

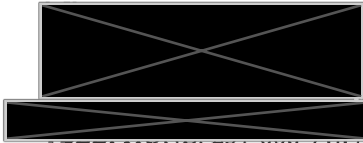
DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE



FEDERAL FISH AND WILDLIFE PERMIT

3-201
(1/97)

1. PERMITTEE



2. AUTHORITY-STATUTES

16 USC 1539(a)(1)(B)
16 USC 703-712
REGULATIONS (Attached)

50 CFR §§ 13 & 17

3. NUMBER

TE071398

4. RENEWABLE

☒ YES

☐ NO

5. MAY COPY

☒ YES

☐ NO

6. EFFECTIVE

8/9/2004

7. EXPIRES

8/9/2054

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

9. TYPE OF PERMIT

ENDANGERED SPECIES - INCIDENTAL TAKE

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

A VACANT 1.27 ACRE LOT 35 LOCATED EAST OF MOBILE STREET (IN HOLDING WITHIN PERDUE UNIT OF THE BON SECOUR NATIONAL WILDLIFE REFUGE) AT SECTION 25, TOWNSHIP 9S, RANGE 2 EAST, FORT MORGAN PENINSULA, BALDWIN COUNTY, ALABAMA.

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 CONSISTS OF ITEMS A -K (6 PAGES TOTAL).

12. REPORTING REQUIREMENTS

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

ISSUED BY

Cynthia A. Doherty

TITLE

Acting Dir
DEPUTY REGIONAL DIRECTOR, FWS,
SOUTHEAST REGION

DATE

August 9, 2004

JOHN GULAS
SINGLE FAMILY RESIDENCE
3750 GOVERNMENT BLVD.
MOBILE, ALABAMA 36693
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- E. The Project area encompasses 1.27 acre (approximately 55,110 square feet) where the Permittee proposes construction of a residential unit (Project). Field surveys indicate that all of the Project area provides suitable habitat which may be used by the endangered Alabama beach mouse (*Peromyscus polionotus ammobates*). Approximately 0.17 acre (7,196 square feet) of this habitat would be permanently eliminated due to Project construction.

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 a residential structure as described in the Permittee's Habitat Conservation Plan (HCP), and as conditioned herein. This permit does not authorize take of any covered species outside of the project area or as a result of activities.

- F. Due to the long duration of this permit and likelihood of transfer of ownership of the property, all conditions of this permit automatically will be assigned and transferred to each subsequent owner for the duration hereof, and any transfer of any interest in the property shall be made subject to the provisions herein. Therefore the Permittee shall be defined as those entities which hold fee simple title to any portion of the real property identified in this permit over the duration of the Permit. Prior to transference of fee simple title to any portion of the real property, the permit holder shall provide signed notification to the Service personnel identified in Condition 11.K below that a transfer of ownership is pending. This notification shall include the buyer's name, address, phone number, social security or tax identification number, and a statement that the individual is aware of and agrees to implement all the terms and conditions of the issued permit. Failure to follow these guidelines may result in the suspension or revocation of the issued permit. At such time that Mr. Gulas shall sell or dispose of all his respective interest in the Project and so long as this Permit is not then in default, Mr. Gulas or any subsequent owner shall be automatically released from all obligations, conditions, and liability of this Permit and any purchaser of the property as described in Block 10, above from Mr. Gulas or his heirs, successors, or assigns shall, upon purchase thereof, be responsible as an Owner and successor permittee hereunder.

- G. The following measures will be employed by the permittee to ensure that *Peromyscus polionotus ammobates* take is minimized and fully mitigated:

1. If at any time during initial land development activity or subsequent residential construction or occupancy any ABM is killed or found dead, the permittee will immediately place the specimen in secure refrigerated storage and will, within 24 hours, contact the Service's Daphne Field Office, who will make arrangements for transfer of the specimen to appropriate custody or will direct disposition.

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2. The permittee will install a gravel, shell or concrete driveways of the minimum size practicable, but not to exceed 30-feet in width for newly constructed driveways.
3. County waste disposal services are available and will be utilized for household garbage. Additionally, no user of the property may accumulate any refuse capable of attracting rodents. All such refuse will be disposed of using a refuse container that is rodent proof and scavenger-proof. The permittee will assure at all times the availability of such containers.
4. No lumber, metals, nor bulk materials will be kept, stored, or accumulated on the property excepting only building materials during construction. The permittee will provide each contractor, including each subcontractor, retained for land preparation and construction of the proposed residence, with specific written requirements reflecting the entirety of the conditions controlling refuse disposal and removal and limitations on material storage. The area of the site to be used for staging building materials will be minimized and such areas will be restored to natural state post construction. Construction debris will be placed in a dumpster located on site for this purpose.
5. All undeveloped areas of the lot will be maintained naturally by the permittee using native vegetation. The developed area will be confined to the footprint of the residence and the driveway.
6. For first tier lots, those immediately adjacent to the beach, an elevated wooden boardwalk will be constructed to lead from the residence to the beach, thus protecting the ABM habitat area from pedestrian traffic damage. The elevation of the dune walkover will be at least one foot higher than the highest dune on the property. The length of the boardwalk will be sufficient to span all vegetated portions of the frontal dunes, ending at the unvegetated wet beach.
7. No exterior lighting will be used for decorative purposes or will be permitted seaward of the CCL in effect on the date of the permit. All lighting will be directed away from beach areas in accordance with the Florida Marine Research Institute Technical Report TR-2 (1996). Additionally, exterior lighting will be no greater than 40 watts. Windows will be tinted to reduce the impact of interior lighting.
8. All construction on the beach, including the dune walkover, will be conducted outside sea turtle nesting season (May 1 through October 31).

Continued:

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9. Recreation and beach equipment (beach chairs, umbrellas and surfboards, etc.) will be removed from the beach at sunset during sea turtle nesting season (May 1 through October 31).
 10. The permittee will allow access to the Service and its authorized agents for the purpose of monitoring permit compliance, conducting ABM trapping surveys, sea turtle nesting surveys, nest monitoring, or other activities associated with sea turtle and ABM monitoring or recovery.
 11. To ensure compliance with all provisions of the ITP by renters and/or tenants, the permittee will include instructions regarding the use of the boardwalk, prohibition on cats, guidelines for trash removal, and protection of native vegetation as part of each rental agreement.
 12. Reminder placards detailing restrictions on dune traffic, pets, beach equipment and lighting will be placed in a conspicuous location in each dwelling which is either leased or rented.
 13. A sign requesting protection of the ABM and sea turtle habitat will be placed at the entry points of the boardwalk or designated walkway.
 14. Training will be provided to all employees having potential contact with clients regarding monitoring and positive intervention approaches.
 15. The permittee will allow the Service or the State of Alabama Department of Conservation and Natural Resources (ADCNR) or other persons designated by either agency to enter the property at any reasonable time for the general purposes specified in 50 CFR 13.21 and 17.22, and for the purpose of trapping beach mice.
 16. Residents or visitors are prohibited from supporting the presence of free-roaming (i.e., "stray") cats by providing food, shelter or any other life support elements. The permittee agrees to report any observations of free-roaming cats to local animal control authorities and to the Service. These prohibitions and reporting provisions are for the purposes of avoiding the introduction of predators/competitors and for removal of same.
 17. All plant species used for landscaping of the project, if desired, must be selected from an indigenous plant list approved by U.S. Fish and Wildlife Service and attached hereto.
- 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 Permit is based upon the Permittee's expected compliance with the

Continued:

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provisions and commitments established in the submitted HCP and the Permit's stated terms and conditions identified 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. Such notice shall include a statement of the reason for the proposed modification and an analysis of its environmental effects, including its effects on operations under the HCP and on the covered species. This analysis shall be conducted jointly 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, 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.
 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 modifications would result in operations under the HCP and Permit that are significantly different from those analyzed in connection with the original HCP, adverse effects on the environment that are new or significantly different from those analyzed in connection with the original HCP or additional take of the covered species not analyzed in connection with the original 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.
- I. Upon locating a dead, injured, or sick specimen of the covered species or any other threatened or endangered species, initial notification must be made immediately to the U.S. Fish and Wildlife Service Law Enforcement Officer, 1208-B Main Street, Daphne, Alabama 36526 (251/441-5787). Notification should also be made, by the next work day, to the contact office of the U.S. Fish and Wildlife Service noted in L. 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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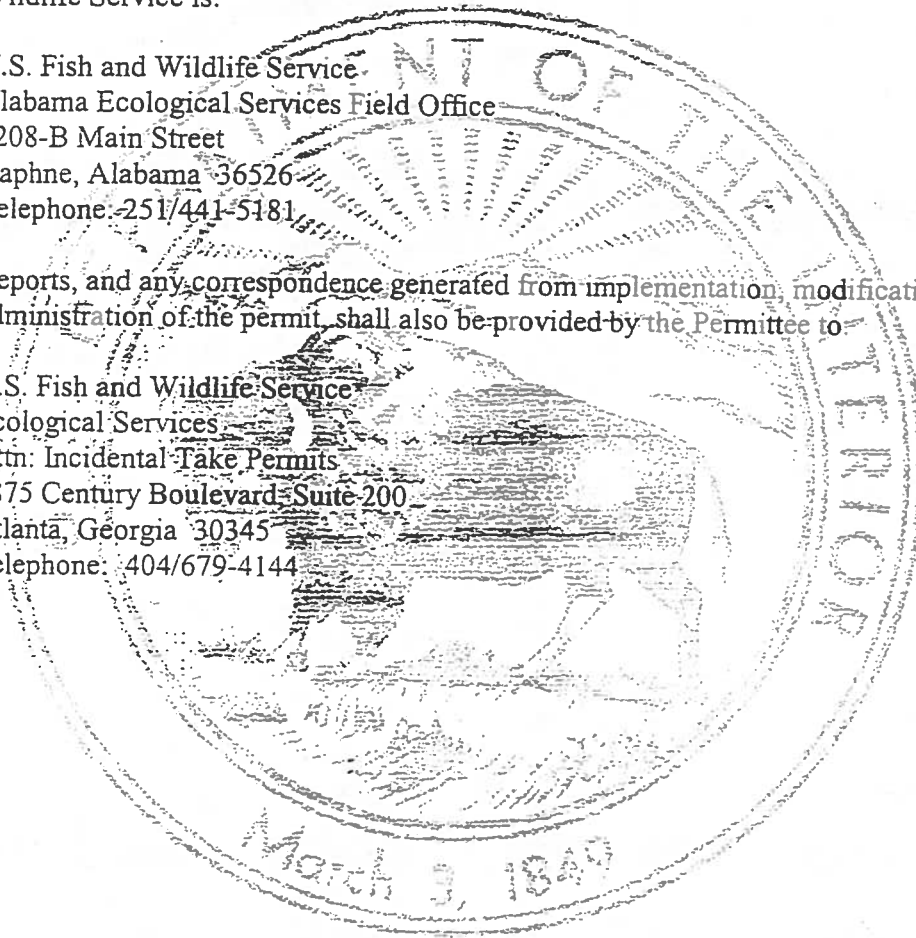
- J. For purposes of receiving reports, and monitoring compliance and administration of the terms and conditions of this permit, the contact office of the U.S. Fish and Wildlife Service is:

U.S. Fish and Wildlife Service
Alabama Ecological Services Field Office
1208-B Main Street
Daphne, Alabama 36526
Telephone: 251/441-5181

- K. Reports, and any correspondence generated from implementation, modification, or administration of the permit, shall also be provided by the Permittee to:

U.S. Fish and Wildlife Service
Ecological Services
Attn: Incidental Take Permits
1875 Century Boulevard, Suite 200
Atlanta, Georgia 30345
Telephone: 404/679-4144

END



Recommended Native Plants for Restoration
All Areas (primary, secondary, and scrub-shrub)

Small shrubs and ground covers:

Asclepias humistrata (Sandhill milkweed)
Cakile constricta (Sea rocket)
Ceratiola ericoides (Seaside rosemary)
Chamaesyce ammannioides (Dune spurge)
Distichlis spicata (Inland salt grass)
Heterotheca subaxillaris (Camphor weed)
Hydrocotyle bonariensis (Seaside pennywort)
Ipomoea stolonifera (Beach morning glory)
Iva imbricata (Seashore elder)
Licania michauxii (Gopher apple)
Oenothera humifusa (Evening primrose)
Panicum amarum (Seaside panicum)
Physalis angustifolia (Ground cherry)
Polygonella gracilis (Joint weed)
Pteridium aquilinum (Bracken fern)
Schizachrium maritimum (Bluestem)
Uniola paniculata (Sea Oats)

Medium to Large Shrubs and Small Trees:

Callicarpa Americana (American beautyberry)
Erythrina herbacea (Eastern coralbean)
Ilex vomitoria (Yaupon holly)
Iva frutescens (Marsh-elder)
Rhus coppalina (Winged-sumac)
Serenoa repens (Saw palmetto)

Trees:

Magnolia grandiflora (Southern Magnolia)
Osmanthus americanus (Wild Olive)
Persea borbonia (Red bay)
Pinus clausa (Sand Pine)
Quercus germinata (Sand live oak)
Quercus myrtifolia (Myrtle oak)
Quercus virginiana maritima (Sand live oak)