with an average depth to the seasonal high water table (DWT) value of 45 centimeters (18 inches) or greater. For sites in flatwoods, land cover maps should be overlain on soils maps to help differentiate hydric areas from more mesic or xeric areas; site visits by FWC may also be required. Poorly drained soils with an average depth to the seasonal high water table (DWT) greater than 31 centimeters (12 inches) may meet the *Acceptable* criteria, provided that the proposed site contains augmentation features or is drained by ditches, etc. In these select cases, there must be evidence of past or current use by tortoises. Additionally, stocking densities cannot exceed two per acre on these soil

types. Long-term protected recipient sites with an average depth to the seasonal high (DWT) of 130 centimeters (51.6 inches) or greater meet the *Desirable* criteria threshold and may be eligible for a 0.5 tortoise per acre increase in the site evaluation maximum allowable tortoise density. Site-specific soil information can be obtained by referring to the Natural Resources Conservation Service (NRCS) Web Soil Survey (www.soils.usda.gov) for the appropriate county.

D. **Vegetation Features**: Sites with *Acceptable* habitat features are those that contain both of the following: average herbaceous cover of at least 30% and average canopy cover of 60% or less. Woody vegetation should not comprise more than an average of 20% of the herbaceous ground cover. Long-term protected recipient sites and public conservation lands recipient sites for restocking with average herbaceous cover greater than 50% and average canopy cover less than 40% meet the *Desirable* criteria threshold and may be eligible for a 0.5 tortoise per acre increase in the site evaluation maximum allowable tortoise density. Herbaceous cover (low-growing, soft-stemmed plants) should include broadleaf grasses and, preferably, grass-like asters (sunflower family) and legumes (bean family). Vegetation survey methods are outlined in Appendix 7.

E. **Enhanced Conservation Value**: Proposed long-term protected recipient sites and recipient sites for restocking public conservation lands may be awarded a 0.5 tortoise per acre increase in the site evaluation maximum allowable tortoise density if FWC determines that the site has enhanced conservation value by any of the following: 1) adjacency to existing public or private conservation lands that together provide >200 acres of contiguous suitable upland gopher tortoise habitat that satisfy the threshold for *Desirable* criteria; 2) the site boundaries are 100% within a designated Strategic Habitat Conservation Area; or 3) at least 75% of the recipient site is vegetated with one or more of the following native upland plant communities: sandhill, scrubby flatwoods, or dry prairies (Table 2).

F. **Baseline Densities**: Survey techniques to determine the existing (baseline) tortoise population density are provided in Appendix 4. Supporting information should include potential reasons for low tortoise densities (e.g., past harvest; previous, but now rectified, inadequate habitat management). The burrow survey used to generate this estimate must be performed no more than 90 days before the date the permit application is submitted. A map showing the site boundaries, transect locations, locations of all documented tortoise burrows, and corresponding tortoise densities will serve as the baseline for future monitoring efforts.

G. **Site Evaluation Stocking Rate**: The site evaluation stocking rate is defined as the maximum allowable gopher tortoise density as determined by the scoring process depicted in Table 2, *Acceptable and Desirable Criteria Thresholds for Recipient Site Characteristics*. A site that meets all three *Acceptable* criteria will be assigned an evaluation stocking rate of two tortoises per acre. Evaluation stocking rates for long-term protected recipient sites and recipient sites for restocking public conservation lands may increase in increments of 0.5 individual per acre for each *Desirable* criterion that is met, up to a maximum of two additional individuals (four per acre total). However, long-term

protected recipient sites located in highly developed counties that contain less than 40 acres of contiguous gopher tortoise habitat are not eligible for stocking bonuses.

H. **Determination of Final Stocking Rate**: The final stocking rate for a recipient site equals the site evaluation stocking rate minus the baseline density, i.e., final stocking rate = (site evaluation stocking rate) - (baseline density). For all calculations involving stocking rate, consider only tortoises greater than or equal to 130 mm (5 inches) in carapace length. Eggs and juvenile tortoises less than 130 mm are not considered in these calculations because of their low survivorship and minimal effect on the recipient site forage base. Recipient sites for restocking public conservation lands shall be stocked at no more than 50% of the site evaluation stocking rate

When assigning the baseline density and calculating the final stocking rates, applicants submitting permit requests for sites that have been previously approved by FWC and used as a recipient site for tortoise standard relocation and/or incidental take permits shall include the number of resident tortoises reported for the site when it was originally approved and all tortoises released at the site under previously issued FWC permits (or authorized for release when no post-relocation reports have been sent to FWC).

I. **Enclosure Methods**: Restraint of tortoises inside an enclosure at the recipient site for a minimum period of six months is required for all relocations as a condition of the relocation permit. This process is called "soft release." Recent studies have indicated that site fidelity is enhanced by temporarily enclosing tortoises. As additional studies are completed and information becomes available, these guidelines may be modified to ensure that they achieve the management plan objectives. The following guidelines include enclosure methods and procedures proven to be effective.
    - All tortoises relocated to any recipient site (including unprotected recipient sites) shall be released into a temporary enclosure as described below and retained within the enclosure for a period of not less than six months and no more than twelve months. However, there is no maximum enclosure time limit for recipient sites that are permanently fenced in their entirety and that are stocked at a density equal to the approved final stocking density for the site.
    - Applicants with special circumstances may apply to be released from this requirement. Special circumstances include the following: recipient sites with natural or artificial boundaries to restrain most tortoises (e.g., islands, coastlines, major rivers or large lakes, existing fencing that prevents the passage of all tortoises released at the site).
    - Tortoises shall be released into temporary fenced enclosures at no more than 1.5 times the approved overall final stocking density for the site. However, the maximum number of gopher tortoises approved by FWC for release into the entire recipient site parcel shall not be exceeded. Enclosures within recipient sites with varying approved stocking rates may be stocked at 1.5 times the approved density for the area in which the enclosure is located. If an enclosure encompasses an area with varying approved stocking rates, then the enclosure's approved gopher tortoise density will be proportional to the number of acres in each approved stocking rate area. For example, if a 40-acre recipient site initially containing no gopher

tortoises includes a 15-acre enclosure encompassing five acres that are approved for a final density of two gopher tortoises per acre and ten acres that are approved for a final density of three gopher tortoises per acre, then the enclosure can receive up to 60 gopher tortoises 1.5 [(5 x 2) + (10 x 3)].

- Temporary enclosures may be of any material that prevents the passage of tortoises of all sizes released to the site. Recommended and cost-effective materials include Belton Industries #935 pre-assembled silt fence (a more durable type of silt fence; see Glossary for purchasing information) and hay or pine straw bales.
- With the exception of hay or pine straw bales, temporary fencing must be buried at least eight inches into the ground to prevent tortoises pushing beneath the enclosure and must be at least two feet high and of sufficient robustness to prevent tortoises pushing or climbing over.
- Temporary fencing must be regularly monitored and maintained to repair damage and maintain the integrity of the temporary enclosure.
- Tortoises observed above ground and tortoise burrow numbers and activity status within the temporary enclosures shall be monitored weekly for the first month and monthly thereafter to document any problems with relocated tortoises (e.g., illness, mortality, evidence of human poaching, emigration). The FWC permitting office must be contacted if decreases in tortoise numbers are documented.

J. **Management Plan:** Gopher tortoise habitat requires active management. A detailed management plan mirroring the length of protection is a vital part of gopher tortoise conservation efforts on all FWC-permitted recipient sites. Management plan requirements are outlined in Appendix 3.

Table 2. *Acceptable* and *Desirable* Criteria Thresholds for Recipient Sites

SITE CHARACTERISTIC	ACCEPTABLE CRITERIA	DESIRABLE CRITERIA
Size	> 40 acres	> 200 acres
Soil	> 45 cm (18 in) DWT, with land cover verification for flatwoods sites >31 cm (12 in) (select cases)	>130 cm (51.6 in) DWT
Habitat	> 30% herb cover < 60% canopy cover	>50% herb cover <40% canopy cover
Enhanced Conservation Value		Adjacent to protected land, or in Strategic Habitat Conservation Area, or ≥75% native upland community (maximum of 0.5 per acre)
Maximum Allowable Gopher Tortoise Density	Two per acre (requires all above criteria be satisfied)	0.5 per acre for each site characteristic that is satisfied, up to a maximum of two additional (four per acre maximum)

Temporary Exclusion Permit for Major Linear Utility Corridors

This type of on-site relocation conservation permit is specifically reserved for the installation or maintenance of major linear utility transmission lines (e.g., major natural gas or electric transmission lines). This permit applies to situations that require the temporary exclusion of tortoises from the utility construction corridor and where habitats within the corridor will be restored to provide suitable habitat for tortoises following completion of the utility installation. These permits require the temporary installation of filter fabric (silt fencing) or other comparable fencing (buried at least eight inches into the ground) along the outer edge of the construction right-of-way to block tortoise re-entry into the corridor during construction activities. Such fencing is only required along those portions of the construction corridor where tortoises are documented and are to be relocated from the construction area. The FWC will also consider other proposed options of keeping gopher tortoises out of harm's way in the immediate area of construction on these types of projects.

Temporary exclusion permits authorize the capture of tortoises from within the utility corridor right-of-way project area and their immediate release on the other side of the temporary fencing into adjacent suitable habitat. Tortoises must be released outside the project corridor in close proximity relative to where each tortoise was captured. The gopher tortoise density after relocation within the designated recipient area shall not exceed either three tortoises per acre, or 1.5 times the existing gopher tortoise density within the recipient area, whichever is greater. This does not authorize placement of tortoises on properties not under control of the permittee. The permittee must obtain written approval from the adjacent landowner granting permission to the permittee to release the tortoises on the landowner's property. The temporary fencing must be removed following completion of the utility project and after the habitat has been restored. Tortoises can then naturally reoccupy restored habitat within the utility corridor.

Gopher tortoises may be released into an on-site enclosure in conformance with the FWC enclosure requirements. Enclosures shall not be located on the opposite side of barriers which deter tortoises from returning to the location where they were originally captured. Enclosure fencing shall be removed before expiration of the permitted maximum temporary exclusion time period or upon project completion, whichever comes first. The final gopher tortoise density within the enclosure shall not exceed three gopher tortoises per acre.

The application information requirements for this permit are the same as for conservation permits with on-site relocation of the affected tortoises. This permit is not intended, and will not be issued, for the installation of local utility service lines that are being installed as a precursor to development or to facilitate the development of the adjacent or surrounding area (e.g., infrastructure for specific development projects, planned subdivisions, or multiple projects or subdivisions). Permit applications for those projects must address impacts to all tortoises and tortoise burrows contained within the entire planned project development boundaries. For major linear utility corridor projects that include the construction of permanent structures used to service or maintain the installed utilities (e.g., gas compressor stations, water wells, pumping stations), the areas where permanent structures would be constructed do not qualify for a

Temporary Exclusion permit and must be permitted separately to permanently relocate gopher tortoises.

Burrow or Structure Protection Permit

Burrow or Structure Protection permits are available when the integrity or utility of an existing structure is jeopardized by one or two burrows and therefore poses a public safety concern (e.g., burrow under a propane tank), or if the safety of the resident tortoise is compromised (e.g., burrows in a grass parking lot, dirt driveway, etc.). Application requirements and tortoise capture and handling procedures are similar to those for 10 or Fewer Burrows permits (See Appendix 11); however, tortoises relocated under a Burrow or Structure Protection permit shall only be relocated on-site. This type of permit may only be issued once a year for a contiguous property under the same ownership. As part of the application process, the applicant must complete the required online training (available at MyFWC.com/GopherTortoise) or the approved equivalent written training, unless the relocation activities are conducted by an Authorized Gopher Tortoise Agent.

In most cases, it is best to live with tortoises and their burrows. Relocations are stressful for gopher tortoises. The process takes time, money, and physical labor. Typical activities associated with residential lawn and landscape maintenance do not require a permit, provided the activities do not collapse gopher tortoise burrows or harm gopher tortoises. Activities that require a permit are listed in Section II, Determining If a Permit Is Required. Visit MyFWC.com/GopherTortoise or contact FWC for more information on living with gopher tortoises.

On-Site Relocation under the Burrow or Structure Protection permit

This permit authorizes landowners or other individuals who have completed FWC online training to capture gopher tortoises (via bucket trapping, hand-shovel excavation, or live trapping) and to relocate tortoises to an on-site location within the property boundaries specified in the application. [**Note:** Only an authorized agent whose permit authorizes the supervision of burrow excavations using mechanical equipment may capture or attempt to capture gopher tortoises using a backhoe.] On-site recipient area criteria follow the same criteria as the 10 or Fewer Burrows permits and can be found in Appendix 11. Landowners may obtain the assistance of an authorized gopher tortoise agent for on-site relocations, as described under *Authorized Gopher Tortoise Agent Permit* above.

Release of tortoises must be accomplished in such a way as to preclude tortoises from returning to their burrows. Penning is not allowed under the Burrow or Structure Protection permit. These permits may require permanent or temporary fencing in an appropriate configuration to exclude tortoises from returning to the compromised burrow. Collapsing or filling those burrows is required upon capture and relocation of the resident tortoises. If fencing is necessary, a brief explanation should be provided in the application addressing why and what methods will be used to restrict tortoise access.

Tortoises cannot be relocated off-site under a Burrow or Structure Protection permit. If adequate suitable gopher tortoise habitat is not available on-site and tortoises must be moved off-site, applicants may qualify for a 10 or Fewer Burrows permit.

Emergency Take without Relocation Permit

This permit will be issued only under limited and specific circumstances, in cases where there is an immediate danger to the public's health and/or safety or in direct response to an official declaration of a state of emergency by the Governor of Florida or a local governmental entity. Applications submitted for this permit must include all information that is required from any other applicant seeking a conservation permit, along with a copy of the official declaration of a state of emergency. This permit process may be handled after the fact or at least after construction activities have already started. It is preferred that contact with FWC should be made as soon as possible to minimize adverse impacts to gopher tortoises and their burrows.

This section does not cover what should happen when a local emergency requiring immediate action to protect human safety and welfare, property, and wildlife and its habitat occurs. Because it is not possible to anticipate every circumstance (*e.g.,* a local oil spill along a highway that contaminates soil adjacent to a gopher tortoise burrow), the best solution would be for anyone encountering an emergency to contact FWC as soon as possible and to request assistance in determining the best course of action to take.

Disturbed Site Permit

Criteria for Relocation of Gopher Tortoises from Disturbed Sites

The Disturbed Site permit may be required in situations where premature disturbance to the vegetation or ground has occurred before gopher tortoise burrow surveys are complete or before gopher tortoise capture and relocation activities have been completed. This permit provides an option for mitigation and relocation of tortoises within disturbed portions of the project area. These permits are not punitive and may or may not be issued in association with FWC law enforcement investigations, but will not be issued until all associated FWC law enforcement investigations have been completed. Survey, capture, and relocation activities must be conducted by an Authorized Gopher Tortoise Agent.

Disturbed Site permits are issued when ***all four criteria*** below are met:

- Evidence of site disturbance to the ground or vegetation must be present on the site and within suitable gopher tortoise habitat
- Site disturbance either prevents:
    - Complete and accurate tortoise burrow surveys from being conducted (15% and 100% surveys as described in FWC guidelines), or;
    - FWC staff from conducting on-site inspections to verify 15% or 100% survey results prior to site disturbance commencing.

- Any one of the following applies:
    - Impact is to any part of the project area with documentation of gopher tortoises burrows on site (e.g., a past, valid, tortoise burrow survey of the disturbed area exists, showing burrows were present; physical evidence that burrows were present; or photographs), or;
    - Evidence of tortoise burrows is visible within the disturbed area, on the property where disturbance occurred, or is within close proximity on adjacent properties, or;
    - Evidence of impact to any tortoise or tortoise burrow.
- Disturbance to the project site has occurred within the past 18 months.

The criteria above may be met before a tortoise permit application has been received by FWC, during the permit application process, or after a permit has been issued, depending on when disturbance activities occur.

If the project site meets all criteria before 100% burrow survey reports and maps are submitted to FWC, or before the 72-hour waiting period after which such reports have been received by FWC, or before the completion of gopher tortoise capture and relocation activities, then active relocation permits or permit applications will be revoked or denied so that a Disturbed Site permit application may be submitted.

In cases where only a portion of the project site is prematurely disturbed and all relocation activities will not be covered under a Disturbed Site permit, another relocation permit (e.g., Conservation permit) will be issued for the remainder of the property. This only applies when discrete and contiguous, undisturbed areas of the project site can be identified.

Disturbed sites require different burrow survey protocols for estimating numbers of tortoises present and calculating mitigation contributions. Refer to Appendix 4 for details.

Mitigation Contributions, Refunds, and Recipient Site Requirements

All mitigation contributions must be submitted before Disturbed Site permits are issued. Mitigation contributions for Disturbed Sites are higher than for other relocation permits to mitigate for tortoises which may be buried underground or have left the project site in response to disturbance activities and cannot be relocated. However, if authorization is requested and granted to relocate more tortoises than is estimated (see Appendix 4) within the Disturbed Site, the additional per-tortoise mitigation contribution specified in Table 1 for Disturbed Sites will not be required for each of the additional tortoises. The FWC may provide a refund for each tortoise (less the 3% administrative service charge assessed by the WFF), up to the number estimated to occur within the Disturbed Site that is successfully captured and relocated as described for each permit type. Refunds for mitigation are provided if no tortoises are relocated only for additional tortoises requested in excess of the number estimated to occur within the Disturbed Site that is authorized for relocation.

Areas within the project site that were not disturbed will be covered in a separate 10 or Fewer Burrows, Conservation or Temporary Exclusion permit. Reduced mitigation for relocation

permits for the first five tortoises (10 burrows) will only be allotted for one of the two permits associated with the project. The disturbed site permit and other associated permit will be applied for concurrently.

All project sites qualify for one of three disturbed site permit types: "10 or Fewer Burrows," "Conservation," or "Temporary Exclusion." The entire project site is considered when determining the permit category, including any undisturbed areas (which are permitted separately). For example, a project site with 10 burrows inside disturbed areas and three burrows outside disturbed area (i.e., a total of 13 burrows) would qualify for a Disturbed Site Conservation permit. In this case, a Disturbed Site Conservation permit would authorize gopher tortoise relocation for the disturbed areas and a separate Conservation permit would authorize gopher tortoise relocation for the undisturbed portion of the project site. Temporary Exclusion Disturbed Site permits only cover the disturbed portion of the project site.

Recipient site requirements for each type of Disturbed Site permit are the same as the requirements for each associated non-disturbed site relocation permit. For example, the requirements for a Disturbed Site 10 or Fewer Burrows permit is the same as the requirements for a 10 or Fewer Burrows permit.

Disturbed Site 10 or Fewer Burrows Permit

The mitigation contribution for this permit follows the standard 10 or Fewer Burrows permit (outlined in Table 1.) with an additional $500 required for each tortoise estimated within the disturbed area. FWC may provide a refund of $500 for each tortoise successfully captured and relocated. In instances where additional tortoises greater than the original permitted number are found, a permit amendment must be requested (with additional mitigation) and received prior to continuing relocation activities.

Disturbed Site Conservation Permit

The mitigation contribution for this permit follows that of the standard Conservation permit (outlined in Table 1.) with an additional $1,500 required for each tortoise estimated within the disturbed area. FWC may provide a refund of $1,500 for each tortoise successfully captured and relocated. In instances where additional tortoises are captured greater than the original permitted number, a permit amendment must be requested (with additional mitigation) and received before additional tortoises are relocated.

Disturbed Site Temporary Exclusion Permit for Major Linear Utility Corridors

The mitigation contribution for this permit follows that of the Temporary Exclusion permit for exclusions of 4-6 months (outlined in Table 1.), with an additional $500 required for each tortoise estimated within the disturbed area. FWC may provide a refund of $500 for each tortoise successfully captured and relocated. In instances where additional tortoises are captured greater than the original permitted number, a permit amendment must be requested (with additional mitigation) and received before additional tortoises are relocated.

Due Process for Gopher Tortoise Permit Applicants

The FWC adheres to the time requirements specified in Chapter 120, Florida Statutes, for processing permit applications. Upon submittal of an application, FWC staff will respond within 30 days requesting any additional information from the applicant. Upon receipt of all information necessary to complete an application, FWC staff will prepare and issue a permit within 90 days (but attempt to accomplish this within 45 days). Any person has a right to challenge the action of FWC on a given permit application. Each permittee is provided an "Election of Rights" form with the issued permit that conveys instructions for filing an informal or a formal hearing request.

Any non-permitted person who believes that their substantial interests would be affected by the action taken by FWC on a gopher tortoise permit application may also petition the agency for a hearing. For information on how to submit such a request, please contact: The Office of General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

Deviations from permitting requirements shall be granted only when the person subject to the requirements demonstrates a substantial hardship not intended by these guidelines and which violates principles of fairness. The person must also demonstrate the goals of the underlying Gopher Tortoise Management Plan will be or have been achieved by other means. For purposes of considering granting a deviation, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the deviation. For purposes of considering granting a deviation, "principles of fairness" are violated when the literal application of rules or guidelines affects a particular person in a manner significantly different from the way it affects other similarly situated persons.

V. HANDLING OF COMMENSAL SPECIES DURING RELOCATIONS

As the keystone species of Florida's uplands, the gopher tortoise provides refuge to more than 350 other species. These commensal species may be intimately tied to tortoise burrows or may be occasional visitors, but the underground microhabitats serve as multi-purpose retreats that are used for feeding, resting, reproduction, and protection from temperature extremes, moisture loss, and predators. Some of the threats to commensal species are similar in nature to those faced by the gopher tortoise and are included in the in the Gopher Tortoise Management Plan. One of the objectives outlined in the Management Plan is to maintain the gopher tortoise's status as a keystone species. Without tortoises creating and maintaining burrows on the landscape many of the commensal species would not occur. The guidelines in Appendix 9 have been created to provide guidance for authorized agents who capture commensal species during gopher tortoise relocations. Emphasis is placed on priority commensal species, with the understanding that these species have habitat needs that generally go beyond those of the gopher tortoise and will, therefore, need to be considered during relocations.

APPENDICES

Appendix 1. Rules and Policies Protecting Gopher Tortoises and Their Burrows

RULE:

68A-27.003 Designation of Endangered Species; Prohibitions.

Sub-paragraph 68A-27.003 (2)(d)3 F.A.C. states: *The gopher tortoise (Gopherus polyphemus) is hereby declared to be State-designated Threatened Species and shall be afforded the protective provisions specified in this subparagraph. No person shall take, attempt to take, pursue, hunt, harass, capture, possess, sell or transport any gopher tortoise or parts thereof or their eggs, or molest, damage, or destroy gopher tortoise burrows, except as authorized by Commission permit or when complying with Commission approved guidelines for specific actions which may impact gopher tortoises and their burrows. A gopher tortoise burrow is a tunnel with a cross-section that closely approximates the shape of a gopher tortoise. Permits will be issued based upon whether issuance would further management plan goals and objectives.*

Gopher Tortoise Enforcement Policy

Florida Fish and Wildlife Conservation Commission
620 South Meridian Street, Tallahassee, FL 32399

POLICY☒; POSITION☐; GUIDELINE☐.

TITLE: **Gopher Tortoise enforcement**

APPROVAL AUTHORITY: OFFICE OF EXECUTIVE DIRECTOR

DATE:

GENERAL POLICY STATEMENT

Agricultural, Silvicultrual, and Wildlife management activities

This policy is for the purpose of enforcement of Chapter 68A-27 relating to Gopher tortoises with respect to agricultural and silvicultural activities or activities intended to improve native wildlife habitat. The adoption of the Gopher Tortoise Burrow rule does not expand pre-existing gopher tortoise regulatory prohibitions or change existing policy or practice with respect to agricultural and silvicultural activities.

An illegal take of a gopher tortoise burrow includes, but is not limited to, damaging, collapsing or covering a gopher tortoise burrow from land clearing, bulldozing, grading, paving, or building construction associated with land development, without a permit issued under Chapter 68A, Florida Administrative Code.

Gopher tortoise or gopher tortoise burrow permits are not required to conduct agricultural activities, silvicultural activities, or activities intended to improve native wildlife habitat. Such activities include, but are not limited to, tilling, planting, mowing, harvesting, prescribed burning, mowing, disking, roller-chopping, and tree-cutting.

Burrow prohibition

The prohibitions related to gopher tortoise burrows will not be applied when a landowner can demonstrate that those burrows are no longer used by gopher tortoises by conducting a gopher tortoise survey in accordance with FWC guidelines.

As stated in Chapter 68A-27 "gopher tortoise burrow" is defined as a tunnel in the ground with a cross-section that closely approximates the shape of a gopher tortoise.

Solely for the purpose of this policy, the presence of one or more of the following characteristics indicates that gopher tortoises or gopher tortoise burrows may be present:

(a) Ground surrounding a burrow entrance shows evidence of gopher tortoise activity including but not limited to presence of a gopher tortoise; gopher tortoise eggs or egg shell fragments; impressions from the bottom shell of the tortoise;

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foot-prints or tracks left by tortoises; scat; obvious feeding trails radiating out and extending into surrounding vegetation);
(b) Sand mound from the burrow excavation apparent at the burrow entrance;
(c) Located in well-drained to moderately well-drained, sandy soils;
(d) Located in sandhill, scrub, coastal dunes, flatwoods, dry prairie, dry hammock communities, or any disturbed version of these plant communities (such as, but not limited to, pastures, old fields, yards, power line corridors, roadsides);
(e) Other burrows with the shape defined above, and with one or more of the characteristics described in (a)-(d) above, located on the site or in proximity on adjacent property.

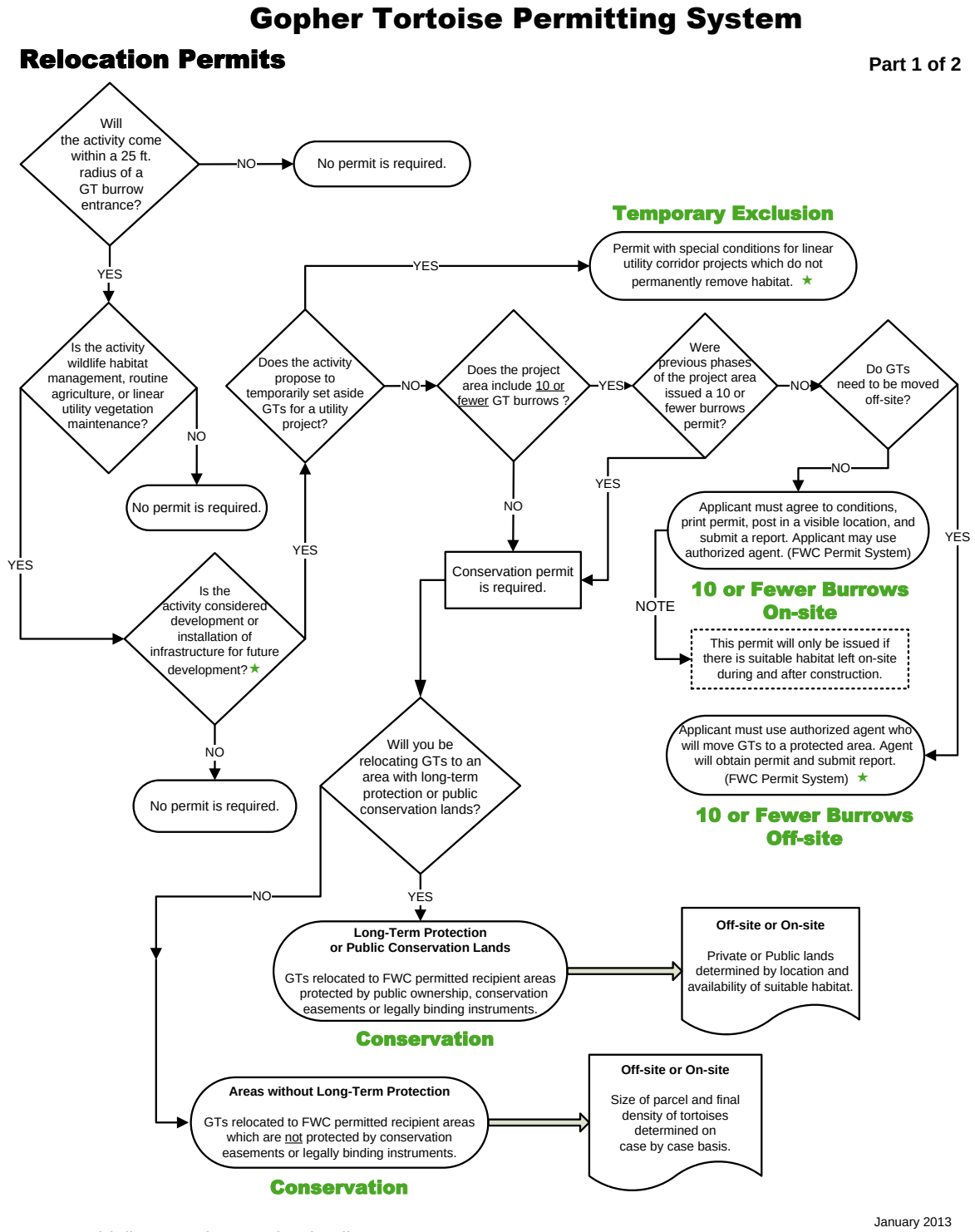
This policy will remain in effect until replaced with policy or rule.

Signature on file

Kenneth Haddad, Executive Director

3/6/08
date

Appendix 2. FWC Gopher Tortoise Permitting System Process Map



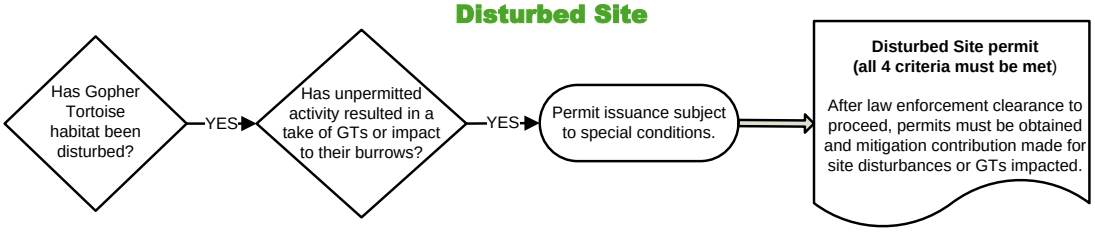
★*See guidelines or glossary for details.*

Gopher Tortoise Permitting System

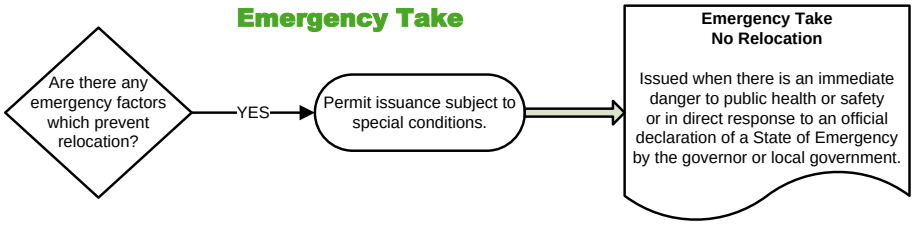
Special Permits

Part 2 of 2

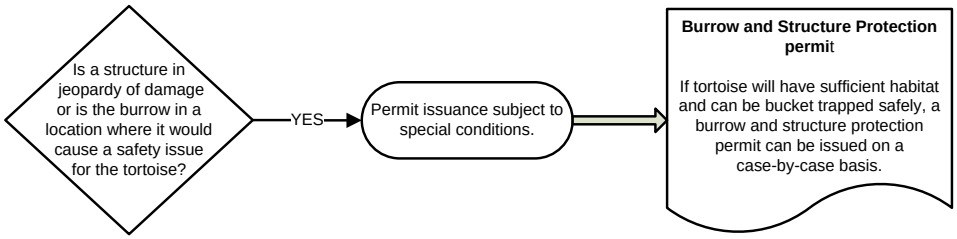
Disturbed Site



Emergency Take

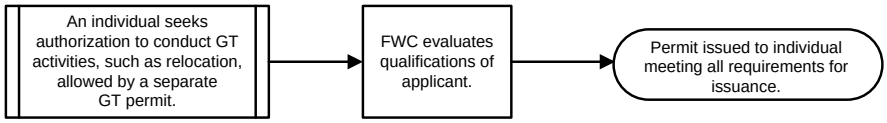


Burrow or Structure Protection

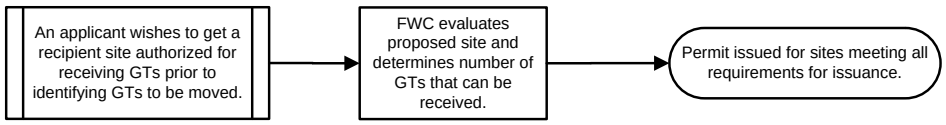


Authorizing Permits

Authorized Agent



Recipient Site



January 2013

Appendix 3. Information Needed for Relocation Permit Applications and Recipient Site Permit Applications

Although each permit type has additional specific information that will be required on application forms either online or in hard copy, this appendix outlines the primary information that FWC staff will need to process applications for relocation permits and recipient site permits.

General information needed for relocation permits and recipient site permits:

1. Name and contact information of the authorized agent that will be performing the gopher tortoise activities. Mailing and physical addresses are needed, as well as phone and facsimile numbers and e-mail addresses.

2. Certification: Applicant must certify by signature that the information and supporting documents submitted are complete and accurate.

3. Name and all contact information for the property owner (for development sites, also provide the developer's name and contact information if different from that of the property owner).

4. Location map and directions to the site**:** Must provide sufficient detail (e.g., identify all adjacent roads, water bodies, and other major physical landmarks) to allow vehicular access for FWC inspection. All maps submitted during the application process should be in an 8.5x11-inch or 8.5x14-inch in format.

5. Most current digital orthoquad or equivalent one-meter resolution aerial photograph of the site**:** Scale of 1 inch = 800 feet or less.

6. Parcel identification**:** Provide latitude/longitude coordinates; section/township/range; parcel identification number (PID), which can be obtained from the county property appraiser's office; and deed showing proof of ownership. For development sites, also provide the name of the project; for recipient sites, provide the name of the property (if applicable). For temporary exclusion permit applications for major utility corridors, PIDs are not required, and latitude/longitude coordinates must be provided for only the beginning and end points of the utility corridor.

7. Habitat types**:** Provide a table listing existing land uses (i.e., vegetation community types) by acres (along with corresponding land cover maps) for the entire project and for all potential tortoise habitats to be impacted. For temporary exclusion permit applications, completion of the land use table is optional, but the land cover map must be provided. For recipient site applications, provide this habitat information (and maps) for the entire property and for the specific phase or parcel within the property proposed for relocation/restocking. For each community type on recipient sites, describe the condition, characteristics, land use history, and other factors that may influence tortoise habitat

quality and/or manageability. Accepted sources for land use classifications are as follows:

- Florida Department of Transportation (DOT)–Florida Land Use, Cover and Forms Classification System (FLUCFCS); or
- FWC Center for Biogeographic Spatial Assessment-LANDSAT (i.e., satellite imagery).

8. Soils**:** In tabular form, provide a list of soil types, average depth to the seasonal high water table (DWT), and acreage for each soil found within the entire project and potential tortoise habitat to be impacted (development sites) and within the specific phase or parcel of the property proposed as a recipient site; also provide corresponding soils maps. The accepted source for soil type classification is the Natural Resources Conservation Service (NRCS) Web Soil Survey database that can be accessed at: www.soils.usda.gov. For temporary exclusion permit applications, completion of the soils table is optional, but soils maps must be provided.

9. Current gopher tortoise population size and density (tortoises per acre)**:** Provide a map depicting current locations of tortoise burrows and indicate burrow activity (potentially occupied vs. abandoned, see Glossary and Appendix 4). Burrow survey methods are outlined in Appendix 4. Show all transects, as well as observed burrows and their activity status, overlain on the map of potential tortoise habitat.

Additional information required for relocation permits:

1. Provide the proposed start date for the development.

2. Indicate whether tortoises are proposed to be relocated on-site or off-site, and provide the necessary location and contact information for the designated off-site recipient area, if known. You may use the online recipient site locator mapping tool (MyFWC.com/GopherTortoise) to find available recipient sites or contact FWC. All applicants must provide proof of reserved capacity at a recipient site(s) to accommodate all gopher tortoises to be relocated from the entire permitted donor site, with the reservations maintained for the duration of the issued permit.

3. If the relocation is to occur on-site, provide all the necessary information needed for recipient sites (size of on-site preserve, location within the project, habitat types, soils, proposed stocking density, etc.). On-site recipient areas may have site-specific requirements imposed as part of the permit to reduce potential harm to tortoises. For temporary exclusion permit applications, completion of the habitat types/land use table and the soils table are not required, but the land use and soils maps must be provided.

4. Submit a development plan or proof of local government approval (in the form of preliminary or final subdivision plat, or master planned unit development approval;

Development of Regional Impact [DRI] development order; or authorization to commence clearing, grading, or construction activities) for the proposed development activity.

5. For temporary exclusion permits (major utility corridors), indicate the location of the exclusion fencing on the habitat map.

Additional information required for recipient site permits:

1. Calculated stocking rate: As described in the criteria for recipient sites, provide both the number of additional tortoises requested for release on the site and the final, post-relocation tortoise density results. To calculate current tortoise population size, baseline density, and stocking rate, consider only tortoises greater than or equal to 130 mm (5 inches) in carapace length. Eggs and juvenile tortoises are not considered in these calculations because of their low survivorship and minimal effect on the recipient site forage base.

2. Vegetation survey data: Provide vegetation data including transect line/belt, and sampling station locations; intervals between sampling stations; measurements at each sampling station; cover classes at each herbaceous cover sampling station; total measurements for canopy, shrub, and herbaceous cover; and percent canopy, shrub, and herbaceous cover (Refer to Appendix 7.).

3. Perimeter: After the recipient site's perimeter boundaries have been permanently established (and approved by FWC), the perimeter must either be clearly marked with boundary posts or have boundary points recorded on a GPS unit, at no less than 500 linear-foot intervals and at boundary turning points, to facilitate boundary identification by FWC.

4. Enclosures: Requirements for using enclosures to temporarily contain the tortoises within the recipient area are described in the guidelines under Recipient Site permits. The applicant must provide information on enclosure(s) size, location, enclosure materials, and proposed tortoise density within enclosures (noting that maximum density within enclosures cannot exceed 1.5 times the final stocking density for the recipient site). The location of the proposed enclosures must be included on a map of the site.

5. Draft conservation easement: The conservation easement should conform to the standard format available from FWC (as found in Appendix 8) and any changes to the standard must be provided in track changes with all proposed additions underlined, all proposed deletions indicated by a strike-through. Explanations for each addition or deletion made must also be included. The easement must also include a survey and legal description, title search/commitment, and draft habitat management plan (described below).

6. Habitat management plan: Site management plans shall contain the following: both qualitative and quantitative baseline information that describes existing conditions; goals of future management actions; description of invasive exotic infestations and proposed control program; list and timeline for implementing management activities; quantifiable desired future conditions for canopy cover and herbaceous ground cover; schedule and methods for conducting tortoise population monitoring and habitat monitoring; remedial actions if proposed activities do not achieve desired results; estimate of annual management budget for the site. Below is a list of the major habitat management elements that are required as part of the application package.

    - *Base map***:** Indicate property boundaries, land use cover types, management units, and baseline density transect locations with corresponding density values.
    - *Tree canopy management activities/timelines**:*** Describe practices and treatment intervals that will be used to maintain canopy cover at 60% or less.
    - *Ground cover management activities/timelines**:*** Describe practices and treatment intervals that will be used to maintain herbaceous ground cover at 30% or more; if applicable, include treatment practices for problematic exotic plants. Refer to Florida Exotic Pest Plant Council (www.fleppc.org) for a list of species.
    - *Compatibility of proposed land uses:* Describe what types of land uses are proposed for the site and how activities related to these land uses would be conducted to foster the open canopy and herbaceous ground cover noted above, while not adversely affecting the ability of gopher tortoises to excavate and maintain their burrows or to otherwise inhabit and utilize the site.
    - *Other habitat enhancement proposed:* Describe proactive measures that could enhance tortoise site fidelity, e.g., forage plantings, fencing.
    - *Tortoise population and habitat monitoring***:** Recipient site operators are required to submit a summary of the habitat management conducted and the results of habitat monitoring and tortoise density surveys in a report to FWC every three years; guidelines regarding survey methods, and a template for the report, will be provided.
    - Costs estimates: Include a table (see example below) that lists the estimated costs of one-time and ongoing long-term habitat and site management.

Table 1. Categories of long-term, ongoing land management costs (If $0.00, indicate so.)

Upland Activities	Cost/Acre	Cost/Acre/Year	Assumptions/Frequency
Burning	$	$	
Fencing (temporary or permanent)	$	$	
Fire lines	$	$	
Security	$	$	
Vegetation management	$	$	
Administrative	$	$	
Invasive Plant & Animal Management	$	$	
Monitoring and reporting	$	$	
Vegetation monitoring	$	$	
Equipment (if not already included in other costs above)	$	$	
Other (add additional categories as needed)	$	$	
Total		$	

7. Financial assurance: The purpose of the financial assurance instrument is to ensure that adequate funds will be generated and provided for the long-term management of gopher tortoise habitat within the recipient site. When FWC issues a permit for activities that impact species, the permittee may be required, as part of the mitigation, to protect property and habitat. Typically, the permit will require permittees or their successors to actively manage the property in a way that will enhance or maintain the property.

   In so doing, the applicant must demonstrate sufficient financial assurance to ensure that funding will be available in the timing and amounts necessary to appropriately manage the property for the duration specified in the permit. The applicant must provide supporting documentation to FWC to demonstrate such financial assurances. The FWC will accept the following forms of financial assurance from a recipient site applicant:

   - trust fund
   - performance bond
   - irrevocable letter of credit
   - general appropriation or allocation approved by a public governing body (e.g., Florida Legislature) for habitat management (public conservation lands only)

The above options are designed to balance the levels of financial assurance to FWC and the relative burden on the permittee. Appendix 3-1 sets forth guidelines for the financial assurance underpinning the above-listed financial mechanisms.

In addition to the standard financial assurance guidelines set forth in Appendix 3-1, when a recipient site applicant uses a Trust Fund to satisfy the financial assurance requirement, either of the options described below may be considered by FWC.

1) Establish a Habitat Management Trust Fund that is fully funded when the recipient site is established. The per-acre endowment required for recipient sites would be determined on a case-by-case basis and based on the annual cost per-acre required to manage the site (e.g., a 200-acre site requiring $20/acre per year for management would require an endowment of $500/acre, or $100,000 total). In addition to the standard financial assurance guidelines set forth in Appendix 3-1, when a recipient site applicant uses a Trust Fund to satisfy the financial assurance requirement, either of the options described below may be considered by FWC. The investment objective of the Trust Fund is to ensure sufficient investment returns such that the principal endowment is not eroded.

2) Establish a Habitat Management Trust Fund that is incrementally funded, such that additional funds are added to the Trust Fund as each relocated gopher tortoise is received at the recipient site. The initial endowment should at least be equal to the amount of money required to implement one complete cycle of habitat management within the permitted phase(s) of the recipient site (e.g., burn or roller chop the permitted recipient site). The applicant is responsible for adding additional funds to the Trust Fund as each relocated gopher tortoise is received at the recipient site, such that the Trust Fund is fully funded by the time all gopher tortoises that are authorized for relocation to the recipient site have been received. The per-acre endowment required for recipient sites would be determined on a case-by-case basis and based on the annual cost per-acre required to manage the site.

As discussed in Section II of Appendix 3-1, the cost estimate supporting the face value of the financial assurance mechanism is contingent on a number of factors, including:

- The dollar amount needed to fund the total habitat management;
- The number of gopher tortoises authorized for relocation to the recipient site; and
- The investment performance of the Trust Fund.

Other forms of financial assurance may be appropriate, e.g., general appropriation or allocation approval by a public governing body (e.g., Florida Legislature) for habitat management as it relates to public conservation lands. This, and other forms of financial assurances, is acceptable at the sole discretion of FWC, pursuant to the financial assurance guidelines set forth in Appendix 3-1.

Appendix 3-1. Financial Assurance Guidelines for Long-term Protected Recipient Sites

This Appendix sets forth guidelines to support the Applicant in securing and maintaining Financial Assurance as required to provide for the long-term habitat management activities detailed in the recipient site's Habitat Management Plan, specifically long-term management of gopher tortoise habitat within the recipient site.

I. Definitions

Except as otherwise provided in this Appendix, definitions for the terms presented herein shall be incorporated with the FWC Gopher Tortoise Permitting Guidelines. Whenever the terms set forth below are used in this Appendix, the definitions set forth below shall apply.

Anniversary Date - the annual anniversary of the date that Financial Assurance is provided unless otherwise stated in this Appendix.

Applicant -the name of the Applicant, and as applicable, any Guarantor.

Cost Estimates – the estimated cost of conducting management activities delineated in the recipient site's Habitat Management Plan and the recipient site permit, as applicable under the Gopher Tortoise Permitting Guidelines and as approved by FWC.

Current Dollars - U.S. dollars in the year actually received or paid, unadjusted for price changes or inflation.

Financial Assurance - a written demonstration of financial capability, in compliance with the terms of this Appendix, to meet the obligations associated with implementing the management activities delineated in the recipient site's Habitat Management Plan, as required in the recipient site permit, in an amount at least equal to the approved Cost Estimates.

Financial Mechanism - those mechanisms or instruments specified in this Appendix used to secure funding for an obligation under the recipient site permit and Cost Estimates.

Guarantee - agreements where a second entity assumes responsibility for the payment of a debt or performance of an obligation if the entity primarily responsible fails to perform. The entity providing the Guarantee is the Guarantor.

Long-term Care - activities required pursuant to the recipient site permit and Cost Estimates, including long-term management of gopher tortoise habitat.

Obligations - commitments associated with the long-term management of gopher tortoise habitat within the recipient site. These obligations include the management activities set forth in the recipient site's Habitat Management Plan.

Plan Work - the work required to implement the recipient site's Habitat Management Plan pursuant to the recipient site permit and the Gopher Tortoise Permitting Guidelines (as applicable in the context of this Appendix).

Related Party - affiliates of the recipient site Permittee; trusts for the benefit of employees, such as pension and profit-sharing trusts managed by the recipient site Permittee; principal owners of the recipient site Permittee's enterprise or its management; members of the immediate families of the principal owners of the recipient site Permittee's enterprise and its management.

Third-Party Mechanism - a trust fund (or endowment account), surety bond, or irrevocable letter of credit.

II. Cost Estimates

As a part of the recipient site permit application, the Applicant shall submit to FWC for approval its initial Cost Estimate submission, which shall include a detailed written Cost Estimate for habitat management activities delineated in the recipient site's Habitat Management Plan. The Trust Fund management fee shall also be included and equal the annual percentage rate charged by the Trustee. The Applicant shall not include in the Cost Estimates any credit for salvage values. The Applicant must not include any taxes associated with the Trust Fund as taxes must be paid outside corpus of the Trust.

III. Financial Assurance for Management Activities set forth in Recipient Site's Habitat Management Plan

1) As part of the recipient site permit application, pursuant to FWC 's approval of Applicant's Cost Estimates, consistent with the monitoring report requirements, the Applicant shall provide to FWC an originally signed certification by Applicant, together with supporting documentation, confirming that it has secured Financial Assurance for management activities in the Applicant's Habitat Management Plan. The Financial Assurance must initially be provided in an amount no less than that needed to implement one complete cycle of habitat management activities in accordance with the Cost Estimates, pursuant to the requirements of the recipient site permit. The long-term Financial Assurance must be provided in an amount that is sufficient to generate annually in interest (at a 4% rate of return) the money needed for the Cost Estimates required to fund the annual habitat management activities.

2) Once the Applicant establishes Financial Assurance for the management activities in the Habitat Management Plan, it shall maintain such Financial Assurance pursuant to the guidelines established in this Appendix unless FWC approves a request to provide alternate Financial Assurance. If the Applicant wishes to request such a change, Applicant shall submit to FWC for approval: (a) an originally signed certification by Applicant, together with supporting documentation, explaining in detail the reasons for the request; and (b) proposed Financial Assurance, compliant with the applicable guidelines of this Appendix, that can become effective within thirty (30) days of FWC's approval. The Applicant shall not cancel its existing Financial Assurance for management activities detailed in the recipient's Habitat

Management Plan until it receives FWC 's written approval of Applicant's request and the alternate Financial Assurance is in effect (*e.g.*, trust fund is funded).

a) Applicant shall use the Cost Estimates generated pursuant to Section II. Applicant shall provide Financial Assurance in an amount at least equal to the approved Cost Estimate.
b) Applicant shall choose from the following list of Financial Mechanisms, including trust fund (or endowment account) for interim measure and/or long-term care, provided that the Trustee of any Trust Fund shall not be a Related Party to Applicant. An irrevocable Letter of Credit or surety bond may be used solely as an interim measure for purposes of financial assurance, provided that the provider of any letter of credit or surety bond shall not be a Related Party to Applicant. Applicant shall word the Financial Mechanism as specified in Attachment B.
    i) For a trust fund, unless otherwise allowed by FWC, Applicant shall fully fund the trust when the recipient site is established.
        (1) If Applicant is unable to fully fund the trust fund, as specified above, FWC may allow Applicant to establish a Habitat Management Trust Fund that is incrementally funded, such that additional funds are added to the Trust Fund as each relocated gopher tortoise is received at the recipient site. The initial endowment should at least be equal to the amount of money required to implement one complete cycle of habitat management within the permitted phase(s) of the recipient site (e.g., burn or roller chop the permitted recipient site). The applicant is responsible for adding additional funds to the Trust Fund, as each relocated gopher tortoise is received at the recipient site, such that the Trust Fund is fully funded by the time all gopher tortoises that are authorized for relocation to the recipient site have been received. The per-acre endowment required for recipient sites would be determined on a case-by-case basis and based on the annual cost per-acre required to manage the site.
        (2) Applicant shall use the draft trust agreement template in Attachment B-1 to this Appendix for the trust agreement. The trust agreement must be accompanied by a formal certification of acknowledgment as set forth in Attachment B-1. Applicant shall update Schedule A of the trust agreement within sixty (60) days after a change in the amount of the Cost Estimates.
        (3) The Trustee and any Successor Trustee must be approved in advance by FWC.
        (4) The Trustee should invest the Fund in a combination of investment grade corporate securities, investment grade municipal securities, and U.S. Treasuries, or other investments that are likely to generate a 4% return on interest.
    ii) For a surety bond guaranteeing payment or performance of interim measures, Applicant shall use the performance bond template specified in Attachment B-2. In addition:
        (1) Applicant shall provide an originally signed certification documenting that the surety has at least a secured financial strength rating of A by A.M. Best or an equivalent rating by a Nationally Recognized Statistical Rating Organization (or NRSRO).
        (2) Upon notice to Applicant and the Surety of a determination by FWC that Applicant is out of compliance on the management activities required in the

recipient site's Habitat Management Plan as required by the recipient site permit, and following the conclusion of any dispute resolution, the Surety under the terms of the bond will perform the management activities as directed by FWC or will deposit the amount of the penal sum of the surety bond into a standby trust fund.

iii) For a letter of credit, Applicant shall use the irrevocable standby letter of credit template in Attachment B-3. In addition:
   (a) Applicant shall provide an originally signed certification by documenting that the provider of the letter of credit is a federally insured financial institution.
   (b) Upon notice to Applicant of a determination by FWC that Applicant has failed to perform the management activities set forth in the recipient's Habitat Management Plan as required by the recipient site permit, and following the conclusion of any dispute resolution, FWC may draw on the letter of credit.

c) If Applicant seeks to provide:
   i) More than one Third-Party Mechanism to demonstrate Financial Assurance for the management activities set for forth in the recipient site's Habitat Management Plan, or for purposes of interim measures, the Applicant shall submit to FWC an originally signed certification verifying that the Third-Party Mechanisms do not incorporate terms subrogating one financial mechanism to another, i.e., designating a prioritization for the release of the funds or the payment of a claim. The FWC, if the need arises, will determine the priority for the release of funds or payment of a claim.

d) A Financial Mechanism ensuring Financial Assurance at more than one site, the Applicant:
   i) Shall not provide a single trust fund to cover multiple sites in different States, but shall provide Florida with its own distinct trust; and
   ii) May use the same letter of credit or surety bond for multiple sites provided that the following conditions are met: (i) the sites, and the amounts associated with each particular site are clearly specified in the financial mechanism; and (ii) the financial mechanism clearly states that there can be a release of funds for a specified site without requiring the entire obligation covered by the Financial Mechanism to be placed in the associated stand-by trusts.

e) If Applicant is using a Trust Fund, Letter of Credit, or Surety Bond, the corpus of the trust fund, the penal sum of the payment surety bond, or the value of the letter of credit shall not be reduced to reflect reductions in the Cost Estimates until such time as the corpus, penal sum or value of the letter-of-credit is equivalent to the sum of the amount of money required to complete one management cycle under the reduced costs estimates, plus all additional funds that were required to be added to the Financial Mechanism for each relocated gopher tortoise that has been received at the recipient site.

f) If Financial Assurance is provided by multiple Third-Party Mechanisms pursuant to the guidelines of this Appendix, the individual value of the Third-Party Mechanisms shall not be reduced to reflect any reductions in the Cost Estimates until such time as the annual Cost Estimate is equivalent to the sum of the total obligations covered by the Third-Party Mechanisms.

IV. Business Transactions

3) No transfer of ownership or operation of the site shall relieve Applicant of its Financial Assurance obligations as established under the recipient site permit, except as provided in Sections 9 and 10, below.

4) At least thirty (30) days prior to any transfer, Applicant shall submit to FWC information explaining the proposed transfer in detail and stating whether Applicant requests the transfer of its Financial Assurance responsibilities to the Transferee pursuant to Gopher Tortoise Permitting Guidelines.

5) In the event of a transfer of site ownership or operation:
   a) If Applicant is to retain its Financial Assurance obligations upon the transfer of the site, Applicant shall establish a trust fund in accordance with this Appendix into which Applicant shall fully fund the present value (PV) of costs associated with conducting the management activities included in the recipient site's Habitat Management Plan.
   b) Applicant shall establish and fund the trust fund, as well as provide FWC the appropriate documentation evidencing the trust fund, by the date of the site transfer. The portion of funds vested in the trust fund that are not required to meet annual withdrawals shall be invested according to the provisions described in Paragraph 2.b. above.

6) If Transferee agrees to assume Applicant's Financial Assurance obligations, Applicant shall submit to FWC for approval an originally signed certification by Transferee, together with supporting documentation, explaining in detail its ability to provide Financial Assurance pursuant to the guidelines of this Appendix and agreeing to provide the Financial Assurance if approved by FWC pursuant to the recipient site permit and Cost Estimates. Applicant shall comply with the guidelines of subparagraph 10.a, above, until: (1) FWC has approved Transferee's proposed Financial Assurance; (2) FWC consents to the transfer of obligations pursuant to the Gopher Tortoise Permitting Guidelines; (3) Transferee has established the approved Financial Assurance; and (4) FWC has given its consent for Applicant to cancel its Financial Assurance.

7) In the event of a business transaction that results, or Applicant determines will result, in an adverse material change to Applicant's financial or corporate structure such that Applicant or its successor has insufficient financial capability operating to meet long-term (greater than one (1) year) financial liabilities as represented on the Applicant's or successor's audited balance sheet and to comply with the Financial Assurance guidelines of this Appendix, Applicant shall provide notice to FWC within fourteen (14) days of identifying such adverse material change and comply with the guidelines for Financial Assurance in Paragraph 10.a. above.

V. Reservation of Rights

8) FWC reserves the right to determine at any time that the Financial Assurance provided by Applicant no longer satisfies the guidelines of this Appendix. FWC may base this determination on Applicant's failure to provide notices or documentation required by this Appendix as well as on a substantive evaluation of Applicant's Financial Assurance. Within

thirty (30) days of written notice from FWC that Applicant's Financial Assurance no longer satisfies the guidelines of this Appendix or the referenced Gopher Tortoise Permitting Guidelines, Applicant shall submit to FWC for approval revised or alternate Financial Assurance that satisfies the guidelines of this Appendix. Applicant shall not cancel the existing Financial Assurance until the revised or alternate Financial Assurance has been approved by FWC and FWC has provided written consent permitting Applicant to cancel the existing Financial Assurance.

Attachment B-1. Draft Trust Agreement
[NOTE TO PREPARERS: PLEASE USE "TRACK CHANGES' WHEN YOU REVISE THIS FORM FOR SUMMITAL TO FWC. IF YOU DO NOT USE "TRACK CHANGES" FWC REVIEW OF THE FORM MAY BE SIGNIFICANTLY SLOWED. PLEASE INCLUDE A COMMENT THAT EXPLAINS THE REASON FOR EACH CHANGE.]

Instructions: The trust agreement for a trust fund or endowment account shall be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted. The Grantor may enter into an addendum to the Trust Agreement ("Addendum") required by the Trustee, provided that: (1) the Addendum supplements and does not contain terms that conflict, supersede, revise or alter the terms of the Trust Agreement, and (2) the Addendum is approved by Florida Fish and Wildlife Conservation Commission ("FWC") in advance, such approval is within FWC's unreviewable discretion.

Trust Agreement

Trust Agreement, the "Agreement," entered into as of [date] by and between [name of the Gopher Tortoise permit recipient], a [name of State] [insert "corporation," "partnership," "association," "individual," or "proprietorship"], the "Grantor," and [name of corporate trustee], [insert "incorporated in the State of ----" or "a national bank"], the "Trustee."

Whereas, the Grantor has received a permit from the Florida Fish and Wildlife Conservation Commission, "FWC," an agency of the State of Florida, to operate a gopher tortoise recipient site and per the terms of that permit, has placed certain lands it owns under a Conservation Easement for Habitat Management for the purpose of providing protected Florida habitat on private land for the gopher tortoise (hereinafter referred to as the "[name of Recipient Site Unit]"); and.

Whereas, the Grantor has elected to establish a trust to provide all or part of such financial assurance for the facilities identified herein,

Whereas, the Grantor, acting through its duly authorized officers, has selected the Trustee to be the trustee under this agreement, and the Trustee is willing to act as trustee,

Whereas, the Beneficiary, acting through its duly authorized officers, has approved the selection of the Trustee,

Now, Therefore, the Grantor and the Trustee agree as follows:

Section 1. Definitions. As used in this Agreement:

(a) The term "Grantor" means the Gopher Tortoise permit recipient site Permittee who enters into this Agreement and any successors or assigns of the Grantor.

(b) The term "Trustee" means the Trustee who enters into this Agreement and any successor Trustee.

(c) The term "Beneficiary" means FWC and any successor state entity.

Section 2. Identification of Facilities and Cost Estimates. This Agreement pertains to the lands and cost estimates identified on attached Schedule A [on Schedule A, for each land area, list FWC Permit Number, applicant name, address, and the current gopher tortoise habitat management cost estimates, or portions thereof, for which financial assurance is demonstrated by this Agreement].

Section 3. Establishment of Fund. The Grantor and the Trustee hereby establish a trust fund, the "Fund," for the benefit of FWC. The Grantor and the Trustee intend that no third party have access to the Fund except as herein provided. The Fund is established initially as consisting of the initial endowment, which is acceptable to the Trustee, described in Schedule B attached hereto. Such property and any other property subsequently transferred to the Trustee is referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement. The Fund shall be held by the Trustee, IN TRUST, as hereinafter provided. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor, any payments necessary to discharge any liabilities of the Grantor established by FWC.

Section 4. Payment for Gopher Tortoise Habitat Management. The Trustee shall make payments from the Fund only as directed in writing by FWC's Executive Director or designee in accordance with Section 14 below, to provide for reimbursements to the Grantor or other persons from the Fund for the payment of the costs of Gopher Tortoise Habitat Management at the lands covered by this Agreement. In addition, the Trustee shall refund to the Grantor only such amounts as FWC [Agency Head (or designee)] specifies in writing. Upon refund, such funds shall no longer constitute part of the Fund as defined herein.

Section 5. Payments Comprising the Fund. Payments made to the Trustee for the Fund shall consist of cash or securities acceptable to the Trustee.

Section 6. Trustee Management. The Trustee shall invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, which the Grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this Section and the investment guidelines prescribed in FWC's Gopher Tortoise Permitting Guidelines. In investing, reinvesting, exchanging, selling, and managing the Fund, the Trustee shall discharge his/her duties with respect to the trust fund solely in the interest of the Beneficiary and with the care, skill, prudence, and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like character and with like aims; except that:

(a) Securities or other obligations of the Grantor, or any other owner or operator of the facilities, or any of their affiliates as defined in the Investment Company Act of 1940, as amended, 15 U.S.C. 80a-2.(a), shall not be acquired or held, unless they are securities or other obligations of the Federal or a State government;

(b) The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the Federal or State government; and

(c) The Trustee is authorized to hold cash awaiting investment or distribution un-invested for a reasonable time and without liability for the payment of interest thereon.

Section 7. Commingling and Investment. The Trustee is expressly authorized in its discretion:

(a) To transfer from time to time any or all of the assets of the Fund to any common, commingled, or collective trust fund created by the Trustee in which the Fund is eligible to participate, subject to all of the provisions thereof, to be commingled with the assets of other trusts participating therein; and

(b) To purchase shares in any investment company registered under the Investment Company Act of 1940, 15 U.S.C. 80a-1 et seq., including one which may be created, managed, underwritten, or to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote such shares in its discretion.

Section 8. Express powers of Trustee. Without in any way limiting the powers and discretions conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

(a) To sell, exchange, convey, transfer, or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expediency of any such sale or other disposition;

(b) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;

(c) To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depositary even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depositary with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve bank, but the books and records of the Trustee shall at all times show that all such securities are part of the Fund;

(d) To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of the Federal or State

government; and

(e) To compromise or otherwise adjust all claims in favor of or against the Fund.

Section 9. Taxes and Expenses. All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid directly by the Grantor. All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee shall be paid directly by the Grantor. To the extent such fees are not paid by the Grantor, and upon the express written approval of the Beneficiary, the Trustee shall be paid from the Fund.

Section 10. Annual Accounting. The Trustee shall, every twelve (12) months from the date of establishment of the Fund, furnish to the Grantor and to the appropriate FWC contact person [Agency Head (or the designee)], a statement confirming the value of the Trust and a cumulative and calendar year accounting of the amount the Trustee has released from the Fund for reimbursement of Gopher Tortoise Habitat Management expenditures. The Trustee shall furnish additional valuation statements and accountings of the released funds to the Grantor and to the appropriate FWC contact person [Agency Head (or designee)], as instructed in writing by FWC [Agency Head (or designee)]. Any securities in the Fund shall be valued at market value as of no more than sixty (60) days prior to the anniversary date of establishment of the Fund. The failure of the Grantor to object in writing to the Trustee within ninety (90) days after the statement has been furnished to the Grantor and FWC [Agency Head (or designee)] shall constitute a conclusively binding assent by the Grantor, barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

Section 11. Advice of Counsel. The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any question arising as to the construction of this Agreement or any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

Section 12. Trustee Compensation. The Trustee shall be entitled to reasonable compensation for its services as agreed upon in writing with the Grantor.

Section 13. Successor Trustee. The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor trustee, subject to advance approval by FWC, and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer, and pay over to the successor trustee the funds and properties then constituting the Fund. If for any reason the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall specify the date on which it assumes administration of the trust in a writing sent to the Grantor, FWC [Agency Head (or designee)],], and the present Trustee by certified mail 10 days before such change

becomes effective. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 9.

Section 14. Instructions to the Trustee.

(a) All orders, requests, and instructions by the Grantor to the Trustee shall be in writing, signed by such persons as are designated in the attached Exhibit A or such other designees as the Grantor may designate by amendment to Exhibit A. The Trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests, and instructions.

(b) All orders, requests, and instructions by FWC [Agency Head (or designee)] to the Trustee shall be in writing, signed by the appropriate FWC [Agency Head (or designee)], unless otherwise indicated in instructions to the Trustee as signed by FWC [Agency Head (or designee)]. Initial instructions by FWC [Agency Head (or designee)] to the Trustee are attached as Exhibit B. New, revised or amended instructions by FWC [Agency Head (or designee)] to the Trustee will be dated and appended hereto in this Exhibit and shall be designated Exhibit B followed by a numeric designation (e.g., Exhibit B-1, Exhibit B-2). The Trustee shall act and shall be fully protected in acting in accordance with FWC [Agency Head (or designee)] orders, requests, and instructions.

(c) The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or a termination of the authority of any person to act on behalf of the Grantor or FWC [Agency Head (or designee)] hereunder has occurred. The Trustee shall have no duty to act in the absence of such orders, requests, and instructions from the Grantor or FWC [Agency Head (or designee)], except as provided for herein and found in Exhibit B.

Section 15. Notice of Nonpayment. The Trustee shall notify the Grantor and the appropriate FWC [Agency Head (or designee)], by certified mail within ten (10) days following the expiration of the thirty (30)-day period after the anniversary of the establishment of the Trust, if no payment is received from the Grantor during that period. After the pay-in period is completed, the Trustee shall not be required to send a notice of nonpayment.

Section 16. Amendment of Agreement. This Agreement may be amended by an instrument in writing executed by the Grantor, the Trustee, and the appropriate FWC [Agency Head (or designee)], or by the Trustee and the appropriate FWC [Agency Head (or designee)] if the Grantor ceases to exist.

Section 17. Irrevocability and Termination. Subject to the right of the parties to amend this Agreement as provided in Section 16, this Trust shall be irrevocable and shall continue until terminated at the written agreement of the Grantor, the Trustee, and FWC [Agency Head (or designee)], or by the Trustee and FWC [Agency Head (or designee)] if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered to the Grantor.

Section 18. Immunity and Indemnification. The Trustee shall not incur personal liability of any

nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any directions by the Grantor and/or FWC [Agency Head (or designee)] issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor or from the Trust Fund, or both, from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all expenses reasonably incurred in its defense in the event the Grantor fails to provide such defense.

Section 19. Choice of Law. This Agreement shall be administered, construed, and enforced according to the laws of the State of Florida.

Section 20. Interpretation. As used in this Agreement, words in the singular include the plural and words in the plural include the singular. Whenever the term "[Agency Head (or designee)]" are used, they shall be construed to include the term "or his/her designee". The descriptive headings for each Section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

In Witness Whereof the parties have caused this Agreement to be executed by their respective officers duly authorized and their corporate seals to be hereunto affixed and attested as of the date first above written:

[Signature of Grantor]
[Title]

Attest:

[Title]

[Seal]

[Signature of Trustee]

Attest:

[Title]

[Seal]

State of _____ County of _____
On this [date], before me personally came [owner or operator] to me known, who, being by me duly sworn, did depose and say that she/he resides at [address], that she/he is [title] of [corporation], the corporation described in and which executed the above instrument; that she/he knows the seal of said corporation; that the seal affixed to such instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that she/he signed her/his name thereto by like order.

[Signature of Notary Public]

Attachment B-2. Draft Gopher Tortoise Financial Assurance Performance Bond

Florida Fish and Wildlife Conservation Commission
[Letterhead of Bond Issuer]
PERFORMANCE BOND

Surety's Performance Bond Number: _____
Date of Execution of Performance Bond: _____
Effective Date of Performance Bond: _____
Total Dollar Amount of Performance Bond: _____

Principal:
Legal Name and Address: [name and address of Gopher Tortoise Permit Recipient]
Type of Organization: [insert "individual," "partnership," "limited liability company," "corporation," etc.]
State of Organization:

Surety:
Legal Name and Address: [name and business address of surety providing the bond]
Type of Organization: [insert "individual," "partnership," "limited liability company," "corporation," etc.]
State of Organization:

Beneficiary:
Legal Name and Address: Florida Fish and Wildlife Conservation Commission
Administrator (or any of his or her designees)
620 S. Meridian Street
Tallahassee, FL 32399-1600

Site Information:
Name and Location of Site:
Permit Number: [Permit Number, if applicable]
Agreement Governing Site Work: [That certain Gopher Tortoise Habitat Management Plan dated _____ ___, 20__, approved by FWC and [name of Gopher Tortoise Permit Recipient] (the "Agreement")]

WHEREAS, said Principal is required, under the above-described Site Management Plan, Interim Measures Plan, or Habitat Management Plan (hereinafter, the "Agreement") entered pursuant to the Florida Fish and Wildlife Conservation Commission (FWC) Gopher Tortoise Permitting Guidelines, to perform the "Work" as defined in such Agreement (hereinafter, the "Work") and to fulfill its other obligations as set forth therein; and

WHEREAS, said Principal is required by the Agreement to provide financial assurance securing its full and final completion of the Work.

NOW, THEREFORE, in consideration of the foregoing, and for other good and valuable consideration the receipt of which is hereby acknowledged, the parties hereto agree as follows:

The Principal and Surety hereto are firmly bound to FWC **[in the above Total Dollar Amount,]** for the performance of the Work, which we, the Principal and Surety, bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, subject to and in accordance with the terms and conditions hereof. **[Add proviso if there are multiple sureties: "; provided that, where the Sureties are acting as co-sureties, we, the Sureties, bind ourselves in such [sum and] performance "jointly and severally" for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the performance of the Work only as is set forth in the Habitat Management Plan, but if no bifurcation of the Work is indicated, the limit of liability shall be the full performance of the Principal's Work obligations under the Agreement".]**

1. The conditions of the Surety's obligation hereunder are such that if the Principal shall promptly, faithfully, fully, and finally complete the Work in accordance with the terms of the Agreement, the Surety's obligation hereunder shall be null and void; otherwise it is to remain in full force and effect.

2. The Surety shall become liable on the obligation evidenced hereby only when the Principal fails to perform all or any part of the Work pursuant to and in accordance with the terms of the Agreement. At any time and from time to time upon notification by FWC Administrators (or any of his or her designees) that the Principal has failed to perform all or any part of the Work, the Surety shall promptly (and in any event within fifteen (15) days after receiving such notification):
    a. Commence to complete the Work to be done under the Agreement in accordance with its terms and conditions; or
    b. Pay funds up to the Total Dollar Amount in such amounts and to such person(s), account(s), or otherwise as FWC Administrators (or his or her designees) may direct.

3. If the Surety does not render such performance set forth above within the specified 15-day period, the Surety shall be deemed to be in default of this Performance Bond and FWC shall be entitled to enforce any remedy available to it at law, in equity, or otherwise; provided, however, that if such default is susceptible of cure but cannot reasonably be

cured within such fifteen (15) day period and provided further that Surety shall have commenced to cure such default within such fifteen (15) day period and thereafter diligently proceeds to perform the same, such fifteen (15) day period shall be extended for such time as is reasonably necessary for Surety in the exercise of due diligence to cure such default, such additional period not to exceed ninety (90) days.

4. The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the Total Dollar Amount of this Performance Bond, but in no event shall the aggregate obligation of the Surety hereunder exceed the amount of said sum.

5. The Surety may cancel this Performance Bond only by sending notice of cancellation to the Principal and to FWC Administrator, provided, however, that no such cancellation shall be effective during the 120-day period beginning on the date of receipt of the notice of cancellation by both the Principal and FWC Administrator. If after ninety (90) days of such 120-day period, the Principal has not established a replacement financial assurance mechanism pursuant to and in accordance with the terms of the Agreement, FWC shall have the right to enforce performance and/or draw upon the full amount of this Performance Bond.

6. The Principal may terminate this Performance Bond only by sending written notice of termination to the Surety and to FWC Administrator, provided, however, that no such termination shall become effective unless and until the Surety receives written authorization for termination of this Performance Bond by FWC Administrator (or his or her designee).

7. Any modification, revision, or amendment which may be made in the terms of the Agreement or in the Work to be done thereunder, or any extension of the Agreement, or other forbearance on the part of either the Principal or FWC to the other, shall not in any way release the Principal and the Surety, or either of them, or their heirs, executors, administrators, successors or assigns from liability hereunder. The Surety hereby expressly waives notice of any change, revision, or amendment to the Agreement or to any related obligations between the Principal and FWC.

8. The Surety shall immediately notify FWC of any of the following events: (a) the filing by the Surety of a petition seeking to take advantage of any laws relating to bankruptcy, insolvency, reorganization, winding up or composition or adjustment of debts; (b) the Surety's consent to (or failure to contest in a timely manner) any petition filed against it in an involuntary case under such bankruptcy or other laws; (c) the Surety's application for (or consent to or failure to contest in a timely manner) the appointment of, or the taking of possession by, a receiver, custodian, trustee, liquidator, or the like of itself or of all or a substantial part of its assets; (d) the Surety's making a general assignment for the benefit of creditors; or (e) the Surety's taking any corporate action for the purpose of effecting any of the foregoing. The Surety shall also immediately notify FWC if, at any time, the

Surety ceases to be listed as an acceptable surety for Federal bonds in Circular 570 of the U.S. Department of the Treasury.

9. Any provision in this Performance Bond that conflicts with any applicable statutory or legal requirement shall be deemed deleted here from and provisions conforming to such statutory or legal requirement shall be deemed incorporated herein.

10. All notices, consents, approvals and requests required or permitted hereunder shall be given in writing and shall be effective for all purposes if hand delivered or sent by (a) certified or registered United States mail, postage prepaid, return receipt requested or (b) expedited prepaid delivery service, either commercial or United States Postal Service, with proof of attempted delivery, to the address shown on this first page of this Performance Bond.

    All notices, elections, requests and demands under this Performance Bond shall be effective and deemed received upon the earliest of (a) the actual receipt of the same by personal delivery or otherwise, (b) one (1) business day after being deposited with a nationally recognized overnight courier service as required above, or (c) three (3) business days after being deposited in the United States mail as required above. Rejection or other refusal to accept or the inability to deliver because of changed address of which no notice was given as herein required shall be deemed to be receipt of the notice, election, request, or demand sent.

11. The Surety hereby agrees that the obligations of the Surety under this Performance Bond shall be in no way impaired or affected by any winding up, insolvency, bankruptcy or reorganization of the Principal or by any other arrangement or rearrangement of the Principal for the benefit of creditors.

12. No right of action shall accrue on this Performance Bond to or for the use of any person other than FWC or the executors, administrators, successors or assigns of FWC.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Principal and Surety have executed this Performance Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby represent, warrant, and certify that they are authorized to execute this Performance Bond on behalf of the Principal and Surety, respectively.

PRINCIPAL: [_____], a [corporation/partnership/limited liability company/individual] organized and in good standing in the State of [_____]

Attest: _____
Name: _____

By: _____
Name: _____
Title: _____

SURETY: [_____], a [corporation/partnership/limited liability company] organized and in good standing in the State of [_____]

Attest: _____
Name: _____

By: _____
Name: _____
Title: _____

Attachment B-3. Draft Irrevocable Standby Letter of Credit

IRREVOCABLE STANDBY LETTER OF CREDIT
Florida Fish and Wildlife Conservation Commission ("FWC")

Dear Sir or Madam: We hereby establish our Irrevocable Standby Letter of Credit No. ___ in your favor, at the request and for the account of [Gopher Tortoise Recipient Site Permittee's name and address] up to the aggregate amount of [in words] U.S. dollars $___, available upon presentation of:

(1) your sight draft, bearing reference to this letter of credit No. ___, and

(2) your signed statement reading as follows: ''I certify that the amount of the draft is payable because the [Gopher Tortoise Recipient Site Permittee's name] has not complied with the requirements of the Habitat Management Plan approved by FWC (or a management agreement between the managing agency and FWC).''

This letter of credit is effective as of [date] and shall expire on [date at least 1 year later], but such expiration date shall be automatically extended for a period of [at least 1 year] on [date] and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify both you and [Gopher Tortoise Recipient Site Permittee's name]by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. In the event you are so notified, any unused portion of the credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both you and [Gopher Tortoise Recipient Site Permittee's name], as shown on the signed return receipts.

Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of [Gopher Tortoise Recipient Site Permittee's name] in accordance with your instructions.

We certify that the wording of this letter of credit is consistent with the Gopher Tortoise Permitting Guidelines as such guidelines were constituted on the date shown immediately below.

[Signature(s) and title(s) of official(s) of issuing institution]
[Date]

This credit is subject to [insert ''the most recent edition of the Uniform Customs and Practice for Documentary Credits, published and copyrighted by the International Chamber of Commerce,'' or ''the Uniform Commercial Code'']

Appendix 4. Methods for Burrow Surveys on Development (Donor) and Recipient Sites

Development (donor) Site Surveys

A burrow survey covering a minimum of 15% of the potential gopher tortoise habitat to be impacted by development activities (including staging areas for heavy equipment) is required in order to apply for a relocation permit (10 or Fewer Burrows permits require a 100% survey up-front, see Appendix 11). These surveys must take place no more than 90 days prior to submitting an application. Because gopher tortoises and their burrows are protected from development activities by Florida law, regulatory compliance requires a comprehensive, 100% burrow survey of all potential tortoise habitat proposed for development. These 100% surveys must be conducted no more than 90 days prior to, and no fewer than 72 hours before (excluding weekends and holidays) commencing gopher tortoise capture and relocation activities. To effectively locate all potentially occupied tortoise burrows and provide FWC staff the opportunity to check such surveys, 100% surveys and the burrow location map must be received by FWC at least seventy-two (72) hours (excluding weekends and holidays) before gopher tortoise capture and relocation activities begin. All gopher tortoise burrows must be marked with flagging tape. (See details presented below for burrow marking and survey methodology.) Site preparation for development (such as land clearing) may commence on the project site, or for phases of the project site, for which gopher tortoise capture and relocation activities have been completed (see Site Preparation Activities for Development, in Section II, for details). Site preparation which occurs prematurely may require issuance of a Disturbed Site permit (see p. 32).

Recipient Site Surveys

A minimum of 15% of potential gopher tortoise habitat must be surveyed on recipient sites that are proposed to receive relocated tortoises. This survey must be designed to assess all soil types and vegetative communities that are potential gopher tortoise habitat. The primary purpose of the recipient site survey is to obtain a density estimate of existing number of gopher tortoises per acre so that a biologically appropriate determination can be made regarding the number of relocated tortoises that can be added to the site. This value is the baseline density. The baseline density is subtracted from the maximum allowable gopher tortoise density, and the result is the final stocking rate for that particular recipient site. To calculate current baseline density, consider only tortoise burrows greater than or equal to 130 mm (5 inches) in carapace length. Eggs and juvenile tortoises are not considered in this calculation because of their low survivorship and minimal effect on the recipient site forage base.

All surveys completed by authorized agents are subject to field verification by FWC. If FWC determines that the submitted survey results provide an inaccurate estimation of the resident gopher tortoise population, either additional surveys or a re-survey may be required. If the number of gopher tortoise burrows identified on site exceeds the number authorized for capture and relocation under the existing gopher tortoise permit, the permittee must apply for an amendment and obtain an amended permit for the additional burrows from FWC before the initiating any gopher tortoise capture and relocation activities for the additional burrows.

Documentation and reporting results from development and recipient site surveys:

1. Land Cover Map: Provide an up-to-date aerial photograph of the development site or recipient site and identify all land cover types. (See acceptable types of land use classifications in Appendix 3.) All maps, including the aerial photograph, should be at a scale of one inch equals 800 feet or less. List all land cover types and associated acreage either on the map or on an accompanying table.

2. Soils Map: Attach a Natural Resources Conservation Service (NRCS) Web Soil Survey map depicting each soil type and the average depth to the seasonal high water table (DWT) value for each soil type within the project site.

3. Gopher Tortoise Habitat Map: Provide a map that delineates potential tortoise habitat on the project site or recipient site and provide an acreage estimate by land cover type.

4. Burrow Location Map: Plot and label the location of each burrow observed during the burrow survey. Attach a table that shows the burrow label, activity class (see below), and associated global positioning system (GPS) coordinates.

Gopher Tortoise Burrow Activity Classification

Potentially Occupied Burrow: This classification combines the active and inactive categories and, therefore, includes burrows with obvious sign of use and those with minimal or no obvious sign of use. A potentially occupied burrow is in good repair, with the classic half-moon shaped entrance. These burrows may have tortoise tracks or plastron scrapes clearly visible on the burrow floor or on the mound, or they may have subtle or no tortoise sign. The lack of observable tortoise sign may be due to weather or season. The burrow floor may contain loose soil caused by tortoise activity or it may be hard-packed. The burrow mound may or may not have vegetation growing on it, and it may be partially covered by fallen leaves. Potentially occupied burrows must be recorded on burrow location maps and used to calculate gopher tortoise densities.

Abandoned Burrow: An abandoned burrow appears unused and dilapidated. The entrance is partially or completely collapsed, and the burrow is partially or completely filled with leaves or soil. Recent rains, or recent activity by livestock or humans, do not appear to be the primary reason for burrow collapse. There are no trails into the burrow that might indicate that a tortoise recently passed through the leaf litter or that a small tortoise is using a dilapidated adult burrow. Abandoned burrows must be recorded on burrow location maps but **not** included in tortoise density calculations.

Burrows that are < 130 mm (5 inches) in width shall be recorded on burrow location maps. Potentially occupied of this size must be permitted and shall be included in tortoise density calculations. Mitigation contributions are required for burrows and tortoises in this size class found on donor sites. Refunds will be provided (less the 3% administrative service charge assessed by the WFF) for relocated juvenile tortoises (less than 130 mm carapace length) after a refund request form is submitted by the permittee or its agent and the permit's final after action report is approved by the FWC. These juvenile gopher tortoises must be relocated to the approved recipient site but they are not counted against a recipient site's

remaining capacity to receive gopher tortoises after the final after action report for a permit is submitted and it is approved by the FWC.

Burrow Survey Methods (Minimum of 15%)

1. Using evenly spaced belt transects, distribute these transects across all potential tortoise habitat within the designated donor or recipient site to provide at least 15% coverage. This initial step is a map exercise (see illustration below), and transect locations should be indicated on the gopher tortoise habitat map.

2. Maximum dimensions for each individual transect are 250 meters (820 feet) long and 16 meters (52 feet) wide. The area covered by this size transect is approximately one acre (0.4 hectare). In areas with heavy cover, the width of each transect must be reduced to allow for 100% detection of burrows within the transect, and the total area covered by the transect must be recalculated to adjust for the reduced width.

3. One or multiple observers may conduct these burrow surveys. When multiple observers are used, sufficient distance must exist between observers to ensure that transects do not overlap. It is essential that observers focus solely on searching for burrows. They should not be performing vegetation sampling (i.e., on recipient sites) concurrently or conducting other activities.

4. Provide GPS coordinates for all burrows observed within, or partially within, the boundaries of each transect. GPS data taken with sub-meter accuracy in Decimal Degrees using the data settings of North American Datum of 1983 (NAD83 feet) Albers/High Accuracy Reference Network (HARN) is preferred, but not required. Burrows shall be marked with flagging tape indicating the burrow's label and activity class. This will assist field verification of surveys by FWC. The burrow label, status, GPS coordinates, accuracy of data and projection the coordinates shall be recorded and reported to FWC so that the burrow can be identified later.

5. For each transect, report the raw data in a table (transect dimensions, number of burrows by activity class, number of burrows by size class, and burrow density per acre). For the donor or recipient site, report the average tortoise density using the following calculation:

   $$\frac{\text{(Total Potentially Occupied Burrows)}}{\text{(Total Acres within Survey Area)}} \times (0.50) = \text{Tortoises / Acre}$$

   Estimating the Gopher Tortoise Population within a Donor Site:
   Tortoises/Acre multiplied by the Number of Acres of Potentially Occupied Gopher Tortoise Habitat = Estimated Number of Tortoises Present

   Calculating the Gopher Tortoise Stocking Density for a Recipient Site:
   Site Evaluation Maximum Allowable Gopher Tortoise Density minus the Baseline Density = Final Stocking Rate

   Calculating the Number of Gopher Tortoises that can be released within a Recipient Site:

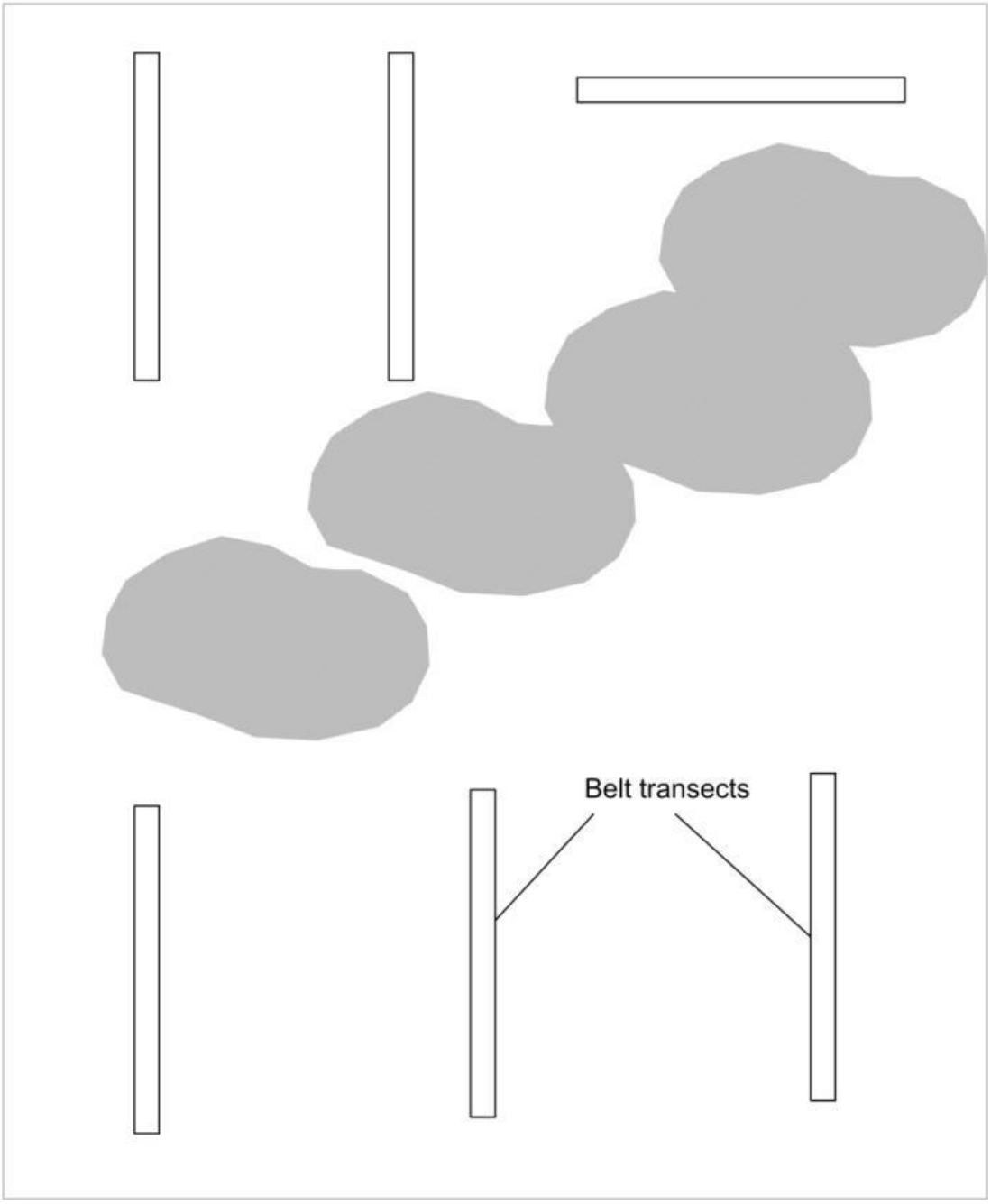
Final Stocking Rate multiplied by the number of Acres of Gopher Tortoise Habitat = Number of Gopher Tortoises Allowed to Be Released

Example of burrow survey using belt transects:

NON- Gopher Tortoise Habitat

Belt Transects need to cover 15% of the area(s) identified as suitable gopher tortoise habitat.

50 Acre Development Site with 40 acres of Suitable Habitat requires 6 acres of survey area within the transects.



Burrow Survey Methods (100%)

1. All potential gopher tortoise habitat that will be impacted by development activities must be searched for burrows. The recommended approach is to systematically search the entire impact zone by traveling parallel transects spaced appropriately for the habitat conditions (i.e., the length may be consistent or vary with the shape of the site, but the width should allow 100% detection of burrows). The search can be conducted by one or more observers. Transect edges should be marked with flagging to ensure complete coverage. In open habitat, such as mowed pasture or natural sandhill, transects should be spaced no more than 10 meters (33 feet) apart. In thicker habitat, such as flatwoods and scrub, transects should be spaced as close as five meters (16 feet) apart. Patches of extremely thick habitat, such as saw palmetto or blackberry patches, should be searched more intensely, with spacing at approximately one meter (three feet) or less.

2. All burrows observed (i.e., potentially occupied and abandoned) should be marked with flagging tape that indicates the burrow's label and activity class. This will assist field verification of survey by FWC. The burrow label, status, and GPS coordinates should be recorded and reported to FWC so that the burrow can be identified later.

Surveys Conducted in Application for a Disturbed Site Permit

In cases of an application for a Disturbed Site permit, a modified survey protocol is required. It is necessary to estimate both the number of tortoises within the disturbed area and (if applicable) the number of tortoises outside the disturbed area which are still within the boundaries of the project site.
Once site disturbances within the project area cease, a minimum 28-day waiting period (this may be longer depending on temperature and season) is required before tortoise burrow surveys are conducted within disturbed areas. This gives tortoises time to dig out of collapsed burrows. Following this waiting period, 100% burrow surveys must be conducted throughout the disturbed area to provide an estimated number of tortoises present. All burrows receive the conversion factor of 0.5 (50% burrow occupancy rate).

These new 100% survey results must then be compared to one of the following surveys/options:

1. An “older, acceptable survey” of the disturbed area (surveys must not be more than one year old from the time new 100% surveys are completed, and must have been conducted in accordance with survey protocols in this document).
2. A 15% survey of remaining undisturbed tortoise habitat within the project site that is similar to the disturbed area (see survey methodology below). Survey area must be large enough to represent 15% of the total acreage of the project site.
3. A 15% survey adjacent to the project site (must be similar habitat to the project site and large enough to represent 15% of the total acreage of the project site).
4. If survey methods above cannot be conducted for some reason, the applicant shall estimate tortoise numbers within the disturbed area using a standard density of 2 gopher tortoises/acre with a minimum population estimate of 1 tortoise.

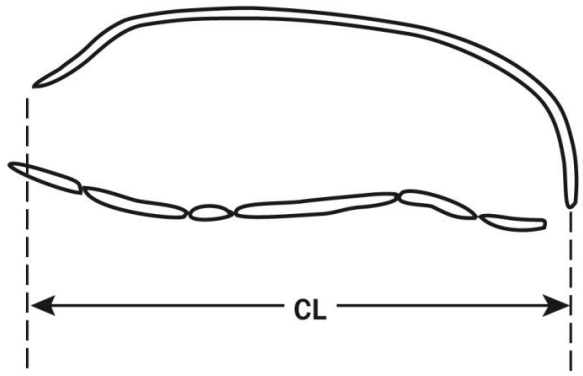
Results of the 100% survey within the disturbed area are compared with results from one of the four options above. The method which estimates the highest number of tortoises within the disturbed area will be used to calculate up-front mitigation costs for Disturbed Site permits.

An estimate of the total number of tortoises for the entire project area must also be calculated. In some cases, the disturbed area already covers the entire project site. In other cases, undisturbed habitat remains within the project site. If a 15% survey has already been conducted (option 2 above), then this survey can be used to estimate the number of tortoises outside the disturbed area. In other cases, a 15% survey must be conducted which is large enough to represent at least 15% of the remaining acreage of undisturbed suitable gopher tortoise habitat left on-site.

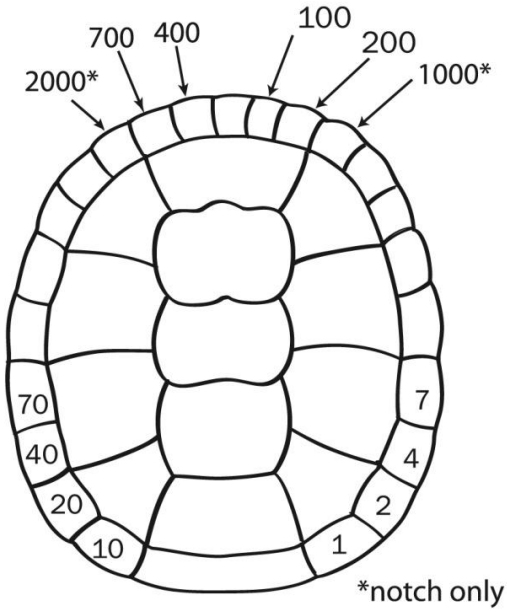
Appendix 5. Marking and Measuring Gopher Tortoises during Relocations

Marking: Gopher tortoises captured under all permits except a 10 or Fewer Burrows permit with on-site relocation and a Burrow or Structure Protection permit must be permanently and uniquely marked by drilling holes in, or using a triangular file to notch, one or a combination of the eight rearmost marginal scutes (the four right ones and the four left ones) and the two right and left front marginal scutes. Each scute is assigned a numerical value, as illustrated below. The scheme is additive; e.g., tortoise #14 would require the drilling of the first scute left of the rear marginal and the third scute right of the rear marginal. For indicating numbers 1000-3999, notch (**do not drill**) the third marginal(s) to the right and left of the front central scute (nuchal), as shown in the figure below. For numbers >3999, contact FWC. The size of the drill bit or triangular file should be relative to the size of the tortoise, but no more than 25% the width of the marginal scute. Drilling or notching should be carefully undertaken to avoid injury to the limbs or head. Also, holes should be drilled closer to the marginal edge (without breaking through the edge) rather than higher up on the scute. To avoid injury to tortoises that have pliable shells, juveniles (<130 mm carapace length) cannot be marked using a drill; instead, a triangular file or sharp scissors must be used to notch the appropriate scutes. Tortoises ≥130 mm carapace length shall be marked by either drilling or notching scutes. PIT (Passive Integrated Transponder) tags may be used as an alternative to drilling or notching marginal scutes. These microchips are about the size of a grain of rice and are injected into a tortoise's hind leg using a hand-held applicator. A hand-held scanner reads the tag's electromagnetic code and displays the tag's number.

Measuring: Straight-line carapace length (CL) must be recorded in millimeters. (See below.) Forestry tree calipers are useful for measuring the carapace. Tortoise weight (in grams) should also be recorded.



Carapace length



Carapace
(upper shell)

Appendix 6. Health Considerations for Gopher Tortoises during Relocations

Making Decisions Regarding Relocations and Tortoise Health Assessments

Although relocation removes individual tortoises from harm on sites proposed for development, the transport of tortoises to new areas carries with it an inherent risk of exposure to infectious diseases for both recipient and donor populations. Determining the degree of risk and, therefore, the need for assessing tortoise health involves consideration of the following: the conservation value of the recipient site; whether tortoises exist within, or adjacent to, the recipient site; and the overall goals of the relocation. (See Table 1, below). Relocations to sites with high conservation value and established or adjacent populations, for example, carry a greater risk of adversely affecting these priority populations and, therefore, would generally warrant a correspondingly greater scrutiny of the relocated tortoises. Health assessments include physical examinations and the collection of biological samples (e.g., blood) for diagnostic tests. Currently, the only available blood test for a known gopher tortoise disease involves blood sampling for mycoplasmal upper respiratory tract disease (URTD; see below); however, even this well-documented test only indicates whether a tortoise has been exposed to the disease-causing organism; it does not provide information on whether the tortoise currently *has* the disease.

Table 1. Recipient Population Conditions, Goals, Disease Issues, and Suggested Health Assessment Needs

Recipient Population	Established or Adjacent Populations	Goals	Disease an Issue?	Health Assessment Needs
Highest conservation value (relatively large sites with long-term protection and management)	Yes	Healthy populations; minimize risks to adjacent/ existing populations	Yes–can impact both recipient and donor populations	Maximum on both donor and recipient populations. Monitor for success.
Highest conservation value	No	Healthy populations	Yes–due to established conservation goal	Maximum. Monitor for success.
Moderate conservation value (smaller protected sites or large sites with non-perpetual easements)	Yes	Healthy populations; minimize risks to adjacent/ existing populations	Yes–can impact both recipient and donor populations	Moderate, or based on land manager's guidelines and risk to adjacent populations.
Moderate conservation	No	Site specific	Questionable–depends on	Based on land manager's

value			goals and site specifics	guidelines. Monitor for success.
Minimal conservation value (sites with no long-term protection; may also be relatively small)	Yes	Humane or rescue relocation. Minimize risks to adjacent/ existing populations	Yes–can impact recipient and/or adjacent populations	Moderate or based on land manager's guidelines and risk to adjacent populations.
Minimal conservation value	No	Humane or rescue relocation.	No	Low. Based on land manager's guidelines.

Cursory Health Evaluations

Knowledge of normal gopher tortoise behavior and appearance is necessary when conducting health examinations. If biological samples are going to be collected, appropriate training by (or assistance from) a veterinarian or other person with extensive experience working with tortoises and collecting such specimens is required. The basic components of a physical exam include an overall assessment of the posture/behavior of the tortoise and an examination of the eyes, nostrils, skin, muscle mass, and shell. Shell measurements are not only important in determining the maturity of individual tortoises (e.g., juvenile, subadult, adult male or female) but, especially when correlated with weight, can also be helpful in assessing the overall body condition. The following are components of a cursory physical examination:

1. Overall posture/behavior: As noted above, some knowledge of tortoise behavior is necessary to discern between normal/abnormal.
   a. Alert and responsive or quiet but responsive–these two categories identify behavioral characteristics of normal tortoises. Alert/responsive tortoises paddle their forelimbs (front legs) when held, attempt to escape, and repeatedly retract into shell when handled. Quiet/responsive tortoises are shy and tend to remain withdrawn into their shell when being handled, but they have normal strength.
   b. Depressed and lethargic–these animals may hang forelimbs limp when lifted, may have poor muscle mass, are weak, and do not resist gentle tugging on their limbs.
   c. Walking/moving–normally/abnormally.
   d. Breathing sounds (normal, congestion, distress)–tortoises may normally create a very faint, high-pitched whistle when expelling air out of their nostrils. Wet or gurgling sounds associated with congestion are abnormal.

2. Examine eyes. May need a flashlight or, in some cases, magnification to examine.
   a. Clarity of eye (i.e., is cornea or lens clear or cloudy? Is there any discoloration?); position of eye within orbit *(*i.e., is eye bulging or sunken into orbit?)

b. Discharges–clear/watery or cloudy; characterize as mild, moderate, or severe.
c. Examine eyelids, conjunctiva (the mucous membrane that covers the exposed portion of the eyeball and th*e* inner surface of the eye), and area around eyes–look for swelling, redness, or traumatic wounds (e.g., lacerations). Characterize severity as mild, moderate, or severe.

3. Examine nares (nostril openings).
   a. Discharges–clear/watery or cloudy/thick; describe color of discharge and characterize as mild, moderate, or severe. Note if dirt/material is obstructing nostrils.
   b. Erosion or irregular shape of the nares (evidence of long-term discharge).

4. Examine shell (scutes and seams between scutes).
   a. Flaking, discoloration, defects/erosions, soft areas, fractures, chew marks.
   b. Note the distribution and severity of lesions.
   c. Photographs and drawings are extremely useful.
   d. Measure carapace (top shell) and record tortoise weight. Note whether tortoise has urinated/defecated, as this waste elimination may significantly affect body weight.

5. Examine skin and muscles
   a. Excessive flaking, discoloration of the skin, wounds, scars, or evidence of prior injuries.
   b. Evaluate muscle mass on head and limbs to look for muscle loss (i.e., wasting away of muscles). Note whether the head has "old man appearance": sunken eyes; skin drawn tightly over skull).
   c. Check to make sure the limbs are symmetric, look for swollen areas or malformations, and check toenails for symmetrical wear patterns.
   d. Note the presence of external parasites (e.g., ticks) and number (< or > 10).

Note: Although determining the health of an individual tortoise at a particular moment in time can be difficult (i.e., certain clinical signs or "symptoms" may come and go), there are some tell-tale signs that authorized agents can watch for: nasal discharge; severely eroded nares; "old man appearance" (eyes sunken, skin drawn tightly over skull); eyes/eyelids severely swollen or reddened, with discharge; poor muscle mass and emaciated (abnormally thin) appearance. Options for accommodating individuals that appear ill, or that test positive for mycoplasmal URTD, are indicated below.

Disinfection Protocol

Caution must be taken during relocations and whenever handling gopher tortoises to ensure that authorized agents do not contribute to the spread of pathogens (germs). It is recommended that hands and equipment be disinfected between handling individual tortoises. Cleaning and disinfecting bins, traps, and other equipment between uses on donor (development) sites is required to reduce the chance of cross-contamination between populations.

Disinfection Solution: 1:20 dilution of 5% household bleach in water. A stronger 1:10 dilution of 5% household bleach in water is recommended for equipment that is particularly dirty (i.e., stained with soil or feces).

Solutions should be stored in dark bins or in opaque bottles and should be made fresh regularly (e.g., weekly, depending on storage conditions). Bleach should be purchased in small bottles or dispensed into small bottles to minimize deterioration from opening/closing the lid.

Disinfecting Equipment: Remove dirt and feces by rinsing with water (e.g., from gallon jugs) or by brushing with paper towels. Spray equipment (including drill bits and files) liberally with the bleach solution and allow to dry. Between donor sites, thoroughly scrub bins and buckets with detergent and water before spraying with the bleach solution.

Disinfecting Hands: A pump-applicator, plastic bottle of 60% ethyl alcohol is an efficient way to disinfect hands between handling tortoises; smaller pocket-size bottles of hand sanitizers are also useful in the field. If hands are extremely dirty, rinse with water before using the alcohol sanitizer.

Testing for Mycoplasmal Upper Respiratory Tract Disease (URTD)

Authorized agents or other individuals wishing to collect blood or other samples for mycoplasmal URTD tests shall be appropriately trained by a veterinarian or other person experienced in such sample collection/handling for tortoises, and they shall sign an affidavit provided by FWC stating they have been so trained. The FWC blood collecting protocol and associated affidavit can be downloaded from MyFWC.com/GopherTortoise (click on Permits and then Permitting Guidelines to locate the necessary documents regarding URTD testing). The signed affidavit, in addition to their permit, authorizes the following:

1. Blanket authorization to capture, hold, and draw blood from gopher tortoises as needed for collecting blood samples. Tortoises may be held up to 24 hours, but shall not be held for more than 72 hours, as stipulated in the FWC permitting guidelines.

2. Blood samples must be identified by the applicant's name, county, and project name. Testing will be conducted by the Mycoplasma Testing Lab, University of Florida, Department of Pathobiology, 1600 South West Archer Road - BSB 350, Gainesville, FL 32610. The Lab may be contacted at (352)294-4068, extension 3986. The applicant is responsible for all fees and costs associated with testing.

3. Test results will be provided by the testing facility to FWC and the applicant.

It should be noted that there is currently no known cure for mycoplasmal URTD, making recovery of truly infected tortoises an unlikely scenario. Recipient site owners/managers reserve the right to request mycoplasmal URTD testing or other diagnostic tests that become available for URTD or other diseases and to refuse any, or all, tortoises from populations that have seropositive and/or symptomatic individuals. Such decisions will depend on the goals and priority of the recipient site (see table above) and, thus, will reflect the level of risk involved in allowing introduction of potentially ill or infected tortoises. In those cases where several clinically ill tortoises, or tortoises that test positive for URTD or other diseases, are encountered, consultation with FWC and wildlife veterinarians will be necessary to determine how best to accommodate such populations.

Protocol for Accommodating Gopher Tortoises that Appear Ill

- Authorized agents capturing gopher tortoises at donor sites must isolate tortoises with obvious health abnormalities as outlined in this Appendix (e.g., markedly lethargic; "old man appearance": sunken eyes, skin drawn tightly over skull; abnormally thin limbs with poor muscle mass; nasal discharge; eyes severely swollen and reddened, with discharge).
- Contact a local rehabilitation facility and transport the tortoise to the facility. A list of participating wildlife rehabilitators is provided by FWC. These facilities do not charge for assessment and treatment. Also report any ill tortoises to the FWC regional gopher tortoise conservation biologist and the contact for the targeted recipient site. Tortoises may also be treated at the Zoological Medicine Service at the University of Florida (UF) Veterinary Medical Center in Gainesville, but this service will incur a cost.
- If an ill tortoise dies (from causes not directly related to excavation or trapping) or if recently dead tortoises are found on the donor site, place the tortoise on ice (do not freeze) and notify the FWC regional gopher tortoise conservation biologist. If representatives for either the donor site or recipient site want to pursue the reason for tortoise mortality, they may deliver dead tortoises to the Pathology Service at the University of Florida Veterinary Medical Center in Gainesville for a postmortem evaluation. This service will incur a cost.

It is not necessary to interrupt capture efforts when ill tortoises are observed; these individuals can be isolated until the end of the burrow excavation or trapping for that day. Because some clinical signs of disease (e.g., nasal discharge) may appear and then disappear over time, it is helpful to photograph observed abnormalities with a digital camera.

Rehabilitation facilities or the UF Veterinary Medical Center will triage tortoises and either treat or euthanize. If the targeted recipient site refuses these tortoises post-treatment, such individuals will be accommodated as waif tortoises and either placed in captivity or in specifically designated waif sites.

Appendix 7. Methods for Baseline Vegetation Sampling and Follow-up Monitoring on Recipient Sites

Vegetation Surveys

The vegetation sampling method described below can be performed using 250-meter-long belt transects as are used to estimate tortoise density on recipient sites. Vegetation sampling shall occur at a minimum of 30% of the belt transects and be distributed across areas providing suitable gopher tortoise habitat. The beginning and end of each transect shall be permanently marked in one of two ways:

1) Use rebar, T-posts or other fire resistant material at least six feet high. These posts should either be painted with high visibility paint or the posts should be covered with painted PVC pipes to increase visibility and to provide the option for removal during prescribed burn; or

2) Use a GPS instrument capable of sub-meter accuracy to take latitude and longitude coordinates at the beginning and end of each transect. GPS data collected in decimal degrees using data type DATUM NAD83 feet Harn Albers is preferred. The data must specify the collection method (i.e., the projection and coordinates) as not all GPS instruments automatically attach a projection file with the data. The data collected must be reported to the FWC

Vegetation surveys and gopher tortoise surveys may be conducted simultaneously by multiple people, or an individual may perform each survey separately. However, at least 30% of the gopher tortoise transects shall be used as vegetation transects. For example, a 15% tortoise survey of a proposed 200-acre recipient site would require thirty 16-meter by 250-meter belt transects (each transect covering approximately one acre). Thirty percent of the transects, or 9 transects total, would be selected for vegetation sampling. Those transects selected for vegetation sampling should be located so there is representative coverage across the site. Each transect selected for vegetation sampling would have four stations associated with the 0-, 75-, 150-, and 225-meter points along the transect.

Canopy Cover–At 75-meter intervals along a transect (i.e., at the 0-, 75-, 150-, and 225-meter points along the transect), walk 15 meters perpendicular to each side of the transect line (a total of 30 meters). Every 1.5 meters (10 samples on each side), look through a densitometer (manufactured by Geographic Resource Solutions) with cross hairs and held directly overhead. Canopy vegetation is defined as woody stemmed plants three meters or greater in height. If there is canopy at the center point of the cross hairs, count that measurement as a plus. If there is no canopy cover, count that measurement as a zero. For 20 measurements, total the pluses, divide by 20, and multiply by 100 to obtain percent canopy cover at the station.

Shrub Cover–At each 75-meter interval along the transect line, walk 15 meters perpendicular to each side of the transect line (a total of 30 meters). Every 1.5 meters, hold arms outstretched approximately 1.5 meters off the ground. If the arms strike shrub plants (shrubs can be woody plants, semi-woody plants, vines, forbs, dwarf trees, tree seedlings, canes, and palms that are approximately 1.5 meters off the ground), count that measurement as a plus. If the arms strike nothing, count that measurement as a zero. For the 20 total measurements total the pluses, divide by 20 and multiply by 100. This provides an estimate of the percent shrub cover at the station.

Herbaceous Ground Cover–At each 75-meter interval along the transect line establish an herbaceous cover sampling station. Each sampling station shall be at a known location and marked on a map. Provide GPS location coordinates and general observational directions (e.g., between wetlands 1 and 2 and approximately 50 yards from large live oak, which is located 275º from sampling station). Extra sampling stations shall be used if critical habitat changes are occurring between the 75-meter intervals.

To estimate the relative percent cover of herbaceous species in each sampling station, use a 0.25 square meter (2.7 square feet) quadrate. The quadrate can be easily made using PVC pipe. Estimates are to be based on seven cover classes: less than 1%, 1-5%, 6-29%, 30-59%, 60-75%, 76-95%, 96-100%. Record cover class for each of the following: bare ground; debris; broadleaf grasses and grass-like vegetation (e.g., sedges, rushes); wiregrass; and any forbs, vines, saw palmetto, or woody vegetation that are < 3 feet in height. If possible, identify species of exotic vegetation known to be problematic for tortoises, *e.g.*, cogongrass (*Imperata cylindrica*). Also note the total height of the herbaceous vegetation.

Photographic Stations

Photographs shall be taken at each sampling station and shall display the general setting of the transect and herbaceous vegetation being sampled. Therefore, three photographs will be required at each sampling station: (1) a clear photograph of the vegetation inside the quadrate, (2) a photograph of the main belt transect, facing forward, and (3) a photograph of the main belt transect, facing rearward.

Monitoring and reporting requirements

The intent of long-term monitoring and reporting requirements on recipient sites is to ensure adequate and appropriate management continues and the gopher tortoise population is sustained and viable for the long term as specified in the Gopher Tortoise Management Plan.

Monitoring and reporting requirements may be reduced over time, in both frequency and scope, for landowners who have successfully met habitat management and reporting requirements. Reports are required from the landowner of a permitted long-term protected recipient site every 3 years for the first 15 years (Phase 1). If the landowner has met monitoring and reporting requirements during the first 15 years, the monitoring and reporting requirement is then reduced to every 5 years for the next 10 years (Phase 2). Following 25 years of successfully meeting all monitoring, habitat management and reporting requirements, reports will then be required every ten years with reduced monitoring and reporting requirements. Monitoring and reporting requirements during each phase are outlined in Table 1 below.

Recipient sites that do not successfully meet monitoring, habitat management and reporting requirements will be required to restart the monitoring and reporting requirements at the beginning of Phase 1. A report format (under development) will be provided by FWC to ensure that all required information is provided for each phase. Before the reports are deemed sufficient by FWC, a gopher tortoise regional conservation

biologist will visit the recipient site to verify the survey(s) and report. Additional information may be requested after the site visit.

Habitat management shall continue as prescribed in the site habitat management plan for the life of the permit. Site visits will be conducted by FWC staff on an annual basis. Reports shall be submitted no later than 90 days following the completion of the baseline survey or follow-up monitoring surveys.

Reports for baseline vegetation surveys and follow-up monitoring shall include a brief narrative explaining the property location, size, ownership, authorized agent, and Florida Fish and Wildlife Conservation Commission (FWC) Recipient Site permit number(s). This introductory information shall be followed by the qualitative and quantitative data and an overall description of the present conditions within the recipient site. Vegetative transect maps, gopher tortoise transect maps, aerial images, land use maps, and soil maps are required. Spreadsheets (tabular form) that include the percent coverage of the vegetation at each sampling station are required.

Table 1. Phased recipient site monitoring and reporting requirements.

Reporting Phase	Years	Narrative including a qualitative assessment of vegetation and tortoise population	Habitat management summary*	Recent aerial images with property boundaries	Photographic stations	15% tortoise survey and transect maps with GPS coordinates	Quantitative vegetation survey and transect maps
Phase 1	1-15	X	X	X	X	X	X
Phase 2	16-25	X	X	X	X	X	
Phase 3	26-life of permit	X	X	X	X		

*Includes description and timeline of habitat management activities conducted and planned future management activities.

For monitoring reports, any changes of the land use and soil conditions shall be explained. A chronology (timeline) of the habitat management activities conducted since submittal of the previous baseline or monitoring report shall be provided. Major changes in vegetation (*e.g.*, due to forestry clearing, habitat degradation from absence of fire) shall be noted. Additionally, changes to any land management plans or other legal documents shall be attached and described in the report. If applicable, a narrative of any problems, remediation, or exceptional environmental changes that are improving the gopher tortoise habitat shall be reported (note locations). A timeline of habitat management activities proposed to occur over the next three-year monitoring period shall also be provided.

Appendix 8. Draft FWC Conservation Easement

[NOTE TO PREPARERS: PLEASE USE "TRACK CHANGES' WHEN YOU REVISE THIS FORM FOR SUMMITAL TO FWC. IF YOU DO NOT USE "TRACK CHANGES" FWC REVIEW OF THE FORM MAY BE SIGNIFICANTLY SLOWED. PLEASE INCLUDE A COMMENT THAT EXPLAINS THE REASON FOR EACH CHANGE.]

This instrument prepared by:

After recording please return the document to Grantee:
Florida Fish and Wildlife Conservation Commission
ATTN: Gopher Tortoise Permit Coordinator
620 South Meridian Street
Tallahassee, Florida 32399-1600

CONSERVATION EASEMENT

THIS DEED OF CONSERVATION EASEMENT is given this _____ day of _____ 201_ by _____ , a Florida corporation whose mailing address is _____ , ("Grantor") to the Florida Fish and Wildlife Conservation Commission, an agency of the State of Florida, with its principal office at 620 South Meridian Street, Tallahassee, FL 32399-1600 ("Grantee").

The parties agree as follows:

WITNESSETH

WHEREAS, the Grantor is the owner of certain lands situated in _____ County, Florida, hereinafter referred to as the "Property", more specifically described in Exhibit A attached hereto and incorporated herein by this reference; and

WHEREAS, the property possesses natural, scenic, open space, wildlife preservation and conservation values (collectively, "conservation values") of great importance to Grantor, and the people of the State of Florida; and

WHEREAS, the specific conservation values of the Property are documented as part of the Habitat Management Plan pertaining to the Property, dated _____ ("Plan"), part of which is entitled the "Baseline Documentation". A copy of the Plan is attached hereto as Exhibit B, and incorporated herein by reference. The Baseline Documentation is an accurate representation of the Property at the time of this grant and is intended to serve as an objective information baseline for monitoring compliance with the terms of this grant; and

WHEREAS, Grantor intends that the conservation values of the Property be preserved and maintained by the continuation of land use patterns existing at the time of this grant, that do not significantly impair or interfere with those values; and

WHEREAS, Grantor further intends, as owner of the Property, to convey to Grantee the right to preserve and protect the conservation values of the Property in perpetuity; and

WHEREAS, Grantee is a state public agency, part of whose mission is the conservation, preservation, protection or enhancement of lands such as the Property; and

WHEREAS, the Grantor, in consideration of the issuance by the Grantee a permit in favor of the Grantor for the take of those species identified on the permit, is required to grant and secure the enforcement of a perpetual conservation easement pertaining to the Property.

NOW THEREFORE, consistent with the issuance of the Permit, Grantor hereby grants, creates, and establishes a perpetual conservation easement upon the Property, which is described in Exhibit A, which shall run with the land and be binding upon the Grantor, its heirs, successors and assigns, and remain in full force and effect forever ("Conservation Easement").

1. Recitals. The above "WHEREAS" clauses are true and correct and are incorporated into this Conservation Easement as if set forth at length herein incorporated into this agreement.

2. Purpose. The purpose of this Conservation Easement is to ensure that the Property or part thereof as described in this Conservation Easement shall be protected forever and used as conservation areas, consistent with the Habitat Management Plan ("Plan"). The parties intend that this Conservation Easement will confine the use of the Property to such uses as are consistent with the purpose of this Conservation Easement.

3. Heirs, successors, and assigns. The parties to this Conservation Easement intend the rights and responsibilities to accrue to any and all heirs, successors, personal representatives, or assigns.

4. Rights of Grantee. To accomplish the purpose of this Conservation Easement the following rights are conveyed to Grantee:

a. To preserve and protect the conservation values of the Property as defined in this Conservation Easement;

b. To enter upon the Property at reasonable times and upon reasonable notice to the Grantor in order to engage in activities consistent with this Conservation Easement, to monitor Grantor's compliance with this Conservation Easement, and to otherwise enforce the terms of this Conservation Easement; provided that Grantee shall not unreasonably interfere with Grantor's use and quiet enjoyment of the Property; and

c. To prevent any activity on or use of the Property that is inconsistent with the purpose of this Conservation Easement, and to require the restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use.

5. Grantor's Reserved Rights. Grantor reserves to itself, or assigns all rights as owner of the Property including the right to engage in all uses of the Property that are not

expressly prohibited herein and are not inconsistent with the purpose of this Conservation Easement.

6. Prohibited Uses. Unless expressly authorized in accordance with the Plan (Exhibit B), the following are prohibited activities on the Property:

a. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities or other structures above, on, or below the ground.

b. Dumping or placing of soil or other substance or material as landfill or dumping of trash, waste, or unsightly or offensive materials.

c. Removal or destruction of trees, shrubs, or other vegetation.

d. Excavation, dredging, or removal of loam, peat, gravel, soil, rock or other material substance in such manner as to affect the surface.

e. Surface use except for purposes that permit the land or water areas to remain in their existing natural condition.

f. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.

g. Act or uses detrimental to such retention of land or water areas in their existing natural condition.

h. Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or culture significance.

i. Alteration of the Property except in compliance with the Plan.

7. Subdivision. There shall be no subdivision of the Property except as may otherwise be provided in this Conservation Easement.

8. No Public Access. No right of access by the general public to any portion of the Property is conveyed by this Conservation Easement.

9. Management; Expenses; Taxes. Grantor shall manage the Property consistent with the Plan. Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property, including the maintenance of adequate comprehensive general liability insurance coverage. Such responsibilities and costs shall include those associated with the management activities discussed in the Plan. Grantor shall keep the Property free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by Grantor. Grantor shall pay before delinquency all taxes, assessments, fee, and charges of whatever description levied on or assessed against the Property by competent authority, and shall furnish Grantee with satisfactory evidence of payment upon request.

10. Costs of Enforcement. Any costs incurred by Grantee in successfully enforcing the terms of this Conservation Easement against Grantor, including, without limitation, costs of suit and attorney's fees, and any costs of restoration necessitated by Grantor's violation of the terms of this Conservation Easement, shall be borne by Grantor.

11. Liability. Grantor and its successors shall hold harmless, indemnify and defend Grantee from and against all liabilities, penalties, costs, losses, damages, expenses causes of action, claims, demands or judgments, including attorneys fees, arising from or in any way connected with: 1) injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property, regardless of cause, 2) costs and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the Property, including but not limited to the maintenance of adequate comprehensive general liability coverage, payment of taxes, and keeping the Property free of liens; and 3) the existence or administration of this Conservation Easement.

12. Remedies. If Grantee determines that Grantor or successors are in violation of the terms of this Conservation Easement, Grantee may take any of the following actions, after 30 day written notice to Grantor or successors to correct the violation: 1) Grantee may itself correct the violation, including but not limited to restoration of any portion of the Property affected to the condition that existed prior to the violation, and demand payment from Grantor for all costs associated with such action; 2) Grantee may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this Conservation Easement, for specific performance, to temporarily or permanently enjoin the violation, recover damages for violation of this Conservation Easement, including but not limited to the costs of restoration, and any other damages permitted by law. In any enforcement action Grantee shall not be required to prove either actual damages or the inadequacy of otherwise available remedies. Grantee's remedies shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity. As part of the consideration for this Conservation Easement, the parties hereby waive trial by jury in any action brought by either party pertaining to any matter whatsoever arising out of or in any way connected with this Conservation Easement.

13. Waiver. Grantor intends that enforcement of the terms and provisions of the Conservation Easement and the Plan shall by at the discretion of Grantee and that any forbearance on behalf of Grantee to exercise its rights hereunder in the event of any breach hereof by Grantor, its heirs, successors, personal representatives or assigns shall not be deemed or construed to be a waiver of Grantee's rights hereunder in the event of a subsequent breach. Grantor hereby waives any defense of laches, estoppel, or prescription.

14. Assignment. Grantee agrees that it will hold this Conservation Easement exclusively for conservation purposes and that it will not assign its rights and obligations under this Conservation Easement except to another organization qualified to hold such interests under the applicable state and federal laws and committed to holding this Conservation Easement exclusively for conservation purposes.

15. Transfer of Property. Grantor agrees to incorporate the terms of this Conservation Easement in any deed or other legal instrument by which Grantor divests any interest in all or a portion of the Property, including, without limitation, a leasehold interest. Not later than thirty (30) days after execution of any deed or other legal instrument by which

Grantor divests any interest in all or a portion of the Property, including, without limitation, a leasehold interest, Grantor agrees to give written notice to Grantee of such transfer and provide a copy of the instrument.

16. Condemnation. If the Conservation Easement is taken, in whole or in part, by exercise of the power of eminent domain, Grantee shall be entitled to compensation in accordance with applicable law.

17. Severability. If any provision of this Conservation Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Easement, and the application of such provision to persons or circumstances other than those as to which it is found to be invalid, shall not be affected thereby.

18. Notices; References. All notices, consents approvals or other communications hereunder shall be in writing and shall be deemed properly given as of the second business day after mailing if sent by United State certified mail, return receipt requested, or by overnight mail service (e.g., FedEx, UPS), addressed to the appropriate party or successor-in-interest, at the address above set forth or such new addresses as either party may in writing deliver to the other. References in this Conservation Easement to the Grantor or Grantee include their successors-in-interest.

19. Venue; Choice of Law; Waiver of Jury Trial. Any cause of action shall be brought in either the county or counties where the Property is situated or in Leon County. This Conservation Easement has been delivered in the State of Florida and shall be construed in accordance with the laws of Florida. As part of the consideration for this Conservation Easement, the parties hereby waive trial by jury in any action or proceeding brought by any party against any other party pertaining to any matter whatsoever arising out of or in any way connected with this Conservation Easement.

20. Amendment. This Conservation Easement may be amended, altered, released or revoked only by written agreement between the parties hereto, their successors or assigns. No amendment shall be effective until executed with the formality of a deed and recorded in the public records.

21. Subordination of Liens. Grantor agrees that if the Property is subject to a mortgage lien or any other form of lien or security pertaining to the Property, Grantor shall provide recorded or recordable documentation to verify that such lien or security interest is subordinate to this Conservation Easement.

22. Recording. Grantor shall record this Conservation Easement and any amendments in a timely fashion in the same manner as any other instrument asserting title to real property and must re-record it at any time as may be required to preserve the rights in this Conservation Easement.

TO HAVE AND TO HOLD unto grantee, its respective successors and assigns forever. The covenants, terms, conditions, restrictions and purposes imposed with this easement shall not only be binding upon Grantor but also its agents, personal representatives, heirs, assigns and all other successors to it in interest and shall continue as a servitude running in perpetuity with the Property.

IN WITNESS WHEREOF Grantor has set its hand on the day and year first above written.

Signed, sealed and delivered
In our presence as witnesses:

_____
[Corporate name]

_____ By: _____

Name: _____ Name: _____

Title: _____

_____

Name: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 201_ by _____, the _____ of, a Florida corporation, on behalf of the corporation. The above-named individual is personally known to me or produced _____ as identification.

_____
Notary Public State of Florida
Commission No:
Commission expires:

GRANTEE'S ACCEPTANCE

The Florida Fish and Wildlife Conservation Commission hereby accepts the foregoing Conservation Easement.

FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION

By: _____
Title: _____
Date: _____

Approved as to form and legal sufficiency:

_____
FWC Attorney

Appendix 9. Interim FWC Policy on the Relocation of Priority Commensals

Introduction

The presence of gopher tortoises is important to many Florida species that benefit from the burrows gopher tortoises dig. For some species, survival is directly linked to their interactions with gopher tortoises, whereas other species have a less dependent relationship. By virtue of the burrow it constructs, the gopher tortoise is recognized as a keystone species that provides significant resources for a large set of other wildlife species in Florida. As noted in FWC's Gopher Tortoise Management Plan (2012), Jackson and Milstrey (1989) listed 60 vertebrate and 302 invertebrate species that have been observed in gopher tortoise burrows. A large proportion of those species are considered commensals, while others are infrequent visitors to gopher tortoise burrows.

Commensals are species strongly associated with gopher tortoise burrows because of the burrow's relatively constant microhabitat (temperature and moisture) and the protection it offers from fire and inclement weather. For populations of these commensals to persist in Florida, healthy gopher tortoise populations are needed. The conservation of the gopher tortoise conserves the biodiversity of commensals in Florida. As gopher tortoise populations declined, so did those of commensals. In the case of the eastern indigo snake, these declines were a factor in it being listed as a federally Threatened species under the Endangered Species Act (ESA).

Interim FWC Policy on the Relocation of Priority Commensals

The FWC has permitted the humane relocation of gopher tortoises since the mid-1980s. Along with the gopher tortoise, a "suite of species," or commensals, was also permitted for relocation. Specifically, state-listed species were authorized for relocation with the gopher tortoises when captured incidentally during authorized gopher tortoise capture methods. These state-listed species included the Florida mouse, gopher frog, and pine snake; and prior to 2009, also included the eastern indigo snake. Although the relocation of these animals has occurred, no follow-up monitoring was required. Therefore, little to nothing is known about the survival of these relocated animals and their impact on resident individuals or populations.

Furthermore, little is known how commensal species respond to relocation, in particular the Florida mouse, gopher frog, and pine snake, and little research has been conducted on the best methods for relocating these species. Concerns exist about the potential impacts to resident populations, genetic boundaries, and minimizing the potential spread of disease, because these factors are poorly understood. For these reasons, interim guidelines for limited relocation are provided until the individual species management plans are developed and approved by FWC's Commission. Once the species plans are approved, this interim guidance will be re-evaluated to ensure that all aspects of commensal conservation are considered, and changes to this policy will be amended in the future as

needed. The FWC will work with stakeholders from the Gopher Tortoise Technical Assistance Group (GTTAG) and species experts from the scientific/academic communities to develop guidance that is best for species conservation while ensuring its practicability for the regulated community.

Until more permanent guidance is developed and approved by FWC's Commission, the priority commensals that do not require a separate permit from FWC or the USFWS will be authorized for limited relocation under FWC-issued gopher tortoise relocation permits. The FWC gopher tortoise permits do not authorize release of any animal onto properties not specified in the issued permit. One type of gopher tortoise relocation permit for temporary exclusion, does allow gopher tortoises to be temporarily relocated to adjacent sites only with written permission from the landowner. This written permission must be included with the permit application in order to obtain FWC authorizations needed for relocation on adjacent habitat. Species that will be authorized include the Florida mouse, gopher frog, and pine snake. No other species will be authorized for limited relocation under gopher tortoise permits, and a separate permit may be needed in order to perform relocation (see specific species information above under "Regulation"). Upon approval of the Gopher Tortoise Management Plan at the scheduled 5 September 2012 FWC Commission meeting, this *Interim FWC Policy on the Relocation of Priority Commensals* will supersede the guidelines for commensals provided in Appendix 9, *Handling of Commensal Species during Relocations* of the Gopher Tortoise Permitting Guidelines (April 2008, revised November 2011).

Limited Relocation Guidance

Limited relocation helps remove captured commensals from harms' way while minimizing the threats to individuals and populations, *e.g.*, by lessening potential impacts of competition with resident populations, crossing genetic boundaries, and possible spread of disease. Different permit options are available for the relocation of gopher tortoises depending on the type and extent of impact to the gopher tortoise and habitat on which it depends. Gopher tortoise relocation permits are described in these Gopher Tortoise Permitting Guidelines (April 2008, as amended) available at MyFWC.com/GopherTortoise.[i] The following interim guidance only applies to listed and non-listed commensals that are incidentally captured during permitted gopher tortoise relocation activities. Trapping or capturing these species associated with any other activity requires a separate permit from FWC's Protected Species Permitting section.[ii]

To accommodate various project types and permit scenarios, FWC has developed interim guidance (see Table 1 below) for limited relocation of commensals based on post-development site characteristics and species identity. Additional species-specific considerations for relocations are included above in the sections for priority commensal species. Species-specific guidelines for permitting relocations and research are forthcoming and will be developed as management plans are finalized for listed commensal species. For the interim, the following guidance is provided so that animals encountered during gopher tortoise trapping and relocation efforts are appropriately handled and released. Species-

specific regulation and relocation considerations are included after Table 1 below. For additional information on the biology of the following species, please refer to Chapter 5 of the Gopher Tortoise Management Plan approved September 2012.

Table 1. Interim guidance for limited relocation of commensals based on post-development site characteristics and species identity.

Post-development site characteristics	*If a gopher tortoise burrow will be impacted from development activities and* ***some habitat will remain on-site***	*If a gopher tortoise burrow will be impacted from development activities and* ***adjacent habitat is available***	*If a gopher tortoise burrow will be impacted/destroyed from development activities and* ***no habitat will remain***
Florida Mouse	Any incidentally captured Florida mouse should be released on-site or allowed to escape unharmed if some habitat will remain post-development activities.	Any incidentally captured Florida mouse should be released on-site as close to original habitat as possible.	Any incidentally captured Florida mouse should be allowed to escape unharmed, relocated offsite to newly created (*i.e*., reclaimed) habitat that is not currently occupied by Florida mice, or donated to a facility for educational or research purposes (permit required for receiving facility).
Gopher frog	Any incidentally captured gopher frog should be released on-site or allowed to escape unharmed if some habitat will remain post-development activities.	Any incidentally captured gopher frog should be released on-site or allowed to escape unharmed if some habitat will remain post-development activities, within 2 km of capture site.	Any incidentally captured gopher frog should be allowed to escape unharmed or donated to a facility for educational or research purposes (permit required for receiving facility).
Pine snake	Any incidentally captured pine snake should be released on-site or allowed to escape unharmed if some habitat will remain post-development activities.	Any incidentally captured pine snake should be released on-site or allowed to escape unharmed if some habitat will remain post-development activities.	Any incidentally captured pine snake should be allowed to escape unharmed or donated to a facility for educational or research purposes (permit required for receiving facility).
Non-listed commensals, invertebrates, and other common animals encountered	All animals should be released on-site or allowed to escape unharmed.	All animals should be released on-site or allowed to escape unharmed.	All animals should be released on-site or allowed to escape unharmed. Captured invertebrates can also be donated to a facility for educational or research purposes.

Exotic species	Nonnative species removed from gopher tortoise burrows during relocations should either be euthanized or placed with a properly permitted individual or organization.	Nonnative species removed from gopher tortoise burrows during relocations should either be euthanized or placed with a properly permitted individual or organization.	Nonnative species removed from gopher tortoise burrows during relocations shall either be euthanized or placed with a properly permitted individual or organization.

Regulations and Considerations for Limited Relocation

Gopher Frog *(Lithobates capito)*

Regulation

The gopher frog is listed as a Species of Special Concern (68A-27.005, F.A.C.) by FWC. It is illegal to pursue, hunt, molest, capture, kill, attempt any of these acts, transport, or sell gopher frogs or their eggs without a permit issued by FWC. Information on applying for a permit for the collection or incidental take of gopher frogs is available on FWC's Protected Wildlife Permitting webpage.[iii]

Considerations for Limited Relocation of Gopher Frogs

Limited relocation may be authorized by FWC in concert with permitted gopher tortoise relocation activities and specified on the gopher tortoise relocation permit. This is because gopher frogs are most commonly encountered during tortoise capture, either in bucket traps or during burrow excavation. They can also be trapped by placing a funnel trap in the mouth of the burrow or by using drift fences in combination with buckets or funnel traps to intercept their seasonal migrations to breeding ponds. Frogs may be secured in plastic containers (1 frog per container) with a wet paper towel soaked with non-chlorinated water (bottled water, filtered water, or well water). Containers with frogs should be of a length that is at least double the body length, with a width that is equal to the body length, and a height that will permit the animal to sit naturally with head clearance. Containers with frogs should have air holes in the lid and/or sides of the container that are sufficient for ventilation. In general, containers with frogs can be kept under the same conditions as gopher tortoises for transport, but frog containers must be cleaned and new wet paper towels replaced daily to prevent desiccation of the animals. Agents who undertake tortoise relocations in central and southern Florida should be aware of three nonnative amphibians (Cuban treefrog, greenhouse treefrog, and cane, giant, or marine toad) that may be confused with gopher frogs. These nonnative species should not be relocated but must be either euthanized or placed with a properly permitted individual or organization. Gopher frogs should be relocated to an area where active gopher tortoise burrows are within 2 km (1.2 mi) of fish-free, isolated wetlands that are not separated by any significant barriers to frog movement (*e.g.*, no major roads or rivers). The relocation site should be as close to the capture site as possible and major river drainages should not be crossed. Frogs should be

released directly into the mouth of the burrow at the recipient site, but avoid releasing more than 1 frog into a burrow.

Florida Mouse *(Podomys floridanus)*

Regulation

The Florida mouse is currently listed as a Species of Special Concern (68A-27.005, F.A.C.) by FWC. It is illegal to pursue, hunt, molest, capture, kill, attempt any of these acts, transport, or sell Florida mice or their nests without an FWC permit. Information on applying for a permit for the collection or incidental take of Florida mice is available on FWC's Protected Wildlife Permitting webpage[iv].

Considerations for Limited Relocation of Florida Mice

Limited relocation may be authorized by FWC in concert with permitted gopher tortoise relocation activities and specified on the gopher tortoise relocation permit. This is because Florida mice can be opportunistically captured by hand during burrow excavation. Mice can be retained and transported in Sherman traps or small animal carriers for 24 hrs, as long as they are carefully protected from extremes of heat and cold; sunflower seeds should be provided. Mice should be released at the mouth of gopher tortoise burrows at the relocation site. To maximize relocation success, mice should be released into active burrows of adult gopher tortoises. Only 1 mouse should be released per burrow, unless mice were captured at the same burrow at the recipient site. Florida mice should not be released at any site with an existing population of Florida mice. Florida mice should be released only within their known geographic range and, more specifically, recipient sites (such as reclaimed quarries) should be within the same ridge system to avoid movement of mice across potential geographic boundaries for subpopulations. The maximum dispersal distance for Florida mice is not well known, so suitable patches of xeric upland habitat should not be separated by more than 1 km (0.6 mi) to maximize the probability that Florida mice would be able to move successfully among patches.

Florida Pine Snake (*Pituophis melanoleucus mugitus*)

Regulation

The Florida pine snake is listed as a Species of Special Concern (68A-27.005, F.A.C.) by FWC. It is illegal to pursue, hunt, molest, capture, kill, attempt any of these acts, transport, or sell pine snakes or their eggs without an FWC permit; however, possession of 1 Florida pine snake without a permit is allowed (68A-25.002 [10] F.A.C.), although albino or amelanistic (lacking dark skin color) specimens may be possessed without limit. Information on applying for a permit for the collection or incidental take of Florida pine snakes is available on FWC's Protected Wildlife Permitting webpage.[v] The status of the Florida pine snake has recently been reviewed by a group of biologists and it was found to warrant

protection as a state Threatened species. A management plan is being developed for this species to guide its conservation after the change in status.

Considerations for Limited Relocation of Pine Snakes

Limited relocation may be authorized by FWC in concert with permitted gopher tortoise relocation activities and specified on the gopher tortoise relocation permit. This is because Florida pine snakes may be encountered during site surveys, excavation of gopher tortoise burrows, or capture of tortoises. Snakes should be enclosed in a cloth bag (1 snake per container) such as a pillow case or similar 'snake bag' constructed for that purpose. Alternatively, snakes may be picked up with a rake or stick and dropped into a plastic garbage can with a secure lid. Snakes in bags can be placed in the same type container used for a gopher tortoise (without the gopher tortoise) and maintained under the same conditions as the tortoises until release. Snakes should be released with gopher tortoises and will make their own way to suitable cover.

Florida pine snakes have relatively large home ranges and use a variety of upland habitats, so they will require large, diverse recipient sites. Males have an average home range of 70.1 ha (173 acres) and females of 37.5 ha (93 acres; Miller 2008). Because of negative impacts from fragmentation (reduction in large, continuous natural areas by roads, cities, rivers, or other barriers), Florida pine snakes should be moved to sites with as little fragmentation as possible. Florida pine snakes should not be relocated to reclaimed sites unless a sufficient onsite prey base can be verified.

Eastern Indigo Snake (*Drymarchon couperi*)

Regulation

The eastern indigo snake is listed as a Threatened species by the USFWS in 50 C.F.R. 17.11 and listed as a Federally-designated Endangered and Threatened species (68A-27.003, F.A.C.) in recognition of its federal classification. For federally listed species like the eastern indigo snake, either a federal permit is required to capture, handle, or relocate individuals or an FWC permit issued under guidelines approved by the USFWS pursuant to Florida's Cooperative Agreement is required; as of the writing of this plan, there have not been any FWC guidelines proposed or approved for the eastern indigo snake. Therefore, authorized agents should coordinate with the USFWS if they plan to handle eastern indigo snakes. A programmatic effect determination key for the eastern indigo snake can be found on the USFWS website.[vi]

Considerations for Limited Relocation of Eastern Indigo Snakes

Currently, relocation of eastern indigo snakes is not authorized by the USFWS or by FWC. The USFWS[vii] suggests that when eastern indigo snakes are seen during land clearing, the land clearing activities cease and the eastern indigo snake be allowed to move away.

Eastern Diamondback Rattlesnake (*Crotalus adamanteus*)

Regulation

The eastern diamondback rattlesnake is not currently listed by either FWC or the USFWS. The USFWS has received a petition to list the eastern diamondback rattlesnake as Threatened under the Endangered Species Act. In May 2012, the USFWS announced the 90-day finding on that petition, noting that the petition presented substantial scientific or commercial information indicating that listing the eastern diamondback may be warranted. A status review is presently being undertaken, and if the 12-month finding deems that federal listing is warranted, individuals would be required to coordinate with the USFWS if they plan to handle or transport eastern diamondback rattlesnakes. Currently, a venomous reptile permit[viii] issued by FWC is required to handle or transport live eastern diamondback rattlesnakes.

Considerations for Limited Relocation of Eastern Diamondback Rattlesnakes

If relocation of individual snakes is considered and authorized in the future, guidelines will be developed to ensure that relocation is undertaken when there is a conservation benefit to the overall population. Currently, a venomous reptile permit[ix] issued by FWC is required to handle or transport live eastern diamondback rattlesnakes. Diamondback rattlesnakes are venomous and can strike a distance up to 2/3 of their body length. This species is best left alone when encountered.

Invertebrate Commensal Species

Considerations for Limited Relocation of Invertebrates

Relocating invertebrate commensals with their hosts over relatively short distances within a contiguous habitat matrix might help them become established with the new tortoise populations and, in the case of suspected mutualists, might benefit the tortoises also. Research is needed to determine how to keep commensals alive, such as by refrigeration, rearing, or a combination of techniques, until tortoises have established burrows in their new locality.

Nonnative Species that use Gopher Tortoise Burrows

Nonnative species and infrequent visitors to gopher tortoise burrows are not considered commensals for the purpose of this plan, but may be addressed herein as needed, particularly when providing guidance when encountered during gopher tortoise relocation efforts. Nonnative species removed from gopher tortoise burrows during relocations should either be euthanized or placed with a properly permitted individual or organization. The Argentine giant tegu (*Tupinambis merianae*), recently established in Florida, is known to occupy gopher tortoise burrows. Please report this and any other nonnative species through the toll-free number 888-IVEGOT1 (888-483-4681), or online at www.EDDMaps.org. For

more information on nonnative species in Florida, visit the nonnative section[x] on MyFWC.com.

URLs included in this Appendix

[i] http://www.myfwc.com/wildlifehabitats/managed/gopher-tortoise/
[ii] http://www.myfwc.com/license/wildlife/protected-wildlife/
[iii] http://myfwc.com/license/wildlife/protected-wildlife/#sc
[iv] http://myfwc.com/license/wildlife/protected-wildlife/
[v] http://myfwc.com/license/wildlife/protected-wildlife/#sc
[vi] http://www.fws.gov/northflorida
[vii] http://www.fws.gov/northflorida
[viii] http://myfwc.com/license/captive-wildlife/
[ix] http://myfwc.com/license/captive-wildlife/
[x] http://www.myfwc.com/wildlifehabitats/nonnatives/

Appendix 10. FWC Gopher Tortoise Contact Information

Florida Fish and Wildlife Conservation Commission
DIVISION OF HABITAT AND SPECIES CONSERVATION
GOPHER TORTOISE CONTACT INFORMATION

For inquiries related to the Gopher Tortoise Management Plan, please contact:

Gopher Tortoise Management Plan Coordinator
Division of Habitat and Species Conservation
Species Conservation Planning Section
Florida Fish and Wildlife Conservation Commission
620 South Meridian Street (Mail Station 2A)
Tallahassee, Florida 32399-1600
921-1019; Fax: (850)921-1847

For specific inquiries related to gopher tortoise permitting requirements and status, please contact:

Gopher Tortoise Permit Coordinator
Division of Habitat and Species Conservation
Species Conservation Planning Section
Florida Fish and Wildlife Conservation Commission
620 South Meridian Street (Mail Station 2A)
Tallahassee, Florida 32399-1600
(850)921-1031; Fax: (850)488-5297
MyFWC.com/GopherTortoise

Appendix 11. Modified Application Requirements, Recipient Site Criteria, and Handling Procedures for 10 or Fewer Burrows and Burrow or Structure Protection Permits

The 10 or Fewer Burrows permit is available when fewer than 10 burrows or tortoises will be impacted on a development site. These permits are intended to provide a streamlined, less expensive, and faster option for applicants impacting smaller numbers of tortoises when the gopher tortoises are relocated to suitable on-site and off-site recipient areas. Therefore, the amount of information required for applications is reduced. Applications may be checked by FWC staff, and additional information may be required in situations where submitted information is not clear or does not appear to meet criteria for this permit type.

Such permits usually are issued for smaller properties (such as single-family residential lots), but larger properties may also meet the criteria for this permit when development activities are minimal or only small numbers of burrows are present on the property.

Burrow or Structure Protection permits are available when the integrity or utility of an existing structure is jeopardized by one or two burrows and therefore poses a public safety concern (e.g., burrow under a propane tank), or if the safety of the resident tortoise is compromised (e.g., burrows in a grass parking lot, dirt driveway, etc.).

Gopher Tortoise Burrow Surveys

In order for applicants to determine if they meet the criteria for the 10 or Fewer Burrows permit, 100% surveys must be conducted over the entire development footprint and submitted as part of the permit application (rather than after issuance of the permit). The 15% survey protocol for donor sites (Appendix 4) does not apply to this permit type. The GPS coordinates for burrows on donor sites must be submitted with 10 or Fewer Burrows permit applications for offsite relocation. Survey maps listed in Appendix 4 are recommended but not required for these permit applications unless specifically requested by FWC staff reviewing such applications. Surveys are not required for applications to relocate tortoises for Burrow or Structure Protection permits.

On-site Recipient Site Criteria

On-site recipient areas under 10 or Fewer Burrows or Burrow or Structure Protection permits do not require separate FWC recipient site permits. Therefore, requirements under permitted long-term protected recipient sites and short-term protected or unprotected recipient sites do not apply. However, recipient sites must be suitable set-aside areas that are not disturbed by construction activities and provide a safe environment that excludes (through temporary fencing or other means) tortoises from development areas until such development activities have been completed or from the area where the compromised burrow(s) is located. Gopher tortoises need access to the following: 1) sufficient areas of forage (herbaceous and low-growing plants including native broadleaf grasses, legumes [bean/pea family], asters, blackberries and other

fruits, prickly pear cactus, and a variety of other non-native grasses, except cogon grass); 2) sandy, well-drained, open (uncanopied), sunny sites for burrows and basking; 3) protection from dogs, cats, other exotic predators, human harassment, and busy roads**.** Such general conditions must remain after development, outside the built footprint on the site. Small sites typically have gopher tortoises that normally "roam" between adjoining neighboring parcels to forage or burrow, so this should be considered as well. The herbaceous vegetation must be maintained (mowing, burning, etc.), and pesticides/herbicides should not be used in the recipient area. If the recipient area does not appear to meet these requirements, please contact FWC staff or an authorized agent to discuss conservation options that may be available.

Stocking criteria (maximum of four per acre, Table 2) do not apply. Under 10 or Fewer Burrows permits, higher on-site recipient area densities are allowed; up to five tortoises may be moved into pens for up to 10 days.

Temporary Penning of Tortoises to Exclude Them from Development Activities

For the purpose of excluding tortoises from the development footprint (for on-site relocations only), tortoises may be penned for up to 10 days, only while bucket traps or other tortoise trapping activities are in progress. Once trapping activities are complete or 10 days have passed, whichever occurs sooner, penned tortoises must be released and effectively excluded from the development footprint using temporary fencing or other means.

Pens must provide partial (but not full) shade, forage, and water. Pens must not be smaller than 100 square feet; larger pens are recommended. Sites that cannot accommodate a recipient area pen of this minimum size or larger will require the applicant to relocate tortoises off-site.

Pens should be constructed ahead of time, so tortoises may be placed in pens as soon as they are captured. Silt fence barriers should be installed around the perimeter of the construction area after all tortoises have been trapped. The silt fence should be buried 8 inches into the ground so tortoises cannot crawl under it. Land clearing should occur immediately after all tortoises are relocated out of harm's way. Tortoises trapped and released before clearing has begun may find their way back to the construction site and be injured or entombed there. Tortoises have a strong homing instinct and will try to return to their burrows if there are not barriers that discourage them from doing so.

Tortoises captured under Burrow or Structure Protection permits must be relocated to the permitted on-site recipient area immediately after capture. Penning is not allowed under this permit type.

Habitat Maps, Soil Map, and Calculated Maximum Allowable Density for Donor and Recipient Sites

Habitat maps, soil maps, and calculated stocking rate (Appendix 3) are not required for this permit application unless gopher tortoises will be relocated to an off-site recipient area or this information is specifically requested by FWC staff reviewing such applications.

Vegetation Sampling on Recipient Areas

Vegetation sampling is not required for on-site relocations under this permit type. Vegetation sampling is required for all off-site recipient areas (see Appendix 7).

Marking and Measuring Gopher Tortoises

When conducting on-site relocations, marking and measuring tortoises is not required. Marking tortoises is required for off-site relocations to permitted recipient sites (see Appendix 5).

Health Considerations

Health evaluations are encouraged for any relocation, but are not required for on-site relocations under this permit type. Off-site relocation requirements are identical to other off-site relocation permits (see Appendix 6).

Appendix 12. Gopher Tortoise Restocking Guidelines for Publicly Owned Conservation Lands (created November 2011)

I. PURPOSE

The original version of the Gopher Tortoise Permitting Guidelines approved in April 2008 did not specifically address restocking public conservation lands. The purpose of the following restocking guidelines is to help bring consistency to the restocking and augmentation of gopher tortoise *(Gopherus polyphemus)* populations on public conservation lands owned, purchased, or managed with funding provided by the State of Florida (including the Water Management Districts and local governments). A team of public conservation land managers representing the Florida Department of Environmental Protection Florida Park Service, Florida Department of Agriculture and Consumer Services Florida Forest Service, the five Water Management Districts, Florida Communities Trust, and Florida Fish and Wildlife Conservation Commission developed these guidelines, in partnership with the Gopher Tortoise Technical Assistance Group, to further the public trust of conserving, restoring, and managing Florida's public lands.

The participants who drafted these guidelines, recognize that the success of gopher tortoise conservation depends both on public and private lands participation. These guidelines do not intend to create unfair competition with privately-owned long-term protected recipient sites, but serve as designated restocking sites to further the third goal of the Gopher Tortoise Management Plan, to restore and maintain secure viable populations of gopher tortoises throughout Florida. Long-term Protected Restocking Sites will be stocked at a lower density (≤2/acre) than Long-term Protected Recipient Sites (≤4/acre) so that tortoises can expand naturally over time. Public conservation lands established as Long-term Protected Recipient Sites under a perpetual conservation easement qualify for the full site evaluation stocking rate.

Lands under local government ownership and those owned by the State of Florida may choose to become a Long-term Protected Recipient Site for receiving relocated tortoises from development sites. These lands may meet the criteria for a long-term protected recipient site (see Permitting Guidelines) and be eligible for a final site evaluation rate of four tortoises per acre. Lands that are designated by the managing entity for restocking (i.e., where tortoises are depleted or no longer exist) must meet the criteria for restocking public conservation lands outlined in these guidelines. For purposes of the Gopher Tortoise Management Plan and Permitting Guidelines, restocking is defined as deliberately moving wild gopher tortoises into protected, managed, suitable habitat where resident densities are extremely low and where the restocked tortoises' future survival and long-term population viability are very likely. We refer to a designated site that meets the criteria for restocking as a recipient or restocking site and is an area of protected, managed, suitable habitat where gopher tortoise populations have been severely depleted or eliminated.

Restocking gopher tortoises to restore severely depleted populations is the preferred population management tool identified in the Gopher Tortoise Management Plan, just as prescribed fire is the premier habitat management tool. Restocking allows for the relocated tortoises to naturally expand into well-managed habitat. Restocking of other imperiled species is generally

undertaken with surplus individuals from protected populations. Restocking is a form of responsible relocation; however, tortoises may also be responsibly relocated to sites with resident tortoises where the carrying capacity has been increased through habitat management to provide sufficient forage for additional tortoises. The restocking strategy outlined in the Gopher Tortoise Management Plan is to relocate gopher tortoises to sites that can benefit from the restoration of this keystone species. The focus will be on establishing viable populations on protected, well-managed lands.

The intent of these Restocking Guidelines is to ensure that restocking of public lands is consistent with the goals and objectives for which the land was acquired and to provide a high conservation value for gopher tortoises in Florida. Furthermore, restocking efforts should be compatible with the uses described in the agency-approved land management plan (e.g., Acquisition and Restoration Council [ARC] approved management plans).

Florida Forever Act

Section 259.105, Florida Statutes, The Florida Forever Act ("Act") as amended by Chapter 2008-229, Laws of Florida, Section 13, directs that "public lands, both existing and to be acquired, identified by the lead land managing agency, in consultation with the Florida Fish and Wildlife Conservation Commission for animals or the Department of Agriculture and Consumer Services for plants, as habitat or potentially restorable habitat for imperiled species, be restored, enhanced, managed, and repopulated as habitat for such species to advance the goals and objectives of imperiled species management consistent with the purposes for which such lands are acquired without restricting other uses identified in the management plan."

Further, Section 259.105, Florida Statutes, the Act states: "As part of the state's role, all state lands that have imperiled species habitat shall include as a consideration in management plan development the restoration, enhancement, management, and repopulation of such habitats. In addition, the lead land managing agency of such state lands may use fees received from public or private entities for projects to offset adverse impacts to imperiled species or their habitat in order to restore, enhance, manage, repopulate, or acquire land and to implement land management plans developed under s. 253.034 or a land management prospectus developed and implemented under this chapter. Such fees shall be deposited into a foundation or fund created by each land management agency under 1s. 372.0215, s. 589.012, or s. 259.032(11) (d), to be used solely to restore, manage, enhance, repopulate, or acquire imperiled species habitat."

II. CRITERIA FOR RECIPIENT SITE SELECTION

Site Specific Restocking and Augmentation Plan

Each gopher tortoise restocking or augmentation project on public conservation lands must have a site-specific plan including the duration of the restocking activity ("restocking plan") that will be followed while conducting the project. The FWC will assess this restocking plan during the permit process to determine if restocking is appropriate for the specified site. The restocking plan shall document: what caused the lack of gopher tortoises on the site; what has been done to overcome the threat that caused the lack of gopher tortoises; site selection analysis (see below);

the restocking process; and post-restocking management, monitoring and reporting. These site-specific restocking plans must be kept on file by the managing agency and should be used as a tool to communicate the details of a project to future managers of the land.

Site Selection Analysis

Specific criteria to consider for selecting potential recipient sites are in the Permitting Guidelines (Recipient Site Permits). Additional protocol and considerations for selecting a site for restocking are included in *Protocol for Assessing Gopher Tortoise Densities on FWC Lands Identified as Potential Restocking Sites* (Appendix 7) of the Gopher Tortoise Management Plan.

Management Considerations

Maintain Natural Communities: The primary means to maintain or restore robust tortoise populations on public conservation lands is to restore or maintain natural communities that provide suitable gopher tortoise habitat in optimal condition. This requires the maintenance or restoration of natural processes including frequent fire, natural hydrology, and control of invasive exotic species (plant and animal). The best sites for restocking are those where natural communities are in the maintenance phase of management. Tortoises use a number of ruderal communities (e.g., abandoned agricultural fields, farm field borders, utility rights-of-way, roadsides, canopy gaps, and bare ground created in forests or pine plantations following thinning or harvest with ongoing or past disturbances). These ruderal communities may be suitable for restocking under certain circumstances; however, it is preferred that tortoises be relocated to appropriate natural communities.

Use Frequent Prescribed Fire: Natural tortoise populations occur in habitat that is fire-maintained. Fire return intervals vary based on natural community and site conditions and must be addressed in the site-specific restocking plan. It is generally accepted that sandhill, pine flatwoods, and dry prairie should be burned on one-year to three-year rotations while scrub, scrubby flatwoods, and coastal strand burn on longer fire return intervals. Fire at recipient sites needs to occur at appropriate intervals to maintain a diverse groundcover, and the restocking plan must address how this will be accomplished. Fire improves the condition of these natural communities by killing non fire-adapted plants, recycling nutrients, clearing out dead and diseased vegetation, promoting plant flowering and fruit production, and fostering new plant growth. The optimal benefits of fire for gopher tortoises are realized when applying prescribed burns in a manner that mimics the natural lightning fire season in early spring.

Natural Systems Management/Other Imperiled Species Considerations: Appropriate management of natural communities will generally benefit most imperiled species populations, including gopher tortoises. Natural systems management across the landscape often negates the need for single species management. In rare cases, conflicting management strategies between imperiled species can exist. For example, management of Florida scrub-jay habitat may require longer fire return intervals or less complete (mosaic) burns than would be desired to produce ideal habitat for gopher tortoises. Appropriate management activities should take into account all imperiled species that may be present.

Ruderal or Disturbed Lands Restoration

Desired Future Condition: To the extent feasible (and excepting infrastructure improvements such as limited roads, buildings, hiking and equestrian trails, camp sites, etc.), the desired future condition for the majority of ruderal and disturbed lands on public conservation lands is restoration to the natural communities that historically occurred on each site. Gopher tortoise restocking and augmentation can be an important part of community restoration since gopher tortoises are a keystone species that provide refuge and nesting habitat for a large number of other species.

Protect Tortoises During Restoration: If tortoises are restocked on ruderal lands that will be restored to their natural condition, all due care must be taken to ensure that tortoises and their burrows are protected, per the Permitting Guidelines. Plans to address this must be in the restocking plan.

Ensure Adequate Forage During Restoration: Tortoises should not be deprived of adequate forage during habitat restoration. If tortoises reside on pastures being restored to native groundcover, restoration must be done in a manner that ensures tortoises have adequate forage.

Compatibility of Uses

Restocking tortoises is not allowed within developed public use areas of management units, or within approved or proposed sites for facilities development (e.g., campgrounds, structures, parking lots).

Habitat Condition

Restocking of tortoises may be undertaken on public conservation lands if the habitat is in suitable condition to support them. During the recipient site permitting process, FWC evaluates proposed recipient sites to determine their suitability and the maximum number of tortoises that can be relocated to each site. Site suitability criteria are divided into two classes, *Acceptable* (minimum acceptable standards) and *Desirable* (highly desirable features).

Desirable conditions for tortoises in most suitable natural communities in Florida include canopy cover of no more than 40% and native herbaceous groundcover at 50% cover or greater. Acceptable conditions for tortoises in most suitable natural communities in Florida include canopy cover of no more than 60% and native herbaceous groundcover at 30% cover or greater. Refer to the Permitting Guidelines, Table 2. *Acceptable and Desirable Criteria Thresholds for Recipient Site Characteristics* for additional criteria used to evaluate recipient sites.

Gopher tortoise recipient sites should be of the same or similar habitat type as the donor site (e.g., tortoises should be relocated from a Sandhill site to a Sandhill site). In general, tortoises should not be introduced onto ruderal lands that did not originally support tortoise habitat (e.g., Hydric Hammock converted to pasture).

Recipient Site Surveys

Tortoise populations in potential recipient sites on public conservation lands must be surveyed to determine whether or not restocking or augmentation is warranted. Public land agencies may

utilize their own staff if they have the appropriate training and experience to conduct surveys and are Authorized Agents, or they may contract with Authorized Gopher Tortoise Agents from the private sector. The required survey protocol is outlined in Gopher Tortoise Permitting Guidelines (Appendix 4). Staff of public conservation lands may decide that surveying more than the required minimum (15% of the potential recipient site) is warranted based on the goals and objectives of the restocking effort.

Population Densities

Tortoise population densities vary considerably between various habitat types and over time. The goal on public conservation lands is to maintain tortoise populations within natural habitat-specific ranges and to allow natural population fluctuation within those ranges.

Restocking must not be used to attempt to create or maintain population levels at a constant maximum or super-abundance. For this purpose, restocking shall occur at only 50% of the site specific maximum allowable density.

Typically, only areas with suitable habitat conditions and low tortoise densities for designated habitat types shall be considered as potential restocking sites on public conservation lands. Additionally, tortoises should not be stocked into a patch of habitat that is adjacent to or contiguous with a patch that has a moderate to high tortoise density. Exceptions are allowable in special circumstances such as when a donor site is immediately adjacent to a management unit recipient site.

Stocking Rates for Restocked Areas

The section, *Types of Permits, Recipient Site Permits* of the Permitting Guidelines, include stocking rates for recipient sites. The Permitting Guidelines Table 2 establishes maximum allowable tortoise restocking rates (Site Evaluation Stocking Rate) for recipient sites having site characteristics that meet "acceptable" or "desirable" criteria. The formula for determining an allowable stocking rate for restocking public conservation lands is different from that outlined for other recipient site permits in Appendix 4. The final stocking rate = (site evaluation stocking rate x 50%) – baseline density for a maximum site density of two tortoises per acre (see Guidelines, Appendix 4). This will allow the population to expand naturally.

The FWC will base the final stocking rate assigned to a management unit on local conditions and objectives. Decisions should be guided by a strategy of establishing stocking rates well below maximum carrying capacity or site evaluation stocking rate, and allowing tortoise populations to expand naturally over time. The maximum allowed site evaluation stocking rate in the Permitting Guidelines is two tortoises per acre for *Acceptable* criteria and four tortoises per acre for *Desirable* criteria. However, for restocking public conservation lands, the number of tortoises per acre shall not exceed 50% of the site evaluation stocking rate. One potential strategy for restocking public conservation lands may be to establish a relatively small recipient area within a larger block of suitable habitat that contains a low density of gopher tortoises. This strategy will allow the maximum allowable gopher tortoise density of the recipient block to be clustered in the smaller recipient area as a means to restock the entire block. Agencies may

employ different strategies that are more efficient with their management purposes; however, FWC will always consider the larger block of suitable habitat as the restocking unit to be permitted.

Stocking rates for ruderal lands (e.g., pasture) should be assigned conservatively and should not exceed the final stocking density of the current habitat or of the natural habitat to which it may be restored. Stocking rates for ruderal lands slated for restoration should consider all necessary restoration treatments and the final community composition and structure. At no time should tortoise densities exceed the capacity of the limiting factors of the habitat community.

III. STANDARD PROCEDURES DURING RESTOCKING, AND HANDLING WITHIN A RESTOCKING SITE

Restocking within a Management Unit

Relocation of tortoises within a public conservation management unit during construction of facilities or for other reasons requires a permit and must be in accordance with the Gopher Tortoise Permitting Guidelines (see *Determining if a Permit is Required*, *Activities Which Require a Permit*). Permitting requirements depend on the number of burrows to be impacted. A permit for "10 or Fewer Burrows" is required if 10 or fewer burrows are to be impacted. A "Conservation Permit" is required if more than 10 gopher tortoise burrows are to be impacted (Permitting Guidelines, Section IV, *Types of Permits*). Mitigation requirements per gopher tortoise are summarized in Table 1 in the Permitting Guidelines.

"Routine" Handling

For the most part, tortoises should be left alone and not handled on public conservation lands unless these actions are associated with a permitted monitoring or development-related relocation project. This does not mean that staff should avoid taking common sense actions to save tortoises under imminent threat, such as moving a tortoise a few feet to remove it from a busy section of road within a management unit. Gopher tortoises should *not* be relocated to other sections of a management unit without an FWC permit.

Minimizing Disease Spread

Animals showing clinical signs of disease are not permitted to be relocated except to FWC-permitted recipient sites and shall not be accepted onto public conservation lands. Health screening for tortoise relocation (or rejection for relocation) onto a management unit will be guided by these Permitting Guidelines (see Appendix 6) and the managing agency's policy.

Decisions on how stringent the public land managing agencies should be in efforts to limit introduction of novel diseases or strains of diseases (such as requiring blood samples for URTD testing) should be made on a case-by-case basis by the recipient site manager, using existing knowledge of disease strains within a management unit's (or adjacent conservation land's) existing population.

Maintaining Donor Site Demographic Conditions

If warranted by the approved stocking rate, it is required that entire colonies (juvenile through adults) be relocated together into the same management unit or recipient site. When donor populations are too large and require more than one recipient site, a representative subsample that reflects the demographic condition, including sex and age ratio, of the donor site should be selected for relocation to each recipient site. Benefits of this approach include less stress on the animals and increased site fidelity.

Relocation Distances

To minimize stress to animals and conserve local genetic stock, it is preferred that relocated tortoises be moved from a donor site that is in close proximity to the recipient site (e.g., less than 100 miles). To the degree feasible, select suitable donor sites to conserve known genetic assemblages of tortoises in the state (using the best available data).

Commensal Species

Many other species depend on gopher tortoises and their burrows. Therefore, consideration should be given to relocating commensal species from donor populations, especially if tortoises have been extirpated (or nearly so) from the recipient site. Decisions to relocate commensals along with "their" tortoises will be made on a case-by-case basis, with recommendations and justifications discussed in the associated site-specific restocking plan. Federal and state law protects various commensal species and provides species-specific guidelines that should be followed when relocating these species to public conservation lands. Commensal species must not be relocated outside their known natural historic ranges or into management units where the species in question is already abundant. Additional information can be found in Appendix 9 of the Permitting Guidelines. Indigo snakes and other federally-listed species may not be relocated without obtaining federal authorization.

IV. CONSIDERATIONS FOR RECIPIENT AND RESTOCKING SITE MANAGEMENT

Permitting Requirements

A permit from FWC is required to move or receive gopher tortoises for purposes of restocking. Long-term Protected Restocking Sites must meet the criteria outlined in the Gopher Tortoise Permitting Guidelines (April 2008, as amended). Sites proposed as restocking sites must apply for and obtain a Long-term Protected Restocking Site permit. Requirements for this permit are similar to a long-term protected recipient site permit; but may contain slight differences that are specific to publicly-owned land. Long-term Protected Restocking Sites shall be stocked at no more than 50% of the site evaluation stocking rate. Public conservation lands established as regular recipient sites and under a perpetual conservation easement qualify for the full site evaluation stocking rate. See the Permitting Guidelines for additional requirements and criteria.

Protection of Land

Public conservation lands designated as restocking sites must be protected by one of the following: a permanent FWC conservation easement; a modification of an existing conservation easement with FWC as the grantee; or, a revised land lease that includes standard language to

ensure management and protection of land for gopher tortoises (i.e., Board of Trustee's lands). The revised land lease must also include language for an automatic renewal clause to continue the agency's commitment to manage the property for gopher tortoises, remedies if the habitat is not managed appropriately including actions to be taken, and reference to the Acquisition and Restoration Council's-approved management plan for the specific site designated for restocking. These details, including the specific requirements for financial assurances (below), will be outlined in a Memorandum of Understanding (MOU) between the lead managing agency and FWC. The revisions to the plan and lease shall be completed within 6 months or a timeframe mutually agreed upon by FWC and the applicant. The length of the MOU will be consistent with the length of the land lease. FWC-accepted MOU template language is under development and will be provided.

Financial assurances

Financial assurance requirements for public conservation lands are consistent with those requirements outlined in the Gopher Tortoise Permitting Guidelines (April 2008, as amended). The purpose of creating a financial assurance is to establish a fund that helps to ensure that the property to which the gopher tortoises are moved to for restocking are managed appropriately into the future, should other funding sources no longer be available. Interest generated from a Trust Fund, once fully established, can be used to conduct site management activities; however the principle may not be spent. The face value of the financial assurance mechanism should be based on the present value of the future expected cost of conducting the required habitat management activities as identified in the Habitat Management Plan, and based on the guidelines set forth in Appendix 3-1, as well as supporting worksheets below. Draw downs from a financial assurance mechanism shall be limited to conduct habitat management within the properties that generated the management costs. Public agencies may establish a Trust Fund held by a 3rd party such as a Citizens Support Organization (CSO) or other non-profit organization.

Gopher Tortoise Cost Accounting

For public conservation lands, Gopher Tortoise Cost Accounting (See Gopher Tortoise Cost Accounting template below) must be used and submitted as part of the restocking plan. This accounting method will be used to determine any fee amount the land managing agency may charge to receive tortoises from donor site projects.

Mitigation Contributions

Mitigation amounts commensurate with those outlined in Table 1 of the Gopher Tortoise Permitting Guidelines.

Site Evaluation Stocking Rate

Long-term Protected Restocking Sites shall be stocked at no more than 50% of the site evaluation stocking rate. Public conservation lands established as regular Long-term Protected Recipient Sites and under a perpetual conservation easement qualify for the full site evaluation stocking rate.

Guidance on Ground Disturbing Activities

Permits are not required for bona fide agricultural, silvicultural, and wildlife management activities. For more information about these and other activities that do not require a permit, see Section II., Determining if a Permit is Required, of the Gopher Tortoise Permitting Guidelines. However, the goal on public conservation lands should be that negative impacts to tortoises and their burrows are minimized during restoration and management. If management activities are found to create negative impacts to tortoises or burrows, the activity should be stopped and reassessed to determine how to reduce or eliminate the impacts.

Protect Tortoises When Using Heavy Equipment:

When mechanically treating vegetation or harvesting timber with heavy equipment in occupied tortoise habitat, the tortoises and their burrows must be protected to the extent feasible (e.g., by flagging and avoiding burrow entrances). Ideally, heavy equipment use should be scheduled during cooler months (November through March) to minimize direct impacts to tortoises that are active above ground, but these activities may be performed in other months as necessary.

Avoid Using Heavy Equipment in Tortoise Concentrations:

Gopher tortoises are not randomly distributed on the landscape. Many gopher tortoise populations tend to have clumps of higher densities. Avoid or minimize roller-chopping or use of heavy equipment in areas with high burrow concentrations. An exception would be when no other reasonable alternative is available to achieve vegetation management goals (e.g., reduction of unnaturally dominant saw palmetto).

Protect Tortoises When Mowing:

In general, when mowing vegetation in natural areas occupied by tortoises, blades or cutters should be set no lower than 18 inches above the ground to avoid injury to tortoises. Mowing of turf grass on road shoulders in tortoise habitat should be kept to a minimum width, and close attention is required to avoid injuring tortoises or damaging their burrows.

Monitoring and Reporting

Recipient site managers are required to submit a summary to FWC of habitat management conducted, and the results of habitat monitoring and tortoise population surveys (see Appendix 7). Monitoring techniques will be outlined in the site-specific restocking plan and should follow guidelines and recommendations in the Gopher Tortoise Permitting Guidelines and the Gopher Tortoise Management Plan.

Gopher Tortoise Cost Accounting

WORKSHEET 1. Categories of long-term, ongoing land management costs

Upland Activities	Cost/Acre	Cost/Acre/Year	Assumptions/Frequency
Burning	$	$	
Fencing	$	$	
Firelines	$	$	
Security	$	$	
Vegetation management	$	$	
Roads	$	$	
Administrative	$	$	
Invasive Plant & Animal Management	$	$	
Monitoring and reporting	$	$	
Vegetation monitoring	$	$	
Equipment (If not already included in other costs above)	$	$	
Payment in Lieu of Taxes ("PILT" as applicable)	$	$	
Other (as specified by the land managing agency)	$	$	
Total		$	

Annual Cost Figuring a % split uplands to wetlands $
Endowment required figuring a 4% return on investment $

WORKSHEET 2. Long-term *and* one-time costs compiled (example)

Acres		Total
Land management endowment/acre (*long-term/ongoing costs carried over from Worksheet 1*)	$	$
Easement value/acre	$	$
Temporary enclosures	$	$
Other fencing	$	$
Authorized agent permit	$	$
Recipient/restocking site permit (incl. permit app prep)	$	$
Mark, transport, release or GTs (either by consultant or agency)	$	$
Loss of opportunity (silvicultural, recreation, etc.)	$	$
Administrative	$	$
Per acre total cost	$	$
Total	$	$
Land managing agency fee per tortoise considering 2 gopher tortoises per acre	$	$

Appendix 13. Criteria for Gopher Tortoise Recipient Sites to Qualify as Research Sites

(created November 2009)

The FWC has historically issued Scientific Collecting permits through the Protected Species Permit Coordinator for research projects. The gopher tortoise permitting program has similarly allowed approved recipient sites to be used solely as research recipient sites for tortoises relocated from developments. Research recipient sites were not specifically addressed in the Gopher Tortoise Management Plan ("Plan") or in the original version of the Gopher Tortoise Permitting Guidelines ("Permitting Guidelines"). This document outlines the criteria and process for research projects obtaining Research Recipient Site permits and Scientific Collecting permits for the relocation of gopher tortoises displaced by development.

The Research Recipient Site permit option is available when a previous or concurrent Scientific Collection permit has been issued for research that requires relocations to an unpermitted recipient area.

Criteria for Issuance of a Gopher Tortoise Research Recipient Site Permit

- Gopher Tortoise Research Recipient Site permits will only be issued to sites specified as part of a research project permitted under a previously issued or concurrently issued Scientific Collecting permit.
- Recipient Site permit applications will be required for Research Recipient Site permits and will subsequently be entered into the online permitting system by FWC staff.
- Research recipient sites should meet acceptable size and habitat criteria for recipient sites protected by a perpetual conservation easement; however, certain criteria may be waived according to the research needs outlined in the Scientific Collecting permit application. Appropriate documentation (e.g., soils and habitat maps) is required unless the research design demonstrates the need to waive such criteria. Like all other recipient site permit applications, a site habitat management plan is required (Permitting Guidelines, Appendix 3) and must be submitted as part of the permit application, (e.g., specific requirements regarding property size or conservation easements).
- The number of tortoises relocated to research recipient sites will be limited to the final stocking densities outlined in the Permitting Guidelines for recipient sites. Final stocking densities exceeding the two-per-acre standard (with 0.5 per acre for each site characteristic that is satisfied, up to a maximum of two additional) will be considered only if the applicant can demonstrate in the research proposal that the scientific design of the research depends on an increased density. If an increased final stocking density is permitted under the Scientific Collecting permit, FWC staff may require that tortoises be relocated upon completion of the project to achieve a sustainable final stocking density, or the permittee may be required to provide additional adjacent acreage for tortoise dispersal upon completion of the research project.
- As for other recipient site permit applications, a $500 mitigation contribution will be required for this permit.

- As with other recipient sites, an Authorized Gopher Tortoise Agent is required to perform initial surveys and monitoring associated with Research Recipient Site permits.
- The Research Recipient Site permit does not authorize an individual to conduct research. This permit authorizes the landowner to accept relocated tortoises for scientific purposes. Multiple research projects (each with separate or the same Scientific Collecting permit) may be allowed on a single research recipient site.
- Landowners accepting tortoises under the Research Recipient Site permit will be required to submit monitoring reports of management activities for recipient sites, as outlined in the Permitting Guidelines.
- Only gopher tortoises that are designated as part of a permitted research project will be accepted to a research recipient site.
- When the permitted research is concluded, or the Scientific Collecting permit has expired or becomes invalid, the research status is no longer afforded to the recipient site. If the landowner wishes to continue to receive gopher tortoises and has capacity to receive additional tortoises following the conclusion of the research project, the property owner must apply for, and receive, a new Recipient Site permit prior to accepting any additional tortoises.

Requirements for Scientific Collecting Permits that involve Research Recipient Sites

Any Scientific Collecting permit application submitted for research involving a Research Site permit must demonstrate that the proposed research project coincides with the needs identified in the list of research topics in the Plan, or that the research project otherwise contributes to the broader management plan goals and objectives. The FWC has the discretion to limit the number of research recipient sites for a particular study topic.

- Funding sources for research project(s) must be secured prior to issuance of a Scientific Collecting permit authorizing receipt of relocated gopher tortoises.
- A letter will be required from the landowner that acknowledges and allows this research on the specified property.
- Applicants for a Scientific Collecting permit involving the use of gopher tortoises relocated from development sites will be required to submit a copy of either the application for the Research Recipient Site permit or a letter of intent from the landowner to apply for the Research Recipient Site permit.
- Applicants for a Scientific Collecting permit involving research recipient sites will be required to submit a summary of the proposed relocations for each designated unit.
- Individuals working with relocated gopher tortoises under a Scientific Collecting permit will be required to submit progress reports to FWC over the course of the project. Upon completion of the research project, a final report must be submitted to FWC along with any publications resulting from the permitted research.
- Gopher tortoises cannot be relocated to a research recipient site until both a Scientific Collecting permit and a Research Recipient Site permit have been issued by FWC.

Process of Issuance of a Research Recipient Site Permit

Generally, the initiation of a research project begins with the submission of a Scientific Collecting permit application to the Protected Species Permit Coordinator. Because of the additional coordination required to issue a concurrent Scientific Collecting permit and Research Recipient Site permit, the applicant for the Scientific Collecting permit may be advised to submit a waiver of the statutory application processing time requirements as part of a request for additional information (RAI).

- The owner of the potential research recipient site submits an application to the Gopher Tortoise Permitting Coordinator's office.
- FWC staff will ensure that the applications for both permit types meet all regulatory requirements and Plan research goals during the review period.
- If the Research Recipient Site permit is issued, the regional Gopher Tortoise Conservation Biologist will enter the site information into the online permitting system.

Issuance of a Research Recipient Site permit (or associated Scientific Collecting permit) does not imply that FWC will be providing any funds to support gopher tortoise research conducted at that site.

Mitigation Contributions for Relocations to Research Recipient Sites

The FWC recognizes the conservation value of new scientific findings regarding the management and relocation of gopher tortoises. The value of the research may be considered in determining the mitigation contributions for displaced tortoises relocated to a gopher tortoise research recipient site. The mitigation contributions associated with these sites may follow the mitigation structures of recipient sites with conservation easements or other enhanced conservation value to encourage, or at least not financially hinder, relocations to research recipient sites.

Appendix 14. Guidelines for Accommodating Waif Tortoises (created April 2013)

The gopher tortoise is a widely distributed species that occurs in parts of all 67 counties in Florida. Gopher tortoises are adaptable to their environment and can co-exist with humans in areas where historically we would not expect to find them such as yards, neighborhoods, and utility corridors. The FWC understands that people's compassion for wildlife can be a wonderful conservation tool, however sometimes a person's actions can result in a negative impact on the individual or species of interest. When encountering a gopher tortoise, the best option is to leave the tortoise where it is found. It is illegal to possess a gopher tortoise without authorization from FWC. However, a tortoise that is noticeably injured should be taken to a local veterinarian or wildlife rehabilitator, or call FWC's wildlife alert hotline (toll free: 1-888-404-3922) to receive guidance.

A "waif" gopher tortoise is a tortoise that has been removed from the wild but is not associated with a relocation permit and is generally from an unknown location. Some examples of scenarios that could result in a gopher tortoise being classified as a "waif" include:

- removing a tortoise from an undeveloped natural area,
- retrieving a tortoise from a suburban area where remnant grassy areas still exist, or
- placing a tortoise in a vehicle to rescue it from a roadway.

In cases where locality information is available (e.g. GPS location or mileage to a notable landmark) it may be possible to return these tortoises to their home areas. The FWC strives to keep wild gopher tortoises in the wild within their home areas, and to prevent displaced tortoises from being released into an established tortoise population outside of their home area. Doing so may disrupt the resident tortoise population or cause disease to spread among the tortoises. Keep in mind the following tips when encountering a tortoise that may be classified as a waif:

- Do not remove the tortoise from the wild if it appears healthy. To move it out of a roadway always place the tortoise in grassy or vegetated area in the same direction is was traveling.
- Return the tortoise to the wild whenever feasible, especially if the location of where the tortoise was captured from is known.
- Minimize the amount of time the tortoise is held in captivity.
- If capture location is unknown or suitable habitat does not exist where the tortoise was found contact FWC to locate an established and permitted individual or entity (private or educational) that is authorized to possess waif tortoises.
- Contact FWC to receive educational materials to learn what appropriate actions should be taken when encountering tortoises on the roads or in urban areas.

Placement Options for Waif Gopher Tortoises

The FWC's goal is to return gopher tortoises to the wild whenever possible. If a tortoise that is removed from the wild cannot be returned, it will most likely be placed and remain in captivity

for the remainder of its life. Therefore, the FWC has classified these "waif" tortoises as either "releasable" or "non-releasable."

Releasable Waif Gopher Tortoises

"Releasable" tortoises are those that may be released in permitted wild, natural areas. These tortoises should: show no visible signs of illness, not need medical care (tortoises may have received previous medical attention), not require human intervention for continued survival, and not have been exposed to diseased tortoises or non-native species of tortoises while in captivity. Juvenile tortoises hatched in captivity may be considered for release into the wild in some cases.

Criteria for Releasable Waif Tortoise Sites: The FWC is also working with public and private landowners to identify and establish recipient sites for releasable waif tortoises to receive individuals or groups of waifs that can be accommodated in natural areas. Waif recipient sites are generally established on smaller properties that may not meet the criteria for establishing a recipient site as outlined in the Gopher Tortoise Permitting Guidelines. Landowners interested in establishing a waif recipient site should understand that receiving waif tortoises does not provide the economic benefits normally associated with the relocation of tortoises displaced from development sites. Providing a variety of placement options for waif tortoises is important to help reduce unauthorized releases that could adversely impact wild populations.

Sites for releasable waif tortoises must be suitable areas that are not disturbed by construction activities, and that provide the tortoise with a safe environment. These areas should be isolated from other tortoise populations and either have a low density resident gopher tortoise population or no gopher tortoises present. These areas must provide gopher tortoises with the following:

1) sufficient areas of forage (herbaceous and low-growing plants including native broadleaf grasses, legumes [bean/pea family], asters, blackberries and other fruits, prickly pear cactus, and a variety of other non-native grasses, except cogon grass),
2) sandy, well-drained, open (minimal tree canopy), sunny sites for burrowing and basking, and;
3) protection from dogs, cats, other exotic predators, human harassment, and busy roads (e.g., fencing).

These general conditions must remain after tortoises are relocated onto the site. Many small sites typically have gopher tortoises that normally "roam" between adjoining neighboring parcels to forage or burrow, so this should be considered as well. The herbaceous vegetation must be maintained (mowing, burning, etc.), and pesticides/herbicides should not be used in the release area. The maximum density allowed is two tortoises per acre of suitable tortoise habitat for releasable waif tortoise sites. Juvenile tortoises (less than 130 mm [5 inches] carapace length) are not considered in the maximum stocking density because of their low survivorship and minimal effect on the release site forage base.

Non-Releasable Waif Gopher Tortoises

"Non-releasable" tortoises are those which cannot be released into wild, natural areas. These

tortoises may have one or more of the following conditions: exhibit signs of illness, require ongoing medical care, are sufficiently disabled to prevent successful burrowing or foraging, exposed to diseased tortoises or non-native species of tortoises while in captivity, or require human intervention to survive.

Whenever possible, non-releasable waif gopher tortoises should be placed with established and permitted captive facilities (private, educational), and releasable waif tortoises should be placed on permitted waif tortoise recipient sites.

Criteria for Non-Releasable Waif Tortoise Facilities: Adequate options must be available for the placement of non-releasable waif tortoises that will ensure their safety and survival and contribute to the overall conservation of gopher tortoises. The FWC provides a no-cost permit option for individuals or facilities seeking permission to possess a waif gopher tortoise. After obtaining a permit, education facilities, schools, and zoos can use non-releasable waif tortoises to help educate local residents about the importance of this species.

Non-releasable tortoises may be kept in indoor or outdoor enclosures. The enclosure must be completely secure to prevent the tortoise from leaving and meet the specific cage requirements for indoor and outdoor enclosures. Tortoises unable to dig their own burrows should be provided a pseudo burrow or a starter burrow.

Using Waif Tortoises to Assist with Population Restoration

Assisting with population restoration efforts is another option for waif tortoise placement under appropriate circumstances. Such placements may occur when groups of waif tortoises are in need of placement at one time; this is the most difficult type of waif placement, encumbering significant FWC resources. One option is assisting with population restoration efforts by placing groups of waifs on protected lands where gopher tortoise densities have been severely depleted. Details for such restoration efforts will be outlined in a Scientific Collection permit and could include periodic post-relocation burrow surveys, and, preferably, initial intensive follow-up using mark-recapture or radio-telemetry.

Applying for a Permit

To possess any releasable or non-releasable waif tortoise a Scientific Collection permit must first be obtained. This permit type is used for scientific collecting (i.e. voucher, salvage, bird banding or translocation, biological sampling, gopher tortoise URTD testing, and other research activities) and listed species educational/other possession (including waif gopher tortoises) permits. These permits are issued for activities which result in take or possession of wildlife, their eggs or parts thereof for scientific, educational, exhibition, propagation, management or other justifiable purposes (68A-9.002, F.A.C.). Applications must demonstrate scientific/educational/conservation benefits (68A-16.002, 68A-25 and 68A-27, F.A.C.) that will be accrued for the subject species as well as identify the purpose, scope, objective, methodology, location and duration of the activity. To apply for a permit visit the protected wildlife permits

page at http://MyFWC.com/license/wildlife/protected-wildlife/ where you will find information about applying for a permit using FWC's online permit system.

The gopher tortoise is a long lived species. Any individual or facility interested in obtaining a waif gopher tortoise for educational purposes must consider the commitment associated with receiving a gopher tortoise. FWC expects that captive gopher tortoises which are placed at a permitted site are to be cared for the duration of the animal's life.

Permit provisions may vary based on site specifications. However, all issued permits will:

- Identify the maximum number of tortoises permitted for the site
- Identify the location where the tortoises will be possessed and maintained
- Prohibit the release of waif tortoises from the permitted site or facility
- Require male and female tortoises kept in enclosures to remain separate
- Require reporting of any injury or mortality

Permits are non transferable. Permit holders are subject to announced and unannounced site inspections by FWC, including law enforcement and non-sworn staff.

Table 1. Summary of Placement Options for Waif Gopher Tortoises

Type of Waif	Circumstance	Placement Option	Requirements	Permit Type
Releasable	Unknown origin with no signs of illness*	Eligible for FWC-permitted waif recipient site or FWC-permitted restocking site	Suitable gopher tortoise habitat with a severely depleted population (each site will be evaluated independently)	Scientific Collection
Non Releasable	Unknown origin and exhibits signs of illness/ disabled*	FWC-permitted educational facility, zoo, nature center, or similar	Fully enclosed indoor or outdoor pen (requirements for each tortoise will be on case by case basis)	Scientific Collection
Group of Releasable	Unknown origin, no signs of illness*, and occur in groups of 3 or more	Eligible for FWC-permitted waif recipient site or FWC-permitted restocking site	Suitable, protected gopher tortoise habitat with a severely depleted gopher tortoise population	Scientific Collection

* Refer to Appendix 6 of the Gopher Tortoise Permitting Guidelines for information on Cursory Health Evaluations

Appendix 15. Criteria for Suspension, Revocation, or Nonrenewal of Authorized Gopher Tortoise Agent Permits and Registered Agent Authorization (Created April 2013)

Authorized Gopher Tortoise Agents and Registered Agents are responsible for their actions associated with FWC-permitted activities. Authorized Agents are also responsible for the actions of their assistants (including a person permitted as an Authorized Gopher Tortoise Agent or a Registered Agent, but acting as an assistant under a specific permit). For the protection and safety of the gopher tortoise, criteria have been developed to implement Rule 68A-5.004, F.A.C. These criteria are designed to encourage compliance of rules related to gopher tortoises, FWC-approved guidelines, and permit conditions. Any act or omission that does not comply with statutes or rules related to gopher tortoises, FWC-approved guidelines, or permit conditions is considered an administrative infraction for purposes of this criteria. Criminal and non-criminal infractions pursued by law enforcement may occur outside of these guidelines and in addition to the administrative infractions below.

Category 1 Infraction

This category is for administrative infractions that have not put gopher tortoises directly at risk and where a higher category administrative infraction does not apply. These situations typically result from an Agent's unfamiliarity with the current Gopher Tortoise Permitting Guidelines, or not submitting the required notification or reports to FWC within the specified timeframes.

Cause:

- An Agent is responsible for a total of three administrative infractions that do not put gopher tortoises at risk within a two-year period.

  Examples: Untimely submission of final after action report; commencing relocation without providing local government approval; not notifying FWC of relocation commencement in compliance with the permit condition; not supplying 100% burrow survey to FWC in compliance with the permit condition; falsifying information on an application or after action report.

Result: The Authorized or Registered Agent permit*/authorization is suspended until remedied. An Authorized or Registered Agent that self-reports a Category 1 administrative infraction may continue working as an assistant under another Authorized Agent's permit while the self-reported agent's permit or authorization is suspended. Authorized and Registered Agents that do not self-report shall not work as assistants while their Authorized or Registered Agent permit/authorization is suspended.

Remedy: The Authorized or Registered Agent* must pass a Gopher Tortoise Permitting Guidelines test with 100% correct answers within 6 months of permit suspension. If the test is not successfully completed within 6 months, the permit will remain suspended and the Category 2 remedy will be required.

Category 2 Infraction

This category is for administrative infractions that have potentially put gopher tortoises at risk or a combination of administrative infractions that have and have not put one or more gopher tortoises at risk where a higher category does not apply. These situations may have resulted in injury or mortality to one or more gopher tortoise(s). Authorized Agents must have an understanding of the permitting guidelines and know how to properly capture, mark, and relocate gopher tortoises.

Cause:

- An Agent is responsible for one administrative infraction that has potentially put one or more gopher tortoises at risk.

  Examples: Using a backhoe bucket with teeth; not providing shade for bucket traps; not drilling holes in the bottom of bucket traps; using an unauthorized capture method; Authorized Agent not on-site during backhoe excavation; holding gopher tortoises longer than 72 hours without prior FWC approval; having possession of or relocating more gopher tortoises than authorized by the permit.

- An Agent has previously been subject to the Category 1 remedy and then is responsible for one administrative infraction that does not put gopher tortoises at risk within one year of successfully completing the Category 1 remedy.
- Action taken by law enforcement including issuance of a citation or actions resulting in a criminal or non-criminal conviction.

Result: The Authorized or Registered Agent permit*/authorization is suspended until remedied. An Authorized or Registered Agent that self-reports a Category 2 infraction may continue working as an assistant under another Authorized Agent's permit while the self-reported agent's permit or authorization is suspended. Authorized and Registered Agents that do not self-report shall not work as assistants while their Authorized or Registered Agent permit/authorization is suspended.

Remedy: The Authorized or Registered Agent* must attend and pass an FWC-approved Authorized Agent training course (as available) on the subject(s) related to the administrative infraction and pass a Gopher Tortoise Permitting Guidelines test with 100% correct answers. Registered Agents must obtain an Authorized Agent permit in order to conduct any future gopher tortoise relocation activities.

Category 3 Infraction

This category is for multiple administrative infractions that have each put one or more gopher tortoises at risk; a combination of administrative infractions that have and have not put one or more gopher tortoises at risk; or committing additional administrative infractions that have not put gopher tortoises at risk after being previously cited for a Category 2 infraction. Authorized Agent administrative infractions meet the criteria for Category 3 infraction when a Category 2

(and Category 1, if applicable) infraction has been previously remedied. This is the final attempt to educate and instruct the Authorized Agent on the permitting guidelines and on how to safely capture, mark, and relocate gopher tortoises.

Cause:

- An Authorized Agent is responsible for multiple administrative infractions that have put tortoises at risk.
- An Agent has previously been subject to the Category 2 remedy and then is responsible for another administrative infraction that does not put a gopher tortoise at risk within one year of successfully completing the Category 2 remedy.
- An Agent has previously been subject to the Category 2 remedy and then is responsible for another administrative infraction that does put a gopher tortoise at risk.
- Conducting relocation activities while the Authorized Agent permit is suspended.
- Action taken by law enforcement including issuance of a citation or actions resulting in a criminal or non-criminal conviction.

Result: The Authorized Agent permit* is suspended for a minimum of 6 months and until remedied. The Authorized Agent shall not work as an assistant while their permit is suspended.

Remedy: The Authorized Agent* must attend and pass an FWC-approved Authorized Agent training course (as available) on the subject(s) related to the administrative infraction and pass a Gopher Tortoise Permitting Guidelines test with 100% correct answers.

Category 4 Infraction

This category is in response to multiple attempts at remedies under Categories 2 and 3 (and Category 1, if applicable) infractions. The Authorized Agent has put gopher tortoises at risk multiple times or has been repetitively negligent in complying with the permitting guidelines and permit conditions, and future handling of gopher tortoises may cause additional risk to gopher tortoises.

Cause:

- An Authorized Agent has previously been subject to the Category 3 remedy and then is responsible for another administrative infraction that does not put a gopher tortoise at risk within one year of successfully completing the Category 3 remedy.
- An Authorized Agent has previously been subject to the Category 3 remedy and then is responsible for another administrative infraction that does put a gopher tortoise at risk.
- Conducting relocation activities while the Authorized Agent permit is suspended after completing Category 3 remedies.
- Action taken by law enforcement including issuance of a citation or actions resulting in a criminal or non-criminal conviction.

Result: Revocation of the Authorized Agent Permit* authorization indefinitely. Future permit applications to become an Authorized Agent or to work as a Registered Agent will be denied.

*Suspensions, revocations, and remedies apply to the Authorized Agent listed on the permit under which the violation occurred.

Administrative infractions committed by an Authorized Agent carry over when conducting activities as a Registered Agent. Similarly, administrative infractions committed by a Registered Agent carry over when conducting activities as an Authorized Agent.

STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE
U.S. Fish and Wildlife Service
August 12, 2013

The eastern indigo snake protection/education plan (Plan) below has been developed by the U.S. Fish and Wildlife Service (USFWS) in Florida for use by applicants and their construction personnel. At least **30 days prior** to any clearing/land alteration activities, the applicant shall notify the appropriate USFWS Field Office via e-mail that the Plan will be implemented as described below (North Florida Field Office: jaxregs@fws.gov; South Florida Field Office: verobeach@fws.gov; Panama City Field Office: panamacity@fws.gov). As long as the signatory of the e-mail certifies compliance with the below Plan (including use of the attached poster and brochure), no further written confirmation or "approval" from the USFWS is needed and the applicant may move forward with the project.

If the applicant decides to use an eastern indigo snake protection/education plan other than the approved Plan below, written confirmation or "approval" from the USFWS that the plan is adequate must be obtained. At least 30 days prior to any clearing/land alteration activities, the applicant shall submit their unique plan for review and approval. The USFWS will respond via e-mail, typically within 30 days of receiving the plan, either concurring that the plan is adequate or requesting additional information. A concurrence e-mail from the appropriate USFWS Field Office will fulfill approval requirements.

The Plan materials should consist of: 1) a combination of posters and pamphlets (see **Poster Information** section below); and 2) verbal educational instructions to construction personnel by supervisory or management personnel before any clearing/land alteration activities are initiated (see **Pre-Construction Activities** and **During Construction Activities** sections below).

POSTER INFORMATION

Posters with the following information shall be placed at strategic locations on the construction site and along any proposed access roads (a final poster for Plan compliance, to be printed on 11" x 17" or larger paper and laminated, is attached):

DESCRIPTION: The eastern indigo snake is one of the largest non-venomous snakes in North America, with individuals often reaching up to 8 feet in length. They derive their name from the glossy, blue-black color of their scales above and uniformly slate blue below. Frequently, they have orange to coral reddish coloration in the throat area, yet some specimens have been reported to only have cream coloration on the throat. These snakes are not typically aggressive and will attempt to crawl away when disturbed. Though indigo snakes rarely bite, they should NOT be handled.

SIMILAR SNAKES: The black racer is the only other solid black snake resembling the eastern indigo snake. However, black racers have a white or cream chin, thinner bodies, and WILL BITE if handled.

LIFE HISTORY: The eastern indigo snake occurs in a wide variety of terrestrial habitat types throughout Florida. Although they have a preference for uplands, they also utilize some wetlands

and agricultural areas. Eastern indigo snakes will often seek shelter inside gopher tortoise burrows and other below- and above-ground refugia, such as other animal burrows, stumps, roots, and debris piles. Females may lay from 4 - 12 white eggs as early as April through June, with young hatching in late July through October.

PROTECTION UNDER FEDERAL AND STATE LAW: The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. "Taking" of eastern indigo snakes is prohibited by the Endangered Species Act without a permit. "Take" is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of $25,000 for civil violations and up to $50,000 and/or imprisonment for criminal offenses, if convicted.

Only individuals currently authorized through an issued Incidental Take Statement in association with a USFWS Biological Opinion, or by a Section 10(a)(1)(A) permit issued by the USFWS, to handle an eastern indigo snake are allowed to do so.

IF YOU SEE A <u>LIVE</u> EASTERN INDIGO SNAKE ON THE SITE:

- Cease clearing activities and allow the live eastern indigo snake sufficient time to move away from the site without interference;
- Personnel must NOT attempt to touch or handle snake due to protected status.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor or the applicant's designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

IF YOU SEE A <u>DEAD</u> EASTERN INDIGO SNAKE ON THE SITE:

- Cease clearing activities and immediately notify supervisor or the applicant's designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

Telephone numbers of USFWS Florida Field Offices to be contacted if a live or dead eastern indigo snake is encountered:

North Florida Field Office – (904) 731-3336
Panama City Field Office – (850) 769-0552
South Florida Field Office – (772) 562-3909

PRE-CONSTRUCTION ACTIVITIES

1. The applicant or designated agent will post educational posters in the construction office and throughout the construction site, including any access roads. The posters must be clearly visible to all construction staff. A sample poster is attached.

2. Prior to the onset of construction activities, the applicant/designated agent will conduct a meeting with all construction staff (annually for multi-year projects) to discuss identification of the snake, its protected status, what to do if a snake is observed within the project area, and applicable penalties that may be imposed if state and/or federal regulations are violated. An educational brochure including color photographs of the snake will be given to each staff member in attendance and additional copies will be provided to the construction superintendent to make available in the onsite construction office (a final brochure for Plan compliance, to be printed double-sided on 8.5" x 11" paper and then properly folded, is attached). Photos of eastern indigo snakes may be accessed on USFWS and/or FWC websites.

3. Construction staff will be informed that in the event that an eastern indigo snake (live or dead) is observed on the project site during construction activities, all such activities are to cease until the established procedures are implemented according to the Plan, which includes notification of the appropriate USFWS Field Office. The contact information for the USFWS is provided on the referenced posters and brochures.

DURING CONSTRUCTION ACTIVITIES

1. During initial site clearing activities, an onsite observer may be utilized to determine whether habitat conditions suggest a reasonable probability of an eastern indigo snake sighting (example: discovery of snake sheds, tracks, lots of refugia and cavities present in the area of clearing activities, and presence of gopher tortoises and burrows).

2. If an eastern indigo snake is discovered during gopher tortoise relocation activities (i.e. burrow excavation), the USFWS shall be contacted within one business day to obtain further guidance which may result in further project consultation.

3. Periodically during construction activities, the applicant's designated agent should visit the project area to observe the condition of the posters and Plan materials, and replace them as needed. Construction personnel should be reminded of the instructions (above) as to what is expected if any eastern indigo snakes are seen.

POST CONSTRUCTION ACTIVITIES

Whether or not eastern indigo snakes are observed during construction activities, a monitoring report should be submitted to the appropriate USFWS Field Office within 60 days of project completion. The report can be sent electronically to the appropriate USFWS e-mail address listed on page one of this Plan.

US COAST GUARD STATION PANAMA CITY
REPAIR WATERFRONT STRUCTURES AND STORM SEWER SYSTEM

MARINE RESOURCES SURVEY

BAY COUNTY, FLORIDA

PREPARED FOR:
United States Coast Guard
1700 Thomas Drive
Panama City, Florida 33315

December 2, 2016

Michael Baker
INTERNATIONAL

5020 West Linebaugh Ave., Suite 240
Tampa, Florida 33624
(813) 889-3892

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APPENDICES

1.0 Project Scope

Michael Baker International, Inc. (Michael Baker) was contracted to provide marine resource survey services to determine the presence and density of seagrass and other microbenthic invertebrate communities near the United States Coast Guard (USCG) waterfront structures at the Panama City Station, as well as identify potential mitigation opportunities for any anticipated seagrass impacts associated with the improvements to the waterfront structures and storm sewer systems. The USCG station is located in Alligator Bayou along the Saint Andrew Bay on Coast Guard Road, Panama City, Florida (**Figure 1**).

The following paragraphs include a description of the marine resource survey methodology, results of the survey with general habitat descriptions, potential impacts associated with construction of the project and mitigation opportunities/recommendations, and a summary of the State and Federal regulatory requirements.

2.0 Methods

Literature Review

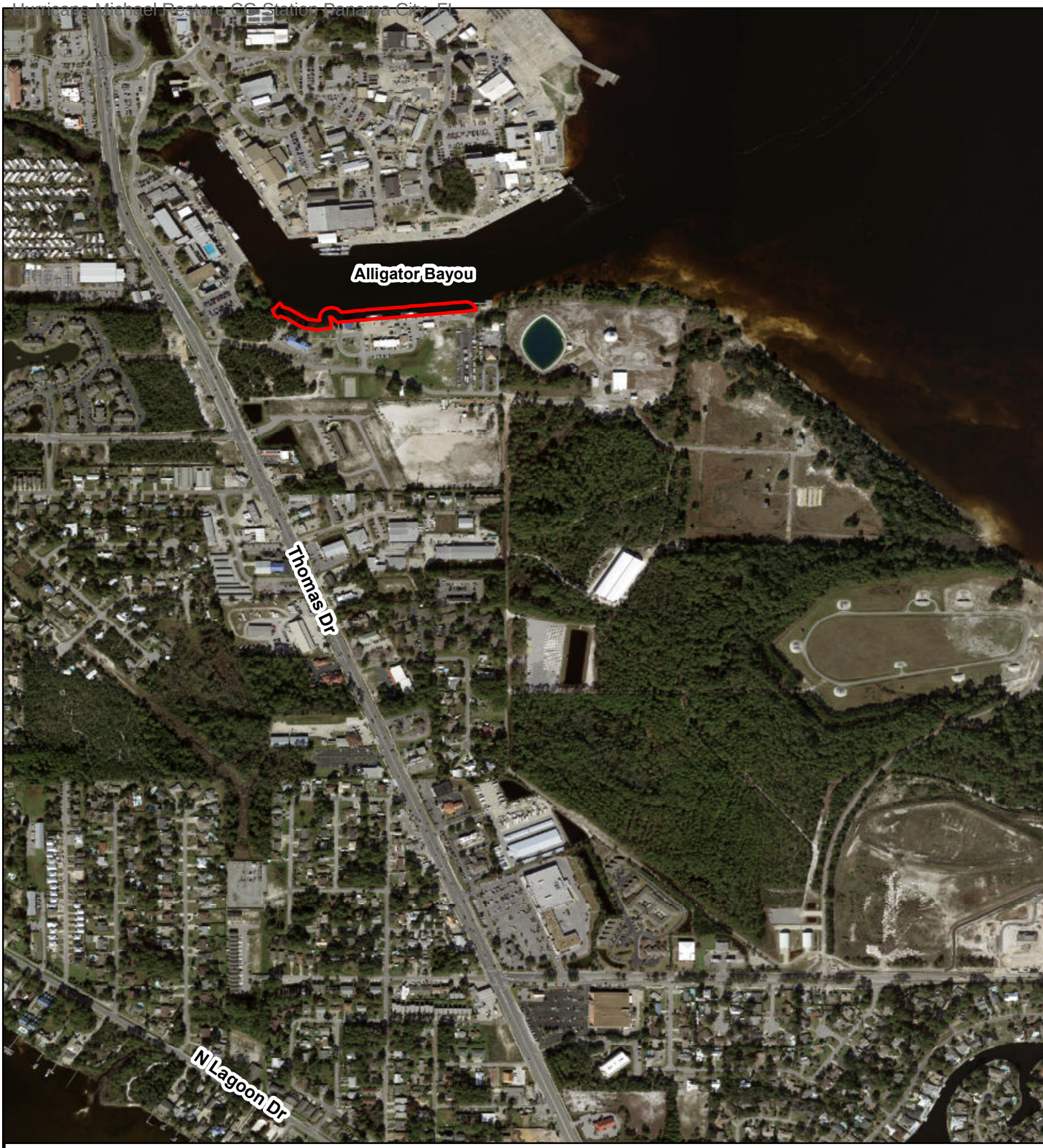
Prior to the field assessment, available mapping resources were reviewed to locate known areas of marine resources such as seagrass. This was accomplished by reviewing the following data sources:

- Recent available aerial photography;
- Nautical charts;
- Northwest Florida Water Management District (NFWMD) land use, cover, and forms classification systems (FLUCFCS) data and maps for 2012-2013;
- Florida Fish and Wildlife Conservation Commission (FFWCC) Seagrass data and maps; and,
- Florida Department of Environmental Protection (FDEP) Manatee Mortality data.

A desktop review of the available data suggested large continuous seagrass beds were present 0.03 miles east of the project limits while no seagrass beds was recorded within the project limits area (**Figure 2**).

Agency Coordination

Prior to the marine resource survey, the Florida Department of Environmental Protection (FDEP) and the United States Army Corps of Engineers (COE) were contacted to inform them that the survey was going to be conducted on October 24 and 25, 2016 (see **Appendices B and C**). The COE and National Marine Fisheries Service issued approval to conduct this survey outside of the recommended June 1 through September 30 timeframe (see **Appendix C**).



Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Figure 1: Project
USCG Panama
Marine Resources

*Source: seagrass beds were surveyed by Michael Baker on 10/24/2016
**Source: FFWCC, GIS and Mapping Data

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo,

Figure 2: Seagra
USCG Panama
Marine Resources

Field Wetland Delineation

The limits of the jurisdictional wetland within the project study area were delineated and mapped using a portable differential global positioning system (DGPS) unit (**Figure 2**).

Marine Resources Survey

During the field survey, the limits of the project study area were measured and marked using buoys. This was followed by a preliminary survey of the study area to determine water depths and identify seagrass areas visible from the shore. A 200-foot transect was then measured and marked for the marine resources survey. The majority of seagrass beds appeared to be located in relatively shallow water (less than 4 feet deep) and accessible by wading and/or snorkeling. Biologists waded or snorkeled along the west end of the project area to establish seagrass limits and delineated them using a series of buoys with weighted anchors (**Figure 2**). The eastern side of the project area contained the structures and bulkheads at the USCG facility. This portion of the project site was inspected using scuba and snorkeling. Positive identification of the seagrass limits was determined by using a glass bottom viewing bucket and/or snorkeling gear where water depths prevented the use of the glass bottom viewing bucket. Each buoy was placed adjacent to the seagrass limits and its location recorded with a portable DGPS unit so the location and surface area of the bed could later be mapped and calculated using Geographic Information System (GIS) software. For each seagrass bed the following parameters were recorded:

- species composition,
- average Braun-Blanquet density scores
    - 0 for Absent (0% coverage);
    - 1 for Very Sparse (<5% cover);
    - 2 for Sparse (5% to 25% cover);
    - 3 for Moderate (26% to 50% cover);
    - 4 for Dense (51% to 75% cover); and,
    - 5 for Very Dense (76% to 100% cover)
- epiphytic fouling estimate,
- blade lengths,
- substrate description, and
- overall ecological evaluation

3.0 Results

Michael Baker conducted the marine resource survey on October 24 & 25, 2016. The weather conditions were partly cloudy, with a high of 83 degrees Fahrenheit, and 6 to 8 mph winds from the west. Underwater visibility was generally 7-6 ft to the sea floor in the survey area. The jurisdictional wetland boundary was the top of bank along bulkhead and riprap on the shoreline. Seven seagrass beds totaling $\pm$8930.34 ft^2 were mapped within the project study area. All of the seagrass beds were dominated by shoal grass (*Halodule wrightii*) with pockets of turtle grass (*Thalassia testudinum*) observed within Seagrass Bed 1.

The results of the seagrass survey are provided in **Table 1**. Representative photographs from the marine resources survey are provided in **Appendix A**. During the survey, no areas of Essential Fish Habitat or viable oyster communities were observed within the project area. A list of the wildlife observed during the survey is provided in **Table 2**.

Seagrass Bed 1

This bed was the largest continuous sea grass bed (±7568.76 ft^2 in size) which was dominated by shoal grass with some pockets of turtle grass scattered throughout. Coverage ranged from sparse to dense. In general, the seagrass blades ranged from 10-15 centimeters in length and had moderate epiphyte cover. The sediment type was predominately fine sand.

Seagrass Bed 2

This bed was calculated to be approximately ±506.43 ft^2s in size and was dominated by shoal grass with sparse to dense coverage throughout the bed. In general, the seagrass blades were approximately 10-15 centimeters in length and had moderate epiphyte coverage. The substrate was predominately fine sand.

Table 1. Seagrass Survey Results

Seagrass Bed	Braun-Blanquet Score	Epiphyte Coverage	Average Blade Lengths (cm)	Sediment Type	Comments
1	2-4	Moderate	10-15	Fine Sand	pockets of *Thalassia testudinum* scattered throughout.
2	2-4	Moderate	10-15	Fine Sand	
3	5	Moderate	10-15	Fine Sand	
4	1	Moderate	10	Fine Sand	small isolated bed
5	4	Moderate	10	Fine Sand	
6	1	Moderate	10-15	Fine Sand	small isolated bed
7	4	Moderate	10-25	Fine Sand	

Table 2 : List of Wildlife Observed within the Project Study Area				
Scientific Name	**Common Name**	**Activity**	**FFWCC Designation**	**USFWS Designation**
Birds				
Ardea herodias	Great Blue Heron	Observation	NL	NL
Fish				
Opsanus beta	Gulf Toadfish	Observation	NL	NL
Lutjanus griseus	Mangrove Snapper	Observation	NL	NL
Archosargus probatocephalus	Sheepshead	Observation	NL	NL
Mugil cephalus	Striped Mullet	Observation	NL	NL
Dasyatis sabina	Atlantic Stingray	Observation	NL	NL
Invertebrates				
Mnemiopsis leidyi	Sea Walnut	Observation	NL	NL
Menippe mercenaria	Stone Crab	Observation	NL	NL
Callinectes sapidus	Blue Crab	Observation	NL	NL

Legend:
FFWCC = Florida Fish and Wildlife Conservation Commission
USFWS = United States Fish and Wildlife Service
E = Endangered, T = Threatened, SSC = Species of Special Concern, NL = Not Listed
Sources:
Florida Fish and Wildlife Conservation Commission. *Florida's Endangered and Threatened Species.* October 2016
U.S. Fish and Wildlife Service, Environmental Conservation Online System Species for Bay County, November 2016.

Seagrass Bed 3

This seagrass bed was calculated to be approximately $\pm$33.69 ft^2 in size and was dominated by shoal grass with very dense coverages throughout the bed. In general, the seagrass blade lengths were approximately 10-15 centimeters long and had moderate epiphyte coverage. The sediment type was predominately fine sand.

Seagrass Bed 4

This bed was isolated, small, and was calculated to be approximately $\pm$17.83 ft^2 in size. It was dominated by shoal grass with very sparse coverage. The seagrass blade lengths were approximately 10 centimeters long and had moderate epiphyte coverage. The substrate type was predominately fine sand.

Seagrass Bed 5

This bed was calculated to be approximately ±17.4 ft^2 in size and dominated by shoal grass with dense coverages throughout the bed. In general the seagrass blade lengths were approximately 10 centimeters in length and had moderate epiphyte coverage. The substrate sediment type was predominately fine sand.

Seagrass Bed 6

This bed was calculated to be approximately ±713.49 ft^2 in size and dominated by shoal grass with very sparse coverages throughout the bed. In general, the seagrass blade lengths were approximately 10-15 centimeters in length and had moderate epiphyte coverage. The substrate sediment type was predominately fine sand.

Seagrass Bed 7

This bed was calculated to be approximately ±72.74 ft^2 in size and dominated by shoal grass with dense coverages throughout the bed. In general, the seagrass blade lengths were approximately 10-25 centimeters in length and had moderate epiphyte coverage. The substrate sediment type was predominately fine sand.

Animals Observed

Table 2 lists the animals observed during the survey. No State or Federally-listed species were observed during the survey. Empty oyster shells were observed during the survey, but no oyster beds were observed within the project study area.

Summary

Seagrass beds was observed in the shallow shoreline area to the west of the proposed project area and outside of construction activities. FFWCC seagrass habitat also occurs outside and east of the project study area but is well beyond the project construction limits (**Figure 3**). Seagrass was absent from the remainder of the Project Study Area. No seagrass beds were observed within the construction area. No hard bottom or benthic invertebrate communities were observed within the project study area.

4.0 Potential Impacts

No seagrass beds or submerged aquatic vegetation were observed within the construction area. All seagrass observed occurred west of the construction area (**Figure 3**). No impacts to seagrass beds are expected. Since no seagrass is present without the construction area, no impacts to seagrass is expected.

*Source: seagrass beds were surveyed by Michael Baker on 10/24/2016
**Source: FFWCC, GIS and Mapping Data

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo,

Figure 3: Anticipated Lim
USCG Panama
Marine Resources

Impacts to any other EFH type (e.g. mangroves and mud, sand, shell, and rock substrates) would also require compensation as appropriate. No EFH was observed within the project construction area, therefore no impacts to EFH are expected.

5.0 Regulatory Requirements

Projects that propose impacts to wetlands and other waters under the jurisdiction and permitting authority of the FDEP and the COE and use of sovereign submerged lands of the State of Florida require authorization prior to construction. This authorization is obtained by the submittal and approval of a Joint Application for an Environmental Resource Permit (ERP), Authorization to Use State Owned Submerged Lands, and a Federal Dredge and Fill Permit (part of the Joint Application). The Joint Application is submitted to the FDEP which in turn distributes copies to the COE and to the FDEP Division of State Lands. All three entities must approve the final ERP.

U.S. Army Corps of Engineers

The U.S. Army Corps of Engineers (USACE) can issue general permits authorizing activities with minimal individual and cumulative adverse environmental effects. The proposed improvement associated with the project meet the requirements of two USACE general permits, Nationwide Permit 3 -Maintenance and Nationwide Permit 13-Bank Stabilization.

U.S. Army Corps of Engineers Nationwide Permit 3 - Maintenance

The Nationwide Permit 3 (NWP 3) authorizes the repair, rehabilitation, or replacement of a previously authorized and currently serviceable structure or fill provided the structure or fill is not put to uses differing from the original permit use. It authorizes repair, replacement, and rehabilitation of previously authorized structures and fills that do not qualify for the Clean Water Act 404 (f) exemption for maintenance. The NWP 3 allows for minor deviations in the structural configuration or filled area necessary to accommodate updated requirements, codes, safety standards, changes in construction techniques, or materials necessary to make the repair, rehabilitation or replacement. The NWP 3 also authorizes removal of the minimum amount accumulated sediments and debris to restore the immediate vicinity (200 ft.) to the dimensions that existed at the time construction. It also allows placement of the minimum amount of riprap to protect the structure. The 200 ft. limit does not apply to maintenance dredging to alleviate blockage or restriction of outfall and intake structures or canals associated with such structures. All resulting dredged materials must be disposed of outside of waters of the United States. The NWP 3 authorizes temporary structures, fills, and work required for the maintenance activity. Temporary fill materials must not be eroded by expected high flows and must be removed completely and the area restored to pre-construction evaluations after work is complete.

The permittee is required submit a pre-construction notification the district engineer prior to activities if removal of accumulated sediments and debris, or placement of riprap is to occur.

U.S. Army Corps of Engineers Nationwide Permit 13

The Nationwide Permit 13 (NWP 13) authorizes bank stabilization activities necessary for erosion prevention. The activities must (unless waived by the district engineer by written determination) use the minimum amount of material needed for erosion protection, be no greater than 500 liner feet in length along the bank, discharge does not exceed an average of one (1) cubic yard per running foot along the bank, does not place dredged or fill materials into special aquatic sites, places no materials in any location that impairs surface water flow in or out of waters of the United States, places no materials that will be eroded by normal or expected high flows, and is not a stream channelization activity.

The permittee must submit a pre-construction notification to the district engineer prior to activities if the activity involves discharges into special aquatic sites, is in excess of 500 linear feet, or involve more than one (1) cubic yard per running foot of discharge below the OHWM.

National Marine Fisheries Service and U.S. Fish and Wildlife Service

Any activity authorized, funded, or carried out by a federal agency must insure that it does not jeopardize the continued existence of any listed species or destroy or adversely modify its designated critical habitat. If any Endangered Species Act listed species or their designated critical habitat occurs within the project area, consultation with the National Marine Fisheries Service and or U.S. Fish and Wildlife Service will be required. A literature review and/or survey to determine what endangered species and their designated critical habitat exist within the project area will be necessary. Federally listed sea turtles and the gulf sturgeon are known to occur in Panama City. For in-water work, turbidity barriers will be required to minimize impact to water quality and marine resources.

Florida Department of Environmental Protection

Depending on the final design and footprint, the waterfront structural repairs may fall under the following permitting exemption: 62-330.051 Exempt Activities F.A.C. The exemption applies to an existing dock, pier, boat ramp, and other boating related work that is still functional, the replacement or repair of existing docks and piers, including mooring pilings, in accordance with Section 403.813(1)(d)

Section 403.813(1)(d) states that: “The replacement or repair of existing docks and piers, except that fill material may not be used and the replacement or repaired dock or pier must be in the same location and of the same configuration and dimensions as the dock or pier being replaced or repaired. This does not

preclude the use of different construction materials or minor deviations to allow upgrades to current structural and design standards." A copy of the blank Request for Verification of an Exemption form or Form 62-330-050-1 is contained in **Appendix D.**

If the final design does not fall under the above exemption, an Individual Environmental Resource permit will be required. If the final design goes beyond the footprint of the existing structures, the project may also require a letter of consent from the Florida Department of Environmental Protection (FDEP) for work to be conducted on Sovereign Submerged Lands. A copy of the blank Environmental Resource Permit application form is located in **Appendix D**

For the stormwater sewer repairs the following exemption may apply: In addition to the exemptions set forth in Section 62-330.051, F.A.C., the specific activities described below are exempt from the requirement to obtain an ERP in this District: (1) The operation and maintenance of a surface water management system which: (a) Was constructed before October 1, 1984; or (b) Was constructed or was being constructed on or before December 9, 1999, and was not required to obtain a District permit under exemptions existing at the time.

Appendix A Survey Photographs

Photo 1: West side of project site, contains seagrass.

Photo 2: East side of project site, contains bulkheads and majority of structures.

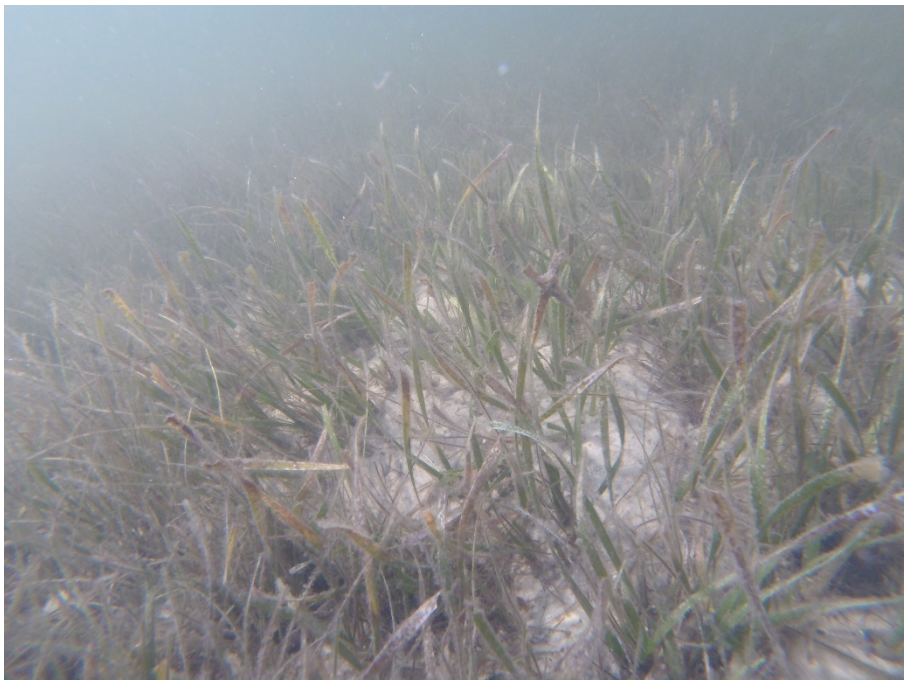


Photo 3: Seagrass bed 1 containing both *Thalassia testudinum* and *Halodule wrightii*.

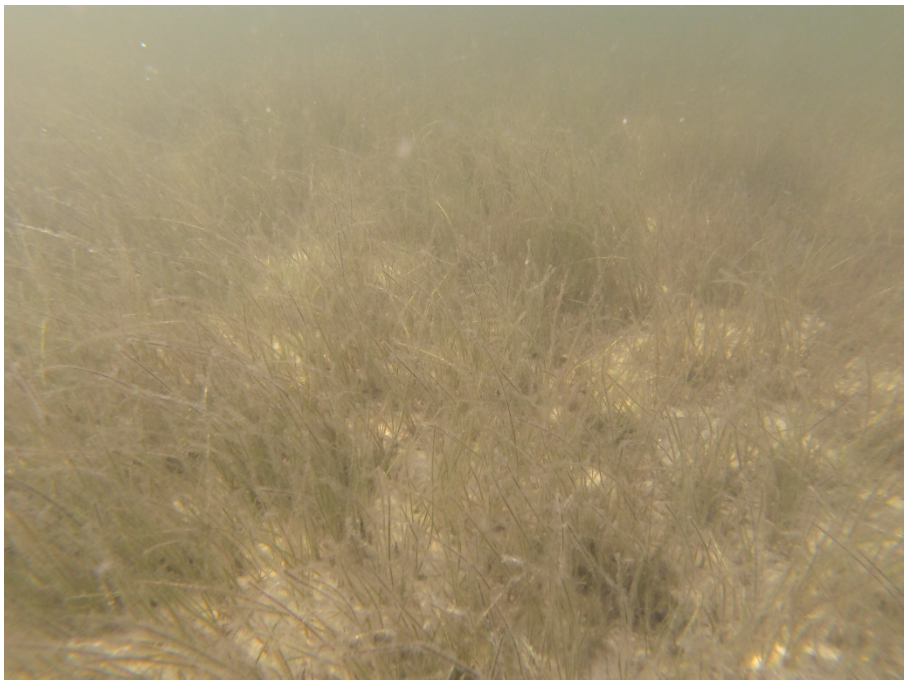


Photo 4: Seagrass bed 2 containing a shoal of *Halodule wrightii* seagrass.

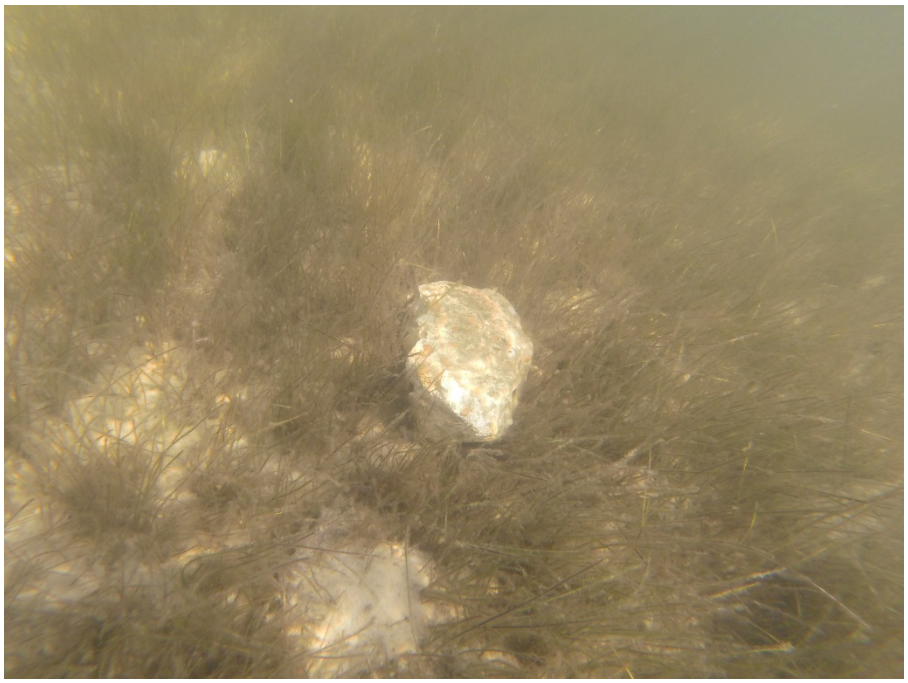


Photo 5: Seagrass bed 3 containing *Halodule wrightii* seagrass.

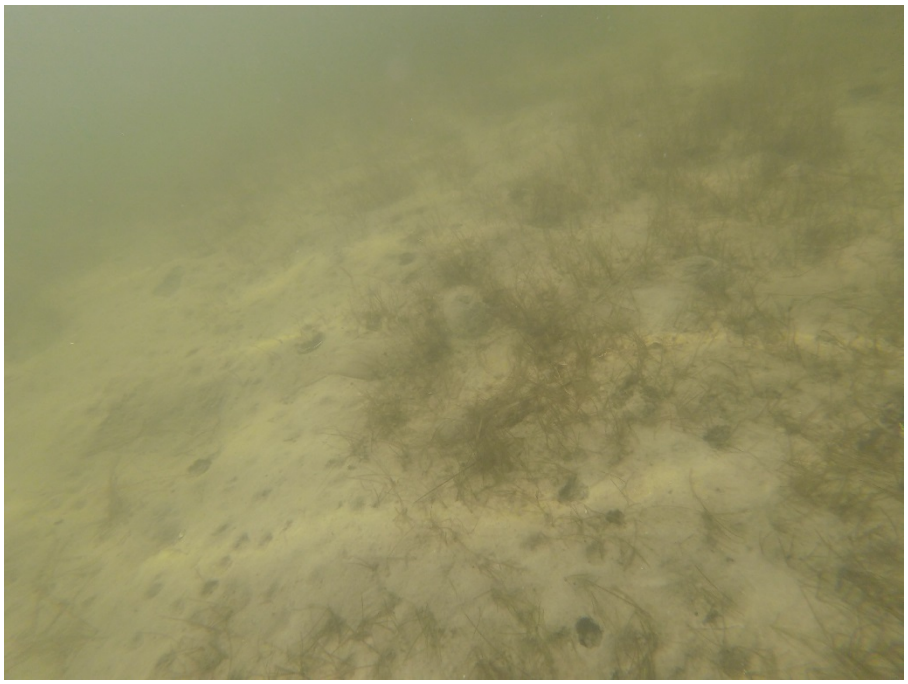


Photo 6: Seagrass bed 4 containing a shoal of *Halodule wrightii* seagrass.

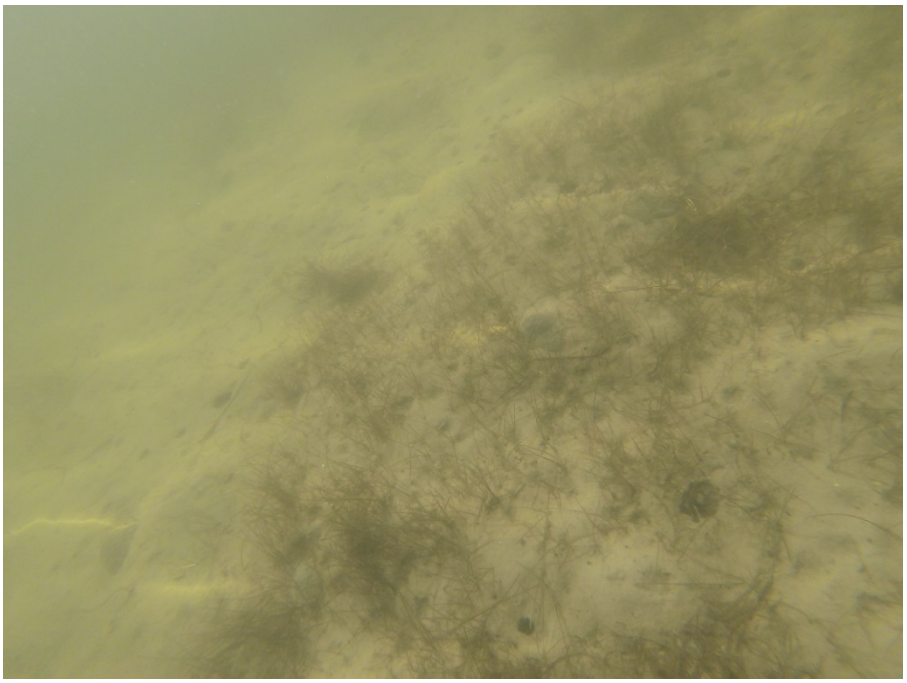


Photo 7: Seagrass bed 5 containing *Halodule wrightii* seagrass.

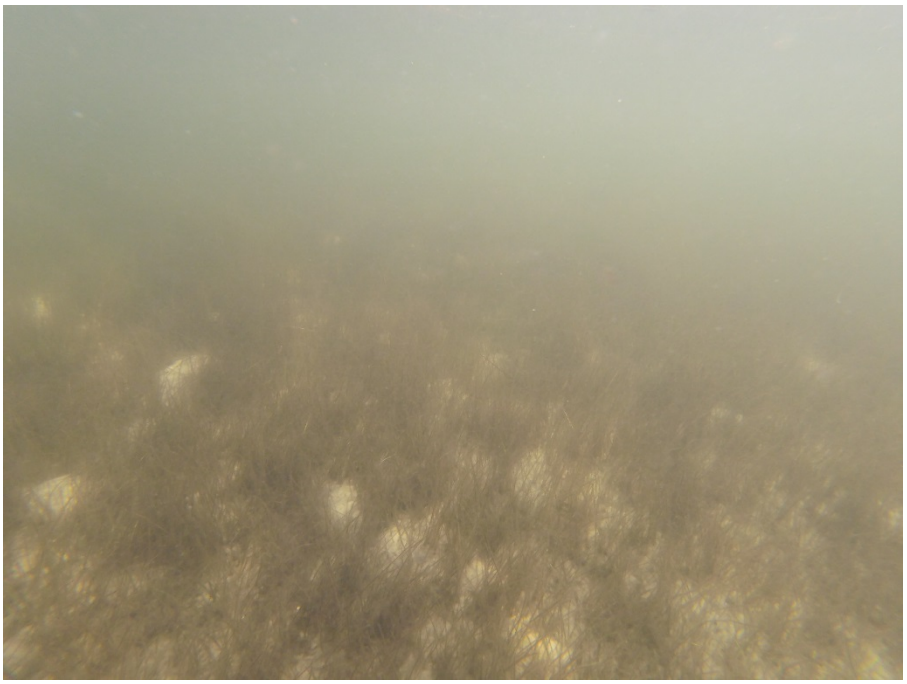


Photo 8: Seagrass bed 6 containing a shoal of *Halodule wrightii* seagrass.

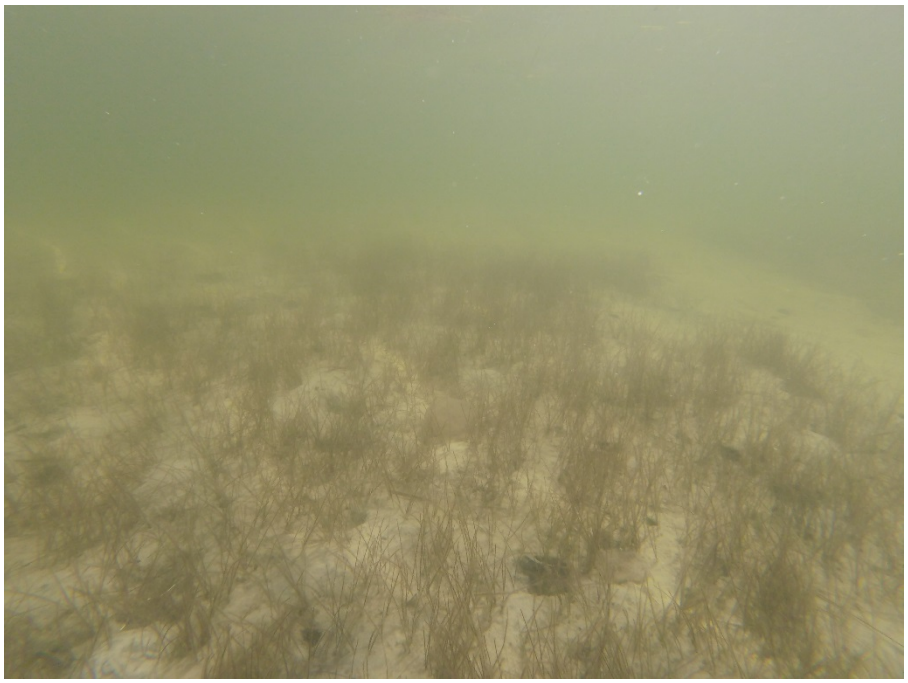


Photo 9: Seagrass bed 7 containing *Halodule wrightii* seagrass.

Photo 10: Representative photo of the seafloor directly adjacent to the docks.

Appendix B FDEP Correspondence

From: McHale, Tanya
To: Andersen, Mariben
Cc: Gable, Jay; Gower, Austin; Dodson, Heather
Subject: RE: USCG Panama City - SAV and Benthic Invertebrate Survey
Date: Monday, October 10, 2016 2:49:22 PM

Hello Mariben,

Good to hear from you. I am doing well, thank you. Hope you are too. I've received your email. The State views seagrass season to start on April 1st and extend through October 31st, so you will be good with us. You may want to double check with the Army Corps of Engineers as I think their seagrass season ends on September 30th.

Thank you,

Tanya Alvarez McHale
850-595-0614

From: Andersen, Mariben [mailto:MAndersen@mbakerintl.com]
Sent: Monday, October 10, 2016 1:41 PM
To: McHale, Tanya <Tanya.McHale@dep.state.fl.us>
Cc: Gable, Jay <jgable@mbakerintl.com>; Gower, Austin <Austin.Gower@mbakerintl.com>; Dodson, Heather <HDodson@mbakerintl.com>
Subject: USCG Panama City - SAV and Benthic Invertebrate Survey

Hello Tanya – I hope this email finds you in good health and spirit. Per my telephone message, Michael Baker International, Inc. has been contracted by the U.S. Coast Guard to evaluate the condition of waterfront structures and stormsewer systems located at the Panama City Station and provide them alternatives to repair or replace said structures. The structures consist of boat docks, a bulkhead and sanitary sewer lines. The project study area is marked in red in the attached project location map and is within 50 feet of the shoreline/bulkhead and other structures. We are scheduled to conduct a SAV and benthic invertebrate survey on 10/24 until 10/26 and wanted to let you know as it is late in the seagrass season.

Please contact me if you have any questions or concerns. Thank you!

Please note my new cell number – 727-560-6757

Mariben Espiritu Andersen, FAA Qualified Biologist | Sr. Associate/Env. Manager | Michael Baker International
5020 West Linebaugh Avenue, Suite 240 | Tampa, FL 33624 | [O] 813-466-6026 | [M] 727-560-6757
mandersen@mbakerintl.com | www.mbakerintl.com

Appendix C COE/NMFS Correspondence

-----Original Message-----
From: Kizlauskas, Andrew A SAJ [mailto:Andrew.A.Kizlauskas@usace.army.mil]
Sent: Wednesday, October 12, 2016 11:41 AM
To: Gable, Jay <jgable@mbakerintl.com>
Subject: FW: [EXTERNAL] Re: FW: Seagrass survey at USCG Panama City

Good morning Jay,

Thank you for your e-mail. Please see below e-mail from Mark Sramek, NMFS.
For this case only, you are clear to survey outside the normally recommended window.

Thanks,

Andy Kizlauskas
Chief, Panama City Permitting Section
U.S. Army Corps of Engineers
Panama City Regulatory Office
1002 West 23rd Street, Suite 350
Panama City, Florida 32405
Phone: (850) 763-0717, Ext. 23
Fax: (850) 872-0231

-----Original Message-----
From: Mark Sramek - NOAA Federal [mailto:mark.sramek@noaa.gov]
Sent: Wednesday, October 12, 2016 8:23 AM
To: Kizlauskas, Andrew A SAJ <Andrew.A.Kizlauskas@usace.army.mil>
Subject: [EXTERNAL] Re: FW: Seagrass survey at USCG Panama City

Good morning Andy,

Thanks for your email; if seagrasses are present in the project area, I don't believe their leaf canopy would appreciably change between now and October
24-26 and the agent should be able verify the presence/absence of seagrasses at the site. I would have concerns if the survey was conducted after October, however, given the recent cool weather earlier this week.

However, NMFS HCD still recommends seagrass surveys in Florida be conducted June 1 through September 30.

Thanks for your efforts,
Mark
727-824-5311

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On Tue, Oct 11, 2016 at 12:14 PM, Kizlauskas, Andrew A SAJ <Andrew.A.Kizlauskas@usace.army.mil <mailto:Andrew.A.Kizlauskas@usace.army.mil> > wrote:

Hi Mark,

I hope all is well! I wanted to run this one by you. Please see below and advise if you have a concern with these folks conducting the SAV survey in this area this month (outside normal SAV sampling window).

Thanks,

Andy Kizlauskas
Chief, Panama City Permitting Section
U.S. Army Corps of Engineers
Panama City Regulatory Office
1002 West 23rd Street, Suite 350
Panama City, Florida 32405
Phone: (850) 763-0717, Ext. 23 <tel:%28850%29%20763-0717%2C%20Ext.%2023>
Fax: (850) 872-0231 <tel:%28850%29%20872-0231>

-----Original Message-----
From: Gable, Jay [mailto:jgable@mbakerintl.com <mailto:jgable@mbakerintl.com>]
Sent: Tuesday, October 11, 2016 10:53 AM
To: Kizlauskas, Andrew A SAJ <Andrew.A.Kizlauskas@usace.army.mil <mailto:Andrew.A.Kizlauskas@usace.army.mil> >
Cc: Andersen, Mariben <MAndersen@mbakerintl.com <mailto:MAndersen@mbakerintl.com> >; Dodson, Heather <HDodson@mbakerintl.com <mailto:HDodson@mbakerintl.com> >; Gower, Austin <Austin.Gower@mbakerintl.com <mailto:Austin.Gower@mbakerintl.com> >
Subject: [EXTERNAL] Seagrass survey at USCG Panama City

Dear Mr. Kizlauskas,

Per our discussion, Michael Baker International, Inc. has been contracted by the U.S. Coast Guard to evaluate the condition of waterfront structures and stormsewer systems located at the Panama City Station and provide them alternatives to repair or replace said structures. The structures consist of boat docks, a bulkhead and stormsewer infrastructure. We received the Notice-to-Proceed last week and have a 190-day project schedule which means that the project ends in March 2017.

The project study area is marked in red in the attached project location map and is within 50 feet of the shoreline/bulkhead and other structures. We are scheduled to conduct a SAV and benthic invertebrate survey on 10/24 until 10/26 and wanted to let you know as we are not able to comply with the Corps of Engineers June 1 to September 30th SAV Survey Season. Historical and the most recent seagrass data survey documents indicates that seagrass

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occurs east of the project and at the mouth of the lagoon. Should we determine that there is seagrass within the project study area, we will coordinate with you.

Thank you,

Jay Gable | Environmental Specialist | Michael Baker International
5020 West Linebaugh Ave, Suite 240 | Tampa, FL 33624 | 813-889-3892
jgable@mbakerintl.com <mailto:jgable@mbakerintl.com> <mailto:jgable@mbakerintl.com <mailto:jgable@mbakerintl.com> >

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Appendix D Permit Forms

REQUEST FOR VERIFICATION OF AN EXEMPTION

Instructions: submit this form to request verification whether an activity qualifies for an exemption from the Environmental Resource Permit (ERP) requirements of Part IV of Chapter 373, F.S., and Chapter 62-330.050-0511, F.A.C. With some exceptions, notice is **not required** to conduct an activity that qualifies for an exemption from permitting under Sections 373.406, 373,4145, or 403.813, F.S., or Rules 62-330.050 through 62-330.0511, F.A.C. Exceptions where prior notice to the Agency is required prior to conducting an exempt activity are:

- Activities having minimal impact under Section 373.406(6), F.S., often referred to as a "*de minimis*" exemption.
- Section 403.813(1)(f), F.S., when maintenance dredging within previously dredged portions of natural water bodies within drainage rights-of-way or drainage easements which have been recorded in the public records of the county.
- Section 403.813(1)(t), F.S., for the repair, stabilization, or paving of existing county maintained roads and the repair or replacement of bridges that are part of the roadway.
- Section 403.813(1)(u), F.S., for an individual, residential property owner to remove organic detrital material from freshwater rivers or lakes that have a natural sand or rocky substrate and that are not located in an Aquatic Preserve.
- Section 403.813(3), F.S., for maintenance dredging at seaports.
- Rule 62-330.0511, F.A.C., for minor silvicultural surface water management systems

In accordance with Chapter 253, F.S., and Chapter 18-21, F.A.C., (April 14, 2008) activities conducted on state-owned submerged lands also must be authorized by the Board of Trustees of the Internal Improvement Trust Fund (BOT). Certain activities on state-owned submerged lands may qualify for Consent by Rule under paragraph 18-21.005(1)(b), F.A.C. All authorized activities on state-owned submerged lands must comply with the General Conditions for Authorizations under subsection 18-21.004(7), F.A.C. The Agency will use this form to determine if an additional authorization to perform works on these lands is required.

Requests to "self certify" a private, single-family dock must be submitted to the Department's Internet site at: http://www.dep.state.fl.us/secretary/portal/permit.htm and CANNOT be made using this notice. However requests to verify construction of a dock that does not qualify for self certification may be made using this form.

In addition to the information described in this form, any submittal requesting verification of an exemption, must also include:

- Location map(s) of sufficient detail to allow someone who is unfamiliar with the site to travel to and locate the specific site of the activity.
- One set of plans and drawings, calculations, environmental information, and other supporting documents that clearly and legibly depict and describe the proposed activities in sufficient detail to demonstrate that the work qualifies for the exemption.
- The required fee.

Please identify the exemption you are requesting to use:	
☐	Subsection/Paragraph 62-330._____ (_____), F.A.C.
☐	Section 373.406(6), F.S. (known as the "*de minimis*" exemption — see section 3.4.3.7(c) of Applicant's Handbook Volume I for additional information)
☐	Section 373. 4145(6) (_____), F.S. (for certain "grandfathered" activities)
☐	Section 403.813(1)(_____), F.S. (generally, "dredge and fill" exemptions)
☐	I do not know the exemption number
Please provide numbers for additional Exemptions if you are requesting to use more than one:	

Form 62-330.050(1) – Request for Verification of Exemption
Incorporated by reference in subsection 62-330.050(2), F.A.C. (10-1-2013)

Page 1 of 4

PART 1: GENERAL INFORMATION

A. CONTACT		
Name: Last:	First:	Middle:
Title:	Company:	
Address:		
City:	State:	Zip:
Home Telephone:	Work Telephone:	
Cell Phone:	Fax:	
E-mail Address:		
Preferred correspondence method: ☐ email ☐ US Mail		

B. Location of proposed activities: Tax Parcel Identification Number:		
Address:		
City:	County:	Zip:
Latitude (DMS) ° ' "	Longitude (DMS) ° ' "	
C. Date activity is proposed:	To Commence:	To be Completed:

D. Proposed Activities (be specific; use additional sheets as necessary)
Describe in general terms the proposed project, system, or activity (including materials to be used and construction methods:

E. Is any work proposed in wetlands or other surface waters? ☐ Yes ☐ No. If yes, please specifically describe, with specific references as to how the limits of the proposed work will comply with the terms and conditions of the above exemption:
F. Please provide a description of all sediment and erosion controls to be used during the completion of this activity (such as use of turbidity and erosion controls):

PART 2: ACKNOWLEDGEMENT

I understand this notice is being provided solely to seek verification of qualification to use this exemption(s), and that I am NOT requesting the Agency to process this notice as an application for a permit.

I hereby understand that the Agency will undertake reasonable efforts to determine, within 30 days of receipt of this notice, whether the activity contained in this notice qualifies for the above exemption. If it does not, the Agency will provide its determination that the requested activity does not meet the terms and conditions of the exemption, at which time I may provide a new notice with additional or modified information, or I may submit an application for an Environmental Resource Permit. In either case, denial of qualification to use an exemption will be made without prejudice, pending submittal of clarification of any errors or omissions contained in this notice or other information that demonstrates compliance with the terms and conditions of the exemption.

Typed/Printed Name	Signature	Date

Form 62-330.050(1) – Request for Verification of Exemption
Incorporated by reference in subsection 62-330.050(2), F.A.C. (10-1-2013) Page 3 of 4

SUBMITTAL AND FEES

This notice and the appropriate fee, should be submitted to the agency having regulatory authority for the activity. Operating Agreements between the Department and the water management districts spell out which agency will process any given application. For more information go to http://www.dep.state.fl.us/water/wetlands/erp/wmd.htm .

Several agencies now allow this application form to be submitted electronically on the Internet; in those cases, follow the on-line submittal requirements of that agency:

- **Northwest Florida Water Management District:** **http://www.nwfwmd.state.fl.us/permits/erp/epermit_home.html**
- **St. Johns River Water Management District:** **https://permitting.sjrwmd.com/epermitting/jsp/AccountOverview.do?command=init**
- **Southwest Florida Water Management District:** **http://www.swfwmd.state.fl.us/permits/epermitting/**
- **South Florida Water Management District:** **http://my.sfwmd.gov/ePermitting/MainPage.do**

If submitting a paper application, please see (Appendix A) of the Environmental Resource Permit Applicant's Handbook Volume I for submittal locations.

Form 62-330.050(1) – Request for Verification of Exemption
Incorporated by reference in subsection 62-330.050(2), F.A.C. (10-1-2013) Page 4 of 4

Form 62-330.060(1)

JOINT APPLICATION FOR INDIVIDUAL AND CONCEPTUAL ENVIRONMENTAL RESOURCE PERMIT/ AUTHORIZATION TO USE STATE-OWNED SUBMERGED LANDS/ FEDERAL DREDGE AND FILL PERMIT

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION/
WATER MANAGEMENT DISTRICTS/
U.S. ARMY CORPS OF ENGINEERS

Effective October 1, 2013

US Army Corps of Engineers

INSTRUCTIONS FOR USE OF THIS FORM:

This form is designed to assist you in submitting a complete application. All applications must include Section A-General Information for All Activities. Sections B through H list typical information that is needed based on the proposed activities, and are only required as applicable. Part 1-C of Section A will guide you to the correct sections needed based on your proposed activities. Applicants are advised to consult Chapter 62-330, F.A.C., and the Environmental Resource Permit Applicant's Handbook Volumes I and II for information regarding the ERP permitting process and requirements while preparing their application. Internet addresses for Chapter 62-330, F.A.C. and the Applicant's Handbook, Agency contact information, and additional instructions for this form can be found in Attachment 1.

What Sections of the Application Must I Fill Out?

Does the project involve....	Section							
	A- General Information	B- Single Family Projects	C- Wetlands and other Surface Waters	D- Structures or Works in Surface Waters	E- Stormwater Management System	F- State-owned Submerged Lands	G- Mitigation Banks	H- Mines
Fill in wetlands or waters for a single family residence?	X	X						
Docks, shoreline stabilization, seawalls associated with a single family residence?	X	X				X, if applicable		
Wetland impacts (other than associated with an individual residence)?	X		X					
Boating facilities, a marina, jetty, reef, or dredging?	X		X	X		X if applicable		
Any work on state owned submerged land?	X		X			X		
Construction of a stormwater management system?	X		X, if applicable		X			
Constructing a mitigation bank?	X		X		X, if applicable		X	
Creating a mine?	X		X, if applicable					X

Note- if you are required to provide Section B, then you do not have to provide any other Sections, unless the activities are on state-owned submerged lands. In that case, Section F will also be required.

If you have any questions, or would like assistance completing this form, please contact the staff of the nearest office of either the Florida Department of Environmental Protection (DEP) or a Water Management District (WMD) (see Attachment 2).

Section A: General Information for All Activities

PART 1: NAME, APPLICATION TYPE, LOCATION, AND DESCRIPTION OF ACTIVITY

A. Name of project, including phase if applicable:

B. This is for (check all that apply):

- ☐ Construction or operation of ***new*** works, activities and/ or a stormwater management system
- ☐ ***Conceptual Approval*** of proposed works, activities and/ or a stormwater management system
- ☐ Modification or Alteration of ***existing*** works activities and / or a stormwater management system. Provide the existing DEP or WMD permit #, if known: Note: Minor modifications do not require completion of this form, and may instead be requested by letter.
- ☐ ***Maintenance or repair*** of works, activities and/ or stormwater management system previously permitted by the DEP or WMD Provide existing permit #, if known:
- ☐ Abandonment or removal of works, activities and/ or stormwater management system Provide existing DEP or WMD permit #, if known:
- ☐ Operation of an ***existing unpermitted*** stormwater management system.
- ☐ Construction of additional phases of a permitted work, activity and/ or stormwater management system.

  Provide the existing DEP or WMD permit #, if known:

C. ***List the type of activities proposed. Check all that apply, and provide the supplemental information requested in each of the referenced application sections.*** *Please also reference Applicant's Handbooks I and II for the type of information that may be needed.*

- ☐ Activities associated with one single-family residence, duplex, triplex, or quadruplex that do not qualify for an exemption or a General Permit: ***Provide the information requested in Section B. Do not complete Section C.***
- ☐ Activities within wetlands or surface waters, or within 25 feet of a wetland or surface water, (not including the activities associated with an individual residence). *Examples include dredging, filling, outfall structures, docks, piers, over-water structures, shoreline stabilization, mitigation, reclamation, restoration/enhancement.* ***Provide the information requested in Section C.***
  - ☐ Activities within navigable or flowing surface waters such as a multi-slip dock or marina, dry storage facility, dredging, bridge, breakwaters, reefs, or other offshore structures: ***In addition to Section C, also provide the information requested in Section D.***
  - ☐ Activities that are (or may be) located within, on or over state-owned submerged lands (*See Chapter 18-21, F.A.C. https://www.flrules.org/gateway/ChapterHome.asp?Chapter=18-21*): ***In addition to Section B or C, also provide the information requested in Section F***

☐ Construction or alteration of a stormwater management system serving residential, commercial, transportation, industrial, agricultural, or other land uses, or a solid waste facility (excluding mines that are regulated by DEP). ***Provide the information requested in Section E.***

☐ Creation or modification of Mitigation Bank (refer to Chapter 62-342, F.A.C. https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-342): ***Provide the information requested in Section G.***

☐ Mines (as defined in Section 2.0 of Applicant's Handbook Volume I) that are regulated by the DEP: ***Provide the information requested in Section H.***

☐ Other, describe:
Please contact the Agency to determine which additional sections of the application are need.
See Attachment 1 for Agency contacts.

D. Describe in general terms the proposed project, system, works, or other activities. For permit modifications, please briefly describe the changes requested to the permit:

E. For activities in, on, or over wetlands or other surface waters, check the type of federal dredge and fill permit requested (if known): ☐Individual ☐Programmatic General permit #:
☐General ☐Nationwide permit #: ☐Not Applicable ☐Not sure

F. Project/Activity Street/Road Address or other location (if applicable):
City: County(ies): Zip:

Note: For utility, road, or ditch/canal activities, provide a starting and ending point using street names and nearest house numbers or provide length of project in miles along named streets or highways.

G. Project location map and Section, Township, and Range information (use additional sheets if needed):
Please attach a location map showing the location and boundaries of the proposed activity in relation to major intersections or other landmarks. The map should also contain a north arrow and a graphic scale; show Section(s), Township(s), and Range(s); and must be of sufficient detail to allow a person unfamiliar with the site to find it.
Section(s): Township: Range: Land Grant name, if applicable:
Section(s): Township: Range:
Section(s): Township: Range:

H. Latitude (DMS) ° ' " Longitude (DMS) ° ' " (Taken from central location of the activity). Explain source for obtaining latitude and longitude (i.e. U.S.G.S. Quadrangle Map, GPS, online resource):

I. Tax Parcel Identification Number(s):

[Number may be obtained from property tax bill or from the county property appraiser's office; if on multiple parcels, provide multiple Tax Parcel Identification Numbers]

J. Directions to Site (from major roads; include distances and landmarks as applicable):

K. Project area or phase area: acres

L. Name of waterbody(ies) (if known) in which activities will occur or into which the system will discharge:

The following questions (M-O) are not applicable to activities related to a single-family residence, including private single-family residential docks, piers, seawalls or boat ramps.

M. Is it part of a larger plan of development or sale? ☐ yes ☐ no

N. Impervious or semi-impervious area excluding wetlands and other surface waters (if applicable):
acres or square feet

O. Volume of water the system is capable of impounding (if applicable): acre-feet.

PART 2: SUPPLEMENTAL INFORMATION, AND PERMIT HISTORY

A. Is this an application to modify an existing Environmental Resource Permit, or to construct or implement part of a multi-phase project, such as a project with a Conceptual Approval permit? ☐ Yes ☐ No *If you answered "yes", please provide permit numbers below:*

AGENCY	DATE	PERMIT/APPLICATION NO.	PROJECT NAME

B. Indicate if there have been any ***pre-application meeting(s)*** or other discussions about the proposed project, system or activity. If so, please provide the date(s), location(s) of the meeting, and the name(s) of Agency staff that attended the meeting(s):

AGENCY	DATE	LOCATION	MEETING ATTENDEES

C. ***Attach a depiction (plan and section views), which clearly shows the works or other activities proposed to be constructed.*** Use multiple sheets, if necessary, a scale sufficient to show the location and type of works, and include a north arrow and a key to any symbols used. ***Specific information to be included in the plans is based on the activities proposed and is further described in Sections B-H.*** However, supplemental information may be required based on the specific circumstances or location of the proposed works or other activities.

D. Processing Fee: ***Please submit the application processing fee along with this application form and supplemental information.*** Processing fees vary based on the size of the activity, the type of permit applied for, and the reviewing Agency. Please reference Attachment 3 to determine the appropriate fee.

PART 3: APPLICANT AND ASSOCIATED PARTIES INFORMATION

Instructions: Permits are only issued to entities having sufficient real property interest as described in Section 4.2.3 (d) of Applicant's Handbook Volume I. Please attach evidence of sufficient real property interest over the land upon which the activities subject to the application will be conducted, including mitigation (if applicable). Refer to Section 4.2.3 (d) for acceptable ownership or real property interest documentation. For corporations, list a person who is a registered agent or officer of the corporation who has the legal authority to bind the corporation.

A. APPLICANT (ENTITY MUST HAVE SUFFICIENT REAL PROPERTY INTEREST) ☐ **THIS IS A CONTACT PERSON FOR ADDITIONAL INFORMATION**		
Name: Last:	First:	Middle:
Title:	Company:	
Address:		
City:	State:	Zip:
Home Telephone:	Work Telephone:	
Cell Phone:	Fax:	
E-mail Address:		
Correspondence will be sent via email. Check here to receive correspondence via US Mail: ☐		
B. LAND OWNER(S) (IF DIFFERENT OR IN ADDITION TO APPLICANT) ☐ **CHECK HERE IF LAND OWNER IS ALSO A CO-APPLICANT**		
Name: Last:	First:	Middle:
Title:	Company:	
Address:		
City:	State:	Zip:
Home Telephone:	Work Telephone:	
Cell Phone:	Fax:	
E-mail Address:		
Correspondence will be sent via email. Check here to receive correspondence via US Mail: ☐		

C. OPERATION AND MAINTENANCE ENTITY (see Applicant's Handbook I, Section 12.3)			
Entity Name:	Contact: Last:	First:	Middle:
Title:	Company:		
Address:			
City:	State:		Zip:
Home Telephone:	Work Telephone:		
Cell Phone:	Fax:		
E-mail Address:			
Correspondence will be sent via email. Check here to receive correspondence via US Mail: ☐			

D. CO-APPLICANT (IF DIFFERENT OR IN ADDITION TO APPLICANT AND OWNER)		
Name: Last:	First:	Middle:
Title:	Company:	
Address:		
City:	State:	Zip:
Home Telephone:	Work Telephone:	
Cell Phone:	Fax:	
E-mail Address:		
Correspondence will be sent via email. Check here to receive correspondence via US Mail: ☐		

E. ENGINEERING CONSULTANT ☐ THIS IS A CONTACT PERSON FOR ADDITIONAL INFORMATION		
Name: Last:	First:	Middle:
Title:	Company:	
Address:		
City:	State:	Zip:
Home Telephone:	Work Telephone:	
Cell Phone:	Fax:	
E-mail Address:		
Correspondence will be sent via email. Check here to receive correspondence via US Mail: ☐		

F. ENVIRONMENTAL CONSULTANT ☐ THIS IS A CONTACT PERSON FOR ADDITIONAL INFORMATION		
Name: Last:	First:	Middle:
Title:	Company:	
Address:		
City:	State:	Zip:
Home Telephone:	Work Telephone:	
Cell Phone:	Fax:	
E-mail Address:		
Correspondence will be sent via email. Check here to receive correspondence via US Mail: ☐		

G. AGENT AUTHORIZED TO SECURE PERMIT (IF DIFFERENT FROM CONSULTANT) ☐ THIS IS A CONTACT PERSON FOR ADDITIONAL INFORMATION		
Name: Last:	First:	Middle:
Title:	Company:	
Address:		
City:	State:	Zip:
Home Telephone:	Work Telephone:	
Cell Phone:	Fax:	
E-mail Address:		
Correspondence will be sent via email. Check here to receive correspondence via US Mail: ☐		

If necessary, please add additional pages for other contacts and property owners related to this project.

PART 4: SIGNATURES AND AUTHORIZATION TO ACCESS PROPERTY

Instructions: For multiple applicants please provide a separate Part 4 for each applicant. For corporations, the application must be signed by a person authorized to bind the corporation. A person who has sufficient real property interest (see Section 4.2.3 (d) of Applicant's Handbook Volume I) is required in (B) to authorize access to the property, except when the applicant has the power of eminent domain.

A. By signing this application form, I am applying for the permit and any proprietary authorizations identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application and represent that such information is true, complete and accurate. I understand this is an application and not a permit, and that work prior to approval is a violation. I understand that this application and any permit issued or proprietary authorization issued pursuant thereto, does not relieve of any obligation for obtaining any other required federal, state, water management district or local permit prior to commencement of construction. I agree to operate and maintain the permitted system unless the permitting agency authorizes transfer of the permit to a different responsible operation and maintenance entity. I understand that knowingly making any false statement or representation in this application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001.

Typed/Printed Name of Applicant or Applicant's Authorized Agent	Signature of Applicant or Applicant's Authorized Agent	Date

(Corporate Title if applicable)

B. CERTIFICATION OF SUFFICIENT REAL PROPERTY INTEREST AND AUTHORIZATION FOR STAFF TO ACCESS THE PROPERTY:
I certify that:

☐ ***I possess sufficient real property interest in or control, as defined in Section 4.2.3 (d) of Applicant's Handbook Volume I,*** over the land upon which the activities described in this application are proposed and I have legal authority to grant permission to access those lands. I hereby grant permission, evidenced by my signature below, for staff of the Agency and the U.S. Army Corps of Engineers to access, inspect, and sample the lands and waters of the property as necessary for the review of the proposed works and other activities specified in this application. I authorize these agents or personnel to enter the property as many times as may be necessary to make such review, inspection, and/ or sampling. Further, I agree to provide entry to the project site for such agents or personnel to monitor and inspect permitted work if a permit is granted.

OR

☐ I represent an entity having ***the power of eminent domain and condemnation authority***, and I/we shall make appropriate arrangements to enable staff of the Agency and the U.S. Army Corps of Engineers to access, inspect, and sample the property as described above.

Typed/Printed Name	Signature	Date

(Corporate Title if applicable)

C. DESIGNATION OF AUTHORIZED AGENT (IF APPLICABLE):

I hereby designate and authorize to act on my behalf, or on behalf of my corporation, as the agent in the processing of this application for the permit and / or proprietary authorization indicated above; and to furnish, on request, supplemental information in support of the application. In addition, I authorize the above-listed agent to bind me, or my corporation, to perform any requirements which may be necessary to procure the permit or authorization indicated above. I understand that knowingly making any false statement or representation in thisapplication is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001.

Typed/Printed Name of Applicant	Signature of Applicant	Date

(Corporate Title if applicable)

(9.25.13)

SECTION C: SUPPLEMENTAL INFORMATION FOR WORKS OR OTHER ACTIVITIES IN, ON, OR OVER WETLANDS AND/OR OTHER SURFACE WATERS

(Note: This section is not required if all the proposed activities are covered in Section B.)

Instructions: This section is for ERP applications that do not involve activities associated with an individual single-family residence, duplex, triplex or quadruplex. For those activities, please use Section B. This form is to be completed if the proposed work or activity will occur in, on, over, or within 25 feet of a wetland or other surface water. The supplemental information required by this section is in addition to the information required by Section A of the ERP application.

PART 1: WETLAND OR OTHER SURFACE WATER IMPACT SUMMARY

1. Describe the basic purpose of the project or activity:

2. Total area of work (dredging, filling, construction, alteration, or removal) in, on, or over wetlands or other surface waters: sq. ft.; ac.

3. Total volume of material in wetlands or other surface waters:
   a. to be dredged: cubic yards,
   b. to be filled: cubic yards.

4. Identify the seasonal high water level (SHWL) and wetland normal pool elevations for each wetland or surface water within the project site. For tidal wetlands and/or surface waters provide the elevation of mean high and mean low water. Include an aerial photograph showing the location of each sampling location, dates, datum, and methods used to determine these elevations.

5. Name of waterbody(ies) (if applicable & if known) in which work will occur?

6. Is the activity proposed in an Outstanding Florida Water or Aquatic Preserve?
   ☐ yes, name: ☐ no ☐ I don't know

7. Has there ever been a formal or informal wetland determination for the project site? If yes, provide the identifying number and/ or a copy of the jurisdictional map.

8. Provide a map(s) of the project area and vicinity delineating USDA/NRCS soil types.

9. Provide recent aerials, legible for photointerpretation (no photocopies) with a scale of 1" = 400 ft, or more detailed, with project boundaries and wetland boundaries delineated on the aerial.

10. Provide existing and proposed maps indicating vegetative community types based on Florida Land Use and Cover Classification System (FLUCCS) (FDOT 1999). For vegetated areas dominated by exotic vegetation, use the FLUCCS code representative of the native community type that was present prior to exotic infestation.

US Army Corps of Engineers

11. Provide existing and proposed maps indicating vegetative community types based on the Florida Natural Areas Inventory Guide to the Natural Communities of Florida.

12. Impact Summary Tables (located at the end of this section):

    a. For all projects, complete Table 1, 2 and 3 as applicable.

    b. For shoreline stabilization projects, provide the information requested in Table 4.

13. Adjacent property owners. The following information is required only for projects proposed to occur in, on or over wetlands that need a federal dredge and fill permit and/or authorization to use state owned submerged lands and is not necessary when applying solely for an Environmental Resource Permit. If the activity is located on state owned submerged lands and requires a lease or easement, provide a list of names and addresses from the latest county tax assessment roll of all property owners located within a 500 ft. radius of the proposed lease or easement boundary in mailing label format, or you may elect to send notice to those persons by certified mail, with the return-receipt card addressed to the DEP or water management district, as applicable, in accordance with subsection 18-21.005(3), F.A.C., and Section 253.115, F.S. For projects that need a federal dredge and fill permit, please provide the names, addresses and zip codes of property owners whose property directly adjoins the project (excluding applicant). Attach additional sheets if necessary.

1.	2.
3.	4.
5.	6.

PART 2: ENVIRONMENTAL CONSIDERATIONS

Note: for many questions, a state rule/Applicant's Handbook Volume I (AH I) section is cited to assist the applicant in addressing these questions. However, additional Federal criteria may apply.

1. Elimination or Reduction of Impacts (Avoidance and Minimization). Describe measures taken to eliminate or reduce impacts to wetlands and other surface waters (*Refer to AH I Section 10.2.1*).

2. Fish, Wildlife, Listed Species and their Habitats. Provide results of any wildlife assessments that have been conducted on the project site and provide any comments pertaining to the project from the Florida Fish and Wildlife Conservation Commission and/or the U.S. Fish and Wildlife Service (*Refer to AH I Section 10.2.2*).

3. Water quantity impacts to wetlands and other surface waters (*Refer to AH I Section 10.2.2.4 and AH II*).

a. Does the activity include a proposed stormwater water management system with a control elevation different than the wetland normal pool elevation(s) of existing or proposed created wetlands or other surface waters?

b. If yes to (a), provide documentation (e.g. drawdown assessment or other methods) that shows the proposed surface water management system will not change the hydroperiod of the existing or created wetland or other surface water.

4. Public Interest Test. Please describe how the proposed activity will ***not be contrary*** to the public interest, OR if such an activity significantly degrades or is located within an Outstanding Florida Water (OFW), that the regulated activity will be ***clearly in*** the public interest (*Refer to AH I Section 10.2.3*).

a. Please describe how the project will be designed to avoid adverse affects to public health, safety, or the welfare or the property of others.

b. Please describe how the project will be designed to avoid adverse affects to the conservation of fish and wildlife, including endangered or threatened species, or their habitats.

c. Please describe how the project will be designed to avoid adverse affects to navigation or the flow of water or cause harmful erosion or shoaling.

d. Please describe how the project will be designed to avoid adverse affects to the fishing or recreational values or marine productivity in the vicinity of the activity.

e. Will the project be of a temporary or permanent nature?

f. Please describe how the project will be designed to avoid adverse impacts to significant historical and archaeological resources, under the provisions of section 267.061, F.S.

g. Please describe how the project will be designed to avoid adverse affects to the current condition and relative value of functions being performed by areas affected by the proposed regulated activity.

5. Water Quality. Provide a description of how water quality will be maintained in wetlands and other surface waters that will be preserved or will remain undisturbed, both on and offsite. Please address both short-term (such as during construction) and long-term water quality considerations (*Refer to AH I Section 10.2.4*).

6. Class II Waters; Waters approved for shellfish harvesting *(Refer to AH I Section 10.2.5)*.

a. Will the project occur in Class II that are NOT approved for shellfish harvesting? If yes, please provide a plan or procedure detailing the measures to be taken to meet the requirements of *AH I Section 10.2.5(a)*.

b. Is the project located adjacent to or in close proximity to Class II waters? If yes, please provide a plan or procedure detailing the measures to be taken to meet the requirements of *AH I Section 10.2.5(b)*.

c. Is the project located in Class II or Class III waters that are classified as "approved", "restricted", "conditionally approved", or "conditionally restricted"? If yes, demonstrate that the project meets the requirements of *AH I Section 10.2.5(c)*.

7. Vertical seawalls. Are vertical seawalls proposed in an estuary or lagoon as part of the project? If yes, please describe how the project meets the requirements of *AH I Section 10.2.6*.

8. Secondary Impacts (*AH I Section 10.2.7*).

   a. Will an upland buffer, with a minimum width of 15' and an average width of 25', be provided between the proposed activities and existing wetlands or wetlands to be preserved, enhanced, restored, or created? Provide the location and dimension of all buffers on the plans. If not, demonstrate that secondary impacts will not occur or how they will be offset.

   b. If listed species are present or may be present then coordination with wildlife agencies is needed. Have you coordinated with the FFWCC and/or USFWS? If so, please provide correspondence from the wildlife agencies indicating concurrence with the species management plan(s).

   c. What measures will be taken to avoid impacts to wetland-dependent wildlife and/or listed species that use uplands for nesting or denning?

   d. Describe whether there are any other relevant activities that are very closely linked and causally related to any proposed dredging or filling in wetlands or other surface waters that have the potential to cause impacts to significant historical and archaeological resources.

   e. Are there additional future phases or extensions of the proposed activities that are not shown? If yes, please describe.

9. Cumulative Impacts. Is the proposed mitigation located within the same drainage basin (*Refer to AH I Figures 10.2.8.1 – 10.2.8.5)* as the proposed wetland impacts? If not, please submit a Cumulative Impact Evaluation in accordance with *AH I Section 10.2.8*.

10. Mitigation Plan (*Refer to AH I Section 10.3*).

    a. If a mitigation bank is proposed to offset wetland/other surface water impacts, provide:

       i. the name of the bank: . A letter of reservation from the banker will be required once the application has been evaluated.
       ii. If the mitigation bank was assessed using UMAM, provide UMAM worksheets for impact area(s). If the bank was assessed using a method other than UMAM, then prepare the impact assessment using the same method.

    b. If mitigation is proposed to offset wetland/other surface water impacts, please provide a mitigation plan that includes, at a minimum, the following:

       i. ☐ Proposed mitigation narrative:
          (1) ☐ Describe the current and proposed condition for each type of mitigation component (restoration, enhancement, creation, preservation), including:
          (a) ☐ Describe current and proposed vegetation

(b) ☐ Describe current and proposed hydrologic conditions for the proposed mitigation.
(c) ☐ Describe the soil types from NRCS maps and confirm if actual soil conditions appear to match.

(2) ☐ Provide details of the proposed construction/mitigation activities including phasing and timing, as appropriate.
(3) ☐ Identify measures that will be implemented during and after construction to avoid adverse impacts related to the proposed activities.
(4) ☐ A mitigation implementation and monitoring schedule with dates.
☐ Identify the success criteria.
☐ Describe the anticipated site conditions in and around the mitigation area after the mitigation plan is successfully implemented.
(7) ☐ Provide a comparison of current fish and wildlife habitat to expected habitat after the mitigation plan is successfully implemented.

ii. ☐ Provide a Management Plan that includes, as appropriate, aspects of operation and maintenance, including water management practices, vegetation establishment, exotic and nuisance species control, fire management, and control of access.

iii. ☐ Maps:
(1) ☐ Soil map (include soil names/codes, hydrologic soil groups and hydric soil types).
(2) ☐ Topographic map of the mitigation area and adjacent contributing and receiving areas.
(3) ☐ Hydrologic features map of the mitigation area and adjacent contributing and receiving areas.
(4) ☐ Vegetative communities map (using FLUCCS or other appropriate classification system).
(5) ☐ For all maps, indentify source.

iv. Provide the necessary supporting information for the application of sections 62-345.400 - .600 (Uniform Mitigation Assessment Method (UMAM)). To meet this requirement, submittal of UMAM worksheets is acceptable for impact and mitigation areas.

v. If onsite and/or offsite applicant-responsible mitigation is proposed, submit a draft Conservation Easement document or other form of restrictive covenant that provides for protection of the mitigation area in perpetuity. Standard forms, as described in subsection 62-330.301(6), F.A.C., are available from the Agency or on its website.

vi. If onsite and/or offsite applicant-responsible mitigation is proposed, submit a cost estimate for completing the mitigation, including monitoring and maintenance.

vii. If onsite and/or offsite applicant-responsible mitigation is proposed and the proposed mitigation exceeds $25,000, please provide a draft financial assurance document.

viii. Identify the entity responsible for monitoring, maintenance and long-term stewardship of the mitigation area (i.e. the landowner or homeowner association, not the consultant or contractor that will do the work).

PART 3: PLANS

PLANS: The information listed in the checklist below represent the typical information required on the submitted project plans. The Plans checklists in each application section are cumulative unless otherwise noted. Separate plans for each application section are not required.

1. ☐ Include the following on the construction plans and cross sections:

   a. ☐ An Existing Conditions sheet showing the entire project and wetland/other surface water boundaries. Include the following: Acreage and type (herbaceous, forested or other surface water) of each wetland/other surface water.
   b. ☐ A Proposed Conditions sheet showing the entire project and wetland/other surface water boundaries with construction plan overlay.
   c. ☐ A Proposed Wetland Impact sheet that include the following:
      i. ☐ Acreage and type (herbaceous, forested or other surface water) of each wetland/other surface water to be impacted.
      ii. ☐ Proposed upland buffers with dimensions.
      iii. ☐ Identify the seasonal high water and wetland normal pool elevations on the plans.
      iv. ☐ Separately identify WMD/FDEP and USACE wetland/other surface water impacts if different.
   d. ☐ Include wetland boundaries on all construction plan sheets.

2. ☐ If onsite and/or offsite applicant-responsible mitigation is proposed, submit mitigation permit plans and cross sections including, at a minimum:

   a. ☐ existing conditions plan sheet identifying upland and wetland communities and acreage of each, topography, drainage patterns, and location of cross-section detail.
   b. ☐ proposed conditions plan sheet identifying proposed improvements by type (restoration, enhancement, creation, preservation), acreage of each, topography, drainage patterns, and location of cross-section detail.
   c. ☐ monitoring plan sheet including proposed improvements, monitoring transects, photostations, and mitigation signage (if applicable).
   d. ☐ cross-section and/or profile detail(s) sheet(s) including representative section of each type of mitigation component. Include existing and proposed conditions and representative elevations.
   e. ☐ planting schedule, plant species including common and scientific names divided into three sections (canopy, shrub, herbaceous) by mitigation component, quantity, spacing, size, and elevation range.

TABLE 1 - PROJECT WETLAND (WL) AND OTHER SURFACE WATER (SW) AND IMPACT SUMMARY

WL & SW ID	UMAM ASSESSMENT AREA NAME(S)	WL & SW TYPE	WL & SW SIZE (acres)	WL & SW NOT IMPACTED (acres)	TEMPORARY WL & SW IMPACTS		PERMANENT WL & SW IMPACTS		MITIGATION ID
					IMPACT SIZE (acres)	IMPACT TYPE	IMPACT SIZE (acres)	IMPACT TYPE	
PROJECT TOTALS:									

Comments:

Codes (multiple entries per cell not allowed):

- Wetland & Surface Water ID: Include ID on submitted wetland and surface water impact maps
- Wetland Type: from an established wetland classification system
- Impact Type: D=dredge; F=fill; H=change hydrology; S=shading; C=clearing; O=other

TABLE 2 - PROJECT ON-SITE MITIGATION SUMMARY

MITIGATION ID	UMAM ASSESSMENT AREA NAME(S)	TARGET TYPE	CREATION	RESTORATION	ENHANCEMENT	WETLAND PRESERVE	UPLAND PRESERVE	OTHER
			AREA (acres)	AREA (acres)	AREA (acres)	AREA (acres)	AREA (acres)	AREA (acres)
PROJECT TOTALS								

COMMENTS:

Codes (multiple entries per cell not allowed):

- Target Type or Type=target or existing habitat type from an established wetland classification system or land use classification for non-wetland mitigation

TABLE 4 - SHORELINE STABILIZATION

Stabilization	Linear Ft. New	Linear Ft. Replaced	Linear Ft. Repaired	Linear Ft. Removed	Slope H: V:	Toe Width (Ft.)
Natural Vegetation (living shoreline)					**N/A**	**N/A**
Rip Rap + Vegetation						
Rip Rap						
Seawall + Rip Rap						
Vertical Seawall						
Other Shoreline Stabilization Type						

Size of Rip Rap _____

Type of Rip Rap _____

SECTION D: SUPPLEMENTAL INFORMATION FOR WORKS OR ACTIVITIES WITHIN SURFACE WATERS
(OTHER THAN A SINGLE-FAMILY PROJECT)

Instructions: This section is to be completed for projects that involve works (including breakwaters, jetties, shoreline protection structures, reefs, piers, docking facilities, bridges, causeways and other structures) or activities within surface waters that are not associated with a single-family residential property. This section is generally not required for such activities that are located entirely within non-navigable wetlands. This section must be used in conjunction with sections A and C. Activities that occur (or that may occur) on state-owned submerged lands will also require section F. Other sections may also be required, based on the scope of the proposed activities. All items required under this section are in addition to those required under other sections, as applicable.

PART I: GENERAL PROJECT INFORMATION

Please identify all proposed activities (select all that apply)

- ☐ Pier, dock, wharf, mooring field, marina, (including dry storage associated with a boat launch), boat ramp, ski course or other boating-related activity
- ☐ Breakwater, groin, jetty, shoreline stabilization structures, artificial reefs, intake or discharge structures, subaqueous utility lines or other submerged structures
- ☐ Bridge, causeway, culverted crossing, other traversing work or structure
- ☐ Dredging (for navigation channels, boat basins or other purposes) or filling in surface waters
- ☐ Any other structures, works or other in-water activities

A. *PIERS, DOCKS, BOAT RAMPS, MARINAS, MOORING FIELDS AND OTHER BOATING-RELATED ACTIVITIES* ☐ Not applicable

1. Please provide a detailed description of the proposed activities and uses of the facility; include a description of the existing activities and uses, if applicable. *For example, "reconfigure existing 20-slip multifamily residential docking facility to create a 35-slip commercial marina with boat ramp, 4 temporary mooring areas and a fuel dock"*:

2. Does the proposed facility, including existing structures and activities, consist *solely* of a pier, observation platform or other over-water structure that <u>will not</u> accommodate the mooring of vessels or any other boating-related activities?
   ☐ Yes (Skip to question #8) ☐ No

3. Please describe the types and the maximum size (length and draft), of vessels expected to use or proposed to be mooring at the facility.

4. Please complete the table, below. *Information provided should concur with that provided on the plans/drawings*:

TOTALS:	Existing	Proposed
Square Feet* over the water		
# of wet slips (permanent**)		
# of wet slips (temporary***)		
# of dry slips****		

* Total square footage of all structures (fixed or floating) over wetlands or surface waters
** Slips and other areas designed for overnight or longer-term mooring
*** Short-term mooring areas, such as accessory docks, fuel docks, etc.
**** Includes upland boat storage, such as trailer parking spaces and dry storage racks

5. Is there is at least one foot of clearance at mean low water between the top of all submerged resources (such as seagrass beds, corals, etc.) or the submerged bottom (if such resources are absent) and the deepest draft of any vessels expected to use the proposed facility, along the route(s) of ingress/egress between the proposed facility and a marked navigational channel? *If vessels will not have this clearance, the applicant may be required to provide other assurances that the project will not cause adverse secondary, cumulative and/or water quality impacts.*
   ☐ Yes, vessels will have at least 1' clearance at MLW ☐ No/I'm not sure

6. Please specify whether the facility will provide:

   Live-aboard slips: ☐ Yes; Number: ☐ No
   Fueling facilities: ☐ Yes; Number: ☐ No
   Sewage pump-outs: ☐ Yes; Number: ☐ No
   Other boating-related supplies or services (e.g. boat maintenance or washdown areas, fish cleaning stations, etc.): ☐ Yes; Describe: ☐ No

7. Did you answer "yes" to any item in question #7, above?

   ☐ Yes; please complete the items below ☐ No; (Skip to question #8)

   Please provide a facility management plan to address maintenance and unexpected spills of fuels or other pollutants. This plan should include, at a minimum, the following information, as applicable to the proposed project/activities:

   ☐ An education plan for all employees as it relates to fueling, sewage and gray water pump-out operations, waste management and facility maintenance;
   ☐ A spill response plan for fuel and oil that clearly identifies spill response procedures, responsible parties and emergency contact telephone numbers, and containment and cleanup equipment;
   ☐ Locations of fuel shut-off valves and (if floating docks are utilized) assurance that if floating docks separate, fuel lines will not continue to discharge fuel into surface waters;
   ☐ Plan for maintenance of gray water collection and return systems;

☐ Plan for maintenance of garbage and fish cleaning systems to prevent disposal into wetlands or other surface waters;

8. Please describe the design and type(s) of materials that will be used to construct the proposed facility (check all that apply):

Main pier/access walkways: ☐ Piling-supported ☐ Floating ☐ Wharf/bulkhead

Finger piers (if applicable): ☐ Piling-supported ☐ Floating

Other Structures (please list and describe):

Pilings: ☐ treated wood; type (e.g. CCA, ACQ, etc.), if known:
If pilings will be of treated wood materials, will they be completely wrapped (in sleeves of impermeable PVC, plastic or similar material) from at least one foot below the mud line to at least one foot above the mean high water line (or seasonal high water line in non-tidal waters)? ☐ Yes ☐ No

☐ concrete/steel ☐ plastic/composite ☐ other

Decking: ☐ wood ☐ plastic/composite ☐ grated ☐ floating docks/other

B. *BREAKWATERS, JETTIES, GROINS, ARTIFICIAL REEFS, INTAKE OR DISCHARGE STRUCTURES, SUBAQUEOUS UTILITY LINES OR OTHER SUBMERGED STRUCTURES* ☐ Not applicable

1. Please describe the nature and purpose of the proposed structure(s). *For example, "construct a 200-foot-long, 20 foot wide offshore breakwater to protect a restored living shoreline from waves and boat wakes from the nearby channel"*:

2. Please describe the design and type(s) of structures that are proposed (check all that apply):

☐ Breakwater (structures generally designed to attenuate wave energy and typically located entirely waterward of, and oriented parallel or oblique to the shoreline)
☐ Jetty or groin (structures generally designed to alter longshore currents or sediment transport, and typically extending waterward from the shore at an angle perpendicular or oblique to the shoreline)
☐ Seawall or revetment (hardened shoreline stabilization structure located along the shoreline)
☐ Artificial reef, fish attractor or similar structure
☐ Submerged intake, outfall, utility line or similar structure
☐ Other; please describe:

3. Please provide a description of the existing erosional or depositional conditions of at the site, including amounts of natural and artificial shoreline, type(s) of vegetation, rates of erosion/deposition and supporting documentation, such as surveys, rectified aerials, or other photographs:

4. Please provide a detailed description of all proposed activities that includes, at a minimum, the following information, as applicable:
   - ☐ Summary of the proposed construction materials, method(s) and equipment (including types and drafts of vessels that will be used)
   - ☐ Description of proposed turbidity control and monitoring method(s), and other best management practices
   - ☐ Description of any proposed measures for the protection of listed species and their habitats

5. Please describe how the project will be designed and constructed in a manner that will not cause adverse effects to navigation. Include the following, as applicable:

   - ☐ Descriptions vessels (if any) customarily using the water body in the vicinity of the project, including representative types (e.g. sail, motor, etc.), sizes (length, width, draft) and use (e.g. recreational, commercial, military, etc.)
   - ☐ Scaled and dimensioned drawings or aerial photographs depicting the proposed structures or activities in relation to existing structures and navigation channels, or other documents that provide assurance that the project will not unreasonably infringe upon local navigation
   - ☐ The minimum navigation clearance, at mean low water for all proposed submerged structures
   - ☐ Proposed navigational safety features (advisory signs, lighting, etc.) for structures
   - ☐ If structures are proposed within 100 feet of any navigational channel or shipping fairway, provide an assessment of the navigational safety requirements or recommendations for the proposed project, from the U.S. Coast Guard, if available

C. BRIDGE, CAUSEWAY, CULVERT, TRAVERSING WORK OR STRUCTURE ☐ Not applicable

1. Please describe the nature and purpose of the proposed structure(s), works or activities. *For example, "construct a 30-foot-wide, piling-supported bridge to support a 2-lane road"*:

2. Will the proposed structure(s) support or accommodate motorized vehicular traffic?
   ☐ Yes ☐ No (for pedestrian or non-motorized traffic, only)

3. Please describe the design and type(s) of structures that are proposed (check all that apply):

   - ☐ free-spanning bridge (i.e. with no supporting structures in wetlands or surface waters)
   - ☐ piling-supported (or trestle) bridge
   - ☐ causeway
   - ☐ culverted crossing
   - ☐ other traversing work or structure; please describe:

   Pilings/supports:
   - ☐ Not applicable
   - ☐ treated wood; type (e.g. CCA, ACQ, etc.), if known:
   - ☐ concrete/steel ☐ other

   If pilings will be of treated wood materials, will they be completely wrapped (in sleeves of impermeable PVC, plastic or similar material) from at least one foot below the mud line to at least one foot above the mean high water line (or seasonal high water line in non-tidal waters)?
   ☐ Yes ☐ No

Surface:

☐ pavement (concrete or asphalt) ☐ grated ☐ wood ☐ other

If the roadway will support motorized vehicular traffic, please provide a detailed description of how stormwater and other potential sources of runoff and pollution will be managed. Include supporting calculations, figures or other documents, prepared by a Florida-registered professional, if applicable: ☐ Not applicable

Fill and design:

☐ Earthen fill; please describe type, specifications, and source (if known):

☐ Riprap or other armored revetment; please describe type, specifications, and source (if known) of proposed materials:

☐ Vegetated shoreline; please describe species, sizes, planting spacing (on-center) and elevations (relative to mean or ordinary high and low water), application methods and source (if known), as applicable, of all proposed plants, sod or seed:

Culverts:

☐ Box ☐ round/eliptical ☐ other

☐ Please describe, in detail, the number, type and dimensions of all proposed culverts:

Other works or structures:

☐ Please describe, in detail, the purpose, design and dimensions of all other proposed traversing work or structures:

4. Please provide a detailed description of the proposed construction activities that includes, at a minimum, the following information, as applicable:
   - ☐ Summary of the proposed construction method(s) and equipment, including types of vessels or vehicles
   - ☐ A detailed plan for all proposed turbidity control and monitoring method(s), at all dredging or filling locations, and at proposed spoil offloading, disposal or dewatering locations
   - ☐ Description of any proposed measures for the protection of listed species and their habitats, including statements of whether all work will be limited exclusively daylight hours
   - ☐ For causeways, culverts and traversing works, a description of construction methods and sequencing that ensures that construction of the proposed project will not impound waters, cause flooding, or cause adverse impacts to wetlands or surface waters, including surface water flows or levels

5. Please describe how the project will be designed and constructed to avoid adverse effects to navigation. Include the following, as applicable:
   - ☐ Descriptions of representative types of vessels (if any) customarily using the water body in the vicinity of the project, including
   - ☐ Scaled and dimensioned drawings or aerial photographs depicting the proposed structures or activities in relation to existing structures and navigation channels, or other documents that provide assurance that the project will not unreasonably infringe upon local navigation
   - ☐ The minimum navigational clearance beneath the proposed structure(s), at mean (or ordinary) high water

- ☐ The minimum navigation clearance, at mean low water for all proposed submerged structures (if applicable)
- ☐ If within 100 feet of a federally maintained or regulated navigational channel or shipping fairway, an assessment of the navigational safety requirements or recommendations (advisory signs, lighting, etc.) for the proposed project, from the U.S. Coast Guard

D. DREDGING (FOR NAVIGATION BASINS, CHANNELS OR OTHER PURPOSES) AND/OR FILLING

☐ Not applicable

1. Please describe the nature and purpose of the proposed dredging or filling activities. *For example, "dredge a 1,000 foot long, 50 foot wide navigation channel to a depth of six feet mean low water, to serve a commercial marina"*:

2. Please provide a detailed description of all proposed dredging and filing activities that includes, at a minimum, the following information, as applicable:
   - ☐ Summary of the proposed dredging and filling method(s) (e.g. clamshell, hydraulic, etc.) and equipment, including types of vessels
   - ☐ A detailed plan for all proposed turbidity control and monitoring method(s), at all dredging or filling locations, and at proposed spoil offloading, disposal or dewatering locations
   - ☐ Description of any proposed measures for the protection of listed species and their habitats, including statements of whether all work will be limited exclusively daylight hours

3. Please describe how the project will be designed and constructed to avoid adverse effects to navigation. Include the following, as applicable:
   - ☐ Descriptions of representative types of vessels (if any) customarily using the water body in the vicinity of the project, including
   - ☐ Scaled and dimensioned drawings or aerial photographs depicting the proposed structures or activities in relation to existing structures and navigation channels, or other documents that provide assurance that the project will not unreasonably infringe upon local navigation
   - ☐ A description of construction methods and sequencing that ensures that the proposed project will not obstruct local navigation during construction
   - ☐ If within 100 feet of a federally maintained or regulated navigational channel or shipping fairway, an assessment of the navigational safety requirements or recommendations (advisory signs, lighting, etc.) for the proposed project, from the U.S. Coast Guard
   - ☐ For projects that include in-water filling of submerged lands, the minimum navigation clearance, at mean low water for all proposed fill areas (if applicable)

4. For dredging projects, please describe how dredged spoil material will be managed and disposed. *For more information regarding dredged material management areas, refer to the "ERP Review for Dredged Material Management Areas" design aid in the Applicant's Handbook, Volume II.* At a minimum, this description should include:

   - ☐ Grain size distribution and silt/clay content percentage of the material proposed to be dredged; (the reviewing agency may require additional sediment testing, based upon the percentage of silt/clay sediments)
   - ☐ Proposed dredging, pumping, and outfall design, including turbidity containment, pipe fluidity requirements, and outfall placement and design
   - ☐ Calculations regarding the spoil area volume requirements including bulking factors, surface overflow rate, settling times, freeboard, etc.

- ☐ Description of how spoil material will be ultimately disposed of, including proposed stabilization methods
- ☐ If flocculents, coagulants, or other additives are proposed (to aid with dewatering or settling), provide the names, descriptions, Material Safety Data Sheets, proposed application rates, and ecotoxicity data and testing methods for all such additives

PART II: HYDROGRAPHIC INFORMATION

The following information is necessary to determine whether the proposed activities may cause or contribute to a violation of state water quality standards. This information is required for activities or facilities that may either add pollutants to, or result in an adverse change to the patterns of flow, circulation, erosion, deposition or littoral transport of a waterbody. Additional information, including water and/or sediment testing data, may be required, based on the hydrographic information. Please complete and provide all items as appropriate for your proposed project, unless you have been directed otherwise by the reviewing Agency during a pre-application meeting. Failure to do so may delay the processing of your application.

1. I certify that, (check as appropriate for your project):

   ☐ I have been informed by the reviewing agency, during a pre-application meeting or conference, that hydrographic information will not be required for my project;

   Date and location of pre-application meeting or conference:

   ☐ My project consists solely of the modification, construction or operation of a docking facility that will accommodate the mooring of fewer than 10 vessels, including dry storage, when associated with a boat ramp or launch, ***AND I have not been previously informed by the reviewing agency that hydrographic information will be required***

   ☐ I am submitting a certification from a Florida-registered professional clearly stating that, due to the design, nature and/or location of the proposed structures, works or other activities, that the project does not have the potential to add pollutants to, or result in an adverse change to the patterns of flow, circulation, erosion, deposition or littoral transport of a waterbody; **AND *I have not been previously informed by the reviewing agency that hydrographic information will be required.*** *A copy of the Florida-registered professional's certification must be included with this application.*

   ☐ None of the above; please provide all applicable items listed below, based on the specific works or activities proposed for construction, alteration, maintenance, abandonment or removal, as part of your project.

2. All structures or works

   - ☐ Existing water body bathymetry and shoreline topography, if applicable
   - ☐ Structural details for the proposed structure(s)
   - ☐ Sediment grain size distribution and silt/clay content percentage within project area and adjacent areas
   - ☐ For activities in tidal waters, mean high and low water elevations, range and periodicity

3. Piers, docks, wharves, marinas, mooring fields and other boating-related activities (refer to Applicant's Handbook, Volume I, s. 10.2.4) ☐ Not applicable

☐ Details of existing and proposed systems including all dimensions (length, width, depth), location of junctions, connections to open waters, and dead-end(s), if applicable.
☐ Site-specific characteristics of the wind field
☐ For tidal systems, provide the longest path length, phase lag and the flow amplitude (at mid-tide) between the head or center of the system to open waters
☐ For non-tidal systems, provide the water surface elevation difference between the head (or center) and mouth of the system, and provide representative flow conditions at selected locations
☐ Estimate the time needed to reduce the concentration of a hypothetical conservative pollutant, placed at the head of the system, to ten percent (10%) of initial
☐ Verify (e.g. by using a tracer dye) the model(s) used to determine the advective/dispersive characteristics of the system. Provide a concentration gradient map depicting the size, distance of travel, and time of dispersion to the 10% concentration isopleth

4. Breakwaters, groins, jetties, seawalls, revetments, ☐ Not applicable

☐ Monthly averaged wave height, direction and period for the project area shoreline
☐ Wind data (direction and velocity) for project area
☐ Estimate the mean annual and mean monthly littoral drift direction and volume
☐ Existing structures within the zone of influence of proposed structures
☐ Existing shoreline topography – dune crest to offshore bar break
☐ Estimated changes in littoral transport, erosion and deposition rates and patterns due to the proposed structures

5. Bridges, causeways, culverts ☐ Not applicable

☐ For tidal waters, the maximum, minimum, and mean flow volumes and amplitudes, at ebb and flood tide
☐ For non-tidal waters, the maximum, minimum, and mean flow volume and amplitude and mean range and periodicity of the water level variation
☐ Existing circulation patterns in the waterway at the location of the proposed structure
☐ Culvert or channel dimensions, cross-sectional area, and invert elevations
☐ Maximum design discharge, and change in flow due to change in culvert or channel cross-section, if applicable
☐ Drainage basin map and backwater calculations for area served by culvert, if applicable
☐ Existing and proposed flow cross-sections and volumes at high and low water, for specified storm (flood) events, if applicable

6. Basins, channels, residential canals and canal networks ☐ Not applicable

☐ Maximum and mean tidal flow rates for ebb and flood along the channel
☐ Baseline bathymetry for the existing channel and adjacent areas
☐ Detailed descriptions of all areas of erosion and deposition, including existing deeps that can result in debris traps and zones of stratified water

7. Outfalls and intakes ☐ Not applicable

☐ Design maximum and normal operational flows for the outfall/intake, and criteria used
☐ Dimensions and invert elevations for the proposed structures
☐ Details of the construction at the shoreline/waterline intercept

PART III: PLANS

Provide plan and section view drawings that clearly show the facility, structure or other works to be constructed, as applicable for the proposed project. Drawings be signed and sealed by a Florida-registered professional, and must be of a scale sufficient to show the location and dimensions of all works. Use multiple sheets, if necessary. This information is in addition to that required under Section C (and others, if applicable) of the Joint Application.

1. All structures

Plan-view drawings should include the following, as applicable to the proposed activity:

☐ The location and orientation of all corresponding section, profile and detail drawings
☐ Location of the riparian upland parcel or property boundary lines, if applicable
☐ Mean high water line (MHWL), ordinary high water line (OHWL), or safe upland line (SUL)
☐ Complete dimensions (length, width, height) of all structures, works or other activities in, on, or over wetlands or surface waters, including existing structures within 100 feet of the proposed facility
☐ Separate and label square footage of structure over wetlands, open water and uplands
☐ Existing and proposed water depths throughout project area – isobaths or spot elevations must be clearly labeled with depths depicted in relation to mean low water (MLW), controlled water elevation (in non-tidal waters where the water is fairly controlled), mean annual low water (in other non-tidal waters), or an established vertical datum
☐ Show proposed turbidity, erosion and sedimentation control locations

Section- and profile-view drawings should include the following, as applicable to the proposed activity:

☐ Complete dimensions of all proposed structures, including elevation above mean high water or ordinary high water (as applicable)
☐ Water depth at mooring sites (mean low water, ordinary low water, or seasonal low water)
☐ In tidal areas – approximate tidal range

2. Piers, docks, marinas, boat ramps and other docking or boating-related facilities ☐ Not applicable

Plan-view drawings should include the following, as applicable to the proposed activity:

☐ Show and label width of deck planks and plank spacing, or if grated decking is to be used, provide technical specifications
☐ Show the locations of all proposed sewage pumpouts, fuel pumps and spill cleanup equipment
☐ Show the locations of all proposed informational signage (manatee awareness, fueling safety, etc.)
☐ Number each slip
☐ Width of waterway and the location of the navigation channel and water depths (in relation to MLW) and distance along the most direct route(s) between the facility and the nearest marked navigational channel(s)

Section- and profile-view drawings should include the following, as applicable to the proposed activity:

☐ Elevation of the structure above MHWL (tidal waters) or OHWL (non-tidal waters), and water depth at mooring sites and the bottom of the boat ramp (if applicable)
☐ Structural details of all proposed pilings, anchors, moorings, buoys and similar structures

3. Basins, channels, and other dredging and/or filling works or activities ☐ Not applicable

Plan-view drawings should include the following:

☐ The location, boundaries and water depths (in relation to MLW) of all nearby navigation channels
☐ The locations and detail drawings of all proposed navigational safety markers (signs, lights, etc.) for the structure(s)
☐ The location, dimensions and engineering specifications (including BMPs) for all proposed dredged material offloading, management and disposal sites, if applicable

Section- and profile-view drawings should include the following, as applicable to the proposed activity:

☐ Representative section and/or profile views of all proposed structures that clearly show the existing and proposed depths, widths and side slopes of all dredge and fill areas in relation to MHWL and MLWL (tidal waters), OHWL (non-tidal waters), and the submerged bottom, at representative locations

4. Groins, jetties, seawalls, revetments, artificial reefs ☐ Not applicable

Plan-view drawings should include the following:

☐ The location and water depths (in relation to MLW) of all nearby navigation channels
☐ The locations and detail drawings of all proposed navigational safety markers (signs, lights, etc.) for the structure(s)

Section- and profile-view drawings should include the following, as applicable to the proposed activity:

☐ Representative section and/or profile views of all proposed structures that clearly show the height, width and side slopes of each structure in relation to MHWL and MLWL (tidal waters), OHWL (non-tidal waters), and the submerged bottom, at representative locations

5. Bridges, causeways, culverted crossings, other traversing works or structures ☐ Not applicable

Plan-view drawings should include the following, as applicable to the proposed activity:

☐ Width of waterway and the location, orientation and water depths (in relation to MLW) of the navigation channel (if applicable)
☐ Dimensions and technical specifications of the road, decking or other surface, including drainage features, if applicable

Section- and profile-view drawings should include the following, as applicable to the proposed activity:

☐ Elevation of the structure above MHWL (tidal waters) or OHWL (non-tidal waters)
☐ Representative sections through the culvert or channel

SECTION E: SUPPLEMENTAL INFORMATION REQUIRED FOR WORKS OR OTHER ACTIVITIES INVOLVING A STORMWATER MANAGEMENT SYSTEM
(OTHER THAN A SINGLE-FAMILY PROJECT)

Instructions: The information listed in the checklists below represents the level of information that is usually required to evaluate an application. Information can be provided within reports, plans and documents. The level of information required for a specific project will vary depending on the nature and location of the site and the activity proposed. Conceptual approvals generally do not require the same level of detail as a construction permit. However, providing a greater level of detail will reduce the need to submit additional information at a later date. If an item does not apply to your project, proceed to the next item. The supplemental information required by this section is in addition to the information required by Section A of the ERP application.

PART 1: STORMWATER MANAGEMENT SYSTEM SUMMARY

Provide drainage calculations, signed and sealed by an appropriate registered professional, and supporting documentation demonstrating that the proposed project meets the conditions for issuance under 62-330.301(1)(a),(b),(c),(e), F.A.C. The drainage calculations should include, but not necessarily be limited to, the following:

1. General Site Information:

a. ☐ Provide pre-development and post-development drainage map(s), as appropriate, that include drainage patterns and basin boundaries with acreage served by each hydraulically separate system, showing the direction of flows, including any off-site runoff being routed through or around the system; topographic information; and connections between wetlands and other surface waters.

b. ☐ Provide the results of any percolation tests, where appropriate, and soil borings that are representative of the actual site conditions. Identify the wet season high water table elevations, soil profiles, and hydraulic conductivity. Include dates, datum, and methods used to determine these soil parameters.

c. ☐ Identify the onsite hydrologic soil classification (e.g. Type A, B/D, D). Reference the source, such as the USDA/NRCS Soil Survey, used in estimating the onsite hydrologic soil classification. Provide maps, as appropriate, with the project limits delineated.

d. ☐ Identify the seasonal high water or mean high tide elevation for receiving waters/wetlands into which runoff will be discharged. Include dates, datum, and methods used to determine these elevations.

e. ☐ Identify the name of each receiving waterbody to which the proposed stormwater management system will discharge: .

f. ☐ Indicate the existing land use and land cover.

g. ☐ Provide the acreage, and percentages of the total project, of the following:
   1. Impervious surfaces, excluding buildings, wetlands and other surface waters;
   2. Buildings;

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3. Pervious surfaces (green areas not including wetlands);
4. Lakes, canals, retention areas, other open water areas; and
5. Wetlands (Please refer to Section C to ensure consistency in wetland acreages).

h. ☐ Provide the location and description of any nearby existing offsite features (such as wetland and other surface waters, stormwater management ponds, and building or other structures) which might be affected by or affect the proposed construction or development.

2. Water Quality Analysis:

a. ☐ Provide a description of the proposed stormwater treatment methodology that addresses the type of treatment, pollution abatement volumes, and recovery analysis.

b. ☐ Is the receiving waterbody known to be impaired, and/or has an established Total Maximum Daily Load (TMDL) or Basin Management Action Plan (BMAP)? If so, please provide specific descriptions of all water quality parameters for which the waterbody is known to be impaired? For more information about water quality, impaired waters, and to determine whether a TMDL has been adopted in your project area, refer to: http://waterwebprod.dep.state.fl.us/basin411/downloads/Florida-Adopted-TMDLs.pdf. To determine whether a BMAP exists, or is being developed in your project area, refer to: http://www.dep.state.fl.us/water/watersheds/bmap.htm#rad.
☐ yes ☐ no ☐ don't know
If yes, provide calculations demonstrating that the proposed project will not contribute to violations of state water quality standards in accordance with the applicable Applicant's Handbook, Vol. II.

c. ☐ Does the project have a direct discharge to a Class I, Class II, Outstanding Florida Waters or Class III waters, which are approved, conditionally approved, restricted, or conditionally restricted for shellfish harvesting? *To determine whether your project is within, or will discharge to an OFW, or for more information about OFWs in general, refer to:* http://www.dep.state.fl.us/water/wqssp/ofw.htm.
☐ yes ☐ no ☐ don't know
If yes, additional treatment in accordance with the applicable Applicant's Handbook, Vol. II, may be required.

d. ☐ Provide construction plans and calculations that address the required treatment volume and recovery, as well as stage-storage and design elevations, which demonstrate compliance with the appropriate water quality treatment criteria in the applicable Applicant's Handbook, Vol. II.

Provide a description of the engineering methodology, assumptions and references for the parameters listed above, and a copy of all such computations, engineering plans, and specifications used to analyze the system. If a computer program is used for the analysis, provide the name of the program, a description of the program, input and output data, and justification for model selection.

3. Water Quantity Analysis:

Provide calculations and documentations demonstrating that the project, as proposed, meets the applicable design criteria as indicated in the applicable Applicant's Handbook, Vol. II. Typically, the information would include, at a minimum, but is not necessarily be limited to, the following:

a. ☐ For projects requiring pre-development analysis, provide an analysis of the pre-development peak rate of discharge and / or volume of runoff, for all design storm events. Account for all onsite depressional storage and offsite contributing area. Please refer to the applicable Applicant's Handbook, Vol. II for the design storm event(s) that apply to your project.

b. ☐ Provide an analysis of the post-development peak rate of discharge and / or volume of runoff for all applicable design storm events. Account for all onsite storage and offsite contributing area. Please refer to the applicable Applicant's Handbook, Vol. II for the design storm event(s) and criteria that apply to your project.

These analyses should include:

- ☐ Runoff characteristics, including area, runoff curve number or runoff coefficient, and time of concentration for each drainage basins in the pre-development and post-development condition;
- ☐ Design storms used including rainfall depth, duration, frequency, and distribution;
- ☐ Runoff hydrograph(s) for each drainage basin, for all required design storm event(s);
- ☐ Stage-storage computations for any area such as a reservoir, closed basin, detention area, or channel, used in storage routing;
- ☐ Stage-discharge computations for any storage areas at a selected control point, such as control structure or natural restriction;
- ☐ Flood routings through on-site conveyance and storage areas;
- ☐ Water surface profiles in the primary drainage system for each required design storm event(s);
- ☐ Runoff peak rates and volumes discharged from the site for each required design storm event(s);
- ☐ Design tailwater elevation(s) for each storm event at all points of discharge (include source or method of estimate); and
- ☐ Pump specifications and operating curves for range of possible operating conditions (if used in system).

Provide a description of the engineering methodology, assumptions and references for the parameters listed above, and a copy of all such computations, engineering plans, and specifications used to analyze the system. If a computer program is used for the analysis, provide the name of the program, input and output data, justification for model selection, and, if necessary, a description of the program.

4. Floodplain Analysis (where applicable).

a. ☐ If the project is in a known floodplain of a stream or other water course, identify the appropriate floodplain boundary and approximate flooding elevations of any lake, stream or other watercourse located on or adjacent to the site.

b. ☐ For traversing works, in accordance with the applicable Applicant's Handbook, Vol. II, provide:

☐ Hydraulic calculations for all proposed traversing works; and

☐ Water surface profiles showing upstream impact of traversing works.

c. ☐ For impacts to regulated floodplains, in accordance with the applicable Applicant's Handbook, Vol. II, provide:

☐ Location and volume of encroachment within regulated floodplain(s); and

☐ Plans and calculations for compensating floodplain storage, if necessary, and calculations required for determining minimum building and road flood elevations.

PART 2: CONSTRUCTION PLANS

1. Provide clear, construction level detailed plans for the system. The plans must be signed and sealed by an appropriate registered professional as required by law. These plans should include cumulative information from all applicable sections; as well as the following:

a. ☐ Project area boundary and total area, including distances and orientation from roads or other landmark.

b. ☐. Existing topography extending at least 100 feet off the project area. All topography shall include location and description of benchmarks, reference to NGVD 1929 or NAVD 1988 along with the conversion factor.

c. ☐ Proposed site plan with acreage, including the following:
- ☐ plan view of proposed development, including impervious surfaces and water management areas;
- ☐ land cover and natural communities*;
- ☐ wetlands and other surface waters*;
- ☐ undisturbed uplands*;
- ☐ aquatic communities*;
- ☐ proposed buffers*;
- ☐ proposed impacts to wetlands and other surface waters, and any proposed connections/outfalls to other surface waters or wetlands, (if applicable); and
- ☐ onsite wetland mitigation areas*.

*Please refer to Section C.

☐ For phased projects, provide a master development plan clearing delineating the limits of each phase of construction.

d. ☐ Paving, Grading, and Drainage Information, which includes, but not necessarily limited to, the following:
- ☐ Existing topography;
- ☐ Boundaries of wetlands and other surface waters and upland buffers (see Section C);
- ☐ Plan view of proposed development;
- ☐ Proposed elevations and/or profiles, including:
  - ☐ roadway, parking, and pavement grades;
  - ☐ floor slabs, walkways, and other paved surfaces;
  - ☐ earthwork grades for pervious landscaped areas; and
  - ☐ perimeter site grading, tying back into existing grades.

☐ If different from the permittee, provide a draft document enumerating the enforceable affirmative obligations on the entity to properly operate and maintain the system for its expected life, and documentation of the entity's financial responsibility for long-term maintenance.

☐ If the proposed operation and maintenance entity is not a property owner's association, provide proof of the existence of an entity, or the future acceptance of the system by an entity which will operate and maintain the system.

c. ☐ Provide drafts of all proposed conservation easements, stormwater management system easements, draft property owner's association documents, and plats for the property containing the proposed system.

d. ☐ Provide legal reservations for access to the treatment system for maintenance and operation by future maintenance entities for subdivided projects.

e. ☐ Provide indication of how water and wastewater service will be supplied.

f. ☐ Provide a copy of the boundary survey and/or legal description and acreage of the total land area of contiguous property owned/controlled the applicant.

PART 5: WATER USE

a. ☐ Describe how irrigation will be provided to the project. Will the surface water system be used for water supply, including landscape irrigation, or recreation?

b. ☐ If a Consumptive Use or Water Use permit has been issued for the project, state the permit number:

c. ☐ If a Consumptive Use or Water Use permit has not been issued for the project, indicate if such a permit will be required. ☐ yes ☐ no ☐ don't know
If yes, please indicate when the application for a permit will be submitted:

d. ☐ Indicate how any existing wells located within the project site will be utilized or abandoned.

PART 6: SPECIAL BASIN INFORMATION

Is your project within a special basin as described in the applicable Applicant's Handbook, Vol. II?

☐ yes ☐ no ☐ don't know

If yes, please demonstrate that the project will meet the applicable special basin criteria.

SECTION F: APPLICATION FOR AUTHORIZATION TO USE STATE-OWNED SUBMERGED LANDS

Instructions: If you were referred to this section from Section A, please provide the following additional information. Please note that if your proposed project is on state-owned submerged lands and the below requested information is not provided, your application will be considered incomplete. All items required under this section are in addition to those required under other sections, as applicable.

PART 1: TYPE OF AUTHORIZATION REQUESTED

Please check the most applicable activity that applies to your project(s):

A. Exceptions: The following activities do not require authorization to use state-owned submerged lands. *If you are certain that your project (including all components/phases thereof) qualifies, please indicate accordingly, below, and no further action is required to complete this section.*

- ☐ Construction or maintenance of a county water or sewer system under Section 153.04 F.S.
- ☐ Removal of material from the area adjacent to an intake or discharge structure under 403.813(1)(f), F.S.
- ☐ Removal of organic detrital material under Section 403.813(1)(r) or (u), F.S.
- ☐ Construction of floating vessel platforms under Section 403.813(1)(s), F.S.
- ☐ Trimming or alteration of mangroves under Sections 403.9321 through 403.9334, F.S.

B. Consent by Rule: Except for activities authorized under Section 253.77(4), F.S., no application or written authorization for the use of state-owned submerged lands is required for an activity that complies with the criteria listed in subparagraphs 18-21.005(1)(b)1. through 5., F.A.C., and that is exempt from the requirements of obtaining a permit under the provisions of:

- Section 403.813(1), F.S., paragraphs (a); (b), provided that the structure is the only dock or pier on a parcel and it is not a private residential multi-family dock with three or more slips.
- Section 403.813(1), F.S., paragraphs (c); (d); (e); (f), provided that no severance fee is required under Rule 18-21.011, F.A.C., and the existing activity has a valid Board of Trustees authorization.
- Section 403.813(1), F.S., paragraphs (g); (h); (i), provided that no private residential multi-family dock or pier is constructed.
- Section 403.813(1), F.S., paragraph (k), provided that any channel markers delineate existing and authorized or permitted navigation channels.

Such activities must still comply with the General Conditions for Authorizations under subsection 18-21.004(7), F.A.C. Agency staff will determine whether the proposed project qualifies for Consent by Rule. Be advised that if your project does not qualify for an Exception or Consent by Rule for one of the reasons listed above, then it will require one of the forms of authorization listed below.

C. Letter of Consent: Written authorization is required for each of the following activities:

- ☐ One minimum-size private residential single-family dock (see definition in Rule 18-21.003, F.A.C.).

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- ☐ Private residential single-family or multi-family docks, piers, boat ramps, and similar existing and proposed activities that cumulatively preempt no more than 10 square feet of sovereignty submerged land for each linear foot of the applicant's riparian shoreline, along sovereignty submerged land on the affected waterbody within a single plan of development (see "preempted area" definition in Rule 18-21.003, F.A.C.).
- ☐ Private channels that provide access to an upland single-family or multi-family residential parcel and that measures no more than 10 square feet of sovereignty submerged land for each linear foot of the applicant's riparian shoreline along sovereignty submerged land on the affected waterbody within a single plan of development.
- ☐ Seawalls, bulkheads, or other shoreline stabilization structures no more than three feet waterward of mean or ordinary high water.
- ☐ Placement, replacement, or repair of riprap, groins, breakwaters, or intake and discharge structures no more than ten feet waterward of the line of mean or ordinary high water.
- ☐ Restoration and nourishment of naturally occurring sandy beaches, including borrow areas to be used for five years or less.
- ☐ Artificial reefs or fish attractors that are constructed for public use.
- ☐ Public docks or piers that are exempt from permit requirements under Section 403.813(1), F.S., or that qualify as minimum-size docks or piers or are less than or equal to the 10:1 preempted area to shoreline ratio; public boat ramps; public channels; or public swimming areas, provided that all such structures or activities are owned and operated by governmental entities and any revenues collected are used solely for operation and maintenance of the structure or adjacent public recreational facilities.
- ☐ Ski course buoys and ski jumps not associated with revenue-generating water skiing activities.
- ☐ Removal of wrecked, abandoned or derelict vessels or structures.
- ☐ Habitat restoration.

D. Lease: A state-owned submerged land lease is required for the following activities.

- ☐ Private residential single-family or multi-family docks or piers, other docks or piers, boat ramps, or other similar activities that do not qualify for a letter of consent.
- ☐ Private residential multi-family docks designed or used to moor three or more vessels within aquatic preserves.
- ☐ Docks designed or used to moor ten or more vessels in Monroe County.
- ☐ Commercial/industrial docks, as defined in Rule 18-18.004, F.A.C., in Biscayne Bay Aquatic Preserve, as required by paragraph 18-18.006(3)(c), F.A.C.
- ☐ All revenue-generating activities.
- ☐ Oil and gas exploration and development.
- ☐ Open-water mooring fields.
- ☐ Mining.

E. Easement. A state-owned submerged land easement is required for the following public or private activities.

- ☐ Utility crossings and rights of way.
- ☐ Road and bridge crossings and rights of way, including such structures built prior to the need

to obtain an easement when proposed for modification or repair.

- ☐ Groins, breakwaters, and shoreline protection structures, except when constructed as part of a docking facility that requires a lease.
- ☐ Public navigation projects other than public channels.
- ☐ Private residential channels that do not qualify for a letter of consent, and channels that provide access to revenue-generating facilities in uplands.
- ☐ Oil, gas and other pipelines.
- ☐ Intake and discharge structures more than 10 feet waterward of the mean or ordinary high water line.
- ☐ Spoil disposal sites.
- ☐ Borrow areas that will be used for longer than five years for beach nourishment.
- ☐ Public water management projects other than public channels.
- ☐ Treasure salvage (Cultural Resource Recovery).

PART 2: SUBMITTAL REQUIREMENTS

If state-owned submerged lands will be affected by your project, we will notify you in writing, and the items in this section will also be required. For expediency, if you acknowledge or believe that your project affects state-owned submerged lands you may submit the items in the appropriate section of Part 2 prior to receiving written confirmation of state ownership. This will not jeopardize any future claim of ownership.

Unless your proposed project qualifies for an Exception or Consent by Rule, as described in Part 1 A or B, then your application to use state-owned submerged lands must include the following items, as applicable to your project.

A. All applications for Letter of Consent, Lease or Easement must include the following:

- ☐ Satisfactory evidence of sufficient upland interest to the extent required by paragraph 18-21.004(3)(b), F.A.C.
- ☐ Detailed statement of the proposed activity.
- ☐ If dredging is proposed, an estimate of the number of cubic yards of sovereignty materials to be removed showing how the amount was calculated.

B. Applications for a **Letter of Consent** shall also include the following:

- ☐ Multiple boat slip facilities may require an affidavit certifying that the facility will not be a revenue generating/income producing facility.
- ☐ Two copies of a dimensioned site plan drawing(s) with the following requirements:
  a. Utilizing an appropriate scale on 8 1/2" × 11" size paper;
  b. Showing the approximate location of the mean high/ordinary high/or safe upland line;
  c. Showing the location of the shoreline vegetation, if existing;
  d. Showing the location of the proposed structures and any existing structures;
  e. Showing the applicant's upland parcel property lines;
  f. Showing the riparian lines; and
  g. Showing the primary navigation channels or direction to the center of the affected waterbody.

C. Applications for **Leases** shall also include the following:

- ☐ Lease processing fee as specified in subparagraph 18-21.008(1)(a)8, F.A.C.
- ☐ Location of the proposed activity including: county; section, township and range; affected waterbody; and a vicinity map, preferably a reproduction of the appropriate portion of United States Geological Survey quadrangle map.
- ☐ Two prints of a survey prepared, signed, and sealed by a person properly licensed by the Board of Professional Surveyors and Mappers.
  a. Use an appropriate scale on 8 1/2"× 11" size paper;
  b. Show the location of ordinary or mean high water;
  c. Show the location of the shoreline vegetation, if existing;
  d. Show the location of the proposed structures and any existing structures;
  e. Show the applicant's upland parcel property lines;
  f. Show the primary navigation channels or direction to the center of the affected waterbody
  g. Show the riparian lines;
  h. Include a legal description of the preempted area to be leased; and
  i. For those lease applications in the Florida Keys, indicate the water depths referenced to mean low water within the lease area and out to the navigation channel.
- ☐ Noticing information as required by subsection 18-21.005(3), F.A.C.
- ☐ Billing Information Form, which provides billing information; sales tax information; and other data required in accordance with Section 24.115(4), F.S.
- ☐ Computation of the total square footage of preempted sovereignty land to be leased.

D. Applications for **Easements** shall also include the following:

- ☐ Easement processing fee as specified in either (for public easements) paragraph 18-21.009(1)(g), or (for private easements) paragraph 18-21.010(1)(i), F.A.C.
- ☐ Vicinity map.
- ☐ Detailed statement of proposed use and satisfactory evidence of need for installation of telecommunication lines and associated conduits that are subject to the provisions of paragraph 18-21.004(2)(l), F.A.C. If the applicant is a local governing body, the request shall be by official resolution or minutes.
- ☐ Two prints of a survey prepared by a Licensed Florida Surveyor and Mapper in accordance with Chapter 61G17, F.A.C., (see attachment X for survey checklist) and meeting the following requirements:
  a. Utilizing an appropriate scale on 8 1/2" × 11" size paper;
  b. Showing boundaries of the parcel sought;
  c. Showing ownership lines of the riparian uplands;
  d. Showing the line of ordinary or mean high water;
  e. Showing the location of the shoreline vegetation, if existing;
  f. Showing the location of any proposed or existing structures;
  g. Showing the riparian lines; and
  h. Legal description and acreage of the parcel sought.
- ☐ Noticing information as required by subsection 18-21.005(3), F.A.C.