



# FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

ST. JOHNS COUNTY  
4020 LEWIS SPEEDWAY  
ST. AUGUSTINE, FLORIDA 32084

TELEPHONE: 904/823-2509  
FACSIMILE: 904/823-2507

2. AUTHORITY-STATUTES

16 USC 1539(a)(1)(B)

REGULATIONS (Attached)

50 CFR §§ 13 & 17

3. NUMBER

TE091980-0

4. RENEWABLE

YES

NO

5. MAY COPY

YES

NO

6. EFFECTIVE

8/4/2006

7. EXPIRES

8/31/2026

8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)

9. TYPE OF PERMIT

THREATENED AND ENDANGERED SPECIES  
- INCIDENTAL TAKE

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

THE ATLANTIC COASTLINE OF ST. JOHNS COUNTY, FLORIDA. THE SPECIFIC GEOGRAPHIC AREA COVERED BY THIS PERMIT IS DEFINED IN CONDITION 11.E, BELOW.

11. CONDITIONS AND AUTHORIZATIONS:

- A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.
- B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL OR OTHER FEDERAL LAW.
- C. VALID FOR USE BY PERMITTEE NAMED ABOVE, AND AUTHORIZED AGENTS.
- D. ACCEPTANCE OF THIS PERMIT SERVES AS EVIDENCE THAT THE PERMITTEE AND ITS AUTHORIZED AGENTS UNDERSTAND AND AGREE TO ABIDE BY THE TERMS OF THIS PERMIT AND ALL SECTIONS OF TITLE 50 CODE OF FEDERAL REGULATIONS, PARTS 13 AND 17, PERTINENT TO ISSUED PERMITS. SECTION 11 OF THE ENDANGERED SPECIES ACT OF 1973, AS AMENDED, PROVIDES FOR CIVIL AND CRIMINAL PENALTIES FOR FAILURE TO COMPLY WITH PERMIT CONDITIONS.

XX BLOCK 11 OF THIS PERMIT CONTAINS CONDITIONS A - S (19 PAGES TOTAL).

12. REPORTING REQUIREMENTS

REPORTS WILL BE PROVIDED TO THE U.S. FISH AND WILDLIFE SERVICE OFFICES APPEARING IN CONDITIONS 11.Q AND 11.R OF THIS PERMIT.

ISSUED BY

TITLE

DEPUTY REGIONAL DIRECTOR, FWS,  
SOUTHEAST REGION

DATE

8/15/06

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- E. The Permittee has defined the geographic area covered by its Habitat Conservation Plan (HCP) in two ways. The first is the "Plan Area," which is described in the HCP as about 41.1 miles of coastal beaches, and includes the entire length of the coastline within the boundaries of St. Johns County, except for the coastline seaward of Fort Matanzas National Monument. The second is the "County Beaches" which refers to those coastline areas within the Plan Area and under the direct jurisdiction, or within the legal access, of the Permittee. The County Beaches encompass about 28.6 miles of coastline within the Plan Area. The western boundary of both the Plan Area and County Beaches is delimited by the Coastal Construction Control Line as defined by the Florida Beach and Shore Preservation Act of 1998 (Chapter 161, Florida Statutes). The eastern limit is delimited by the mean low water line of the Atlantic Ocean.

Status surveys and/or annual monitoring indicate that the Plan Area provides feeding, breeding, and sheltering habitat (beach mouse) and nesting habitat (sea turtles) for the following covered species:

<u>Common Name</u>	<u>Scientific Name</u>
Anastasia Island beach mouse	<i>Peromyscus polionotus phasma</i>
Loggerhead sea turtle	<i>Caretta caretta</i>
Green sea turtle	<i>Chelonia mydas</i>
Leatherback sea turtle	<i>Dermochelys coriacea</i>
Hawksbill sea turtle	<i>Eretmochelys imbricata</i>
Kemp's ridley sea turtle	<i>Lepidochelys kempii</i>

- F. The Permittee, and its designated agents, successors, and assigns, are authorized to take, in the form of harassment, harm, or mortality the covered species incidental to the activities as described in the Permittee's HCP and as conditioned herein. This Permit does not authorize take of any covered species resulting from unlawful activities, including activities that are not described in the HCP.

This Permit is based upon the Permittee's expected compliance with the provisions and commitments established in the HCP and the stated terms and conditions of the Permit, as set forth herein. Where a conflict occurs between the HCP and this Permit, the Permit shall control.

Subject to the continuing validity of this Permit, the following types of incidental take are authorized herein:

1. Harassment, injury, and/or death to Anastasia Island beach mice resulting from collisions and/or interactions with emergency, public safety, wildlife

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- protection, and/or other official vehicles operating within the Plan Area. Official vehicles include those operated by Code Enforcement personnel and/or County staff charged with implementing and managing the HCP and this Permit or conducting other official County business.
2. Harassment, injury, and/or death to Anastasia Island beach mice resulting from public vehicles operating within the Plan Area in designated traffic lane/driving area(s) or ramp grading area(s).
  3. Habitat destruction or alteration, harassment, injury, and/or death to Anastasia Island beach mice within the Plan Area due to activities associated with placement of trash receptacles; placement of portable toilets and portable toilet trailers; and/or beach maintenance activities, including ramp maintenance.
  4. Habitat destruction or alteration, harassment, injury, and/or death to Anastasia Island beach mice within the Plan Area due to excavation, physical crushing, and/or burial during vehicular activities associated with removal of hazardous material, debris, and/or obstacles from the beach that pose a public health or safety risk; scientific monitoring and studies; placement and maintenance of permanent and/or portable signs used for regulating beach access, on-beach traffic, and other HCP-required conservation measures; placement and maintenance of permanent and/or temporary lifeguard stands, signage, and other physical structures used for public safety operations; State and federally permitted coastal construction projects that will not result in the unauthorized take of federally listed species; and/or other vehicular activities approved by the U.S. Fish and Wildlife Service.
  5. Habitat destruction or alteration, harassment, injury, and/or death to Anastasia Island beach mice within the Plan Area resulting from physical interaction with signs and structures used for traffic management, public safety, or public awareness.
  6. Harassment, injury, and/or death to sea turtle eggs and/or hatchlings resulting from public vehicles driving over undetected and unmarked sea turtle nests located in designated traffic lane/driving area(s) or ramp grading area(s) within the Plan Area.
  7. Harassment, injury, and/or death to sea turtle eggs and/or hatchlings

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- resulting from emergency, public safety, wildlife protection, and/or other official vehicles driving over undetected and unmarked sea turtle nests located within the Plan Area. Official vehicles include those operated by Code Enforcement personnel and/or County staff charged with implementing and managing the HCP or conducting other official County business.
8. Harassment, injury, and/or death to sea turtle eggs and/or hatchlings resulting from emergency and/or safety vehicles driving over marked sea turtle nests located within the Plan Area.
  9. Harassment, injury, and/or death to hatchling sea turtles emerging from undetected and unmarked nests in the Plan Area and subsequently encountering vehicle ruts.
  10. Harassment, injury, and/or death to hatchling sea turtles emerging from marked nests in the Plan Area and subsequently encountering vehicle ruts in areas where rut removal was not performed due to circumstances beyond the control of the Applicant, including, but not limited to, dangerous weather conditions, extreme high tides, equipment failure, vandalism of nest barriers, and hatchling emergence prior to the scheduled date/time for initiation of rut removal activities.
  11. Harassment, injury, and/or death to hatchling sea turtles emerging from marked nests in the Plan Area and subsequently encountering vehicle ruts in areas where rut removal was performed in conformance with the terms and conditions of this Permit.
  12. Harassment, injury, and/or death to adult, hatchling, stranded, or post-hatchling washback sea turtles resulting from collisions with emergency, safety, wildlife protection, and/or other official vehicles operating within the Plan Area.
  13. Harassment of adult, hatchling, stranded, or post-hatchling washback sea turtles resulting from vehicle headlights or in-vehicle handheld lights, while in motion or at rest for less than one minute. Official vehicles include those operated by Code Enforcement personnel and/or County staff charged with implementing and managing the HCP and this Permit or conducting other official County business.

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14. Harassment, injury, and/or death to adult female sea turtles attempting to nest within the Plan Area between 8:00 a.m. and 8:00 p.m., resulting from collisions with vehicles operated by the general public.
15. Harassment, injury and/or death to adult female sea turtles attempting to nest within the Plan area between 5:00 am and 10:00 pm, resulting from collisions with vehicles operated by authorized Commercial Fishermen, pursuant to the terms and conditions of this Permit.
16. Harassment, injury, and/or death to hatchling sea turtles emerging from nests within the Plan Area between 8:00 a.m. to 8:00 p.m., resulting from collisions with vehicles operated by the general public.
17. Harassment, injury and/or death to hatchling sea turtles emerging from the nest and/or crawling on the beaches within the Plan area to the ocean between 5:00 am and 10:00 pm, resulting from collisions with vehicles operated by authorized Commercial Fishermen, pursuant to the terms and conditions of this Permit.
18. Harassment, injury, and/or death to post-hatchling washback sea turtles resulting from collisions with vehicles operated by the general public.
19. Harassment, injury, and/or death to adult, hatchling, stranded, or post-hatchling washback sea turtles resulting from public nighttime driving from the north side of Vilano Road beach access ramp to the southwestern tip of Porpoise Point from 8:00 p.m. on July 4, until 1:00 a.m. on July 5, of each year.
20. Harassment, injury, and/or death to adult sea turtles attempting to nest in the Plan Area related to physical changes in beach conditions resulting from vehicles operating in the Plan Area, pursuant to the terms and conditions of this Permit. Changes in beach conditions include, but are not limited to, increased sand compaction and the presence of ruts, both of which might result in physiological stress to nesting turtles through reduced nesting success (percentage of crawls resulting in nests), increased digging attempts, and/or increased energy expenditure during nest construction.
21. Harassment, injury, and/or death to sea turtle eggs and/or hatchlings in undetected and unmarked nests within the Plan Area due to physical crushing by activities associated with marking the established

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Conservation Zone; placement of trash receptacles; placement of portable toilets and portable toilet trailers; and/or beach maintenance activities, including ramp maintenance.

22. Harassment, injury, and/or death to sea turtle eggs and/or hatchlings in undetected and unmarked nests within the Plan Area due to excavation, physical crushing, and/or burial caused by vehicular activities associated with removal of hazardous material, debris, and/or obstacles from the beach that pose a public health or safety risk; scientific monitoring and studies; placement and maintenance of permanent and/or portable signs used for regulating beach access, on-beach traffic, and other HCP-required conservation measures; placement and maintenance of permanent and/or temporary lifeguard stands, signage, and other physical structures used for public safety operations; State and federally permitted coastal construction projects that will not result in the unauthorized take of federally listed species; and/or other vehicular activities approved by the U.S. Fish and Wildlife Service.
23. Harassment, injury, and/or death to female sea turtles attempting to nest in the Plan Area resulting from physical interaction with lifeguard towers; Conservation Zone posts; traffic signs; portable toilets and portable toilet trailers; and/or other devices and structures used for traffic management, public safety, or public awareness, pursuant to the terms and conditions of this Permit.
24. Harassment, injury, and/or death to sea turtle eggs and/or nests laid outside the normal sea turtle nesting season, May 1 through October 31, when a nest monitoring/marketing program is not in place.
25. Harassment, injury, and/or death of Anastasia Island beach mice or sea turtles and their eggs resulting from all vehicular activities not specifically cited above, but otherwise authorized by this Permit, when such activities are conducted in conformance with the terms and conditions of this Permit.
26. Incidental take authorized in Conditions 11.F.1 through 25, above, includes all direct and indirect impacts to covered species and their habitat resulting from implementation of the Permittee's HCP in accordance with the terms and conditions of this Permit.

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**G. Mitigation/Minimization Measures.** The Permittee shall employ the following measures to ensure that take of the covered species is minimized and mitigated. The Permittee is responsible for meeting the terms and conditions of this Permit and implementing the HCP.

**1. Performance Standards**

- a. Conservation Zone.** The Permittee shall implement, maintain, and enforce driving and parking prohibitions within a 30-foot wide Conservation Zone from the northern jetty of St. Augustine Inlet south and west to the Tolomato River (commonly known as the Porpoise Point area) and within a 15-foot wide Conservation Zone throughout the remainder of the HCP Plan Area as described and defined in the HCP, except as authorized below.
- b. Public Driving.** From May 1 through October 31, each year, and only after completion of daily sea turtle nesting surveys, the Permittee may authorize public vehicle access outside of the Conservation Zone between 8:00 a.m. and 8:00 p.m. On July 4 and July 5, each year, the Permittee may also authorize public access onto the beach south of the Vilano Road beach access ramp and north of St. Augustine Inlet, from 8:00 p.m. July 4 to 1:00 a.m. July 5. From November 1 through April 30, each year, the Permittee may authorize public vehicle access outside of the Conservation Zone at any time.
- c. Commercial Fishermen.** The Permittee may authorize eligible commercial fishermen vehicle access outside of the Conservation Zone from May 1 to October 31, between 5:00 a.m. and 10:00 p.m. Between November 1 and April 30, each year, the Permittee may authorize eligible commercial fishermen access outside of the Conservation Zone at any time. Prior to any commercial fisherman access, the Permittee shall ensure that individual fishermen complete training specified in Condition 11.G.2.o.
- d. Emergency and Public Safety Vehicles.** Emergency and public safety vehicle access is not limited, including access within the Conservation Zone.
- e. Sea Turtle Monitoring.** Vehicle access for properly permitted sea turtle monitoring is not limited, including access within the Conservation Zone.

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- f. **HCP Management Activities.** Official vehicle access necessary to monitor and enforce the terms of this Permit and implementation of the conditions of the HCP is not limited, including access within the Conservation Zone.
- g. **Scientific Studies.** The Permittee may authorize vehicle access by local, state, or Federal governments; non-governmental conservation groups; or institutions of higher learning to conduct surveys, research, or scientific data collection related to the conservation of the coastal environment. Such activities must be approved in writing by the Permittee's HCP Coordinator.
- h. **Sanitation Collection.** From May 1 to October 31, each year, trash collection shall be authorized only after completion of daily sea turtle nest surveys on beaches containing trash receptacles and until 8:00 p.m. Between November 1 and April 30, each year, access is not limited. The Permittee shall require that any sanitation collection vehicle driver complete training specified in Condition 11.G.2.o.
- i. **Ramp Grading.** From May 1 to October 31, each year, the Permittee may authorize access for ramp grading equipment only after completion of daily nesting surveys on beaches where ramps exist and until 8:00 p.m. From November 1 through April 30, each year, the Permittee may authorize access for ramp grading equipment at any time.
- j. **Coastal Construction.** Between November 1 or the date on which the last sea turtle nest has hatched and April 30 or the date on which the first sea turtle nest is laid, the Permittee may authorize vehicle access, including within the Conservation Zone, for the purpose of non-emergency coastal construction provided any related construction activity, the resulting structure, and any environmental impacts, including potential incidental take of listed species, have been properly authorized by local, State, and/or Federal regulatory agencies. The Permittee shall ensure operators of vehicles accessing the beach for coastal construction complete training specified in Condition 11.G.2.o.

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- k. **Emergency Coastal Construction.** The Permittee may authorize vehicle access, including within the Conservation Zone, for emergency coastal construction projects throughout the year. The Permittee shall ensure operators of vehicles accessing the beach for emergency coastal construction complete training specified in Condition 11.G.2.o.
- l. **Non-Routine Vehicle Access.** The Permittee may authorize vehicle access, including within the Conservation Zone, throughout the year to undertake activities necessary to protect the health and safety of the public, including, but not limited to, storm cleanup, removal of hazardous or dangerous materials, removal of downed aircraft and grounded boats and any other public safety or health threat reviewed, approved, and deemed appropriate by the U.S. Fish and Wildlife Service. The Permittee shall ensure operators of public health and safety vehicles complete training specified in Condition 11.G.2.o.
2. Implementation of Conservation Measures
- a. **Installation, Maintenance, and Operation of Traffic Barricades.** The Permittee shall maintain and/or enhance all existing traffic barricades on public beach access ramps to ensure they effectively exclude public vehicle traffic when closed. The Permittee shall install and maintain additional traffic barricades at locations where vehicles have regularly accessed the beach illegally. The Permittee shall close the traffic barricades to limit public vehicle access as described in Conditions 11.G.1.b and c.
- b. **Elevating Trash Receptacles.** By May 1 of the first full nesting season following the issuance date of this Permit, the Permittee shall locate all County-placed trash receptacles within the Plan Area on elevated posts at the seaward boundary of the Conservation Zone throughout the Plan Area, except from the north jetty of St. Augustine Inlet south and west to the Tolomato River (commonly known as the Porpoise Point area) where the trash receptacle posts and associated Conservation Zone signage shall be no closer than 30 feet from vegetated dunes or coastal structures.

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- c. **Conservation Zone Marking.** By May 1 of the first full nesting season following the issuance date of this Permit, the Permittee shall, at a minimum, place signage on each trash receptacle post referred to in Condition 11.G.2.b designating the area landward of the post as "Conservation Zone." Such signage must be reviewed and approved by the U.S. Fish and Wildlife Service prior to placement.
- d. **Local Ordinance Amendments.** Within twelve (12) months of the effective date of this Permit, the Permittee shall amend applicable local ordinances as described in Chapter 7 of the HCP to ensure effective implementation of the HCP and terms of this Permit.
- e. **Increased Enforcement Staffing.** By May 1 of the first full nesting season following the issuance of this Permit, the Permittee shall provide funding for and fill no less than four (4) full-time Beach Ranger positions and/or two (2) full-time Deputy Sheriffs, whose responsibilities will lie only in enforcement of beach-related local ordinances and codes and in lifesaving activities. The Permittee shall also provide funding for and fill one full-time (1) Beach Lighting Officer position whose responsibility shall be enforcement of the Beach Lighting Management Plan described in Condition 11.G.2.k.
- f. **HCP Implementation Staff.** By May 1 of the first full nesting season following the issuance date of this Permit, the Permittee shall fund and fill one (1) full-time position dedicated entirely to ensuring effective implementation of the HCP and conditions of this Permit.
- g. **Public Awareness Program.** By May 1 of the first full nesting season following the issuance date of this Permit, the Permittee shall develop public awareness materials regarding beach driving requirements contained within Chapter 7 of the HCP, this Permit, and local ordinances and codes, provide such materials to the U.S. Fish and Wildlife Service for review and approval, and after receiving U.S. Fish and Wildlife Service approval, make such materials available to the public. Public awareness materials may be subsequently amended both prior to and after their distribution

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upon review and approval of the U.S. Fish and Wildlife Service.

- h. **Four-wheel Drive Training Program.** The Permittee shall ensure members of the public seeking a County North Beach Vehicle Access Permit to drive north of the Vilano Road beach ramp complete training specified in Condition 11.G.2.o. prior to issuance of such permit.
- i. **Standardization of Sea Turtle Monitoring.** Within twelve (12) months of the effective date of this Permit, the Permittee shall develop, in coordination with State of Florida Primary Permit Holders, a Sea Turtle Nest Monitoring Plan and submit such plan to the U.S. Fish and Wildlife Service for review and approval. The Permittee shall implement the Sea Turtle Nest Monitoring Plan no later than the second full nesting season following U.S. Fish and Wildlife Service approval (beginning on May 1). The approved Sea Turtle Nesting Monitoring Plan may be subsequently amended both prior to and after its implementation upon review and approval of the U.S. Fish and Wildlife Service.
- j. **Tire Tracks/Rut Removal Plan.** Within thirty (30) days of the effective date of this Permit, the Permittee shall submit for U.S. Fish and Wildlife Service review and approval a Tire Track/Rut Removal Plan as further described in Chapter 7 of the HCP. The Permittee shall implement such Plan during the first full nesting season following U.S. Fish and Wildlife Service approval (beginning on May 1). The approved Tire Track/Rut Removal Plan may be subsequently amended both prior to and after its implementation upon review and approval of the U.S. Fish and Wildlife Service.
- k. **Beach Lighting Management Plan.** Within thirty (30) days of the effective date of this permit, the Permittee shall develop and submit for U.S. Fish and Wildlife Service review and approval a comprehensive Beach Lighting Management Plan that unifies local and county codes regarding management of beach-front lighting in accordance with actions described in Chapter 7 of the HCP. Beginning May 1 during the first full nesting season following the issuance date of this Permit, the Permittee shall implement such Plan. The Permittee may amend the approved Beach Lighting

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Management Plan both prior to and after its implementation upon review and approval of the U.S. Fish and Wildlife Service.

- l. **Horseback Riding Monitoring Plan.** Within twelve (12) months of the effective date of this Permit, the Permittee shall develop and submit for U.S. Fish and Wildlife Service review and approval a Horseback Riding Monitoring Plan as described in Chapter 7 of the HCP. Beginning no later than May 1 during the second full nesting season following the issuance date of this Permit, the Permittee shall implement such Plan. The Permittee shall ensure that each person, or in the case of a company providing horseback riding services, a representative of the company, complete training specified in Condition 11.G.2.o. The Permittee may amend the approved Horseback Riding Monitoring Plan both prior to and after its implementation upon review and approval of the U.S. Fish and Wildlife Service.
- m. **Daytime Nesting and Hatching Events.** Within thirty (30) days of the effective date of this Permit, the Permittee shall develop and submit for U.S. Fish and Wildlife Service review and approval a standard operating procedures protocol for regulating vehicle traffic during daytime sea turtle nesting and hatching events. The Permittee may amend the standard operating procedures protocol both prior to and after its implementation upon review and approval of the U.S. Fish and Wildlife Service.
- n. **Management of Beach Driving at Summer Haven.** The Permittee shall continue to maintain and manage a locked gate barricade along old U.S. A1A immediately south of the terminus of the existing rock revetment along the Atlantic Ocean coastline in the town of Summer Haven. Ingress and egress through such barricade shall only be authorized for owners and/or residents of homes along old U.S. A1A.
- o. **HCP and Protected Species Training.** Within thirty (30) days of the effective date of this Permit, the Permittee shall develop and provide for U.S. Fish and Wildlife Service review and approval a training program. Such program shall provide information regarding applicable HCP conditions and Permit terms and local ordinances necessary to assist individual members of the public in

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understanding beach driving restrictions provided pursuant to this Permit. The Permittee shall implement use of the HCP and Protected Species Training Program within two (2) months of U.S. Fish and Wildlife Service approval. The Permittee may amend such program both prior to and after its implementation upon review and approval of the U.S. Fish and Wildlife Service.

H. **Implementation Measures.** The following measures will be employed by the Permittee to ensure that the terms and conditions of this Permit and provisions of the HCP are implemented.

1. **Staffing.** The Permittee shall maintain staffing as described in Chapter 9 of the HCP to ensure implementation and enforcement of the terms of this Permit and the effective administration of the HCP.
2. **Data and Records Management.** The Permittee shall ensure that appropriate staff collect, analyze, maintain, and report data and records as defined and described in Chapter 9 of the HCP.
3. **Enforcement and Coordination of Enforcement.** The Permittee, by accepting this Permit, agrees to abide by the terms and conditions of the Permit and agrees to sufficiently and adequately enforce and implement such terms and conditions to ensure that the performance standards listed in this Permit are implemented and the biological goals of the HCP are achieved.

I. **Enforcement.** At least annually, the U.S. Fish and Wildlife Service will consider available information to determine whether the Permittee has responsibly fulfilled conditions of this Permit, and progressed towards meeting the biological goals of the HCP. The U.S. Fish and Wildlife Service may make unannounced visits to County Beaches to evaluate the effectiveness of the Permittee's implementation of the terms and conditions of this Permit and the provisions of the HCP. The U.S. Fish and Wildlife Service will also review enforcement issues reported by the Permittee pursuant to Condition 11.O of this Permit as well as any other information requested or obtained by the U.S. Fish and Wildlife Service. Upon receipt of written documentation or knowledge of a substantive enforcement issue, the U.S. Fish and Wildlife Service will notify the Permittee in a timely manner and request that corrective action be taken or that the Permittee provide a written summary of any action already taken to resolve the enforcement issue. In the event the U.S. Fish and Wildlife Service determines that the Permittee has not

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acted responsibly in the effective implementation of the terms and conditions of this Permit or the provisions specified in the HCP or has not undertaken requested corrective actions, the U.S. Fish and Wildlife Service may suspend or revoke this Permit pursuant to 50 CFR 13.27 and 13.28, respectively.

- J. Unforeseen Circumstances.** Unforeseen and/or changed circumstances may become apparent either to the Permittee, the Permittee's authorized agents, or to personnel of the U.S. Fish and Wildlife Service. For purposes of implementation of this condition, unforeseen circumstances are defined as changes in circumstances affecting a species or geographic area covered by the HCP that could not reasonably have been anticipated by the HCP developers and the U.S. Fish and Wildlife Service at the time of the HCP's negotiation and development and that result in a substantial and adverse change in the status of the covered species. Changed circumstances are defined as changes in circumstances affecting a species or geographic area covered by the HCP that can reasonably be anticipated by HCP developers and the U.S. Fish and Wildlife Service and that can be planned for.

The Permittee and the U.S. Fish and Wildlife Service acknowledge that even with the above detailed provisions for mitigating and/or minimizing impacts, circumstances could arise which were not fully anticipated by this Permit and which are considered unforeseen. Such circumstances may become apparent either to the Permittee or to personnel of the U.S. Fish and Wildlife Service. For purposes of implementation of this condition, unforeseen circumstances are defined as any significant, unanticipated adverse change in the status of species, any significant, unanticipated adverse change in impacts of the activity or in other factors upon which the HCP and Permit are based, or any other significant new information relevant to the Permit and activity that was unforeseen by the Permittee and the U.S. Fish and Wildlife Service that could give rise to the need to review the Permittee's conservation program.

If, during the implementation of the HCP and the Permittee's adherence to this Permit, a significant unanticipated situation occurs that would have a serious effect on species covered by this Permit or the ability of the Permittee to continue the effective implementation of the HCP and/or adherence to this Permit, the Permittee shall undertake actions described in Chapter 10 (Unforeseen Circumstances) of the HCP.

- K. HCP and Permit Amendment Criteria.** The Permittee and the U.S. Fish and Wildlife Service agree that modification and amendments to the Permittee's HCP

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K. (Continued).

and this Permit may occur through its effective term. The following procedures shall govern the modification and amendment process:

1. Either the Permittee or the U.S. Fish and Wildlife Service may propose modifications and/or amendments to the HCP or this Permit by providing written notice. Such notice shall include a statement of the reason for the proposed modification and an analysis of its environmental effects, including its effects on operations under the HCP and on the covered species. This analysis may be conducted jointly between the Permittee and the contact office of the U.S. Fish and Wildlife Service. The U.S. Fish and Wildlife Service or the Permittee will use best efforts to respond to a proposed modification or amendment within sixty (60) days of receipt of such notice. Absent any objection from the U.S. Fish and Wildlife Service or the Permittee, and provided such proposed modification or amendment does not fall within the limits of Condition 11.K.2, the proposed modification and/or amendment will be determined to be minor and shall become effective upon written concurrence of the U.S. Fish and Wildlife Service and the Permittee. If the Service determines that a proposed modification or amendment would exceed the limits of Condition 11.K.2, such proposed modification or amendment must be processed in accordance with Condition 11.K.3.
  2. The U.S. Fish and Wildlife Service will not propose or approve minor modifications or amendments to the HCP or this Permit if the U.S. Fish and Wildlife Service determines that such modification or amendment would result in operations under the HCP and Permit that are significantly different from those analyzed in connection with the HCP, in adverse effects on the environment that are new or significantly different from those analyzed in connection with the HCP or in additional take of the covered species not analyzed in connection with the HCP.
  3. Any amendment or modification shall conform with all applicable legal requirements, including but not limited to the Endangered Species Act, the National Environmental Policy Act, and the U.S. Fish and Wildlife Service's permit regulations at 50 C.F.R. §13 and §17.
- L. **Emergencies.** The Permittee may act to relieve immediate threats to human safety in an emergency whenever a conflict between human safety needs and the Permit or HCP is unexpectedly encountered. In such an event, the Permittee may act as it believes is most consistent with this Permit and shall notify the U.S. Fish

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and Wildlife Service by close of the next business day to initiate evaluation of any desirable modifications and/or amendments to the HCP or this Permit, in accordance with Conditions 11.K.1 through 3.

- M. **Performance Review.** The HCP will be reviewed formally by the Permittee and the U.S. Fish and Wildlife Service annually for three years after the issuance of this Permit and every five years thereafter. The first formal review will follow submittal of the annual report by the Permittee in 2007. Intermediate reviews may be conducted informally any time when either the U.S. Fish and Wildlife Service or the Permittee find such review necessary.
- N. **Funding and Financial Commitment.** The Permittee shall commit funds necessary to implement the terms and conditions of this Permit and provisions of the HCP. By March 31 of each year this Permit is in effect, the Permittee shall submit an HCP Operational Budget to the U.S. Fish and Wildlife Service for review and approval. The HCP Operational Budget shall provide an itemized financial commitment sufficient to fund all terms and conditions of this Permit and provisions of the HCP.
- O. **Reporting Requirements:** By March 31 of each year this Permit is in effect, the Permittee shall submit an annual report to the U.S. Fish and Wildlife Service and other offices listed in Conditions 11.Q, R, and S. The annual report shall describe implementation of the terms and conditions of this Permit and the HCP. The Permittee shall identify any incidents of non-compliance and any measures employed to resolve such non-compliance. The annual report shall also include the following certification from a responsible official who supervised or directed the preparation of the report:

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

The annual report also shall address, at a minimum, the following:

1. Records of beach openings and closings;
2. Vehicle counts;
3. Dates, group, content, and number of attendees at HCP training classes;
4. Logs of public education and awareness programs provided by the Permittee;



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5. Records, status, and evaluation of the effectiveness of the Tire Track/Rut Removal Program;
6. Records, status, and evaluation of the effectiveness of the horseback riding registration;
7. Documents of HCP-related meetings, including the minutes;
8. Records of monies and resources expended on HCP Programs;
9. Approved HCP annual budget;
10. Effort spent in monitoring compliance with the Beach Lighting Management Plan;
11. Status and evaluation of the effectiveness of the implementing measures in Condition 11.G.2 of this Permit;
12. Identification and explanation of the previous year's Unforeseen Circumstance event(s) and any status of the amendments, changes, and/or additions to this Permit or the HCP, as needed; and,
13. Tabular reporting of HCP enforcement actions taken and their effectiveness, including:
  - a. Number of reported infractions of conservation zone driving/parking;
  - b. Number of warnings, tickets, and/or citations issued for infractions of conservation zone driving/parking;
  - c. Number of warnings, tickets, and/or citations issued for vehicles accessing the beach outside of established access hours;
  - d. Number of warnings, tickets, and/or citations issued for vehicles accessing beaches closed to beach driving;
  - e. Number of vehicles towed from the beach at night;
  - f. Number of citations or arrests for disturbance or harassment of sea turtles or Anastasia Island beach mice; and,
  - g. Number of warnings, tickets, and/or citations, or fines levied for non-compliance with the Beach Lighting Management Plan.
14. Documentation of any instances of incidental take recorded during the previous year.

P. **Disposition of Covered and Other Listed Species Specimens.** Upon locating a dead, injured, or sick specimen of any covered species or any other threatened or endangered species whose death, injury, or illness is causally related to the activities authorized by this Permit, initial notification must be made immediately to the U.S. Fish and Wildlife Service Law Enforcement Office, 20501

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Independence Boulevard, Groveland, Florida 34736 (353/429-1037). Notification should also be made, by the next work day, to the contact office of the U.S. Fish and Wildlife Service noted in Condition 11.Q. Care should be taken in handling sick, injured, or dead specimens to ensure effective treatment or to preserve biological materials for later analysis. In conjunction with the care of sick or injured threatened or endangered species or preservation of biological materials from a dead animal, the finder should take responsible steps to ensure that the site is not unnecessarily disturbed.

Q. **U.S. Fish and Wildlife Service Coordination Office.** For purposes of monitoring compliance of the terms and conditions of this Permit, including review of annual reports, and coordination on unforeseen circumstances, the contact, address, and telephone number of local U.S. Fish and Wildlife Service office is:

U.S. Fish and Wildlife Service  
Attn: HCP Program  
6620 Southpoint Drive, South, Suite 310  
Jacksonville, Florida 32216-0912  
Telephone: 904/232-2580  
Facsimile: 904/232-2404.

R. **Other Fish and Wildlife Service Coordination.** Copies of annual reports and any other documentation submitted in response to the operation and management of this Permit shall also be provided to:

U.S. Fish and Wildlife Service  
HCP Coordinator  
1875 Century Boulevard, Suite 200  
Atlanta, Georgia 30345  
Telephone: 404/679-7313  
Facsimile: 404/679-7081.

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- S. **Other Coordination.** Copies of annual reports and any other documentation submitted in response to the operation and management of this Permit shall also be provided to:

Florida Fish and Wildlife Conservation Commission  
Division of Habitat and Species Conservation  
Imperiled Species Management Section  
620 South Meridian Street, 6A  
Tallahassee, Florida 32399  
Telephone: 850/922-4330  
Facsimile: 850/921-6988.

END

