



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

3-201
(1/97)

FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

WILL & SIKES, INC.
P.O. BOX 959
MADISON, FL 32341
U.S.A.

2. AUTHORITY-STATUTES
16 USC 1539(a)

REGULATIONS
50 CFR 17.22

50 CFR 13

3. NUMBER
TE206010-0

4. RENEWABLE
☐ YES
☐ NO

5. MAY COPY
☐ YES
☐ NO

6. EFFECTIVE
05/17/2010

7. EXPIRES
05/31/2040

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

WILLIAM N. WILSON, II
PRESIDENT

9. TYPE OF PERMIT

NATIVE ENDANGERED SP. HABITAT CONSERVATION PLAN - E
WILDLIFE

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

Wilson Property: Approximately 2.65 acres of land, consisting of the south 125 feet of lot 16, and lot 33, Section 19, Township 3 South, Range 18 West, parcel number 19-3S-18-16080-000-0162, Walton County, Florida.

11. CONDITIONS AND AUTHORIZATIONS:

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

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

C. VALID FOR USE BY PERMITTEE NAMED ABOVE

Also valid for use by permittee's authorized agents.

D. Acceptance of this permit serves as evidence that the permittee and its authorized agents understand and agree to abide by the terms of this permit and all sections of title 50 code of federal regulations, parts 13 and 17, pertinent to issued permits. Section 11 of the endangered species act of 1973, as amended, provides for civil and criminal penalties for failure to comply with permit conditions.

BLOCK 11 OF THIS PERMIT CONSISTS OF CONDITIONS A - O (11 PAGES), AND TWO APPENDICES (3 PAGES).

☐ ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

Reports will be provided to the U.S. Fish and Wildlife Service offices appearing in Conditions N and O of this permit.

ISSUED BY

TITLE

Acting
DEPUTY REGIONAL DIRECTOR

DATE

05/17/2010

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- E. The Permittee owns a 2.65-acre tract (Project Site), as described in Block 10 above, on which it proposes to construct a mid-rise beachfront condominium complex in Walton County, Florida ("Project"). The Project and the areas pertinent to this permit are shown on the site plan attached hereto as Appendix A. This Permit authorizes the incidental take of the Choctawhatchee beach mouse *Peromyscus polionotus allopshys* (CBM) associated with the construction of the Project and associated infrastructure, and subsequent human use and occupancy of the Project site, as detailed in the Habitat Conservation Plan (HCP) submitted as part of the ITP application and further conditioned herein subject to the continued validity of the Permit.
- F. The Permittee is a limited liability company that will develop the Project and establish a condominium association, which is an incorporated entity pursuant to Chapter 617, Florida Statutes. Through its Board of Directors, the association, which comprises individual property owners with title to specific units of the condominium (Owners), will manage and maintain the Project site during and after construction of the Project. The Permittee shall incorporate this Permit as an attachment or exhibit to the Association's declaration of condominium so that the terms and conditions of this Permit shall be incorporated in the Declaration. The Declaration of condominium with the appended Permit shall be duly filed and recorded in the records of Walton County, Florida in accordance with Florida law. The Permittee shall be defined as the "Angelos Condominium owners association."
- The Permittee shall upon or prior to the sale or conveyance by Permittee of title to any condominium unit within the Association deliver to each transferee a copy of this Permit and any other educational documents or information the Permittee is required to provide to unit owners in accordance with this Permit and the associated HCP. Through the Association's Declaration of Condominium, the terms and conditions of this Permit shall run with the land comprising the Condominium development, and each Owner shall be subject to the terms and conditions of the Permit upon the purchase of property in the Condominium.
- G. Subject to the terms and conditions of this Permit, the Permittee is authorized to engage in the following forms of take of the CBM incidental to the site preparation, development, construction, occupation and operation of the Project site, including the driveway, swimming pool, dwellings, and, as shown in Appendix A:

Harassment, harm, injury, and/or death of CBM resulting from the temporary loss of 0.10 acre and permanent loss of 0.42 acre of habitat on the Project site, and for take resulting from indirect impacts to the species due to the development, construction and human use of the Project site.

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- H. The Permittee shall allow personnel of the U.S. Fish and Wildlife Service, State of Florida Fish and Wildlife Conservation Commission, or other properly permitted and qualified persons designated by these agencies to enter the Project boundaries at reasonable hours and times for the general purposes specified in Part 50 Code of Federal Regulations §13.21(e)(2).
- I. The following measures must be employed by the Permittee to ensure that take of the CBM is minimized and fully mitigated:

Project Design and Construction

1. The use of trapping or other methods to capture CBM prior to the Project construction for purposes of relocation is not authorized.
2. Construction of all the Project's components (parking, driveway, and walkover) shall conform to the configuration/design plans specified in Appendix A. Permanent alteration of the Project site (building, pool, parking, and walkover) shall not exceed the proposed 0.42 acre Project footprint.
3. Buffers, a minimum of 10 feet wide and planted with native vegetation, along the east and west sides of the proposed buildings shall be maintained to provide potential corridors to connect CBM habitat onsite with off-site habitat to east or west, if present.
4. Hand-rails shall be installed on the decks as a deterrent to pedestrians from entering the dune habitat from the deck area.
5. No permanent fences or privacy walls may be constructed that would restrict CBM movements.
6. A single dune walkover shall be constructed to provide access over the dune habitat to the beach. The walkover shall include handrails to minimize future habitat impact on the property. The walkover on the property shall be constructed using top-down techniques and would have a minimum elevation of 3 feet above grade.
7. Educational signs shall be installed on the decks and walkover providing natural history information about CBM, sea turtles, piping plovers and other shorebirds, and habitat conservation.
8. Animal-proof waste receptacles shall be provided and used for trash collection on the Project site.

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9. A summary of the applicable provisions of the HCP and the terms and conditions of this Permit shall be provided to the general contractor responsible for constructing the parking lot and walkover and included in all sub-contracts for the project. The construction contract documents, particularly any contract between the general contractor and a sub-contractor, must include a provision that the general contractor has communicated the conservation objectives of the HCP and the terms and conditions of this Permit to the sub-contractor and provided the sub-contractor with the above-referenced summary of the HCP and terms and provisions of this Permit and that the sub-contractor agrees to be bound by such and to communicate such information to its employees and/or contractors.
10. Limits of construction shall be clearly marked on all construction plans and clearly indicated onsite with silt fence or other barrier fence for the project.
11. No barriers may be placed water ward of the proposed structure that would limit CBM and other wildlife movement to and from adjacent properties.
12. The lighting plan and design for the Project shall comply with Walton County ordinance 2009-03, "Wildlife Conservation Ordinance (Turtle Lighting)". Turtle Lighting shall be utilized for the parking lot, common areas and exterior of the structure. All windows and glass doors shall have the appropriate glass or window tint that only allows 45 percent light transmittance from inside to outside.
13. All areas temporarily impacted during construction shall be restored to ambient or design grade and planted with native vegetation.
14. The final landscape plan for the Project shall be reviewed and approved by the Service. The landscape plan shall be provided to the Service for review no later than 120 days prior to the landscape installation. The development shall be planted with coastal dune vegetation native to Walton County as provided in Appendix C. Any changes to the plant list will be considered upon written request to the Service. Requests for changes must provide information to verify that the plant is a coastal native dune species in Walton County, Florida.
15. Restoration of undeveloped and temporarily impacted habitat shall be completed within one hundred and twenty (120) days following issuance

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I. 15. Continued.

of a certificate of occupancy by Walton County, Florida for any unit in the Project.

16. All construction staging and storing of equipment shall occur off site or within the construction boundary on site. No equipment shall be allowed waterward of the Coastal County Construction Line at any time, with the exception of the building of the pool. At no time shall equipment be allowed on dunes.
17. Silt/ Construction fence shall be installed along the east and west property boundaries and from the building to the property boundaries to allow movement of CBM, but prevent pedestrian access to CBM habitat during construction. The fence shall be removed after construction is complete.
18. The use of mulch and landscape fabric is prohibited in the dune habitats and the native landscaped areas.
19. Irrigation of planted dune vegetation shall be by backpack only. (No buried irrigation in native landscaped areas.)
20. All dune restoration material shall meet State of Florida requirements for beach quality material.

Operation and management

21. The body of the Declaration of Condominium shall include a provision stating this Permit, including the Permit number, has been issued to the Association, a statement that the conditions and terms of the Permit are intended to protect and conserve the PKBM and a brief description of the reason such protection and conservation of the species is needed. The body of the Declaration also shall stipulate that no changes shall be made to the Declaration that would result in noncompliance with the terms and conditions of this Permit or with the Conservation Easement that will be granted in accordance with this Permit, including but not limited to any provisions regarding the Association's responsibility to provide funding for activities required to occur in accordance with this Permit and the Conservation Easement (see Condition 11.J.17, below). Within 90 days of receipt of this Permit, Permittee shall ensure that this Permit is incorporated as an attachment or exhibit to the Association's declaration of condominium in order that the terms and conditions of this Permit shall become part of the Declaration. The Declaration with the appended

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I. 21. Continued.

Permit shall be duly filed and recorded in the records of Walton County, Florida in accordance with Florida law. The Permittee shall provide certification of compliance with this requirement, along with a copy of the filed and recorded Declaration, to the U.S. Fish and Wildlife Service no later than 180 days after receipt of this Permit.

22. Cats shall be prohibited on the interior and exterior of all premises. All other pets must be restricted to the inside of the condominium units. Dogs may be allowed only on 6-foot leashes.
23. Only two waste receptacles shall be provided, one in the pool area and one at the top of the dune walkover. These receptacles shall be animal-proof.
24. The use of exterior rodenticides shall be prohibited. Any captured exotic or non-native rodents (house mice, Norway rats, black rats) shall be humanely euthanized and disposed of properly.
25. All beach chairs and umbrellas or similar items shall be removed from the beach each night during the sea turtle nesting season from May 1 through October 31.
26. Access to the site shall be granted to the U.S. Fish and Wildlife Service, Florida Fish and Wildlife Conservation Commission, U.S. Department of Agriculture - Wildlife Services, and their representatives to conduct CBM population monitoring, and predator control.
27. General guidance provided in the covenants and restrictions for the condominium units shall provide reference and information about the Endangered Species Act and the presence of the endangered CBM, prohibit littering on the beach or common areas, prohibit cats from the property, limit all other pets to inside the units, and prohibit access to the conservation easement and other natural areas on the site.

Mitigation and monitoring

28. After Project completion 1.23 acre of CBM habitat shall be protected, restored, managed, and maintained on the Project site.
29. Permittee shall contribute a one-time sum of \$67,500 to the Wildlife Foundation of Florida fund, or such other entity as is designated by the U.S. Fish and Wildlife Service for such purpose. This initial contribution

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I. 29. Continued.

shall be provided in full to Florida Fish and Wildlife Conservation Commission prior to any Project-related land disturbance. The purpose of the Fund is to implement compensation and mitigation of development impacts on CBM. Furthermore, this fund would be perpetually augmented by a \$201 annual assessment of each unit owner in the development, providing an 'occupied fee.' The fund would be spent in accordance with the conservation strategy prepared for the CBM. Annual conservation effort priorities would be determined by an interagency committee including the Service. The first annual assessment shall be provided within ninety (90) days of the date of this Permit issuance. Proof of payment shall be submitted to the Service by January 31st of each following year that the permit is valid.

30. Before any land is disturbed for the Project, the applicant shall provide evidence to the U.S. Fish and Wildlife Service that funds have been placed in escrow, sufficient to finance 12 CBM monitoring events at the property. These 5-night trapping events would be conducted by a qualified biologist four times a year (quarterly) for the first two years after project completion. The data collected from this effort would be provided in an annual report to the U.S. Fish and Wildlife Service. Any undesirable mouse or rat species captured during the trapping events would be humanely destroyed, thus reducing competitive stress on the CBM. Further, authorization and access to natural areas would be granted to the U.S. Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission, or their representatives, to conduct additional monitoring of their own any time within the duration of this permit.
31. The final CBM monitoring design shall be determined by the U.S. Fish and Wildlife Service in coordination with Florida Fish and Wildlife Conservation Commission, based on the best available scientific data. The final design and schedule shall be provided to the Permittee ninety (90) days prior to initiation of the monitoring program. The monitoring program is to begin within one-hundred and twenty (120) days following issuance of a certificate of occupancy by Walton County, Florida for any unit in the Project.
32. The Permittee shall grant a perpetual Conservation Easement to the Florida Fish and Wildlife Conservation Commission on the 0.91 acres of CBM habitat on the Project site that is completely avoided by the Project. The Conservation Easement shall be in accordance with the Florida Statute governing the creation of conservation easements. The boundaries

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I. 32. Continued.

of the area to be covered by the Conservation Easement shall be surveyed by a licensed certified land surveyor. The Permittee shall work with the Florida Fish and Wildlife Conservation Commission to draft the Conservation Easement. The Conservation Easement shall, among other things, contain a provision granting the Service a right of third party enforcement and entry into the area covered by the easement. A draft copy of the Conservation Easement shall be provided to the U.S. Fish and Wildlife Service for review and approval prior to execution and acceptance by the grantee. The Conservation Easement shall be recorded in the lands records of Walton County within six (6) months following issuance of a certificate of occupancy. A copy of the survey and recorded Conservation Easement shall be provided to the U.S. Fish and Wildlife Service within ninety (90) days after the Conservation Easement is recorded.

J. The Permittee and the U.S. Fish and Wildlife Service agree that modification and amendments to the Permittee's HCP and this Permit may occur through the effective term of the Permit. The Permit is based upon the Permittee's expected compliance with the provisions and commitments established in the HCP and the stated terms and conditions set forth herein. Where a conflict occurs between the HCP and this Permit, the Permit shall control. 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 to the other. Such notice shall include a statement of the reason for the proposed modification and an analysis of its effects on the environment, the covered species, and operations under the HCP. This analysis shall be conducted jointly by the Permittee and the contact office of the U.S. Fish and Wildlife Service identified in Condition 11.P, below. 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. Provided the U.S. Fish and Wildlife Service determines that such proposed modification or amendment would not result in any of the conditions identified in Condition 11.L.2, and absent any objection from the U.S. Fish and Wildlife Service or the Permittee, the proposed modification and/or amendment will be determined to be minor and will become effective upon written approval by the U.S. Fish and Wildlife Service.

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2. The U.S. Fish and Wildlife Service will not propose or approve modifications or amendments to the HCP or this Permit if the U.S. Fish and Wildlife Service determines that such modifications would result in operations under the HCP and Permit that are significantly different from those analyzed in connection with the HCP, that would adversely affect the environment in new or significantly different ways than those analyzed in connection with the HCP or that would result in additional take of the covered species. If, for any reason, the U.S. Fish and Wildlife Service determines that a proposed amendment or modification is not minor, it must be processed in accordance with the U.S. Fish and Wildlife Service's permit regulations at 50 C.F.R. § 13 and § 17.
3. Any amendment or modification must 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.
4. The U.S. Fish and Wildlife Service reserves the right to amend this Permit for just cause at any time during its term in accordance with 50 C.F.R. § 13.23

K. Unforeseen and/or changed circumstances may become apparent either to the Permittee, authorized agents or to personnel of the U.S. Fish and Wildlife Service. For the 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 process for addressing such circumstances will be governed by the U.S. Fish and Wildlife Service's policy regarding changed and unforeseen circumstances contained in the final "No Surprises" rule published on February 23, 1998 (63 FR 8859) and codified at 50 C.F.R. §§ 17.22(b)(5), 17.32(b)(5), 222.22(g). Provided, however, that should either unforeseen or changed circumstances arise, the Permittee and the contact office of the U.S. Fish and Wildlife Service will meet within twenty (20) working days following notice. The U.S. Fish and Wildlife Service and Permittee will together agree upon appropriate and reasonable measures for addressing such circumstances, within the rule of applicable law, and the Permittee will implement

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K. Continued.

appropriate and reasonable measures within an additional thirty (30) working days, unless a longer period of time is agreed to by the U.S. Fish and Wildlife Service.

- L. Reports submitted in compliance with this Permit must 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.”

- M. Upon locating a dead, injured, or sick individual of an endangered or threatened species, initial notification must be made to the U.S. Fish and Wildlife Service Law Enforcement Office, Clermont, Florida at 352/429-1037 within 24 hours. Additional notification must be made to the U.S. Fish and Wildlife Service's Field Office at Panama City, Florida at 850/769-0552 within 48 hours. Care should be taken in handling sick or injured individuals and in the preservation of specimens in the best possible state for later analysis of cause of death or injury.

- N. For purposes of monitoring compliance and administration of the HCP and the terms and conditions of this Permit, receipt of reports, and review and approval of site plans, lighting plans, landscape and dune restoration plans the contact office of the U.S. Fish and Wildlife Service is:

Field Supervisor
U.S. Fish and Wildlife Service
1601 Balboa Avenue
Panama City, Florida 32405
Telephone: 850/769-0552
Facsimile: 850/763-2177

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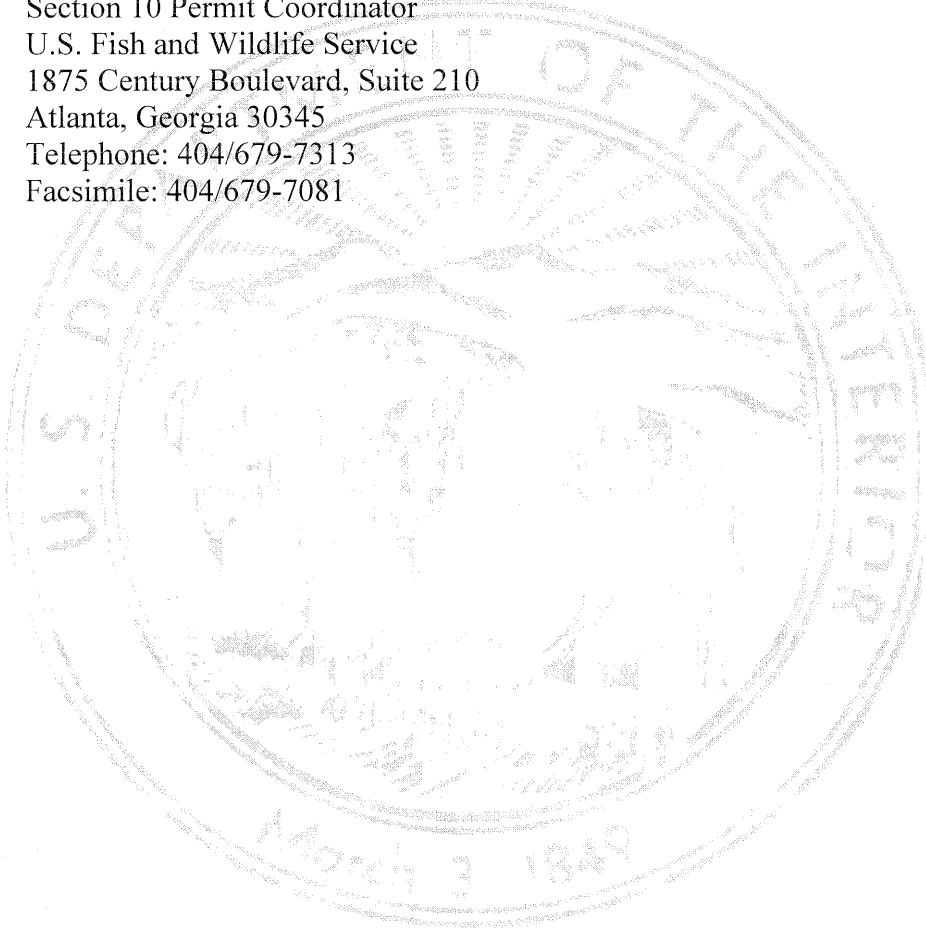
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- O. Reports and any other correspondence generated from implementation, modifications, or administration of the Permit shall also be provided to the following office of the U.S. Fish and Wildlife Service:

Section 10 Permit Coordinator
U.S. Fish and Wildlife Service
1875 Century Boulevard, Suite 210
Atlanta, Georgia 30345
Telephone: 404/679-7313
Facsimile: 404/679-7081

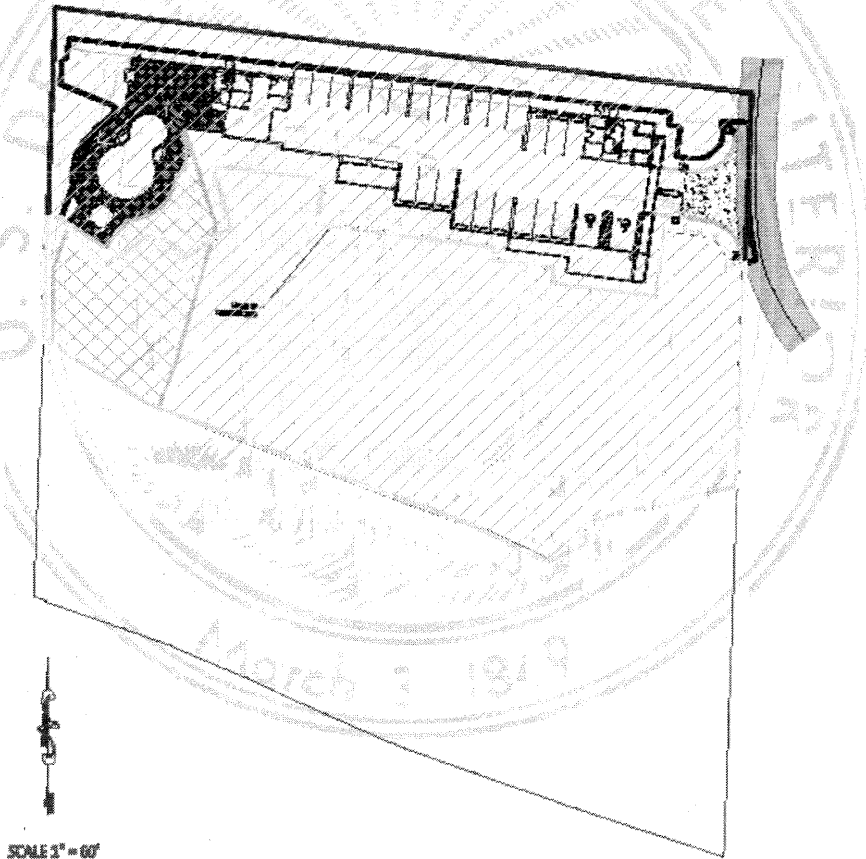
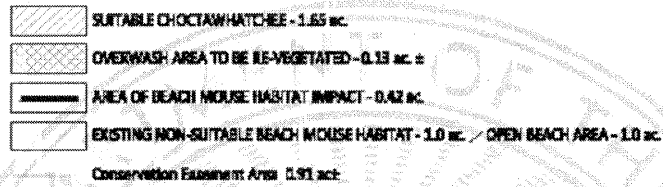
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APPENDICES

Appendix A
Angelos Condominium Design Plans



SCALE 1" = 60'

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APPENDICES

Appendix B
Species Plant List for Coastal Dune and Beaches in Walton County, Florida

Scientific Name	Common Name	Height	Container	Primary Dune	Inter-dunal	Scrub dune
Trees						
Magnolia grandiflora	Southern Magnolia	60'-90'*	1gTP,3gTP,D			X
Osmanthus americanus	Wild Olive	70'*	1gTP,3gTP,D			X
Pinus clausa	Sand Pine	20'*	1gTP,3gTP,D			X
Pinus elliottii	Slash Pine	80'-100'*	1gTP,3gTP,D			X
Quercus geminata	Sand Live Oak	30'*	1gTP,3gTP,D			X
Quercus myrtifolia	Myrtle Oak	40'*	1gTP,3gTP,D			X
Quercus virginiana maritima	Sand Live Oak	40'-50'*	1gTP,3gTP,D			X
Medium to Large Shrubs & Small Trees						
Callicarpa americana	Beautyberry	5'	1gTP,TB,D			X
Ilex vomitoria	Yaupon Holly	20'	1gTP,TB,D			X
Iva frutescens	Marsh-Elder	11'	1gTP,TB,D		X	
Rhus copallina	Winged Sumac	10' (30')	1gTP,TB,D		X	X
Serenoa repens	Saw Palmetto	10' (30')	1gTP,TB,D			X
Small Shrubs & Ground Covers						
Schizachyrium (formerly maritimum)	Bluestem		LT,TB	X		X
Asclepias humistrata	Sandhill Milkweed		LT,TB			X
Bignonia capreolata	Cross Vine		LT,TB			X
Cakile constricta	Sea Rocket		LT,TB	X		
Ceratiola ericoides	Seaside Rosemary		LT,TB			X
Chrysoma pauciflorescens	Seaside Goldenrod		LT,TB	X		X
(T) Chrysopsis gossypina cruiseana	Cruise's Golden Aster		LT,TB	X		X
Conradina canescens	Beach Heather		LT,TB	X		X
Cyperus sp.	Sedge		LT,TB		X	
Heterotheca subaxillaris	Aster (Camphor weed)		LT,TB	X		X
Hydrocotyle bonariensis	Pennywort		LT,TB	X	X	X
Ipomoea pes-caprae	Railroad Vine		LT,TB	X		
Ipomoea imperati (formerly stolonifera)	Beach Morning Glory		LT,TB	X		
Licania michauxii	Gopher Apple		LT,TB			X
Panicum amarum	Beach Grass		LT,TB	X	X	
(E) Polygonella macrophylla	Large-leaved Jointweed		LT,TB			X

The use of installed irrigation, mulch, regardless if artificial or natural material, and landscape fabric is prohibited.

T & E = State of Florida protected plant. Planting is strongly encouraged to help recover the species. Make sure the nursery you purchase the plant from is in the Association of Florida Native Plants; they follow all State regulations to grow and sell protected species.

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APPENDICES

*Trees living in coastal dunes do not reach "normal heights." They tend to be stunted and "pruned" by the wind, sand, and salt spray. Small specimens should be planted in protected areas such as on the landward side of the dunes.

References:

Moyers, J.E. 1996. Food habits of Gulf coast subspecies of beach mice (*Peromyscus polionotus* spp.). M.S. Thesis, Auburn University, Alabama. 84 pp.

Clewell, A. F. 1993. Guide to the vascular plants of the Florida panhandle. University Presses of Florida, Florida State University Press, Tallahassee, Florida 605 pp.

Sneckenberger, S.I. 2001. Factors influencing habitat use by the Alabama beach mouse (*Peromyscus polionotus ammobates*). Master's thesis. Auburn University, Auburn, Alabama.

Wunderlin, R. P., and B. F. Hansen. 2004. *Atlas of Florida Vascular Plants* (<http://www.plantatlas.usf.edu/>). [S. M. Landry and K. N. Campbell (application development), Florida Center for Community Design and Research.] Institute for Systematic Botany, University of South Florida, Tampa.

Wunderlin, R.P. 1998. Guide to the vascular plants of Florida. University Presses of Florida, Gainesville, Florida 806 pp.