

500096



Incidental Take of Listed Species

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
Division of Habitat and Species Conservation, Species Conservation Planning Section
620 South Meridian Street, Mail Station 2A, Tallahassee, Florida 32399-1600
(850) 921-5990, ext. 17310

Permittee Name: Grant Lykins
Permittee Address: Mosaic Fertilizer, LLC.
13830 Circa Crossing Drive
Lithia, Florida 33547
(813) 500-6901/571-6924 Fax
Grant.Lykins@mosaicco.com

Permit No.: LSIT-10-00236
Effective Date: November 22, 2010
Expiration Date: December 31, 2045

IS AUTHORIZED TO: Take Florida scrub jays (*Aphelocoma coerulescens*) incidental to land mining activities and subsequent human habitation of the designated Project site, pursuant to Article IV, Section 9, Florida Constitution; Chapter 68A-27, F.A.C. and is subject to the following provisions and conditions.

AUTHORIZED LOCATION(S): 75 acre Mosaic Texaco Tract Project Sites (see Appendix A), located in Township 34S, Range 22E, S13,22-27,34, Manatee County, Florida. The term Project includes any phase or part of the Project as well as the whole, as described and depicted in the application.

Permittee Signature *Thomas Lykins* Date December 9, 2010

Not valid unless signed. By signature, confirms that all information provided to issue the permit is accurate and complete, and indicates acceptance and understanding of the provisions and conditions listed below. **Any false statements or misrepresentations when applying for this permit may result in felony charges and will result in revocation of this permit.**

Authorized by: Elsa Haubold, Ph.D. for Nick Wiley, Executive Director
Authorizing Signature *Brealey J. Riner* Date November 22, 2010
Species Conservation Planning Section

PERMIT CONDITIONS AND PROVISIONS:

1. This Permit authorizes activities specified in the application which may or will take Florida scrub jays (*Aphelocoma coerulescens*) which are incidental to the land mining activities authorized by local government permits and other required governmental authorizations. This permit contemplates that "incidental take" may occur as harassment, molestation, injury, or death of Florida scrub jays, to occur associated with construction activities on the Project. The application for this Permit, originally dated September 21, 2009 (and supplemental dated July 19, 2010), and all other information submitted by the applicant contained in the FWC application file (Application), is hereby incorporated by reference in this Permit as part of the Application. The Permittee shall immediately notify the Florida Fish and Wildlife Conservation Commission (FWC) in writing of any previously submitted information that is later discovered to be inaccurate. The activities authorized by this Permit are all activities on the Project or Project site which will or may cause an incidental take of Florida scrub jays. The Florida scrub jay habitat is a 75 acre tract as described and delineated in the Application and Project Plan.
2. The Permittee shall mitigate impacts to the Florida scrub jays as follows, which are specific conditions of this Permit:
 - a. **Mitigation.** The Permittee has offered and FWC has accepted mitigation measures for species impacts as described below. Each mitigation measure described herein is a specific condition of this Permit:
 - i. Provide for the conservation, restoration and maintenance of 150 acres of suitable upland scrub habitat (see Appendix B) within the Mosaic Wellfield Tract T34S,R21E,S34& 35 and T35S,R21E,S2&3 in Mulberry, Manatee County property. The parcel shall be placed under a perpetual conservation easement to be recorded in Manatee County and deeded to the US Fish and Wildlife Service (USFWS) and Indian River County.
 - ii. The conservation parcel shall be maintained, surveyed and monitored for the presence or absence of Florida scrub jays in accordance with the Permittee's Habitat Conservation Plan (HCP), provided with the September 21, 2009 application.
 - b. **Minimization.**
 - i. The Permittee may not perform construction activities on the project site during the scrub jay nesting season that begins March 1 and ends June 30 each year.
 - ii. The Permittee will conduct other minimization measures as indicated on page 18 of the HCP.
3. The Easement and proposed HCP must be recorded with the Clerk of Manatee County within 6 months of initiating the Project. The Permittee shall provide FWC with a copy of the final executed easement.
4. The Permittee may execute this permit upon receiving provided all other permits/authorization are in possession.
5. Failure of the Permittee to comply with this Permit and conditions, and applicable laws, rules, and ordinances may result in suspension or revocation of this permit, enforcement action in an

PERMIT CONDITIONS AND PROVISIONS:

appropriate court, in addition to any and all other enforcement actions available to the FWC or other governmental entities in regard to this Permit.

6. This Permit does not convey to the Permittee or create in the Permittee any property right, or any interest in real or personal property; nor does it authorize access or activities on any public property (including but not limited to sovereignty submerged lands) or private property. Any required permission accordingly must be secured by the Permittee from the appropriate landholders prior to any such access or activities.
7. This Permit does not relieve the Permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property not specifically permitted herein. It does not allow the Permittee to cause pollution in contravention of Florida Statutes or applicable laws, rules or ordinances.
8. This Permit constitutes FWC authorization for activities specifically described in paragraph 1 of this Permit. It does not authorize activities for which other governmental authorization is required; specifically (but without limiting the generality hereof) this Permit does not authorize the take or incidental take of Florida scrub jays or other species listed under the federal Endangered Species Act, activities which may require a permit from the ACOE, nor activities for which water management district or local government authorization may be required. Permittee is solely responsible for obtaining all other governmental authorizations to undertake activities authorized by this permit.
9. This Permit shall be prominently posted on the Project site, and both the Plan and Project must be readily available for inspection by all authorized officials (FWC, USFWS, local building and zoning, law enforcement) at all times the permitted activities are ongoing.
10. The activities authorized under this Permit may be carried out by authorized personnel or contractors of the Permittee or Authorized Agent, provided all such activities are under the supervision and responsibility of the Permittee or Authorized Agent. The Permittee and Authorized Agent shall be as fully responsible for any such activities to the same extent as if they had themselves carried out those activities under this Permit.
11. This Permit is transferable only to subsequent owners of the project property and conservation easement property or portions thereof. To transfer the Permit, the Permittee shall notify FWC in writing giving the name and address of the proposed new owner, and providing a copy of the instrument effectuating the transfer (and all related documents associated with such transfer), together with a written agreement by the transferee acceptable to FWC binding the transferee to the requirements of this Permit to the same extent as the original Permittee. FWC will approve the transfer unless it determines that the transferee has not provided reasonable assurance that the transferee can and will comply with the Permit. The Permittee or transferor transferring this Permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the Project property and conservation easement property or part thereof.

PERMIT CONDITIONS AND PROVISIONS:.

12. This permit can be suspended, revoked or not renewed for just cause, pursuant to 68A-5.004, Florida Administrative Code and Chapter 120, Florida Statutes.

A person whose substantial interests are affected by FWC's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. A person seeking a hearing on FWC's action shall file a petition for hearing with the agency within 21 days of receipt of written notice of the decision. The petition must contain the information and otherwise comply with section 120.569, Florida Statutes, and the uniform rules of the Florida Division of Administration, chapter 28-106, Florida Administrative Code. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines set by law for filing a petition for an administrative hearing or request for an extension of time have expired. Mediation is not available. The enclosed Explanation of Rights statement provides additional information as to the rights of parties whose substantial interests are or may be affected by this action.

1.IC 6-20
LSIT10-00236 Lykin Grant Mosaic Texaco Tract Scrub-jay IT.doc
Enclosure

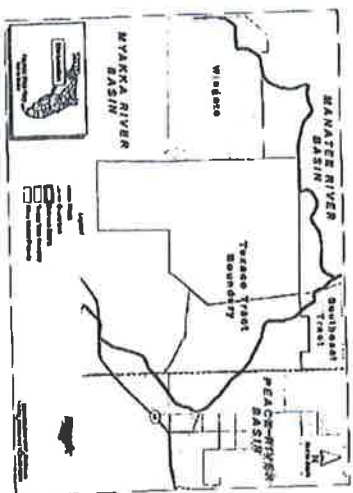
Cc: FWC Regional SCP Biologist

Appendix A
Project Area



Texaco Tract
Manatee and Hardee Counties, Florida

Figure 5
Texaco West FFWCC Scrub-Jay Habitat Types



Appendix B
Mitigation Parcel
Mosaic Wellfield Tract T34S,R21E, S34&35 and T35S,R21E, S2&3
Mulberry, Manatee County

