

THIS INSTRUMENT PREPARED BY:

JEFFREY R. MARGOLIS, ESQ.  
BERGER SINGERMAN LLP  
350 E. LAS OLAS BLVD., SUITE 1000  
FORT LAUDERDALE, FLORIDA 33301

AFTER RECORDING RETURN TO:

FOUNDERS TITLE  
5100 WEST COPANS ROAD, SUITE 600  
MARGATE, FLORIDA 33063

JOSEPH E. SMITH, CLERK OF THE CIRCUIT COURT  
SAINT LUCIE COUNTY  
FILE # 4201280 06/16/2016 at 10:43 AM  
OR BOOK 3881 PAGE 396 - 430 Doc Type: DEC  
RECORDING: \$299.00

### **FIRST AMENDMENT TO DECLARATION FOR LAKEPARK**

THIS FIRST AMENDMENT TO DECLARATION FOR LAKEPARK (this “**First Amendment**”) is made by Minto TownPark, LLC, a Florida limited liability company (“**Minto**”) and joined in by LakePark at TownPark Homeowners Association, Inc., a Florida not-for-profit corporation (“**Association**”).

#### RECITALS

- A. That certain Declaration for LakePark was recorded in Official Records Book 3869, Page 2110 of the Public Records of St. Lucie County, Florida (the “**Original Declaration**”) respecting the community known as LakePark.
- B. Section 4.3 of the Original Declaration provides that (a) except for an amendment that affects the Community Association, and (b) except for an amendment to Section 30 of the Original Declaration, prior to the Turnover Date, Minto, as Developer, has the right to amend the Original Declaration as it deems appropriate, without the joinder or consent of any person or entity whatsoever. This First Amendment does not affect the Community Association and does not amend Section 30 of the Original Declaration.
- C. The Turnover Date has not occurred.
- D. Minto, as Developer, desires to amend the Original Declaration as set forth in this First Amendment.

NOW THEREFORE, Minto hereby declares that every portion of the LakePark is to be held, transferred, sold, conveyed, used and occupied subject to the covenants, conditions and restrictions set forth in this First Amendment.

1. **Recitals**. The foregoing Recitals are true and correct and are incorporated into and form a part of this First Amendment.
2. **Conflicts**. In the event that there is a conflict between this First Amendment and the Original Declaration, this First Amendment shall control. Whenever possible, this First





CONSENT

Wells Fargo Bank, N.A., successor by merger to Wachovia Bank, National Association, as Administrative Agent ("Wells Fargo"), the owner and holder of a certain Amended and Restated Mortgage and Security Agreement dated February 14, 2008, recorded February 15, 2008, in Official Records Book 2939, Page 83, as amended by First Amendment to Amended and Restated Mortgage and Security Agreement dated December 18, 2009, recorded December 31, 2009 in Official Records Book 3159, Page 231, as further amended by the Mortgage Modification, Future Advance and Spreader Agreement dated April 14, 2014, recorded April 21, 2014 in Official Records Book 3623, Page 536, as further amended by Mortgage Modification and Future Advance Agreement dated December 29, 2014, recorded January 6, 2015 in Official Records Book 3705, Page 262, as further amended by Mortgage Modification Agreement dated June 25, 2015, recorded July 7, 2015 in Official Records Book 3764, Page 2333, and as further amended by Mortgage Spreader Agreement dated May 12, 2015, recorded May 26, 2015 in Official Records Book 3749, Page 2501, together with Financing Statement Form UCC-1 recorded February 15, 2008 in Official Records Book 2939, Page 143; Absolute Assignment of Leases and Rents recorded February 15, 2008 in Official Records Book 2939, Page 189; and Assignment of Agreements Affecting Real Estate recorded February 15, 2008 in Official Records Book 2939, Page 239, all of the Public Records of Saint Lucie County, Florida (as amended from time to time, the "Mortgage") which encumbers the real property described in Exhibit 1 to the Declaration for LakePark ("Declaration"), does hereby join in and consent to the First Amendment to Declaration for LakePark, (the "First Amendment") to which this consent is attached, and acknowledges that the terms thereof are and shall be binding upon the undersigned and its successors and assigns.

Notwithstanding the execution of this Joinder and Consent, nothing herein shall be construed to render Wells Fargo responsible or liable for the performance of any of the covenants or undertakings contained in the First Amendment. Furthermore, the lien of the Mortgage (as may be amended, restated, increased, assigned, partially released, or otherwise modified in any manner whatsoever) shall remain superior to any liens or assessments (if any) created by or arising under the Declaration for LakePark and this Consent (a) shall in no way diminish, impair or affect the security interest in favor of Wells Fargo created by the Mortgage, (b) shall not affect, amend, limit or impair any of the terms or provisions of the Mortgage or any of Wells Fargo's rights under the Mortgage, and (c) shall not be deemed a consent to or a waiver of any other conditions or requirements in the Mortgage. The terms and provisions of the Mortgage (including the priority and validity of the lien of the Mortgage) shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned has executed this Consent on this 14th day of June, 2016.

WITNESSES:

Wells Fargo Bank, N.A., successor by merger to Wachovia Bank, National Association, as Administrative Agent

Linda Best  
Print Name: Linda Best

Corri A. Jones  
Print Name: Corri A. Jones

By: Beverly Matter  
Name: Beverly Matter  
Title: Vice President

{SEAL}

STATE OF Florida )  
 )SS.:  
COUNTY OF Hillsborough )

The foregoing instrument was acknowledged before me this 14th day of June, 2016 by Beverly Matter as Vice President of Wells Fargo Bank, N.A., successor by merger to Wachovia Bank, National Association, as Administrative Agent who is personally known to me or who produced \_\_\_\_\_ as identification.

My commission expires:

Corri A. Jones  
NOTARY PUBLIC, State of \_\_\_\_\_  
Print name: \_\_\_\_\_



**CORRI A. JONES**  
MY COMMISSION # FF 193885  
EXPIRES: February 25, 2019  
Bonded Thru Budget Notary Services

**EXHIBIT A**

**PERMIT**

# DEPARTMENT OF THE ARMY PERMIT

**Permittee:** Minto Communities, Incorporated  
c/o Mr. John Carter  
4400 West Sample Road, Suite 200  
Coconut Creek, Florida 33073-3450

**Permit No:** SAJ-2004-02484(SP-CF)

**Issuing Office: U.S. Army Engineer District, Jacksonville**

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

**Project Description:** Authorization for construction of residential units and associated infrastructure on 194 +/- acres, referred to as TownPark Phases II and III, herein after referred to as the Project. The applicant proposes to impact 13.8 +/- acres of freshwater wetlands. As a result of the proposed work, 9.2 +/- acres of wetlands will be filled by 44,000 +/- cubic yards of fill and 4.6 +/- acres of wetlands will be excavated. In addition, the proposed work would impact 10.6 acres of non-wetland waters: 0.5 +/- acres of ditches will be impacted, of which 0.4 +/- acres will receive 1,500 +/- cubic yards of fill and 0.1 +/- acres will be excavated and 10.1 acres of a temporarily flooded excavated upland construction site will receive 50,500 cubic yards of fill. The work described above is to be completed in accordance with the 4 pages of drawings and 3 attachments affixed at the end of this permit instrument.

**Project Location:** The project is located on 194 +/- acres of partially developed lands that contain waters of the United States including freshwater wetlands and non-wetland waters located in the C-24 Canal basin, west of Interstate 95 (I-95), south of Tradition Parkway, in the City of Port St. Lucie, Sections 16 and 17, Township 37 South, Range 39 East, St. Lucie County, Florida. The project is bordered to the south by a manmade canal that intersects with the I-95 borrow canal approximately 5,000 feet to the east.

**Directions to site:** From I-95, take exit 118 for Tradition Parkway, turn left onto Tradition Parkway, at the traffic circle, continue straight to stay on Tradition Parkway, turn left onto Town Park Avenue. Access is through the guard house. At the traffic circle, take the 2nd exit onto Ellsworth Boulevard. The site is located at the end of the pavement for Ellsworth Boulevard, to the west and south.

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**Approximate Central Coordinates:** Latitude: 27.256817 North  
Longitude: 80.450034 West

### **Permit Conditions**

#### **General Conditions:**

1. The time limit for completing the work authorized ends on **May 28, 2020**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
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 the mailing address of the new owner in the space provided 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. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

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PERMITTEE: Minto Communities, Inc.  
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**Special Conditions:**

**1. Reporting Address:** The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to the following address:

a. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Special Projects and Enforcement Branch, U.S. Army Corps of Engineers Regulatory Division, Palm Beach Gardens Enforcement Section 4400 PGA Blvd., Suite 500 Palm Beach Gardens, FL 33410.

b. For electronic mail CESAJ-ComplyDocs@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ-2004-02484(SP-CF), on all submittals.

**2. Commencement Notification:** Within 10 days from the date of initiating the work authorized by this permit for each phase of the authorized project, the Permittee shall provide a written notification of the date of commencement of authorized work to the Corps.

**3. Cultural Resources/Historic Properties:**

a. No structure or work shall adversely affect impact or disturb properties listed in the National Register of Historic Places (NRHP) or those eligible for inclusion in the NRHP.

b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition ; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the



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circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

**4. 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 outside the work area into waters of the United States. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable mats, barriers, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work is completed and the work areas are stabilized.

**5. Fill Material:** The Permittee 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.

**6. Eastern Indigo Snake Protection Measures and Inspection:** Permittee shall comply with U.S. Fish and Wildlife Service's "Standard Protection Measures for the Eastern Indigo Snake" dated August 12, 2013, as provided in Attachment of this permit. All gopher tortoise burrows, active or inactive, shall be evacuated prior to site manipulation in the vicinity of the burrow. If excavating potentially occupied burrows, active or inactive, individuals must first obtain state authorization via a Florida Fish and Wildlife Conservation Commission (FWC) Authorized Gopher Tortoise Agent permit. The excavation method selected shall minimize the potential for injury of an indigo snake. The Permittee shall follow the excavation guidance provided in the most current FWC Gopher Tortoise Permitting Guidelines found at <http://myfwc.com/gophertortoise>.

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If an indigo snake is encountered, the snake must be allowed to vacate the area prior to additional site manipulation in the vicinity. Holes, cavities, and snake refugia other than gopher tortoise burrows shall be inspected each morning before planned site manipulation of a particular area, and if occupied by an indigo snake, no work shall commence until the snake has vacated the vicinity of the proposed work.

**7. As-Built Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall submit as-built drawings of the authorized work and a completed "As-Built Certification By Professional Engineer" form (Attachment) to the Corps. The as-built drawings shall be signed and sealed by a registered professional engineer and include the following:

a. A plan view drawing of the location of the authorized work footprint, as shown on the permit drawings, with transparent overlay of the work as constructed in the same scale as the permit drawings on 8½-inch by 11-inch sheets. The plan view drawing should show all "earth disturbance," including wetland impacts and water management structures.

b. A list of any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the attached "As-Built Certification By Professional Engineer" form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or "As-Built Certification By Professional Engineer" form does not constitute approval of any deviations by the Corps.

c. Include the Department of the Army permit number on all sheets submitted.

**8. Wetland Avoidance Areas:** The Permittee shall avoid 7.31 acres of onsite wetlands, as detailed on Drawings 2 through 4 of 4. These wetland areas were avoided as part of this permit application review process; and, therefore, these remaining wetland areas shall not be disturbed by any activities that would degrade the ecological integrity of the site including dredging, filling, land clearing, or other construction work whatsoever except as required or authorized by this permit. The Corps reserves the right to deny review of any requests for future impacts to these avoided wetland areas.

To insure compliance with the avoidance and minimization evaluation for the Project, 7.31 acres of onsite wetlands shall be avoided and preserved.

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The remaining onsite wetlands shall be maintained in perpetuity with a Wetland Rapid Assessment Procedure (WRAP) score submitted annually to the Corps for a period of five years, demonstrating that the anticipated wetland hydrology and functional value in accordance with the wetland impact table and the WRAP score sheets are maintained. The WRAP scores shall be compared to the projected scores used in the indirect effects calculations. If the onsite wetland WRAP scores indicate that secondary impacts are greater than what was anticipated then a plan of additional remedial measures shall be required to achieve success. If the onsite wetlands to be avoided/preserved cannot reach the criteria for success then the Corps shall require additional mitigation to offset those impacts.

**9. Conservation Easement:** The Permittee shall have a legally sufficient conservation easement prepared to ensure to the Corps' satisfaction the areas referenced in the Wetland Avoidance Special Condition will remain in their natural state in perpetuity. The conservation easement will encompass 15.40 acres of wetlands/upland buffers. These natural preserve areas will not be disturbed by any dredging, filling, land clearing, agricultural activities, planting, or other construction work whatsoever except as required or authorized by this permit. The Permittee agrees that the only future utilization of the preserved areas in question will be as a purely natural area. To show compliance with this condition the Permittee shall complete the following:

a. Within 30 days from the date of initiating the authorized work submit to the Corps the draft conservation easement document with a legal description, survey, and scale drawings, of the area in question. The Corps shall have all rights of the Grantee in the conservation easement. The following paragraph shall be incorporated in the conservation easement document:

Rights of U.S. Army Corps of Engineers (Corps). The Corps, as a third-party beneficiary, shall have the right to enforce the terms and conditions of this Conservation Easement, including:

- (1) The right to take action to preserve and protect the environmental value of the Property;
- (2) The right to prevent any activity on or use of the Property that is inconsistent with the purpose of this Conservation Easement, and to require the restoration of areas or features of the Property that may be damaged by any inconsistent activity or use;

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(3) The right to enter upon and inspect the Property in a reasonable manner and at reasonable times to determine if Grantor or its successors and assigns are complying with the covenants and prohibitions contained in this Conservation Easement;

(4) The right to enforce this Conservation Easement by injunction or proceed at law or in equity to enforce the provisions of this Conservation Easement and the covenants set forth herein, to prevent the occurrence of any of the prohibited activities set forth herein, and the right to require Grantor, or its successors or assigns, to restore such areas or features of the Property that may be damaged by any inconsistent activity or use or unauthorized activities; and

The Grantor, including their successors or assigns, shall provide the Corps at least 60 days advance notice in writing before any action is taken to amend, alter, release, or revoke this Conservation Easement. The Grantee shall provide reasonable notice and an opportunity to comment or object to the release or amendment to the Corps. The Grantee shall consider any comments or objections from the U.S. Army Corps of Engineers when making the final decision to release or amend this Conservation Easement.

b. Within 30 days from the date of initiating the authorized work submit to the Corps a title insurance commitment with the draft conservation easement document, **IN FAVOR OF THE GRANTEE**, for the property which is being offered for preservation to show that the Permittee has clear title to the real property and can legally place it under a conservation easement. Any existing liens or encumbrances on the property shall be subordinated to the conservation easement. At the time of recordation of the conservation easement, a title insurance policy shall be provided to the Corps in an amount equal to the current market value of the property.

c. Within 30 days of Corps' approval of the draft conservation easement, the Permittee will record the easement in the public records of St. Lucie County, Florida. A certified copy of the recorded document, plat, and verification of acceptance from the grantee shall be forwarded to the Corps within 60 days of Corps' approval of the draft conservation easement.

d. In the event this permit is transferred, proof of delivery of a copy of the recorded conservation easement to the subsequent Permittee or Permittees shall be submitted to the Corps together with the notification of permit transfer.

The Grantee shall not assign its rights or obligations under this conservation easement except to another organization qualified to hold such interests under the applicable state and federal laws, including §704.06 Florida Statutes, and committed

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to holding this conservation easement exclusively for conservation purposes. The Corps shall be notified in writing of any intention to reassign the conservation easement to a new grantee and shall approve the selection of the grantee. The new grantee shall accept the assignment in writing and a copy of this acceptance delivered to the Corps. The conservation easement shall then be re-recorded and indexed in the same manner as any other instrument affecting title to real property and a copy of the recorded conservation easement furnished to the Corps.

**10. Mitigation Bank Credit Purchase:** Within 30 days from the date of initiating the work authorized by this permit, the Permittee shall provide verification to the Corps that 5.5 freshwater herbaceous federal mitigation bank credits have been purchased from the Bluefield Mitigation Bank (SAJ-2000-02935). The required verification shall reference this project's permit number (SAJ-2004-02484).

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)

Section 404 of the Clean Water Act (33 U.S.C. 1344)

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

2. 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.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

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- 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.

4. 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.

5. 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:

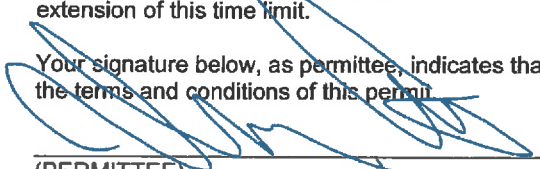
- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

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.

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6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

  
\_\_\_\_\_  
(PERMITTEE)  
John Carter  
(PERMITTEE NAME-PRINTED)

5/28/15  
\_\_\_\_\_  
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

*for*  
  
\_\_\_\_\_  
(DISTRICT ENGINEER)  
Alan M. Dodd,  
Colonel, U.S. Army  
District Commander

5/29/15  
\_\_\_\_\_  
(DATE)

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)

\_\_\_\_\_  
(CITY, STATE, AND ZIP CODE)

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***Attachments to Department of the Army  
Permit Number SAJ-2004-02484(SP-CF)***

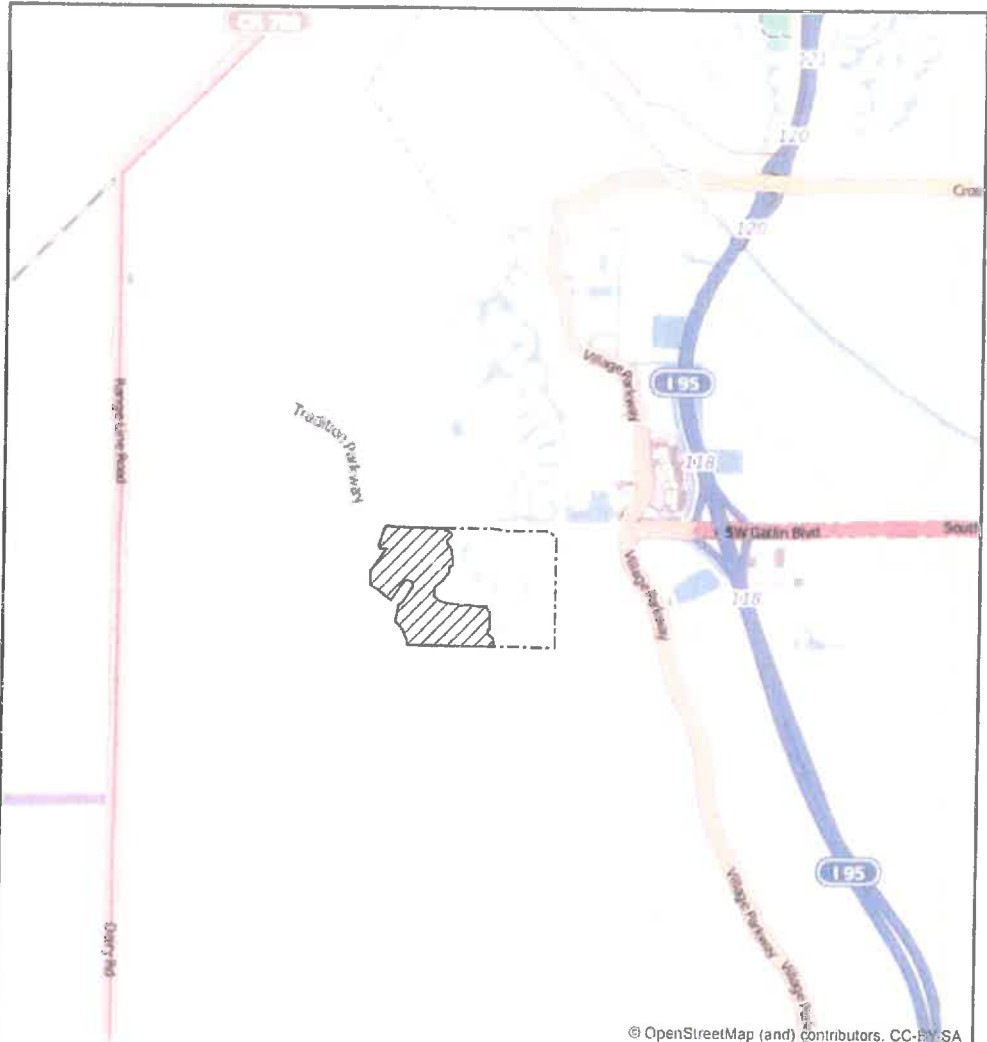
PERMIT DRAWINGS: 4 pages, dated May 26, 2015.

1. WATER QUALITY CERTIFICATION: Specific Conditions of the water quality permit/certification in accordance with General Condition number 5 on page 2 of this DA permit. (Attachment - 6 pages).


2. EASTERN INDIGO SNAKE CONDITIONS: 6 pages

3. AS-BUILT CERTIFICATION FORM: 2 pages





**LEGEND**

 - SITE (194.2+/- AC)

 - ORIGINAL PERMIT BOUNDARY



**TOWNPARK AT TRADITION**

**LOCATION MAP**



**EW CONSULTANTS, INC.**  
 1000 SE MONTEREY COMMONS BOULEVARD, SUITE 208  
 STUART, FL 34996  
 772-287-8771 FAX 772-287-2988  
 WWW.EWCONSULTANTS.COM

DATE: OCT 2014

FIGURE

**1**



LABINS AERIAL DATED 2012

**LEGEND**

 - SITE (194.2± AC)



**TOWNPARK AT TRADITION  
AERIAL MAP**

TOWN PARK A.dwg JD AERIAL



CONSULTANTS, INC.

**EW CONSULTANTS, INC.**

1000 SE MONTEREY COMMONS BLVD., SUITE 208  
STUART FL 34996



File #SAJ-2004-02484(SP-CF)

May 26, 2015

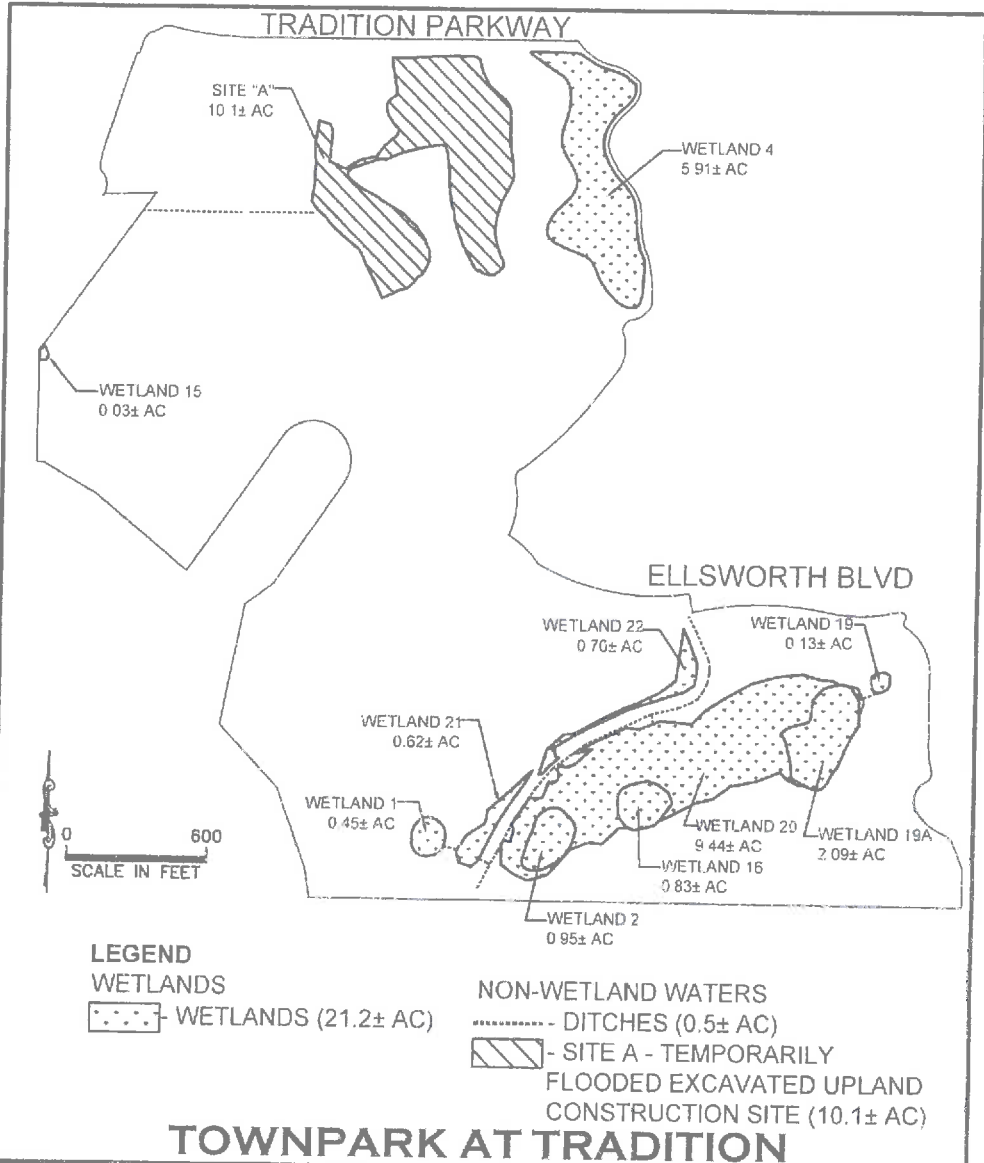
Plans

Page 1 of 1

**JUNE 2014**

FIGURE

**3**



- LEGEND**
- WETLANDS
  - [Dotted Pattern] WETLANDS (21.2± AC)
  - [Diagonal Hatching] NON-WETLAND WATERS
  - [Dashed Line] DITCHES (0.5± AC)
  - [Diagonal Hatching] - SITE A - TEMPORARILY FLOODED EXCAVATED UPLAND CONSTRUCTION SITE (10.1± AC)

**TOWNPARK AT TRADITION  
PRELIMINARY  
JURISDICTIONAL DETERMINATION MAP**

TOWNPARK A.dwg WETLANDS & OTHER WATERS



**EW CONSULTANTS, INC.**  
1000 SE MONTEREY COMMONS BLVD., SUITE 208  
STUART FL 34996

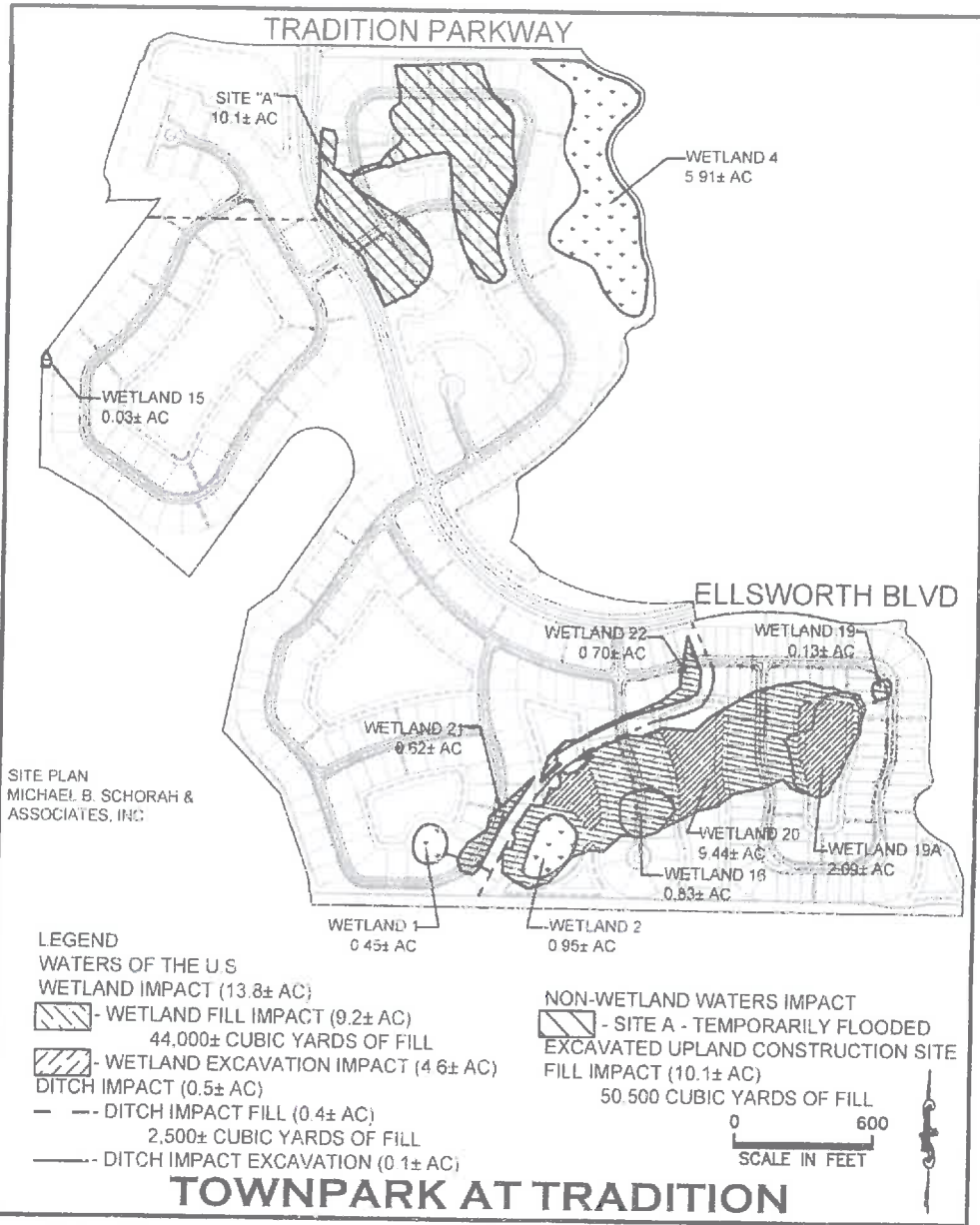
**APRIL 2015**

FIGURE

**3**





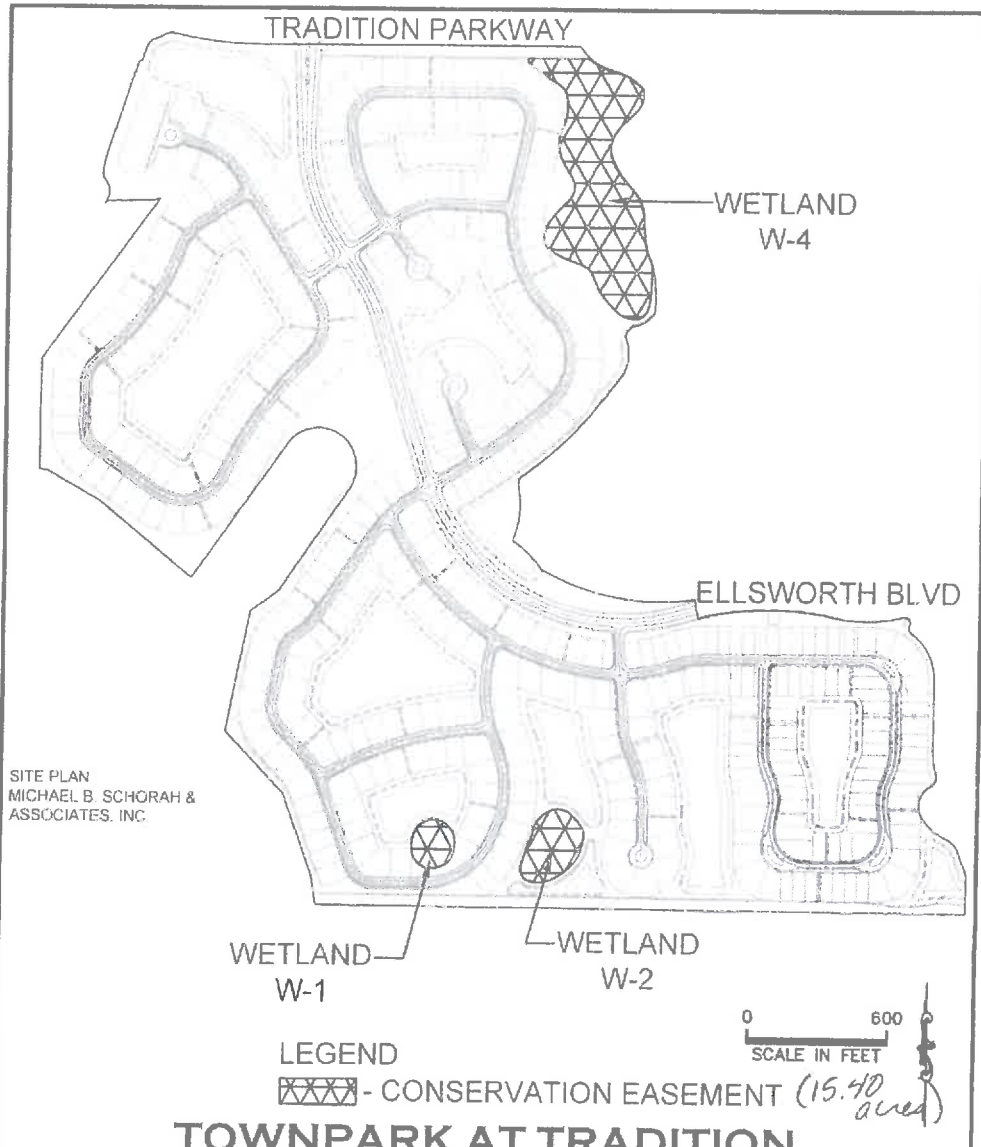
File #SAJ-2004-02484(SP-CF)  
May 26, 2015  
Plans



TOWN PARK A.dwg FIG 7 WATERS OF THE US IMPACT

**TOWNPARK AT TRADITION  
WATERS OF THE US TO BE IMPACTED**

	<b>EW CONSULTANTS, INC.</b> 1000 SE MONTEREY COMMONS BLVD., SUITE 208	<b>APRIL 2015</b>
	 File #SAJ-2004-02484(SP-CF) May 26, 2015 Plans Page 3 of 1	<b>FIGURE</b>  <b>7</b>



**TOWNPARK AT TRADITION  
 CONSERVATION EASEMENT  
 LOCATION MAP**

TOWN PARK A.dwg CONSERVATION AREAS



**EW CONSULTANTS, INC.**  
 1000 SE MONTEREY COMMONS BLVD., SUITE 208

**MAY 2015**

FIGURE



File #SAJ-2004-02484(SP-CF)  
 May 26, 2015  
 Plans  
 Page 4 of 4

**A**



**SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
ENVIRONMENTAL RESOURCE PERMIT NO. 56-01569-P-02  
DATE ISSUED: January 27, 2015**

**PERMITTEE:** MINTO TOWNPARK L L C  
4400 W SAMPLE ROAD SUITE 200  
COCONUT CREEK, FL 33073

**PROJECT DESCRIPTION:** Construction and operation of a surface water management system to serve a 187.58-acre project known as Lake Park at Tradition.

**PROJECT LOCATION:** ST LUCIE COUNTY, SEC 16,17 TWP 37S RGE 39E

**PERMIT DURATION:** See Special Condition No:1.

This is to notify you of the District's agency action for Permit Application No. 141215-4, dated December 15, 2014. This action is taken pursuant to the provisions of Chapter 373, Part IV, Florida Statutes (F.S.).

Based on the Information provided, District rules have been adhered to and an Environmental Resource Permit is in effect for this project subject to:

1. Not receiving a filed request for a Chapter 120, Florida Statutes, administrative hearing.
2. the attached 18 General Conditions (See Pages : 2 - 4 of 6),
3. the attached 9 Special Conditions (See Pages : 5 - 6 of 6) and
4. the attached 2 Exhibit(s)

Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the "Notice of Rights," we will assume that you concur with the District's action.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY THAT this written notice has been mailed or electronically transmitted to the Permittee (and the persons listed in the attached distribution list) this 27th day of January, 2015, in accordance with Section 120.60(3), F.S. Notice was also electronically posted on this date through a link on the home page of the District's website ([my.sfwmd.gov/ePermitting](http://my.sfwmd.gov/ePermitting)).

BY: Anita R. Bain  
Anita Bain  
Bureau Chief - Environmental Resource Permitting  
Martin / St Lucie Regulatory Office

### GENERAL CONDITIONS

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized shall subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S. (2012).
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the "State of Florida Erosion and Sediment Control Designer and Reviewer Manual" (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the "Florida Stormwater Erosion and Sedimentation Control Inspector's Manual" (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice" indicating the expected start and completion dates. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
  - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex- "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit"[Form 62-330.310(3)]; or
  - b. For all other activities- "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
  - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
  - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Applicant's Handbook Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
  - b. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that

### GENERAL CONDITIONS

require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

9. This permit does not:
  - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
  - b. Convey to the permittee or create in the permittee any interest in real property;
  - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
  - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the Agency in writing:
  - a. Immediately if any previously submitted information is discovered to be inaccurate; and
  - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other



### GENERAL CONDITIONS

uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

**SPECIAL CONDITIONS**

1. The construction phase of this permit shall expire on January 27, 2020.
2. Operation of the stormwater management system shall be the responsibility of Tradition CDD1.
3. Discharge Facilities:
  - Basin: M1  
1-3" W X 27" H RECTANGULAR NOTCH with invert at elev. 25' NAVD 88.  
1-Type H drop inlet with crest at elev. 28.25' NAVD 88.  
  
Receiving body : TownPark Master System  
Control elev : 26 feet NAVD 88.
  - Basin: M2  
1-3" W X 42" H RECTANGULAR NOTCH with invert at elev. 26' NAVD 88.  
1-Type H drop inlet with crest at elev. 28.5' NAVD 88.  
  
Receiving body : TownPark Master System  
Control elev : 25 feet NAVD 88.
  - Basin: M3  
1-3" W X 27" H RECTANGULAR NOTCH with invert at elev. 26' NAVD 88.  
1-Type H drop inlet with crest at elev. 28.25' NAVD 88.  
  
Receiving body : TownPark Master System  
Control elev : 26 feet NAVD 88.
  - Basin: M5  
1-3" W X 30" H RECTANGULAR NOTCH with invert at elev. 25' NAVD 88.  
1-Type H drop inlet with crest at elev. 27.5' NAVD 88.  
  
Receiving body : TownPark Master System  
Control elev : 25 feet NAVD 88.
  - Basin: M6  
1-3" W X 33" H RECTANGULAR NOTCH with invert at elev. 24.5' NAVD 88.  
1-Type H drop inlet with crest at elev. 27.25' NAVD 88.  
  
Receiving body : TownPark Master System  
Control elev : 24.5 feet NAVD 88.
  - Basin: M8  
1-3" W X 36" H RECTANGULAR NOTCH with invert at elev. 24' NAVD 88.  
1-Type H drop inlet with crest at elev. 27' NAVD 88.  
  
Receiving body : TownPark Master System  
Control elev : 24 feet NAVD 88.
4. Lake side slopes shall be no steeper than 4:1 (horizontal:vertical) to a depth of two feet below the control elevation. Side slopes shall be nurtured or planted from 2 feet below to 1 foot above control elevation to

### SPECIAL CONDITIONS

- insure vegetative growth, unless shown on the plans.
5. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.
  6. Minimum building floor elevation:  
BASIN: M1 - 31.00 feet NAVD 88.  
BASIN: M2 - 30.50 feet NAVD 88.  
BASIN: M3 - 31.00 feet NAVD 88.  
BASIN: M5 - 30.50 feet NAVD 88.  
BASIN: M6 - 30.00 feet NAVD 88.  
BASIN: M8 - 29.50 feet NAVD 88.  
BASIN: M4 - 28.50 feet NAVD 88.
  7. Minimum road crown elevation:  
Basin: M1 - 29.20 feet NAVD 88.  
Basin: M2 - 28.70 feet NAVD 88.  
Basin: M3 - 29.20 feet NAVD 88.  
Basin: M4 - 27.70 feet NAVD 88.  
Basin: M5 - 28.70 feet NAVD 88.  
Basin: M6 - 28.20 feet NAVD 88.  
Basin: M8 - 27.70 feet NAVD 88.
  8. Prior to the commencement of construction, the permittee shall conduct a pre-construction meeting with field representatives, contractors and District staff. The purpose of the meeting will be to discuss construction methods and sequencing, including type and location of turbidity and erosion controls to be implemented during construction, mobilization and staging of contractor equipment, phasing of construction, methods of vegetation clearing, construction dewatering if required, ownership documentation for eminent domain authority, coordination with other entities on adjacent construction projects, wetland/buffer protection methods, endangered species protection] with the permittee and contractors. The permittee shall contact District Environmental Resource Compliance staff from the Okeechobee Service Center at 883-462-5260 to schedule the pre-construction meeting.
  9. The exhibits and special conditions in this permit apply only to this application. They do not supersede or delete any requirements for other applications covered in Permit No. 56-01569-P-02 unless otherwise specified herein.

**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.

**ATTACHMENT**

**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.



## **ATTENTION: THREATENED EASTERN INDIGO SNAKES MAY BE PRESENT ON THIS SITE!!!**

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

- Cease clearing activities and allow the 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 U.S. Fish and Wildlife Service (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.

**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**

**Killing, harming, or harassing indigo snakes is strictly prohibited and punishable under State and Federal Law.**

**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:** 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.

August 12, 2013

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- 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.

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August 12, 2013

# ATTENTION:

THREATENED EASTERN INDIGO  
SNAKES MAY BE PRESENT ON  
THIS SITE!!!



Please read the following information provided by the U.S. Fish and Wildlife Service to become familiar with standard protection measures for the eastern indigo snake.

**AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER**

*Submit this form and one set of as-built engineering drawings to the U.S. Army Corps of Engineers, Enforcement Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida, 33410. If you have questions regarding this requirement, please contact the Enforcement Branch at 904-232-3131.*

1. Department of the Army Permit Number: SAJ-2004-02484 (SP-CF)

2. Permittee Information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

3. Project Site Identification (physical location/address):

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

4. As-Built Certification: I hereby certify that the authorized work, including any mitigation required by Special Conditions to the permit, has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled, and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

Signature of Engineer \_\_\_\_\_ Name (Please type) \_\_\_\_\_

(FL, PR, or VI) Reg. Number \_\_\_\_\_ Company Name \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

(Affix Seal)

Date \_\_\_\_\_ Telephone Number \_\_\_\_\_

