



REPLY TO ATTENTION OF

Regulatory Division

DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
P.O. BOX 4970  
JACKSONVILLE, FLORIDA 32232-0019

December 22, 2017

**DEPARTMENT OF THE ARMY PERMIT**

**PROGRAMMATIC GENERAL PERMIT (PGP) SAJ-84  
SAJ-2015-01075 (PGP-TKW)**

**LIMITED MINOR ACTIVITIES WITHIN THE SEMINOLE TRIBE OF FLORIDA  
BRIGHTON INDIAN RESERVATION**

Upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), and Section 404 of the Clean Water Act (33 U.S.C. 1344) general authority is hereby given for the discharge of fill material on the Brighton Seminole Indian Reservation (BSIR) for the following minor activities: single family home sites, utility lines, recreational facilities, boating, agricultural use, commercial use, government facilities, water control activities, ditch maintenance, and road construction. This authorization is valid subject to the following Special and General Conditions and is issued consistent with the associated Coordination Agreement entitled "Coordination Agreement Between the U.S. Army Corps of Engineers Jacksonville District and the Seminole Tribe of Florida Programmatic General Permit Big Cypress and Brighton Seminole Indian Reservations."

The project area subject to this PGP includes the 36,700-acre BSIR, which is part of the historic Western Okeechobee Kissimmee Basin wetland system and is located north of Big Cypress National Preserve is located northwest of Lake Okeechobee in Glades County, Florida as illustrated in **Attachment I**.

**APPROXIMATE CENTRAL COORDINATES:**

Latitude: 27.047374°  
Longitude: -81.083404°

**SPECIAL CONDITIONS:**

**1. Limits of Authorized Work:** This permit is limited to filling waters of the United States for the following minor activities: single family home sites, utility lines, recreational facilities, boating, agricultural use, commercial use, government facilities, water control activities, ditch maintenance, and road construction. Acreage thresholds and conditions for use under this PGP are as follows:

Activity No.	Activity Type	Fill Limits (acres)	Activity Description and Conditions
1	Single-Family Residential	1.00	Discharges of dredged or fill material in non-tidal waters of the U.S. including non-tidal wetlands, for the construction or expansion of traditional single family home sites that include houses, access roads, driveways, chickees for various practices (sewing, cooking, religious practices , and other similar practices) , bathhouses , and septic systems with drain fields with applicable set-backs.
2	Utility Lines	1.00	The construction, maintenance or repair of utility lines, including intake/outfall structures, and the associated excavation , backfilling or bedding, utility line substations, foundations for overhead utility line towers, cell towers, poles, and anchors; Access roads for the construction and maintenance of utility lines, including overhead power lines and utility line substations.
3	Recreational Facilities	1.50	Discharges of dredged or fill material in non-tidal waters of the U.S. including non-tidal wetlands for both passive and non-passive recreation use to include, but not limited to, campgrounds, swimming pools, playing fields (baseball, soccer or football), basketball and tennis courts. Also authorized are small support facilities, such as maintenance and storage buildings, restrooms and associated parking areas that are directly related to the recreational activity. Hotels, motels, restaurants, and other similar facilities are not authorized under this activity.
4	Boating	0.25	Noncommercial boat launching facility (ramps), parking for vehicles/trailers, associated structures-bulkheads, rub-rails, tie-up piers, and walkways. The acreage limitation includes the filled area and excavated area plus special aquatic sites and surface waters that are adversely affected.
5	Agricultural	1.00	Land clearing, building pads, new ditches and/or dikes, side casting from ditch construction, associated with agricultural uses. Ditches will be constructed to control both surface and ground water. Any direct, cumulative or secondary impacts shall not exceed the 1.0-acre threshold.
6	Commercial Development	1.50	Small business development proposed by tribal members. Development proposed by chain restaurant and retail stores is not authorized under this PGP. However, when associated with an existing single-family homesite both the existing and proposed fill impacts will not exceed 1.5 acres. Authorized development includes buildings, parking areas, septic systems with drain fields and access roads.
7	Government Facilities	1.50	New or additions to existing facilities such as schools, government buildings, medical facilities for associated parking areas, public works infrastructure , and other similar facilities. Existing facilities are those that were existing and/or under construction when this PGP is issued.

8	Water Control	1.00	The construction of stormwater management facilities including excavation of stormwater ponds, the installation and maintenance of water control structures, outfall structures, and emergency spillways, including secondary impacts associated with the excavation of stormwater ponds. Also for the construction and maintenance of ditches, which includes re-shaping of existing ditches and modification of the cross-sectional configuration of currently serviceable ditches. No activity shall cause an increase of the designed drainage capacity or in the designed drainage area.
9	Ditch Maintenance	No Limit	Maintenance of existing functional ditches, limited to pre-existing ditch design and/or historic design. This applies to ditches located on existing farm fields or on existing agricultural lands.
10	Transportation/Roads	1.50	Construction, expansion, modification, or improvement of existing linear transportation crossings (roadways) for safety purposes. Includes the widening of existing road shoulders or construction of new shoulders along existing roadways, using only pervious material. Existing roads are those that were existing or under construction when this PGP is issued.
N/A	All	N/A	All effort must be made to minimize impacts to aquatic resources. Discharges authorized under this PGP must be part of a single and complete project.

2. **Permit Area:** Specific use of this PGP is limited to the areas shown in **Attachment 2** located within the BSIR.

3. **Limits of Fill:** This permit authorizes minor activities involving the placement of fill material in up to 50 acres of federally designated jurisdictional wetlands within the BSIR per year, not to exceed a total of 100 acres of jurisdictional wetlands over a five-year period, effective the date of this permit.

4. **Compensatory Mitigation:** Mitigation requirements will be satisfied by generating functional capacity credits in accordance with the Advanced Mitigation Program (AMP) proposed at the FBI Mitigation Area Tract (**Attachment 3**). The STOF shall maintain a ledger to include the type and amount of mitigation credit(s) used for each verification under this PGP which requires mitigation. This ledger shall include, but not be limited to, the following information:

- a. Permittee Name
- b. Permittee Address and Contact Information
- c. Date of DA permit verification
- d. Date of credit purchase/release
- e. Type of credit(s) purchased
- f. Amount of credit(s) purchased
- g. Total Credits purchased
- h. Total Credits released/available

A copy of the ledger shall be provided to the Corps on an annual basis, or upon request. Information recorded in the ledger shall be subject to amendment/revision at the discretion of the Corps.

**5. Pre-construction Notification:** Before any activities may be conducted pursuant to this authorization, the applicant must submit a pre-construction notification to the Seminole Tribe of Florida (Tribe) Environmental Resource Management Division (ERMD). The ERMD will forward a copy of all PCN's to the Corps, with the Tribe's determination of compliance with this authorization, as a part of the quarterly reporting requirements prescribed by the associated Coordination Agreement. All PCN submittals shall include the following information, at a minimum:

a. ENG FORM 4345 (signed by an authorized representative of the Tribe).

b. Maps will identify federally jurisdictional wetlands consistent with the 1987 Corps of Engineers Wetland Delineation Manual, as modified by the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0 – ERDC/EL TR-10-20), November 2010. A minimum of two sets of data sheets per wetland shall be submitted. The total number of data sheets will vary with each site, depending on the number of wetlands.

c. Provide a clear description (including maps) of the proposed work and wetland impact areas; analysis of impacts to Federally listed wildlife species; Wetland Rapid Assessment Procedure analysis of direct and secondary wetland impacts; and an updated version of the BSIR Programmatic General Permit (SAJ-84) Ledger.

**6. Erosion Control:** Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas adjacent to wetlands shall be stabilized using sod, degradable mats, or a combination of similar stabilizing materials to prevent erosion. For dredging activities, all dredged or excavated materials will be deposited and retained in an area that is not a water of the United States unless specifically approved by the Corps under a separate authorization and proper siltation controls must be used. The erosion and siltation control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

**7. Cultural Resources/Historic Properties:** If cultural resources, as defined by the Seminole Tribe of Florida's Cultural Resource Ordinance(Ordinance # C-02-14); which includes but is not limited to places and items of special cultural importance, historic properties, archaeological sites/materials, and burial resources) are encountered, then the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the THPO within the same business day (8 hours). After such notification, work authorized by this PGP may not resume without written authorization from the THPO.

8. **Biological Opinion:** This Corps permit does not authorize the Tribe to take an endangered species, in particular the Audubon's crested caracara (*Polyborus plancus audubonii*), Florida bonneted bat (*Eumops floridanus*), Florida panther (*Puma (Felis concolor coryi)*), and the Eastern indigo snake (*Drymarchon corais couperi*). In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permit, or a BO under ESA Section 7, with "incidental take" provisions with which you must comply). The U.S. Fish and Wildlife Service's (Service) Biological Opinion (BO), dated December 19, 2014, contains mandatory terms and conditions (**Attachment 4**) to implement the reasonable and prudent measures that are associated with "incidental take." that is also specified in the BO. Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with incidental take of the attached BO, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Corps permit. The Service is the appropriate authority to determine compliance with the terms and conditions of its BO, and with the ESA.

9. **Manatee Key:** Prior to issuance of authorization, the dichotomous key titled "The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida, April 2013", (see [http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/endangered\\_species/Manatee/2013\\_FINAL\\_ManateeKey.pdf](http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/endangered_species/Manatee/2013_FINAL_ManateeKey.pdf)) will be used to determine potential manatee impacts. Those determined to be a "may affect" to the manatee will not be authorized until consultation on the project has been re-initiated and concluded with the U.S. Fish and Wildlife Service in accordance with the Endangered Species Act. Additionally, depending on the location of the project, some projects determined to be "may affect, not likely to adversely affect" will not be authorized until consultation on the project has been re-initiated and concluded with a "no jeopardy" determination. *Note: The manatee key may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of the permit application.*

10. **Manatee Conditions:** For projects in waters accessible to manatees, the permittee will utilize the "Standard Manatee Conditions for In-Water Work, 2011" (see [http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/endangered\\_species/Manatee/2011\\_StandardConditionsForIn-waterWork.pdf](http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/endangered_species/Manatee/2011_StandardConditionsForIn-waterWork.pdf)) and/or requirements, as appropriate for the proposed activity. *Note: The manatee conditions may be subject to revision at any time. It is our intention that the most recent version of these conditions will be utilized during the evaluation of the permit application.*

11. **Eastern Indigo Snake Protection Measures:** The Tribe shall comply with Service "Standard Protection Measures for the Eastern Indigo Snake" (dated August 12, 2013) (**Attachment 5**) during project site preparation and construction. These Protection Measures can be found at: <http://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>

The following shall also apply:

- a. All gopher tortoise burrows, active or inactive, will be evacuated prior to site manipulation in the burrow vicinity. The excavation method selected should also minimize the potential for injury of an indigo snake.
- b. Holes, cavities, and snake refuge other than gopher tortoise burrows will be inspected each morning before planned site manipulation of a particular area, and if occupied by an indigo snake, no work will commence until the snake has vacated the vicinity of proposed work.

12. **Water Quality Certification:** Prior to the initiation of any construction, projects qualifying for PGP SAJ-84 must be authorized by the Seminole Tribe of Florida Environmental Resource Management Department.

13. **Fill Material:** The Tribe shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act. Unless previously authorized under separate DA permit, the source of fill used under this PGP shall not include waters of the U.S.

14. **Self-Certification:** Within 60 days of completion of the authorized work, and any mitigation required, the attached *Self-Certification Statement of Compliance* form (**Attachment 6**) must be completed and submitted to the Tribe. The form must reference PGP SAJ-84 and other information associated with the work. The Tribe will report to the Corps on a quarterly basis on certification of projects receiving authorization under this PGP.

15. **Reporting Address:** All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: Attention, Deputy Chief, Regulatory Division, Jacksonville District, U.S. Army Corps of Engineers, P.O. Box 4970, Jacksonville, Florida 32232-0019.

16. **Modification of Federally Authorized Projects:** Evaluation of applications for utility line crossings of levees, dikes, dams, or other water retaining structures will require case specific review by the Jacksonville Engineering Division in accordance with 33 U.S.C. 408 and approval from the Jacksonville District Commander prior to authorization under this PGP. Subaqueous utility and aerial transmission line crossings, proposed in all Central and Southern Florida canals, with the exception of C-43, C-44, and Taylor Creek, will require project specific approval for compliance with 33 USC 408 from the U.S. Army Corps of Engineers prior to receiving authorization. Once, the project specific approval under 33 USC 408 has been received, and all other conditions of the permit have been met, a permit verification letter may be issued.

17. **Subaqueous Utility and Aerial Transmission Lines:** The discharge of dredged or fill material is authorized by this general permit for the installation, construction, maintenance, replacement, and/or repair of:

a. Foundations for overhead transmission line towers, poles, and anchors in all waters of the United States, excluding those areas listed in Special Condition 17 above, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.

b. Electrical substations in non-tidal waters of the United States, excluding areas listed in Special Condition 3 above and all non-tidal wetlands adjacent to tidal waters, providing the discharge does not cause the loss of greater than one-half acre of non-tidal waters of the United States.

c. Access roads in non-tidal waters of the United States, and all non-tidal wetlands adjacent to tidal waters, for the construction and maintenance of overhead transmission lines and electrical substations, provided the discharge does not result in the loss of greater than 1.5 acres per project. **NOTE:** Access roads shall be the minimum width necessary. Access roads constructed under this permit shall be made of pervious materials such as sand, gravel, limestone, etc. Access roads must be constructed so that the length of the road minimizes the adverse effects on waters of the U.S. and as near as possible to preconstruction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above preconstruction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows. Access roads used solely for construction of the overhead power line must be removed upon completion of the work and the area restored to preconstruction contours, elevations, and wetland conditions.

**18. Horizontal Directional Drilling:** Directional boring vaults, junction boxes, and/or pads will not be constructed within 50 feet of the top of the bank of waterways (rivers/streams). Horizontal directional drilling pilot, entrance, and exit holes must be the minimum diameter necessary; and, must be set back from the waterway (river/stream) bank by a minimum of 50 feet. Excavated materials and drilling mud must be stockpiled on non-wetland areas, where available. Appropriate fabric must be placed beneath all materials stockpiled in wetlands.

**19. Subaqueous Utility Line Depth Requirement:** Except as otherwise noted by these Special Conditions, all subaqueous utility and/or transmission lines authorized by this regional general permit must be installed a minimum of 6 feet below the bottom contour of any other water of the United States. The 6-foot criterion applies to the entire authorized width of the crossing, plus a minimum of 10 feet on each side of the crossing.

**20. Sidecasting:** Material resulting from trench excavation may be temporarily sidecast (up to three months) into waters of the United States, provided that the material is not placed in such a manner that it is dispersed by currents or other forces. The District Engineer may extend the period of temporary side casting not to exceed a total of 180 days, where appropriate. The top 6- 12 inches of the trench should normally be backfilled with topsoil from the trench. Furthermore, the trench cannot be constructed in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a French drain effect). For example, utility line trenches can be backfilled with clay blocks to ensure that the trench does not drain the waters of the United States through which the utility line is installed. Any exposed slopes and stream banks must be

stabilized immediately upon completion of the utility line crossing of each waterbody.

21. **Maintaining Pre-Construction Contours:** Dredged or fill material placed as backfill or bedding for subaqueous utility and transmission lines must not change the preconstruction bottom contours. Excess material must be moved to an upland disposal area.

22. **Warning Signs for Subaqueous Utility and Transmission Lines:** The permittee will install signs at the shoreline to notify navigational interests of the location of subaqueous utility and transmission lines.

23. **Severing Jurisdiction:** No project will be authorized under this PGP if the proposed fill activity will result in upstream waters of the United States being removed from Federal jurisdiction.

24. **Marked Utilities:** No work shall be performed until after the permittee provides notification to the owner(s) or operator(s) of any marked utilities in the work area, unless the permittee is the same entity as the owner(s) or operator(s).

25. **Permit Expiration:** This permit shall be valid for a period of five years from the date of issuance, unless suspended or revoked by issuance of a public notice by the District Engineer. A review will be conducted to determine if continuance of the permit is in the public interest after the 5-year expiration date. If this permit expires or is revoked prior to completion of the authorized work, authorization of activities that have commenced or are under contract to commence in reliance on this permit will remain in effect provided the activity is completed within 12 months of the date this permit expired or was revoked.

BY AUTHORITY OF THE SECRETARY OF THE ARMY

FOR Jason A. Kirk  
Colonel, U.S. Army  
District Engineer

## **GENERAL CONDITIONS FOR DEPARTMENT OF THE ARMY GENERAL PERMITS**

1. The time limit for completing the work authorized ends on **December 22, 2022**.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature and mailing address of the new owner in the space provided below and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at anytime deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

### **Further Information:**

1. Limits of this authorization.
  - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not

assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

5. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFEREE-SIGNATURE)

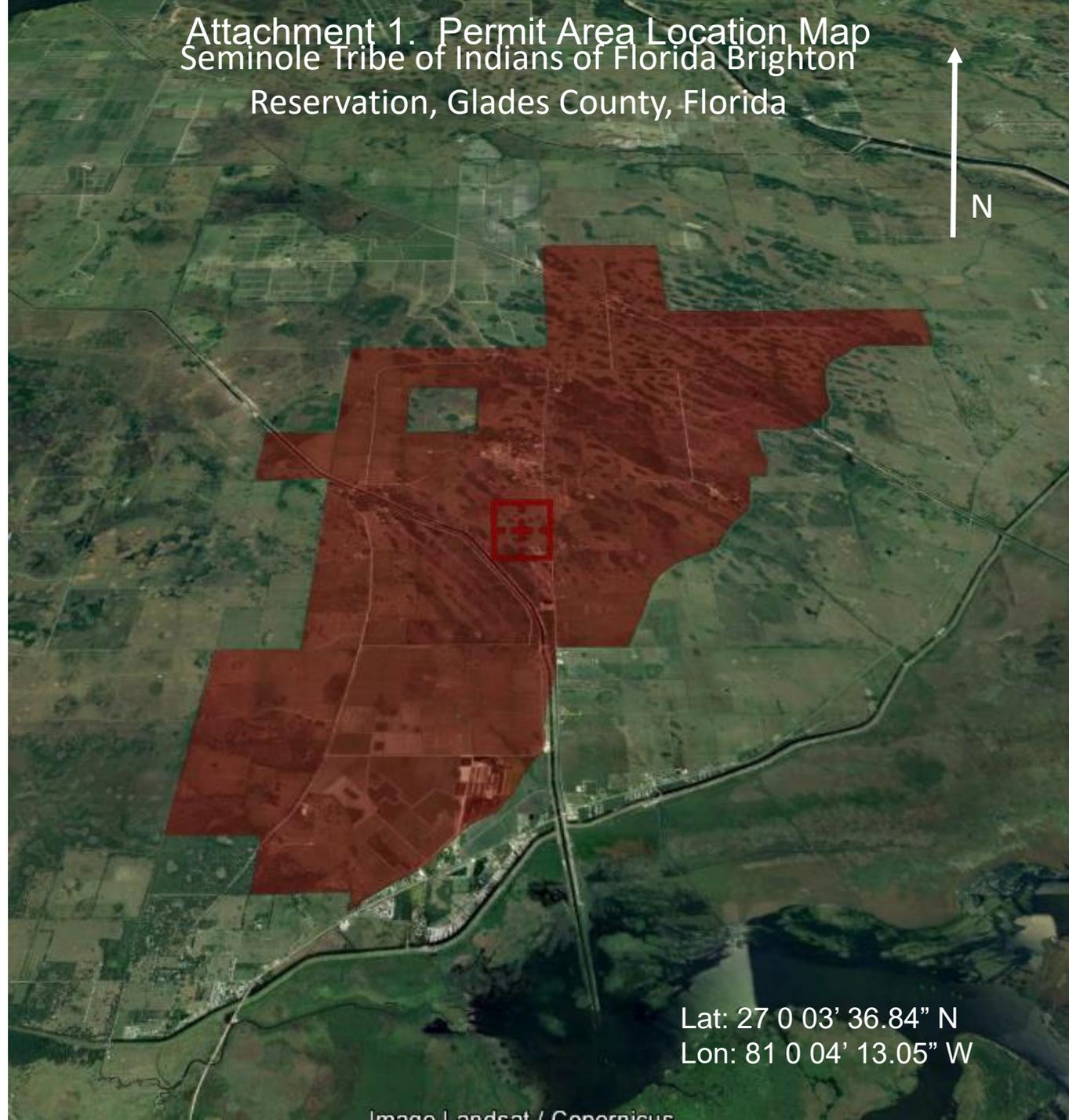
\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(NAME-PRINTED)

\_\_\_\_\_  
(ADDRESS)

GENERAL PERMIT (SAJ-84)

Attachment 1. Permit Area Location Map  
Seminole Tribe of Indians of Florida Brighton  
Reservation, Glades County, Florida



Lat: 27 0 03' 36.84" N  
Lon: 81 0 04' 13.05" W

# Attachment 2. Permit Use Area



US Army Corps of Engineers  
SAJ-2013-01462 (DWP)  
5/13/2015  
Attachment 2 of 3

### Legend

-  GP with Coordination
-  Excluded From GP
-  Included in GP
-  Reservation Boundary

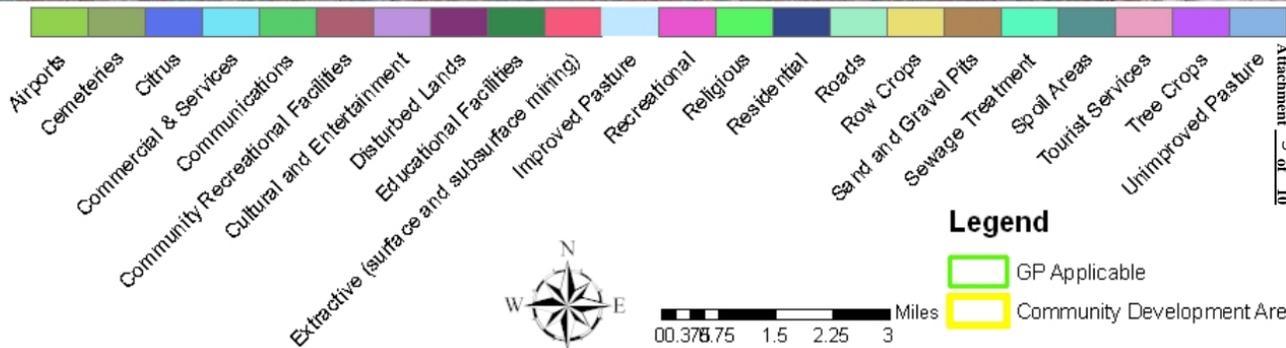
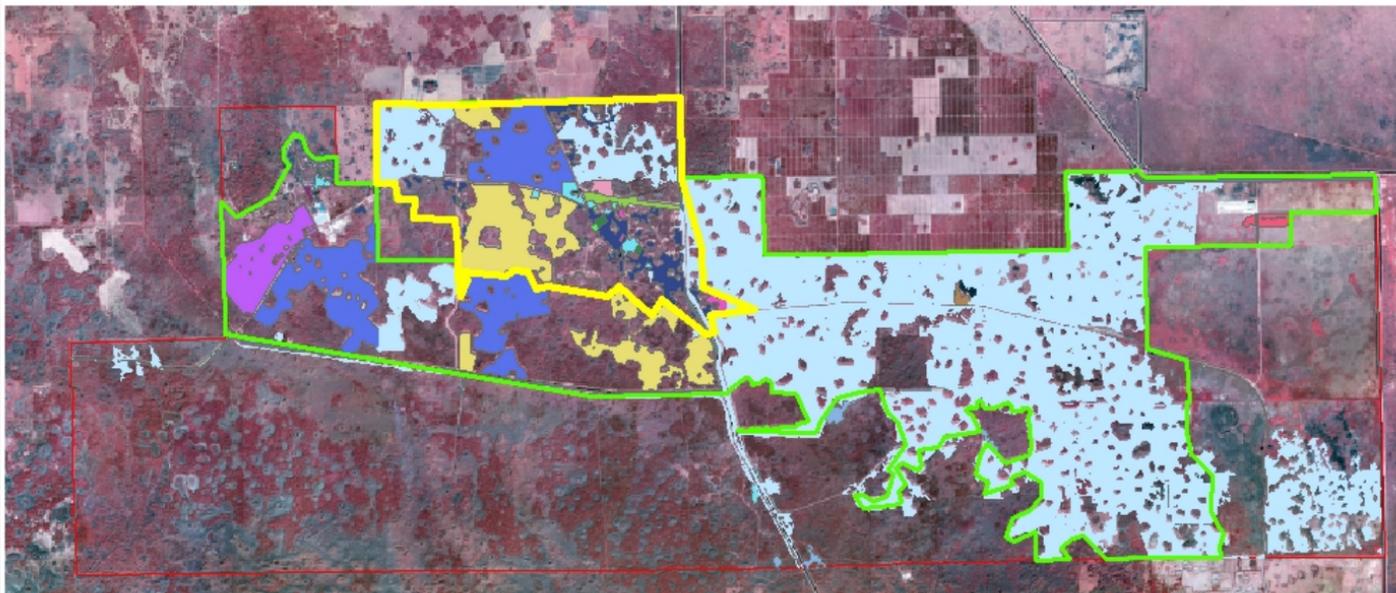
## Brighton Seminole Indian Reservation



Proposed Land Use Map for  
Brighton ACOE General Permit

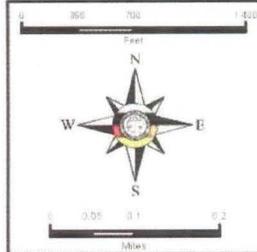
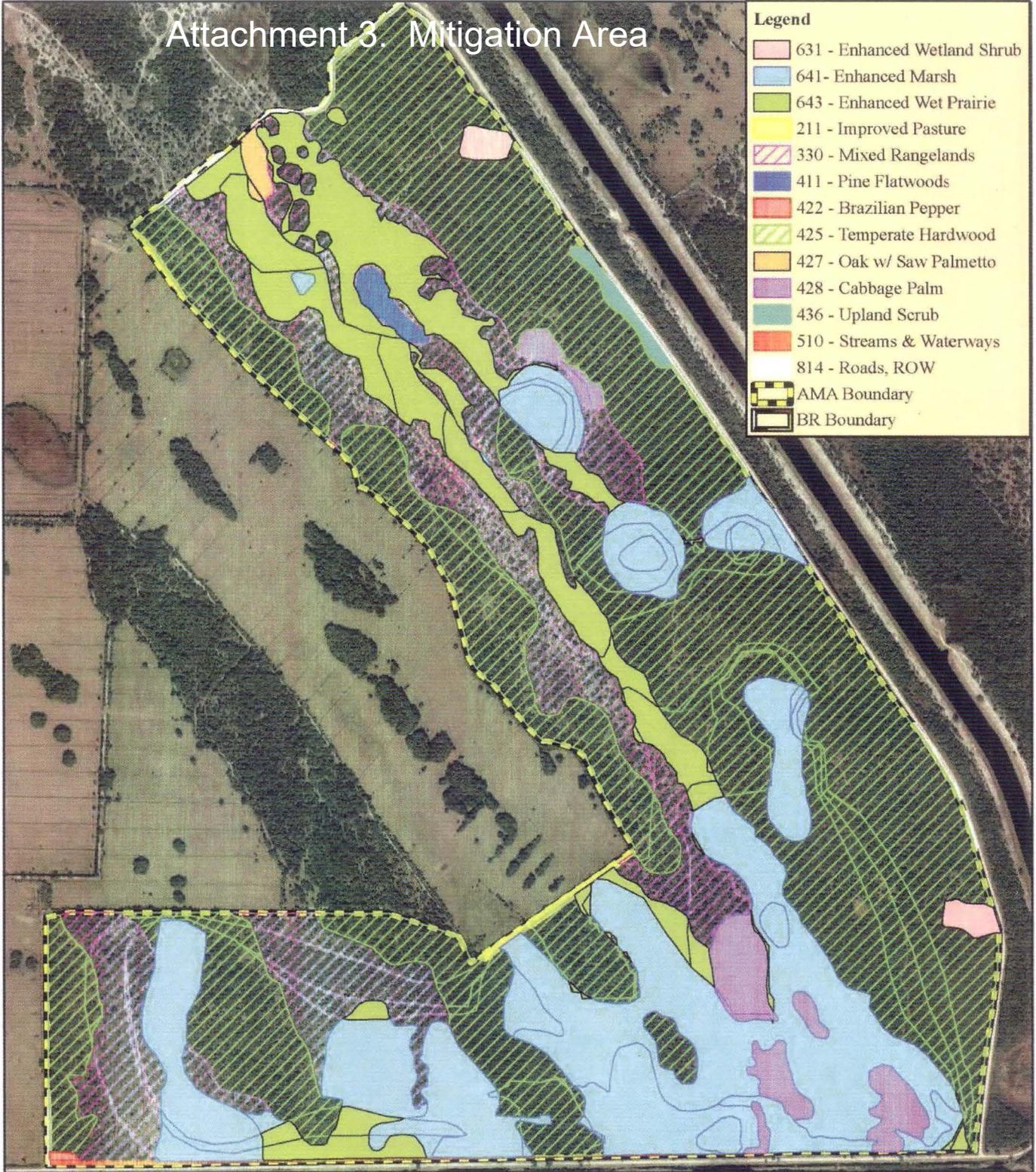


# ATTACHMENT 3 Proposed "Community Development Area"



# Attachment 3. Mitigation Area

- Legend**
- 631 - Enhanced Wetland Shrub
  - 641 - Enhanced Marsh
  - 643 - Enhanced Wet Prairie
  - 211 - Improved Pasture
  - 330 - Mixed Rangelands
  - 411 - Pine Flatwoods
  - 422 - Brazilian Pepper
  - 425 - Temperate Hardwood
  - 427 - Oak w/ Saw Palmetto
  - 428 - Cabbage Palm
  - 436 - Upland Scrub
  - 510 - Streams & Waterways
  - 814 - Roads, ROW
  - AMA Boundary
  - BR Boundary



## Seminole Tribe of Florida Brighton Reservation

### ATTACHMENT 3

#### Advanced Mitigation Area (FBI)

#### Baseline Conditions

#### Habitats to be Preserved & Enhanced

\* Map does not reflect all exotic/nuisance sp

Map created by Elizabeth Letts, Environmental Resource Management Depart



Project: Brighton Advanced Mitigation Area			Date: 6/10/14		Activity: Pre & Post WRAP		Evaluator: Elizabeth Letts						
Wetland ID	Habitat Type/ FLUCCS Code	Exotic Species	Exotic Species Common Name	Infestation Percentages (%)	Pre WRAP	Post WRAP Exotic Removals	Acreage Wetland Infestation	Functional Lift Exotic Removals	Post WRAP Prescribed Burns	Acreage Wetland Prescribed Burns	Functional Lift Prescribed Burns	Final Totals Functional Lift Treatment & Burns	
Priority Wetland Infestation Areas	Enhanced Wetland Shrub/ 631	Schinus terebinthifolius	Brazilian pepper	10-15% exotic cover	0.61	0.75	5	0.7	0.83	5	0.4	1.102	
Priority Wetland Infestation Areas	Enhanced Freshwater Marsh/ 641	<i>Schinus terebinthifolius</i> , <i>Lygodium microphyllum</i> , <i>Melaleuca quinquenervia</i> , <i>Urochloa mutica</i> , <i>Panicum repens</i>	Brazilian pepper, Old-world climbing fern, Melaleuca, Paragrass, Torpedo grass	Sch 10% Lygo 26-75% Mel 10-25% Pan 20% Uro 50%	0.45	0.77	129.54	41.45	0.8	129.54	3.89	45.37	
Priority Wetland Infestation Areas	Enhanced Wet Prairie/ 643	<i>Schinus terebinthifolius</i> , <i>Melaleuca quinquenervia</i> , <i>Urochloa mutica</i>	Brazilian pepper, Melaleuca, Paragrass	Sch 6-25% Mel 10% Uro 50%	0.42	0.7	60.32	16.89	0.76	60.32	3.61	22.78	
Low Priority Wetland Infestation Areas	Enhanced Freshwater Marsh/ 641	<i>Schinus terebinthifolius</i> , <i>Lygodium microphyllum</i> , <i>Melaleuca quinquenervia</i> , <i>Urochloa mutica</i> , <i>Panicum repens</i>	Brazilian pepper, Old-world climbing fern, Melaleuca, Paragrass, Torpedo grass	Sch <10% Lygo <10% Mel <10% Pan <10% Uro <10%	0.61	0.73	66.59	7.99	0.78	66.59	3.33	11.32	
Low Priority Wetland Infestation Areas	Enhanced Wet Prairie/ 643	<i>Schinus terebinthifolius</i> , <i>Lygodium microphyllum</i> , <i>Melaleuca quinquenervia</i> , <i>Urochloa mutica</i> , <i>Panicum repens</i>	Brazilian pepper, Old-world climbing fern, Melaleuca, Paragrass, Torpedo grass	Sch <10% Lygo <10% Mel <10% Pan <10% Uro <10%	0.57	0.7	34.78	4.523	0.75	34.78	1.74	6.27	
*Burn functional lift determined by deduction from the post exotic removal WRAP score							Totals:	296.23	71.55	Totals:	296.23	12.97	84.52
Upland ID	Habitat Type/ FLUCCS Code	Exotic Species	Exotic Species Common Name	Infestation Percentages (%)	Acreage Upland Infestation	Acreage Upland Prescribed Burns							
Priority Upland Infestation Areas	Improved Pasture/ 211, Mixed Rangelands/ 330, Pine Flatwoods/ 411, Brazilian Pepper/ 422, Temperate Hardwood/ 425, Cabbage Palm/ 428, Streams & Waterways/ 510, Roads & ROW/ 814	<i>Imperata cylindrica</i> , <i>Melaleuca quinquenervia</i> , <i>Schinus terebinthifolius</i> , <i>Urena lobata</i> , <i>Urochloa mutica</i> , <i>Solanum torvum</i>	Cogongrass, Melaleuca, Brazilian pepper, Caesar weed, Paragrass, Turkeyberry	Imp 75% Mel 5% Sch 6-25% Ure 5% Uro 20%	300.36	300.36							
Low Priority Upland Infestation Areas	Improved Pasture/ 211, Mixed Rangelands/ 330, Pine Flatwoods/ 411, Temperate Hardwood/ 425, Live Oak/ 427, Upland Scrub/ 436, Roads & ROW/ 814	<i>Schinus terebinthifolius</i> , <i>Melaleuca quinquenervia</i>	Brazilian pepper, Melaleuca	Sch 10-75% Mel 10-25%	284.28	284.28							
Totals:					584.64	584.64							

## Attachment 4

U.S. Fish and Wildlife Service Biological Opinion Terms and Conditions

Service Federal Activity Code: 2013-F-0197

Issued: December 19, 2014

1. Preservation and enhancement:
  - a. The preservation-sites will be managed in perpetuity for the control of invasive exotic vegetation as defined by the Florida Exotic Pest Plant Council's Pest Plant List Committee's 2001 List of Invasive Species (Category 1) (2005) and managed for the benefit of the Florida panther in accordance to the management and monitoring plans provided as part of this action.
2. Education:
  - a. Enforce the use of the Standard Wildlife Education Measures developed by the ERMD, which include a mandatory wildlife workshop for all project personnel on tribal lands.
3. Monitoring:
  - a. The Tribe will annually locate all caracara nests on the Reservations according to Appendix B of the *Draft 2004 Audubon's Crested Caracara Species Conservation Guidelines* (Service 2004).
4. Reporting:
  - a. Report the acreage, PHU value, and provide a GIS file for each project that results in loss of habitat. Consolidate this information biannually and report it to the Service no later than the second weeks of June and January each calendar year.
  - b. Upon locating a dead, injured, or sick federally listed species, initial notification must be made to the referenced project biologist and the nearest Service Law Enforcement Office (U.S. Fish and Wildlife Service; 1339 20<sup>th</sup> Street, Vero Beach, Florida; 772-562-3909). Secondary notification should be made to the FWC, South Region; 8535 Northlake Boulevard, West Palm Beach, Florida; 33412-3303; 561-625-5122; 1-888-404-3922.
  - c. Care shall be taken in handling sick or injured specimens to ensure effective treatment and care, or, in the handling of dead specimens, to preserve biological material in the best possible state for later analysis as to the cause of death. Dead specimens should be placed on ice and frozen as soon as possible. In conjunction with the care of sick or injured specimens or preservation of biological materials from a dead animal, the finder has the responsibility to carry out instructions provided by Law Enforcement to ensure evidence intrinsic to the specimen is not unnecessarily disturbed.
  - d. Report all listed species' sightings, injuries, or deaths resulting from the proposed action to the referenced project biologist. This report shall contain the location (latitude and longitude), dates, times, prevailing environmental conditions, and the circumstances surrounding all sightings and the disposition of all animals found. A site map with observation locations shall also be included in this report. If no snakes are encountered, a report shall be submitted indicating that fact.

# Attachment 5

## STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE U.S. Fish and Wildlife Service August 12, 2013

The eastern indigo snake protection/education plan (Plan) below has been developed by the U.S. Fish and Wildlife Service (USFWS) in Florida for use by applicants and their construction personnel. At least **30 days prior** to any clearing/land alteration activities, the applicant shall notify the appropriate USFWS Field Office via e-mail that the Plan will be implemented as described below (North Florida Field Office: [jaxregs@fws.gov](mailto:jaxregs@fws.gov); South Florida Field Office: [verobeach@fws.gov](mailto:verobeach@fws.gov); Panama City Field Office: [panamacity@fws.gov](mailto:panamacity@fws.gov)). As long as the signatory of the e-mail certifies compliance with the below Plan (including use of the attached poster and brochure), no further written confirmation or “approval” from the USFWS is needed and the applicant may move forward with the project.

If the applicant decides to use an eastern indigo snake protection/education plan other than the approved Plan below, written confirmation or “approval” from the USFWS that the plan is adequate must be obtained. At least 30 days prior to any clearing/land alteration activities, the applicant shall submit their unique plan for review and approval. The USFWS will respond via e-mail, typically within 30 days of receiving the plan, either concurring that the plan is adequate or requesting additional information. A concurrence e-mail from the appropriate USFWS Field Office will fulfill approval requirements.

The Plan materials should consist of: 1) a combination of posters and pamphlets (see **Poster Information** section below); and 2) verbal educational instructions to construction personnel by supervisory or management personnel before any clearing/land alteration activities are initiated (see **Pre-Construction Activities** and **During Construction Activities** sections below).

### **POSTER INFORMATION**

Posters with the following information shall be placed at strategic locations on the construction site and along any proposed access roads (a final poster for Plan compliance, to be printed on 11” x 17” or larger paper and laminated, is attached):

**DESCRIPTION:** The eastern indigo snake is one of the largest non-venomous snakes in North America, with individuals often reaching up to 8 feet in length. They derive their name from the glossy, blue-black color of their scales above and uniformly slate blue below. Frequently, they have orange to coral reddish coloration in the throat area, yet some specimens have been reported to only have cream coloration on the throat. These snakes are not typically aggressive and will attempt to crawl away when disturbed. Though indigo snakes rarely bite, they should NOT be handled.

**SIMILAR SNAKES:** The black racer is the only other solid black snake resembling the eastern indigo snake. However, black racers have a white or cream chin, thinner bodies, and WILL BITE if handled.

**LIFE HISTORY:** The eastern indigo snake occurs in a wide variety of terrestrial habitat types throughout Florida. Although they have a preference for uplands, they also utilize some wetlands

and agricultural areas. Eastern indigo snakes will often seek shelter inside gopher tortoise burrows and other below- and above-ground refugia, such as other animal burrows, stumps, roots, and debris piles. Females may lay from 4 - 12 white eggs as early as April through June, with young hatching in late July through October.

**PROTECTION UNDER FEDERAL AND STATE LAW:** The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. “Taking” of eastern indigo snakes is prohibited by the Endangered Species Act without a permit. “Take” is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses, if convicted.

Only individuals currently authorized through an issued Incidental Take Statement in association with a USFWS Biological Opinion, or by a Section 10(a)(1)(A) permit issued by the USFWS, to handle an eastern indigo snake are allowed to do so.

**IF YOU SEE A LIVE EASTERN INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and allow the live eastern indigo snake sufficient time to move away from the site without interference;
- Personnel must NOT attempt to touch or handle snake due to protected status.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor or the applicant’s designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

**IF YOU SEE A DEAD EASTERN INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and immediately notify supervisor or the applicant’s designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

**Telephone numbers of USFWS Florida Field Offices to be contacted if a live or dead eastern indigo snake is encountered:**

**North Florida Field Office – (904) 731-3336**  
**Panama City Field Office – (850) 769-0552**  
**South Florida Field Office – (772) 562-3909**

## **PRE-CONSTRUCTION ACTIVITIES**

1. The applicant or designated agent will post educational posters in the construction office and throughout the construction site, including any access roads. The posters must be clearly visible to all construction staff. A sample poster is attached.
2. Prior to the onset of construction activities, the applicant/designated agent will conduct a meeting with all construction staff (annually for multi-year projects) to discuss identification of the snake, its protected status, what to do if a snake is observed within the project area, and applicable penalties that may be imposed if state and/or federal regulations are violated. An educational brochure including color photographs of the snake will be given to each staff member in attendance and additional copies will be provided to the construction superintendent to make available in the onsite construction office (a final brochure for Plan compliance, to be printed double-sided on 8.5" x 11" paper and then properly folded, is attached). Photos of eastern indigo snakes may be accessed on USFWS and/or FWC websites.
3. Construction staff will be informed that in the event that an eastern indigo snake (live or dead) is observed on the project site during construction activities, all such activities are to cease until the established procedures are implemented according to the Plan, which includes notification of the appropriate USFWS Field Office. The contact information for the USFWS is provided on the referenced posters and brochures.

## **DURING CONSTRUCTION ACTIVITIES**

1. During initial site clearing activities, an onsite observer may be utilized to determine whether habitat conditions suggest a reasonable probability of an eastern indigo snake sighting (example: discovery of snake sheds, tracks, lots of refugia and cavities present in the area of clearing activities, and presence of gopher tortoises and burrows).
2. If an eastern indigo snake is discovered during gopher tortoise relocation activities (i.e. burrow excavation), the USFWS shall be contacted within one business day to obtain further guidance which may result in further project consultation.
3. Periodically during construction activities, the applicant's designated agent should visit the project area to observe the condition of the posters and Plan materials, and replace them as needed. Construction personnel should be reminded of the instructions (above) as to what is expected if any eastern indigo snakes are seen.

## **POST CONSTRUCTION ACTIVITIES**

Whether or not eastern indigo snakes are observed during construction activities, a monitoring report should be submitted to the appropriate USFWS Field Office within 60 days of project completion. The report can be sent electronically to the appropriate USFWS e-mail address listed on page one of this Plan.

**ATTACHMENT 6**

**CERTIFICATION STATEMENT OF COMPLIANCE**

**PGP SAJ-84**

Permittee's Name & Address (please print or type):

\_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Location of the Work: \_\_\_\_\_

\_\_\_\_\_

Date Work Started: \_\_\_\_\_ Date Work Completed: \_\_\_\_\_

**PROPERTY IS INACCESSIBLE WITHOUT PRIOR NOTIFICATION: YES \_\_\_\_\_ NO \_\_\_\_\_**

**TO SCHEDULE AN INSPECTION PLEASE CONTACT \_\_\_\_\_  
AT \_\_\_\_\_**

Description of the Work (e.g. bank stabilization, residential or commercial filling, docks, dredging, etc.): \_\_\_\_\_

\_\_\_\_\_

Acreage or Square Feet of Impacts to Waters of the United States: \_\_\_\_\_

Describe Mitigation completed (if applicable): \_\_\_\_\_

\_\_\_\_\_

Describe any Deviations from Permit (attach drawing(s) depicting the deviations):

\_\_\_\_\_

\_\_\_\_\_

I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date