

**Permit Number: TE62785D-0**

Effective: 06/19/2020 Expires: 06/19/2030

Issuing Office:

Department of the Interior
U.S. FISH & WILDLIFE SERVICE
Ecological Services Permit Office
1875 Century Boulevard
Atlanta, GA 30345
permitsR4ES@fws.gov

Field Supervisor, North Florida Ecological Services Office, Jacksonville, Florida

Permittee:

MICHAEL COLLARD PROPERTIES INC.
4798 NEW BROAD STREET #220
ORLANDO, FL 32814
U.S.A.

Name and Title of Principal Officer:

MICHAEL A. COLLARD - OWNER

Authority: Statutes and Regulations: 16 USC 1533(d); 50 CFR 17.32, 50 CFR 13.

Location where authorized activity may be conducted:

The Project areas is approximately 13.19 acres and located in the northwest corner of the intersection of SR 19 and Lane Park Road in Tavares, Lake County, Florida. The property comprises three legal parcels Alternate Keys 3022548, 1114501, and 1028698.

Reporting requirements:

Reports will be provided to the U.S. Fish and Wildlife Service office appearing in Condition K of this Permit.

Authorizations and Conditions:

A. General conditions set out in Subpart B of 50 CFR 13, and specific conditions contained in Federal regulations cited above, are hereby made a part of this permit. All activities authorized herein must be carried out in accord with and for the purposes described in the application submitted. Continued validity, or renewal of this permit is subject to complete and timely compliance with all applicable conditions, including the filing of all required information and reports.

B. The validity of this permit is also conditioned upon strict observance of all applicable foreign, state, local tribal, or other federal law.

C. Valid for use by Permittee named above. Also valid for use by Permittee's authorized agents.

D. Acceptance of this Permit serves as evidence that the Permittee and its authorized agents 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.

THIS PERMIT CONSISTS OF CONDITIONS A - K (4 PAGES TOTAL).

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- E. The commercial parcel identified in Block 10 above encompasses 13.91 acres where the Permittee proposes a residential subdivision and associated infrastructure (Project). Status surveys and biological analysis indicate that 0.34 acres of the Project area is habitat occupied by the threatened sand skink (*Plestiodon reynoldsi*), and all 0.34 acres of occupied habitat would be permanently eliminated due to Project construction. The *Plestiodon reynoldsi* on the Project site comprise the "covered species."

The Permittee, and any authorized agents, are authorized to take the covered species within the Project area incidental to earth moving, grading, and other land alteration and construction activities necessary to construct the project as described in the Permittee's Habitat Conservation Plan (HCP), and as conditioned herein. This permit does not authorize take of any covered species resulting from unlawful activities.

- F. The Permittee, with reasonable notice, shall permit the contact office of the U.S. Fish and Wildlife Service personnel identified in Condition K, below, or other properly permitted and qualified persons designated by the U.S. Fish and Wildlife Service, to enter the Project area boundaries at reasonable hours and times for the general purposes specified in Title 50 Code of Federal Regulations § 13.21(e)(2).
- G. The Permittee shall implement the following measures to ensure that take of the covered species is minimized and mitigated:
1. Purchase 0.68 mitigation credits within the Lake Livingston Conservation Bank or another approved Service sand skink bank prior to any clearing activities.
 2. Avoidance of clearing activities during the sand skink breeding season (February-June) where possible.
 3. Within ten (10) days of satisfying Condition G.1, the Permittee shall submit written confirmation to the contact office of the U.S. Fish and Wildlife Service identified in Condition K, below, that Condition G.1 has been successfully performed.
- H. 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 its effective term. The following procedures shall govern the modification and amendment process:
1. This Permit is based upon the Permittee's expected compliance with the provisions and commitments established in the submitted HCP and the terms and conditions identified herein. Where a conflict occurs between the HCP and this Permit, the Permit shall control.
 2. 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 the environmental effects of such modification or amendment, including effects on operations under the HCP and on the covered species. This analysis shall be conducted jointly by 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. Provided any such proposed modification or amendment would not result in any of the conditions identified in Condition H.3, below, and absent any objection from the U.S. Fish and Wildlife Service or the Permittee, the proposed modification and/or amendment will be determined as minor and shall become effective upon written approval by the U.S. Fish and Wildlife Service or the Permittee. If, for any reason, a receiving party objects to a proposed amendment or modification, it must be processed in accordance with Condition H.3, below.

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3. 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 original HCP, that would adversely affect the environment in new or significantly different ways from those analyzed in connection with the original HCP, or that would result in additional take of the covered species not analyzed in connection with the original HCP.
 4. 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.
- I. The Permittee and the U.S. Fish and Wildlife Service acknowledge that even with the above detailed provisions for mitigating and/or minimizing impacts to the covered species, changes in circumstances could arise which were not fully anticipated by this permit and which may result in substantial and adverse change in the status of the covered species. The U.S. Fish and Wildlife Service's policy regarding changed and unforeseen circumstances is contained in the final "No Surprises" rule published on February 23, 1998, (63 Fed. Reg. 8859) and codified at 50 C.F.R. Part § 17.
- 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 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. Should either unforeseen or changed circumstances arise, the Permittee and the contact office of the U.S. Fish and Wildlife Service identified in Condition K, below, shall meet within twenty (20) working days following notice by either party. The U.S. Fish and Wildlife Service and Permittee shall together agree upon appropriate and reasonable measures for addressing such circumstances, within the rule of applicable law, and the Permittee shall implement 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.
- J. Upon locating a dead, injured, or sick *Plestiodon reynoldsi* or any other threatened or endangered species, initial notification must be made immediately to the U.S. Fish and Wildlife Service Law Enforcement Office, 20501 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 K. 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.



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- K. For purposes of receiving reports, and monitoring compliance and administration of the terms and conditions of this permit, the contact office of the U.S. Fish and Wildlife Service is:

U.S. Fish and Wildlife Service
7915 Baymeadows Way, Suite 200
Jacksonville, Florida 32256-7517
Telephone: 904/731-3336

END

