

**Appendix D**  
**Gopher Tortoise Permit**

# FLORIDA GAME AND FRESH WATER FISH COMMISSION

QUINTON L. HEDGEPEETH, DDS  
Miami

MRS. GILBERT W. HUMPHREY  
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JOE MARLIN HILLIARD  
Clewiston

J. BEN ROWE  
Gainesville

JULIE K. MORRIS  
Sarasota

ROBERT M. BRANTLY, Executive Director  
ALLAN L. EGBERT, Ph.D., Assistant Executive Director



FARRIS BRYANT BUILDING  
620 South Meridian Street  
Tallahassee, Florida 32399-1600  
(904) 488-1960

March 12, 1993

Mr. Ben Sharma  
Kissimmee Utility Authority  
1701 Carroll Street  
Kissimmee, FL 34741

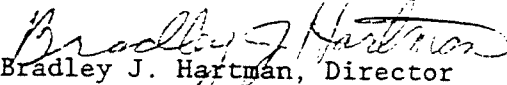
RE: Gopher Tortoise Incidental Take  
Permit OSC-6, Osceola County

Dear Mr. Sharma:

Enclosed is permit OSC-6 for the incidental taking of gopher tortoises, their eggs and their burrows within the development boundaries specified. The application for this permit was complete as of March 9, 1993.

Please contact Mr. Steve Lau at 407-778-5094 if you have any questions regarding this permit.

Sincerely,

  
Bradley J. Hartman, Director  
Office of Environmental Services

BJH/tgw  
ENV 3-2/1  
Enclosure  
osc-6.ltr

cc: Osceola County Planning Department  
Mr. David M. Lefebvre  
Ms. Julie Hovis, Central Region, GFC  
Major Starling, Central Region, GFC  
Mr. Steve Lau, Office of Environmental Services, GFC  
Mr. Don Wood, Division of Wildlife, GFC

PERMIT FOR TAKING OF GOPHER TORTOISES AND  
THEIR BURROWS

Chapter 39-27.002(4) FAC

STATE OF FLORIDA GAME AND FRESH WATER FISH COMMISSION

Issuance Date: March 12, 1993

Permittee: Kissimmee Utility Authority  
Attention: Mr. Ben Sharma

Permittee Address: 1701 Carroll Street  
Kissimmee, Florida 34741

Authorized Agent: David M. Lefebvre  
Black and Veatch  
P. O. Box 8405  
Kansas City, Missouri 64114

Permit Number: OSC-6

Location of Affected Site: Kissimmee Utility Authority's Cane Island Project consisting of approximately 1,003 acres located in Section 29 and the north 1/2 of Section 32, T25S, R28E, Osceola County, see Location Map (Figure 1). The project would impact approximately 49.4 acres of gopher tortoise habitat for construction of the power generating complex, access road/utility corridor and transmission line corridor and approximately 6 acres of tortoise habitat for wetland creation; see Site Plan Map (Figure 4-2).

Permitted Action: The permittee or its agents are authorized to take gopher tortoises, their eggs and their burrows within its development boundaries where such taking is incidental to development activities. The criteria of Rule 39-27.002(4), F.A.C., have been satisfied and the taking, as conditioned below, will not be detrimental to the survival potential of the species.

Provisions/Conditions:

1. The applicant shall protect 129.7 acres of gopher tortoise habitat consisting of four sites [Gopher Tortoise Site 1 (22.7), Site 2 (65.7 acres), Site 3 (21.8 acres) and Site 4 (19.5 acres)] shown on the Gopher Tortoise Management Area Map (Figure 5-1), and grant a perpetual conservation easement over these lands to the Florida Game and Fresh Water Fish Commission (GFC). The installation and maintenance of the proposed Bonnet Creek Canal Transmission Line (location shown in Figure 2) shall be allowed across Gopher Tortoise Site 2. The applicant shall submit a draft copy of the conservation easement to the GFC for review and approval prior to recording. A copy of the recorded conservation easement shall be

provided to the GFC at the Office of Environmental Services, 620 South Meridian street, Tallahassee, Florida 32399-1600.

2. The permit will not go into effect until latter effective date of either:
  - a) 21 days from date of the receipt of this notice, or if a petition for Administrative Hearing is timely filed, until the petition is resolved; or
  - b) the date that the applicant has obtained a letter of acknowledgement from the GFC that it has received a copy of the recorded, previously approved conservation easement for the areas described in condition #1 above.
3. The applicant shall have the obligation to manage and maintain the protected 129.7 acres for gopher tortoises in accordance with the proposed "Upland Habitat Management Plan" (Section 5.1 of the Kissimmee Utility Authority, Florida Municipal Power Agency, Cane Island Project Mitigation Plan) prepared by Black and Veatch, January 1993.
4. The permittee shall keep written records of the habitat management activities conducted and provide a copy of said activities upon request of the GFC.
5. This permit does not relieve the applicant from any other "taking" requirements by the U.S. Fish and Wildlife Service or GFC as to other listed species.
6. The permittee, or authorized agents of the permittee, are authorized to move tortoises, at their discretion, within the property boundaries to minimize taking. This permit does not authorize the permittee or its agents to possess or move tortoises off the contiguous ownership of the permittee or to move tortoises into areas previously authorized as a relocation site by GFC permit. A separate relocation permit from GFC shall be required for those activities.
7. This permit does not authorize any taking of gopher tortoises beyond that which is a direct result of development activities or the on-site movement of animals addressed in Condition #6. Any other form of taking or relocation will require a separate permit from the Executive Director.
8. This permit must be available for inspection at all times while engaged in the permitted activities.

9. This permit is transferrable to subsequent owners of the property.

Notice of Rights Statement: In accordance with Rules 28-5.111 and 28.6.008, Florida Administrative Code, and Section 120.60, Florida Statutes, any party may request a hearing on this matter pursuant to Section 120.57, Florida Statutes by filing a completed Election of Rights form (copy attached) by certified mail, return receipt requested, with the undersigned within twenty-one (21) days of receipt of this permit and notice. If timely requested and a hearing is granted, the hearing will be conducted under the procedures established by Section 120.57, Florida Statutes. A party will be given the opportunity to be represented by counsel or other qualified representative, to take testimony, to call and cross-examine witnesses, and to have subpoenas issued on your behalf.

Colonel Robert M. Brantly  
Executive Director

By:

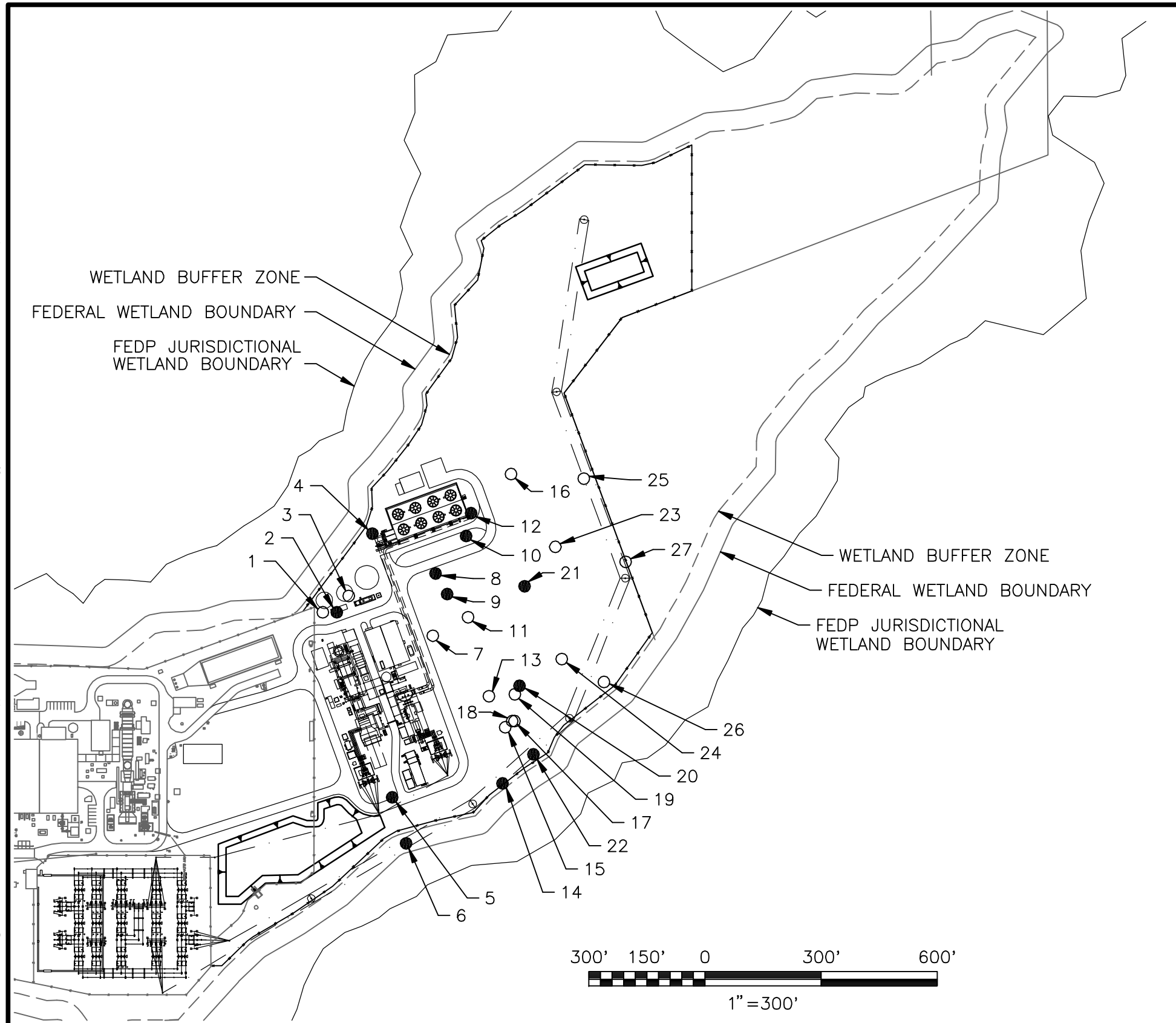
Bradley J. Hartner

ENV 3-2/1

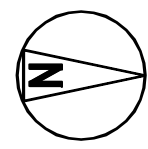
Attachments:

1. Election of Rights
  2. Location Map (Figure 1)
  3. Project Impact Areas (Figure 4-2)
  4. Location of Gopher Tortoise Management Areas (Figure 5-1)
- utility.gt

RUM02825  
A1ASL012  
03/26/08  
ACAD 16.1s (LMS Tech)  
B1 1=1  
09:17:47



| GOPHER TORTOISE LOCATIONS |            |           |                          |
|---------------------------|------------|-----------|--------------------------|
| POINT                     | NORTH      | EAST      | DESCRIPTION              |
| 1                         | 1434287.13 | 484241.81 | INACTIVE GOPHER TORTOISE |
| 2                         | 1434323.49 | 484241.97 | ACTIVE GOPHER TORTOISE   |
| 3                         | 1434353.98 | 484199.19 | INACTIVE GOPHER TORTOISE |
| 4                         | 1434415.29 | 484038.53 | ACTIVE GOPHER TORTOISE   |
| 5                         | 1434466.82 | 484720.05 | ACTIVE GOPHER TORTOISE   |
| 6                         | 1434502.66 | 484838.22 | ACTIVE GOPHER TORTOISE   |
| 7                         | 1434571.68 | 484302.08 | INACTIVE GOPHER TORTOISE |
| 8                         | 1434578.45 | 484141.18 | ACTIVE GOPHER TORTOISE   |
| 9                         | 1434608.51 | 484194.95 | ACTIVE GOPHER TORTOISE   |
| 10                        | 1434657.65 | 484044.97 | ACTIVE GOPHER TORTOISE   |
| 11                        | 1434662.79 | 484254.20 | INACTIVE GOPHER TORTOISE |
| 12                        | 1434670.03 | 483986.01 | ACTIVE GOPHER TORTOISE   |
| 13                        | 1434716.42 | 484458.29 | INACTIVE GOPHER TORTOISE |
| 14                        | 1434751.79 | 484683.75 | ACTIVE GOPHER TORTOISE   |
| 15                        | 1434758.49 | 484538.94 | INACTIVE GOPHER TORTOISE |
| 16                        | 1434773.50 | 483884.55 | INACTIVE GOPHER TORTOISE |
| 17                        | 1434776.74 | 484522.93 | INACTIVE GOPHER TORTOISE |
| 18                        | 1434782.80 | 484522.95 | INACTIVE GOPHER TORTOISE |
| 19                        | 1434783.10 | 484453.22 | INACTIVE GOPHER TORTOISE |
| 20                        | 1434795.32 | 484431.81 | ACTIVE GOPHER TORTOISE   |
| 21                        | 1434808.57 | 484174.38 | ACTIVE GOPHER TORTOISE   |
| 22                        | 1434830.90 | 484609.00 | ACTIVE GOPHER TORTOISE   |
| 23                        | 1434887.80 | 484072.80 | INACTIVE GOPHER TORTOISE |
| 24                        | 1434904.70 | 484362.56 | INACTIVE GOPHER TORTOISE |
| 25                        | 1434961.30 | 483896.10 | INACTIVE GOPHER TORTOISE |
| 26                        | 1435013.52 | 484422.04 | INACTIVE GOPHER TORTOISE |
| 27                        | 1435069.43 | 484111.16 | INACTIVE GOPHER TORTOISE |



| LEGEND         |                   |                |
|----------------|-------------------|----------------|
| ●              | ACTIVE LOCATION   |                |
| ○              | INACTIVE LOCATION |                |
| PROJECT        |                   | DRAWING NUMBER |
| 147651—DS—0113 |                   | REV            |
|                |                   | 0              |
| CODE           |                   |                |
| AREA           |                   |                |

|                                        |  |  |  |  |  |  |                                                                 |  |  |
|----------------------------------------|--|--|--|--|--|--|-----------------------------------------------------------------|--|--|
|                                        |  |  |  |  |  |  | FLORIDA MUNICIPAL POWER AGENCY<br>CANE ISLAND POWER PARK UNIT 4 |  |  |
| ENGINEER JMS                           |  |  |  |  |  |  | DRAWN MRR                                                       |  |  |
| CHECKED MJS                            |  |  |  |  |  |  | DATE 04/01/2008                                                 |  |  |
| PLOT PLAN<br>GOPHER TORTOISE LOCATIONS |  |  |  |  |  |  |                                                                 |  |  |

|    |            |                               |     |     |     |     |     |
|----|------------|-------------------------------|-----|-----|-----|-----|-----|
| 0  | 04/01/2008 | ISSUED FOR CONSTRUCTION       | MRR | JMS | MJS | MJS | SAA |
| NO | DATE       | REVISIONS AND RECORD OF ISSUE | DRN | DES | CHK | PDE | APP |