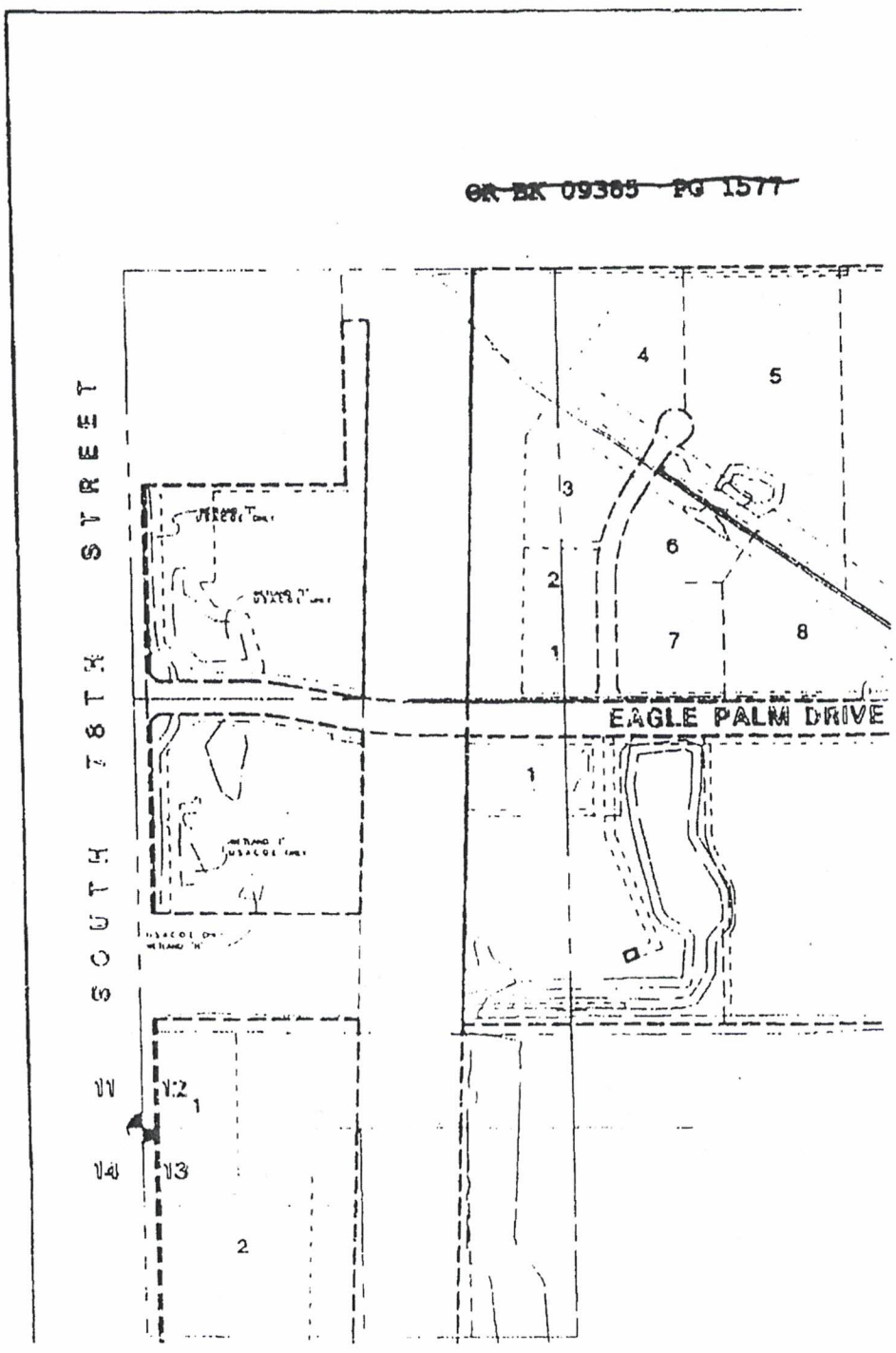
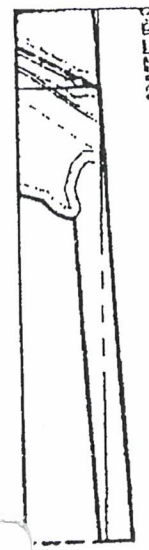
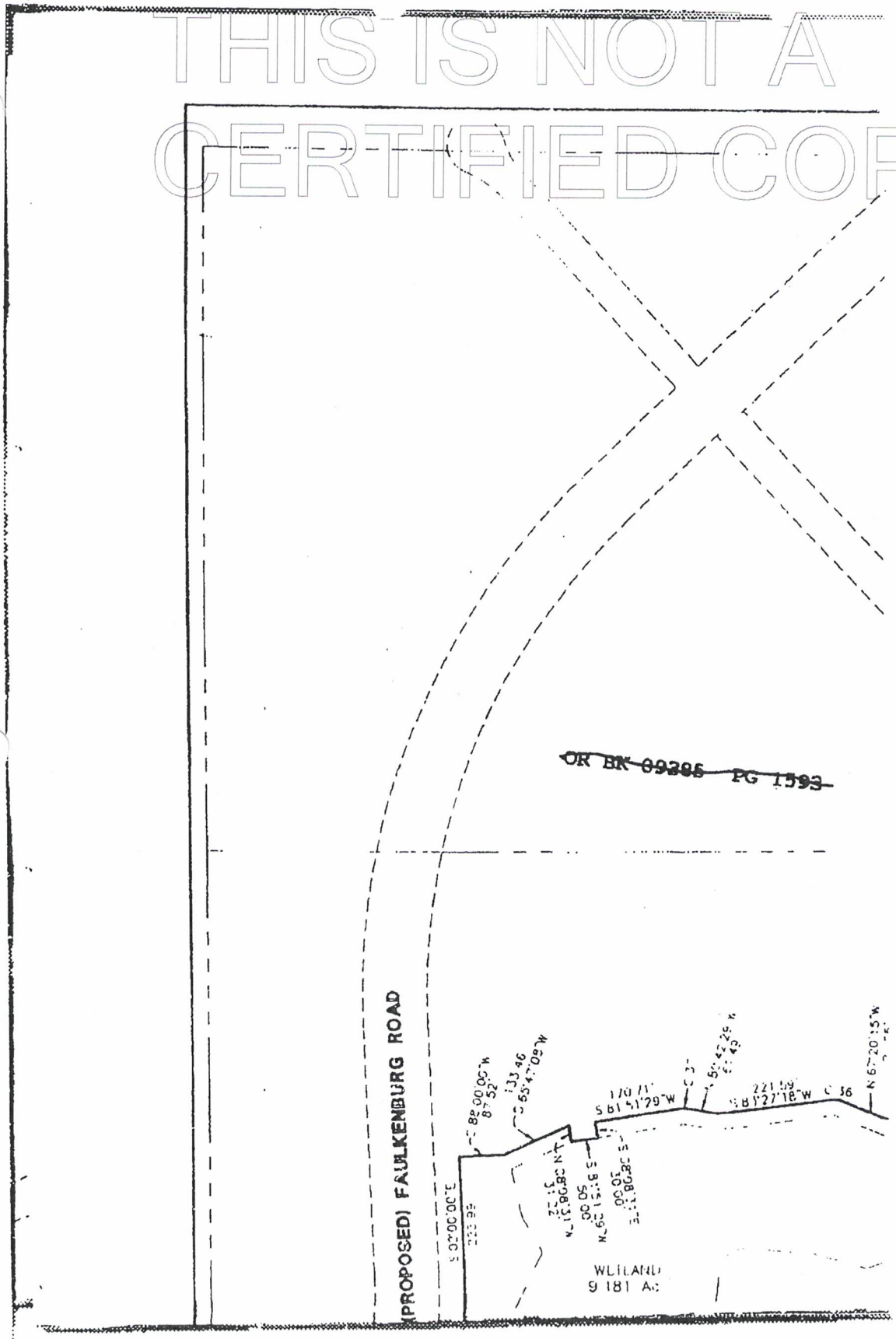




~~OR BK 09385 PG 1503~~

OAK
WILDLIFE PRES



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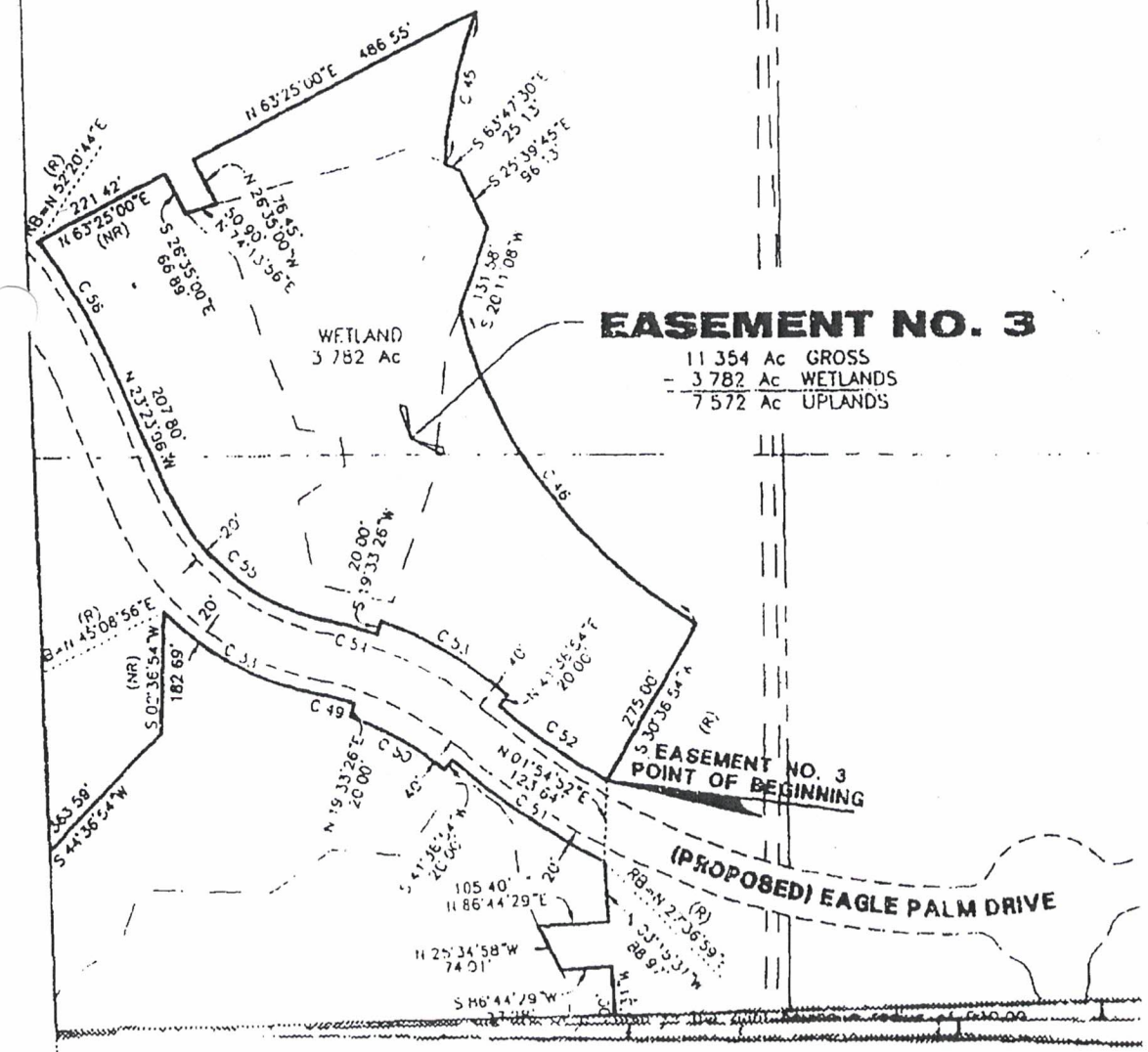


CURVE DATA TA

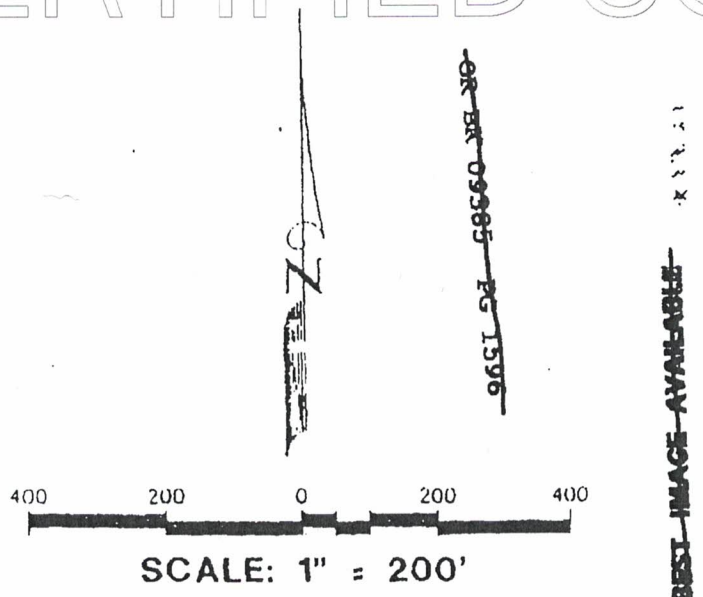
NO.	RADIUS	DELTA	ARC	TANG
33	455 00	33°32'02"	266 30	137.
34	30 00	20°29'01"	10 73	5.
35	30 00	20°48'44"	10 90	5
36	30 00	29°12'27"	15.29	7
37	30 00	17°26'03"	9 13	4
39	910 00	50°43'30"	805.64	431.
40	325 00	44°53'39"	254 65	134
41	30 04	71°34'15"	37 52	21
45	750.00	17°57'06"	234.99	118
46	750 00	46°01'22"	602 44	318
49	445.00	07°56'32"	61 68	30
50	425 00	22°03'28"	163 62	82
51	1135.00	13°59'55"	277 31	139.
52	1025 00	11°00'00"	196.79	98
53	575.00	22°03'28"	221.36	112
54	555 00	07°56'32"	76 93	38
55	345 00	55°00'00"	331.18	179.6
56	855 00	14°16'10"	212 94	107 0

~~OR BK 09385 PG 1595~~

DESCRIPTION: A parcel
particularly described as

From the Southeast corr
1) S 89°51'50"W, 1321 C
1/4 of said Section 15,
N 34°04'46"E, 42 91 fee
thence N 78°21'22"E, 12
feet, thence N 34°11'05"
74 54 feet, thence N 35°
S 86°44'29"W, 77 28 fee
point on a curve, thence
central angle of 13°59'5
Northwesterly, 163 62 fe
bearing N 59°24'50"W, 1
along the arc of a curv
51 64 feet) to a point c
of 455 00 feet and a ce
S 44°36'54"W, 363 58 fe
of a curve to the left h
point of tangency, thenc
curve to the left having
of tangency; thence N 8
left having a radius of
thence continue S 83°27'
the arc of a curve to th
to a point of tangency,
feet, thence N 08°08'31"
223 99 feet to a point

HORD	BEARING
52 52	N 61°37'05"W
10 67	N.36°17'00"W.
10 84	N 56°55'53"W.
15 13	N 81°56'28"W.
9 09	N.89°25'30"W
79 59	S.23°21'45"W
48 19	S 72°07'07"E.
55.13	S.54°12'45"E.
34 03	S 12°38'21"W.
36 37	S 36°22'25"E.
51 64	N 74°24'50"W
52 61	N.59°24'50"W.
76 62	N 55°23'04"W
96 48	N.53°53'06"W
20 00	N.59°24'50"W
76 87	N.74°24'50"W
18.61	N 50°53'06"W
2 39	N 30°31'11"W.



SCALE: 1" = 200'

BEST IMAGE AVAILABLE

09-29-98 11:36am HEIDT & ASSOC WCKYR P:\PARKWAY CENTER\MASTER PLAN\DESCRIPTION\PWCMLDDSJR.DWG

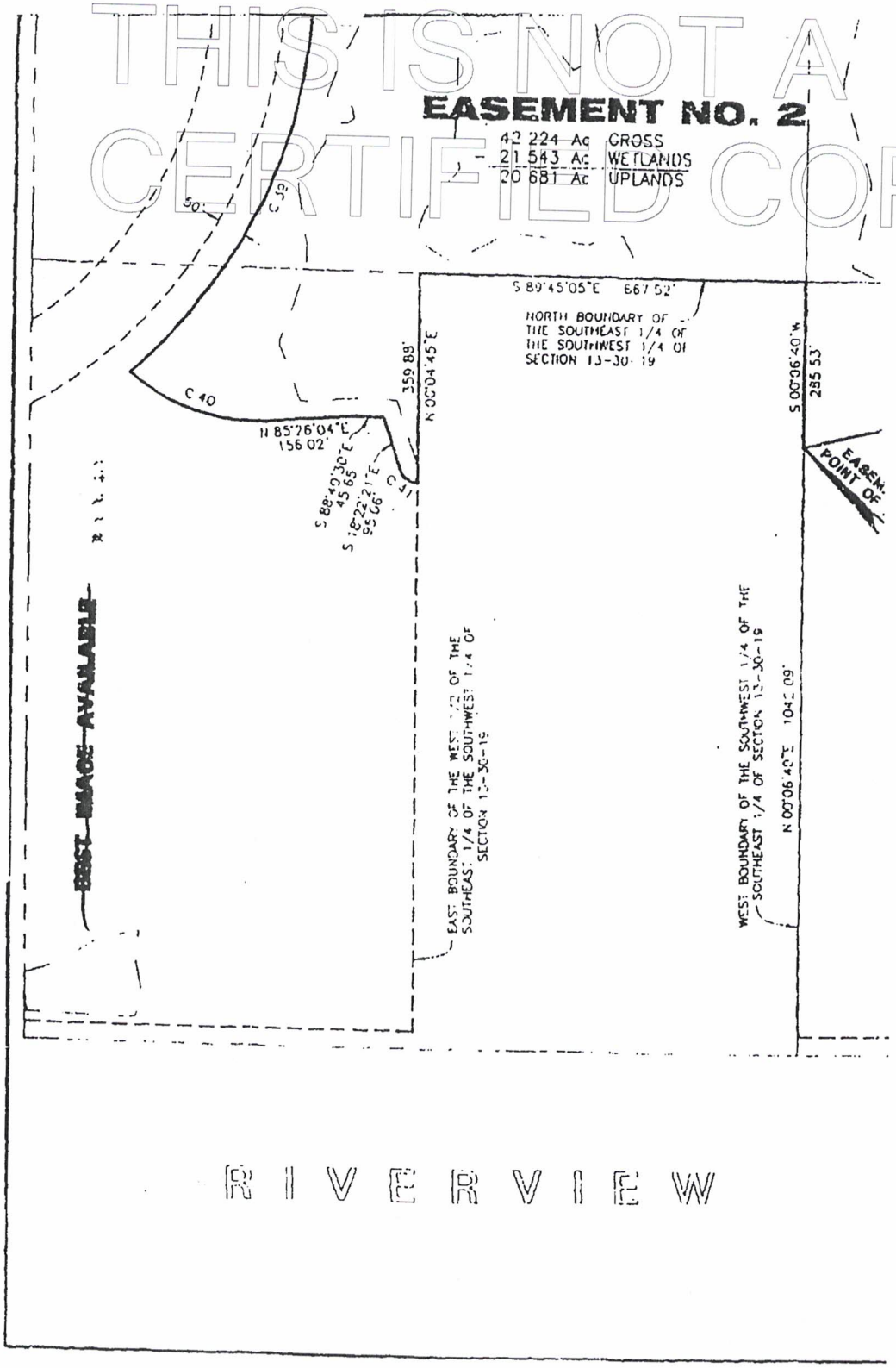
BASIS OF BEARINGS

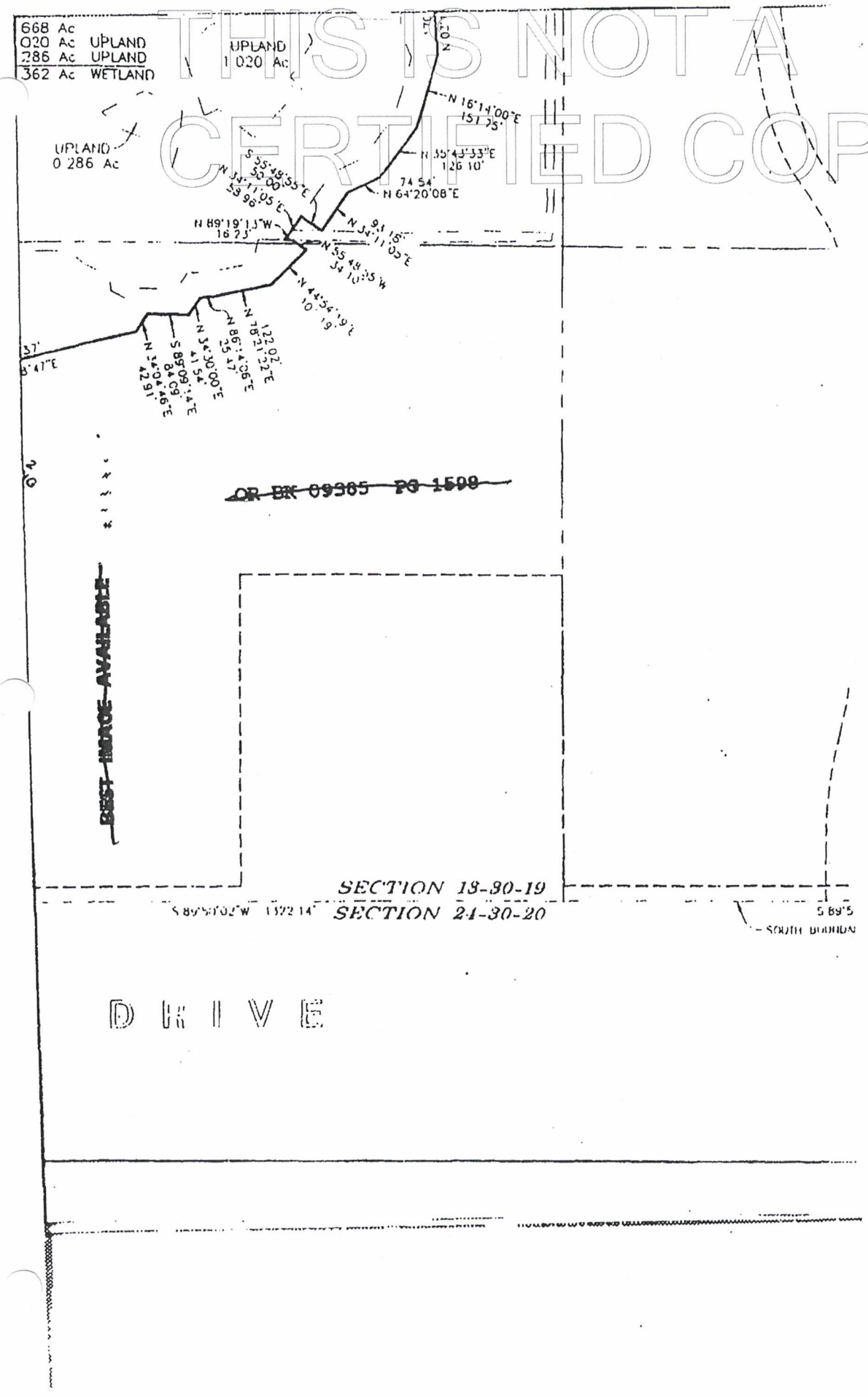
The South boundary of Section 13, Township 30 South, Range19 East, Hillsborough County, Florida, is assumed to have a bearing of S 89°50'02"WE, on an assumed datum

PARKWAY CENTER
WILDLIFE PRESERVATION EASEMENT NO 2

ng in Section 13, Township 30 South, Range 19 East, Hillsborough County, Florida, and being more

Section 13, run thence along the South boundary of said Section 13, the following two (2) courses: S 88°50'02"W, 1322 14 feet, thence along the West boundary of the Southwest 1/4 of the Southeast 0"E., 1042 09 feet to the POINT OF BEGINNING, thence N 76°38'47"E, 464 37 feet, thence 89°09'14"E, 84 09 feet, thence N.34°30'00"E., 41.54 feet, thence N 86°14'06"E., 25.47 feet; thence N 44°54'19"E, 101 19 feet; thence N 55°48'55"W, 34 10 feet, thence N 89°19'13"W, 16 23 eet, thence S.55°48'55"E, 50 00 feet, thence N 34°11'05"E., 93 18 feet; thence N 64°20'08"E., 28 10 feet, thence N.18°14'00"E, 151.75 feet, thence N 03°15'31"W, 170 00 feet; thence 25°34'58"W, 74 01 feet; thence N 86°44'29"E, 105 40 feet; thence N 03°15'31"W, 88 97 feet to a erly, 277 31 feet along the arc of a curve to the right having a radius of 1135 00 feet and a bearing N 55°23'04"W., 276 82 feet), thence S.41°36'54"W., 20 00 feet to a point on a curve, thence e arc of a curve to the left having a radius of 425.00 feet and a central angle of 22°03'28" (chord thence N 19°33'26"E, 20 00 feet to a point on a curve; thence Westerly, 61 68 feet lt having a radius of 445 00 feet and a central angle of 07°56'32" (chord bearing N 74°24'50"W., curvature, thence Northwesterly, 266 30 feet along the arc of a curve to the right having a radius of 33°32'02" (chord bearing N 61°37'05"W, 262 52 feet), thence S 02°36'54"W, 182 69 feet, thence N 26°02'29"W, 56 13 feet to a point of curvature; thence Northwesterly, 10 73 feet along the arc lius of 30 00 feet and a central angle of 20°29'01" (chord bearing N.36°17'00"W, 10.67 feet) to a 1"W, 132.42 feet to a point of curvature, thence Northwesterly, 10 90 feet along the arc of a 30 00 feet and a central angle of 20°48'44" (chord bearing N 56°55'53"W, 10 84 feet) to a point 121 05 feet to a point of curvature; thence Westerly, 15 29 feet along the arc of a curve to the nd a central angle of 29°12'27" (chord bearing N 81°56'28"W, 15.13 feet) to a point of tangency, 59 feet; thence N 80°42'29"W, 61 49 feet to a point of curvature; thence Westerly, 9 13 feet along ng a radius of 30 00 feet and a central angle of 17°26'03" (chord bearing N 89°25'30"W, 9 09 feet) 51'29"W, 170 71 feet, thence S 08°08'31"E, 30 00 feet, thence S 81°51'29"W, 50.00 et, thence S 65°47'08"W., 133.46 feet, thence S 88°00'00"W., 87 52 feet, thence S 02°00'00"E, ; thence Southwesterly, 805 64 feet along the arc of a curve to the right having a radius of 910 00





...ongle of ...
along the arc ... curve to
248 19 feet) to a point of t...
S 18°22'21"E., 95 05 feet to
of 30 04 feet and a central
1/2 of the Southeast 1/4 o
along the North boundary of
aforesaid West boundary of t...
285 53 feet to the POINT OF...

Containing 42 224 acres, mo...

DESCRIPTION. A parcel of la...
particularly described as follo...

From the Southeast corner o...
1) S 89°51'50"W, 1321 06 fe...
1/4 of said Section 13, N 0C...
S 89°09'14"E., 84 09 feet; the...
thence N 44°54'19"E, 101.19...
feet; thence S 55°48'55"E., 5C...
126 10 feet, thence N.16°14'0...
N 25°34'58"W, 74 01 feet, the...
the POINT OF BEGINNING, ther...
central angle of 11°00'00" (ch...
Northwesterly, 221 36 feet alo...
bearing N 59°24'50"W, 220 00...
of said curve to the left havi...
a point of reverse curvature,...
and a central angle of 55°00'...
to a point of curvature, then...
central angle of 14°16'10" (ch...
feet, thence N 74°13'56"E., 5C...
thence Southerly, 234 99 feet...
(chord bearing S 12°38'21"W,...
131 58 feet to a point on a...
feet and a central angle of 4...
BEGINNING

Containing 11 354 acres, mor...

SECTION 13-30-19

SECTION 18-30-20

SOUTHEAST CORNER OF
SECTION 13-30-19

13 18

...06'
13-30-19

24 19

OAK
WILDLIFE

No	Date	
1	09/29/98	Rev. ...

REVIS...

SHEET 3 OF ...

0 43 30" (chord bearing S.23°21'45"W, 779.59 f... to a point on a curve, thence Easterly, 254.65
he left having a radius of 325.00 feet and a central angle of 44°53'39" (chord bearing S.72°07'07"E,
gency, thence continue N 85°26'04"E, 156.02 feet, thence S 88°40'30"E, 45.65 feet, thence
point on a curve; thence Southeasterly, 37.52 feet along the arc of a curve to the left having a radius
ngle of 71°34'15" (chord bearing S 54°12'45"E., 35.13 feet) to a point on the East boundary of the West
the Southwest 1/4 of said Section 13, thence along said East boundary, N.00°04'45"E., 359.88 feet, thence
id Southeast 1/4 of the Southwest 1/4 of Section 13, S.89°45'05"E, 667.52 feet to a point on the
Southwest 1/4 of the Southeast 1/4 of Section 13; thence along said West boundary, S 00°06'40"W,
BEGINNING

or less.

PARKWAY CENTER
WILDLIFE PRESERVATION EASEMENT NO 3

d lying in Section 13, Township 30 South, Range 19 East, Hillsborough County, Florida, and being more
s

said Section 13, run thence along the South boundary of said Section 13, the following two (2) courses.
t, 2) S.89°50'02"W, 1322.14 feet, thence along the West boundary of the Southwest 1/4 of the Southwest
06'40"E., 1042.09 feet, thence N.76°38'47"E., 464.37 feet; thence N 34°04'46"E, 42.91 feet, thence
nce N.34°30'00"E., 41.54 feet, thence N 86°14'06"E., 25.47 feet, thence N 78°21'22"E., 122.02 feet,
feet; thence N 55°48'55"W, 34.10 feet, thence N 89°19'13"W, 16.23 feet, thence N 34°11'05"E, 58.96
00 feet; thence N 34°11'05"E, 93.18 feet, thence N 64°20'08"E., 74.54 feet, thence N 35°43'33"E,
0"E, 151.75 feet, thence N.03°15'31"W., 170.00 feet; thence S.86°44'29"W, 77.28 feet, thence
nce N 86°44'29"E., 105.40 feet, thence N 03°15'31"W, 88.97 feet; thence N 01°54'52"E, 123.64 feet to
ce Northwesterly, 196.79 feet along the arc of a curve to the right having a radius of 1025.00 feet and a
hord bearing N.53°53'06"W, 196.48 feet); thence N 41°36'54"E, 20.00 feet to a point on a curve; thence
ng the arc of a curve to the left having a radius of 575.00 feet and a central angle of 22°03'28" (chord
feet); thence S 19°33'26"W, 20.00 feet to a point on a curve; thence Westerly, 76.93 feet along the arc
ng a radius of 555.00 feet and a central angle of 07°56'32" (chord bearing N 74°24'50"W., 76.87 feet) to
thence Northwesterly, 331.18 feet along the arc of a curve to the right having a radius of 345.00 feet
00" (chord bearing N 50°53'06"W., 318.61 feet) to a point of tangency, thence N 23°23'06"W, 207.80 feet
e Northwesterly, 212.94 feet along the arc of a curve to the left having a radius of 855.00 feet and a
ord bearing N.30°31'11"W., 212.39 feet), thence N.63°25'00"E, 221.42 feet; thence S.26°35'00"E., 66.89
90 feet, thence N.26°35'00"W., 76.45 feet, thence N.63°25'00"E, 486.55 feet to a point on a curve;
along the arc of a curve to the left having a radius of 750.00 feet and a central angle of 17°57'06"
234.03 feet); thence S 63°47'30"E, 25.13 feet; thence S 25°39'45"E, 96.13 feet; thence S 20°11'08"W,
curve; thence Southeasterly, 602.44 feet along the arc of said curve to the left having a radius of 750.00
5°01'22" (chord bearing S 36°22'25"E, 586.37 feet), thence S 30°36'54"W, 275.00 feet to the POINT OF

or less.

~~OR BK 09385 PG 1600~~

K CREEK AT PARKWAY CENTER
PRESERVATION EASEMENTS 2 AND 3

Prepared For **PARKWAY CENTER**

DESCRIPTION SKETCH

(Not a Survey)

SWANN PLAZA
2212 Swann Avenue
Tampa, Florida 33606
Phone (813) 253-5311

HEIDT & ASSOCIATES, INC.
CONSULTING ENGINEERING
LAND SURVEYING
ENVIRONMENTAL ENGINEERING
LAND PLANNING LANDSCAPE DESIGN

nt 2 and Legal Description	VR Dwn

FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
ARTHUR W MERRITT NO LS4498

Dwn VR | Ck AWM | 2562.00 \DESC\PWCWILDDS=
Date February 16, 1998 | Order No PWC-PC-006

IONS

SHEETS | SECS 12 & 13, TWP 30 S, RGE 19 E AND SECS 7 & 18, TWP 30 S, RGE 20 E

Biological Research Associates

REVISED
PROTECTION AND MANAGEMENT PLAN FOR THE
GOPHER TORTOISE POPULATION
ON PARKWAY CENTER
HILLSBOROUGH COUNTY, FLORIDA

Prepared for:

Mr. Eric Eicher
Executive Vice President
Parkway Center
8875 Hidden River Parkway, Suite 300
Tampa, Florida 33637

Michael P. Eagan
Ecologist

J. Steve Godley
President

EXHIBIT "B"

3910 US Highway 301 N., Suite 180, Tampa, Florida 33619 [illegible]
5909 [illegible], Sarasota, Florida 34232 [illegible]
9250 Cypress Green Dr., Suite 200, Jacksonville, Florida 32256 [illegible]
820 E. Park Ave., Bldg. F, Suite 200, Tallahassee, Florida 32301 [illegible]

1.0 PROJECT HISTORY

The Application for Development Approval for the Parkway Center Development of Regional Impact (DRI Number 146) was submitted on 30 September 1986. The Development Order (DO) (Resolution Number R87-0334) for this project was issued by Hillsborough County on 31 October 1987. DO Condition IV.F.5 required, in part, that "An acceptable plan detailing how the gopher tortoise population of Parkway Center will be accommodated, protected, monitored or relocated shall be submitted to Hillsborough County, the Florida Game and Fresh Water Fish Commission, and TBRPC." At the time this Development Order was rendered, the Florida Game and Fresh Water Fish Commission (FGFWFC) did not have an off-site mitigation bank program established in the region. Thus, in fulfillment of DO Condition IV.F.5, a permit to live capture and relocate the entire Parkway Center tortoise population was applied for on 1 February 1988. The FGFWFC issued permit number W88024 to the agent for Parkway Center on 18 February 1988. During the months of May, June, July and August 1988 the entire Parkway Center gopher tortoises population (n = 566) was live-captured and relocated by King Engineering Associates, Inc. onto Agri-Timber property at a cost in excess of $250,000.00. (The former Agri-Timber property, now under the management of the Southwest Florida Water Management District, is located northeast of Dade City in Sections 5, 6, 31 and 32, Township 24S, Range 22E of Pasco County)

Shortly after relocating these tortoises, the Parkway Center project was forced into bankruptcy, precluding the immediate development of the site. In November 1996 a bankruptcy judge approved a plan to bring the project out of bankruptcy. This plan substantially scaled back both the intensity of the project and its economic return, but will result ultimately in the payment of over $5 million to creditors. Neither the developer (Robert E Wooley, Inc.) nor the bankruptcy judge were aware that tortoises had recolonized the site, and no funds or lands were earmarked to address this issue.

Biological Research Associates (BRA) was retained by Robert E. Wooley, Inc. to provide environmental consulting expertise on the project in September 1996. Preliminary surveys indicated that, in the intervening years, gopher tortoises had recolonized Parkway Center, presumably from surrounding undeveloped lands At a preliminary meeting with Brad Hartman and Jim Antista on 24 June 1997, the FGFWFC recommended that Parkway Center be resurveyed for tortoises in order to determine the extent of the tortoise population and the most appropriate mitigative action(s) in this particular case. Finally, on 6 October 1997 the Development Order Condition IV.F.5 for Parkway Center (DRI #146) was amended by the Hillsborough County Board of County Commissioners (BOCC) to read as follows:

> Prior to issuance of building permits for any portion of the development beyond Tracts A, B, C, D, and E as shown on Map H, an acceptable plan detailing how the gopher tortoise population of Parkway Center will be accommodated, protected, monitored, or mitigated for, shall be submitted to Hillsborough County, DCA and FGFWFC and the development order amended as specified below. Upon approval of said plan by the County and DCA, the components to the plan will be amended as approved into the Development Order along with any changes required to Map H without the filing of an NOPC. Copies of any required permits relative to the gopher tortoise plan shall be provided to Hillsborough County All areas identified for preservation or special protection shall be preserved by either a conservation easement, conservation designation on the local comprehensive plan future land

use map, or by transfer to a management organization, consistent with the provisions of Rule 9J-2.041 F.A.C.

In partial fulfillment of this Development Order Condition and at the specific request of the FGFWFC, this report summarizes the results of the 1997 gopher tortoise surveys on Parkway Center and the restocking effort on the South West Florida Water Management District (SWFWMD)'s Agri-Timber site in Pasco County, Florida.

2.0 Parkway Center Site Description

The Parkway Center project encompasses ±967 acres and is located in Sections 12 and 13, Township 30S, Range 19E and Sections 7 and 18, Township 30S, Range 20E of Hillsborough County (see site location map, Figure 1 and aerial photograph, Figure 2). According to the *Hillsborough County Soil Survey* (US Department of Agricultural Soil Conservation Service, 1989) eight soil types are present on the site (Figure 3): Myakka, Malabar, Pomello, St. John, Smyrna, Felda, and Pinellas fine sands and Basinger, Holopaw and Samsula depressional soils. The majority of these soil types (Myakka, Pomello, St. Johns, and Smyrna fine sands) are associated with pine flatwoods. The remaining soil types (Malabar, Pinellas and Felda, Basinger, Holopaw and Samsula soils) are associated with depressional wetland habitats.

The surface features of the site have been classified and assigned Florida Land Use, Cover and Forms Classification System (FLUCFCS) codes (FDOT 1985) (Figure 4). Land uses and cover types include improved pasture (211), palmetto prairie (321), pine flatwoods (411, 412, 413), upland hardwood forest (420, 428, 434), streams and waterways (510), wetland hardwood forest (610), and herbaceous wetland (640), spoil areas (743), and utility corridors (830). Because canopy closure and tortoise burrow density varies considerably across the site, we have classified the habitats to FLUCFCS Level IV, where appropriate, and also provided tortoise burrow density estimates for individual mapped units of each habitat type (e.g., the patches of pine flatwoods with 31 - 50 percent canopy closure are labeled 4112A through 4112D).

2.1 Improved Pasture (211)

This land use covers approximately 35.6 acres and includes improved pastures with a ground cover of bahiagrass (*Paspalum notatum*). The improved pastures have a few scattered cabbage palms (*Sabal palmetto*), live oaks (*Quercus virginiana*) and pine trees (*Pinus elliottii* or *Pinus palustris*) in the canopy, and few or no shrubs. These areas are used intensively for grazing cattle.

2.2 Palmetto Prairie (321)

This largely treeless habitat covers approximately 280 acres on the site. The ground cover is composed of saw palmetto (*Serenoa repens*), runner oak (*Quercus pumila*), wire grass (*Aristida* sp.), broomsedge (*Andropogon* sp.) and other grasses and forbs. These areas are populated by only occasional pines, cabbage palms or shrubby bushes.

2.3 Pine Flatwoods (411, 412, 413)

This vegetative community covers approximately 363 acres of uplands. While the canopy is composed of scattered longleaf and slash pine, the understory has been altered by the extensive use of prescribed winter burns and intensive cattle grazing. The typical ground cover includes saw palmetto with scattered wiregrass, lopsided Indian grass (*Sorghastrum secundum*), shiny blueberry (*Vaccinium myrsinites*) and runner oak. The canopy tree crown closure varies significantly throughout the flatwoods, from 10 to 70 percent. The amount of canopy closure has a direct effect on the ground cover, both in the number of different species present and their relative densities: as the canopy closes, there is a reduction in the diversity and quantity of ground cover.

2.4 Upland Hardwood Forests (420, 428, 434)

This type covers approximately 141 acres. The dominant canopy are pines, live and laurel oaks and cabbage palms. The understory is composed of hardwood saplings, vines, wax myrtle, and red maple. Herbaceous cover is sparse because of the canopy closure and is composed of assorted grasses and other forbs. This habitat has also been classified based on the amount of canopy closure (Figure 4).

2.5 Streams and Waterways (510)

The major east-west drainageway on Parkway Center is Allen's Creek, which ranges from 15 to 20 feet in width and up to 7 feet in depth. Throughout much of it's length, emergent vegetation is present both within the creek's littoral shelf and bed. Species include soft rush (*Juncus effusus*), pickerelweed (*Pontederia cordata*), water hyssop (*Bacopa* sp.) and smartweed (*Polygonum hydropiperoides*). Hardwoods, principally live oaks, form a dense canopy along its banks.

There is one major north-south canal which discharges into Allen's Creek. This canal is approximately 10 feet wide and up to 6 feet in depth. The dominant canopy species along it's banks are oaks and scattered pine trees with a canopy closure above 50 percent. Hardwood saplings form the majority of the understory and saw palmettos and grasses are the dominant ground cover.

2.6 Wetland Hardwood Forest (610)

Forested hardwood wetlands comprise about 3.2 acres of the site. The dominant canopy species is laurel oak with cabbage palm, hackberry (*Celtis laevigata*) and wax myrtle (*Myrica cerifera*) in the understory. Ground cover is composed of grasses, spikerush (*Eleocharis* sp.) and coinwort (*Centella asiatica*)

2.7 Herbaceous Wetlands (640)

Numerous herbaceous marshes, totaling 70.6 acres, are located on the Parkway Center property. While all of the marshes are depicted as FLUCFCS code 640 on Figure 4, there are two distinct types shallow ephemeral and deeper emergent. The overwhelming majority of the marshes are shallow ephemeral herbaceous marshes The dominant vegetation includes soft rush (*Juncus effusus*), cordgrass (*Spartina bakeri*), marsh pennywort (*Hydrocotyle umbellata*), spike rush and St. Johns wort (*Hypericum fasciculatum*). Standing water is found in these wetlands for one to ten months of the year. A deeper emergent marsh is

located in the eastern portion of the site south of the utility corridor and adjacent to I-75 The vegetation in this wetland includes pickerelweed (*Pontederia cordata*), smartweed, and blue-flag iris (*Iris hexagonia*) with wax myrtles along the periphery. Standing water is found in this wetland all year.

2.8 Spoil Areas (743)

A large berm associated with a excavated canal is present in the western portion of the site This spoil berm is sparsely vegetated by a variety of ruderal species.

2.9 Utilities (830)

A TECO utility easement totaling about 17.5 acres traverses the property in a north-west to south-east direction. Uplands in this easement are vegetated by bahiagrass; several herbaceous marshes also fall within the utility corridor

3.0 GOPHER TORTOISE SAMPLING METHODOLOGY

3.1 Parkway Center Site

Gopher tortoise surveys on Parkway Center were conducted in accordance with the Florida Game and Fresh Water Fish Commission's (FGFWFC 1988) *Wildlife Survey Methodology Guidelines* In order to reduce the vegetative cover and facilitate the location of gopher tortoise burrows, several prescribed burns were conducted on the site in January through July of 1997. Burning was hampered by unstable wind conditions in the summer and smoke hazard concerns on I-75, which lies to the immediate east of the project. Approximately 85 percent of the potential gopher tortoise habitat was either burned in 1997, or was so open that it would not carry a fire. Following these burns ecologists from BRA conducted essentially 100 percent surveys of the entire site for tortoises during the months of August and September 1997. The approximate location of each observed tortoise burrow was plotted on 1" = 200' blueline aerial photographs (Figure 2) and field flagged. In addition, the status of each observed gopher tortoise burrow was classified as active, inactive, or abandoned per Cox et al. (1987). These aerials were then used as a reference to produce a 1" = 400' cartographic representation depicting the location of all gopher tortoise burrows observed on the Parkway Center project in relation to the habitat types (Figure 4).

As noted above (Section 1.0), King Engineering and Associates, Inc. (KEA) relocated the entire tortoise population from Parkway Center to the Agri-Timber site. According to the KEA relocation report submitted to the FGFWFC, a total of 566 tortoises were captured from 1664 active and inactive burrows, yielding a Parkway Center site specific tortoise to burrow conversion factor of 0.34. We applied this conversion factor to estimate tortoise density on Parkway Center.

3.2 Agri-Timber Site

The Agri-Timber relocation site was surveyed in May 1997 in order to determine the current status of the relocated gopher tortoise population. To determine the tortoise density on the Agri-Timber property, pedestrian transects of known width and length were walked through various portions of the longleaf pine -

turkey oak sandhill and the status of each observed burrow was classified per Cox et al. (1987). A detailed report describing the sampling methodology and results is attached as Appendix A.

4.0 RESULTS

4.1 Parkway Center

The available, potentially occupied upland gopher tortoise habitat on Parkway Center includes improved pasture, palmetto prairie, pine flatwoods, hardwood forest, spoil areas, and a utility easement. As noted above, essentially all upland habitats on Parkway Center were surveyed for evidence of gopher tortoises. Figure 4 depicts the location of all observed burrows and their relationship to the different vegetative communities on Parkway Center, and Table 1 summarizes by habitat polygon the density estimates and mitigation acreages that the FGFWFC currently is applying to projects. A total of 606 burrows (375 active, 231 inactive) were located and field marked with survey flagging. The Parkway Center tortoise burrows are not evenly distributed across or within the different vegetative communities (see Figure 4 and Table 1). About 55 percent of the gopher tortoise population (333 burrows; mean density = 0.41 tortoises/ac.) was found in the palmetto prairie community and within this community most tortoises were found in relatively dense colonies generally associated with the most xeric soils on the site (Pomello fine sands).

The pine flatwoods and hardwood forest habitats were classified to a detailed level (Level 4 classification) based on the amount of tree crown closure (Figure 4). Within the pine flatwoods community, tortoise density averaged 0.22 tortoises per acre in FLUCFCS 4111 (10 to 30 percent closure), 0.31 per acre in FLUCFCS 4112 (31 to 50 percent closure) and 0.14 per acre in FLUCFCS 4113 (51 to 70 percent closure). In all the remaining upland habitats, tortoise densities generally were low (see Table 1 and Figure 4) Three tortoise burrows were located within the edge of herbaceous wetlands; accordingly, to be consistent these wetland (70 acres) were not excluded from the analysis of mitigation requirements (Table 1).

4.2 Agri-Timber Site

As part of the original Development Order the entire Parkway Center gopher tortoise population, a total of 566 individuals, were live captured and relocated onto the Agri-Timber property during the summer months of 1988 (see Appendix A). Prior to their release onto the recipient site, all tortoises were weighed, measured, sexed and individually identified with permanent scute notches. Based on these data, the vast majority of the Parkway Center tortoises (±91 percent) were mature adults. In addition, it was noted that no hatchlings (younger than two (2) years) were found on the donor site. Prior to relocating the Parkway Center tortoises, a survey to assess the gopher tortoise population size and habitat quality of the Agri-Timber recipient site was conducted by Tommy Hines of Natural Resources Planning Services, Inc. Pedestrian transects were established randomly and covered approximately 20 acres. Along these transects a total of 28 occupied (active plus inactive) burrows were observed. Using the standard Affenburg and Franz (1982) conversion factor of 0.614 tortoises/burrow and dividing this product by the acreage surveyed yielded an estimate of 0 86 tortoises/acre. The recipient site was characterized as upland sandhill (longleaf pine - turkey oak community) containing good quality gopher tortoise habitat. Additionally, based on the computed population density, the resident gopher tortoise population was reported to be under the carrying capacity normally attributed to sandhill (up to 6 9 tortoises/acre, Cox et al 1987), apparently because tortoises on the Agri-timber site had been excessively harvested. Relocated gopher tortoises were distributed

at a density of approximately two (2) per acre. Follow-up surveys for gopher tortoises on the Agri-Timber property were conducted by BRA in May 1997 to quantify the ultimate success of the restocking effort, some nine (9) years later. A total of 96 pedestrian transects were walked covering 82 acres. Within the area surveyed a total of 813 occupied (511 active and 302 inactive) burrows were observed Multiplying the number of occupied burrows by the conversion factor yields an estimate of 499 tortoises or a density of 6.1 tortoises per acre. This is approximately a 600 percent increase over the initial survey results (0.86 tortoises/acre), strongly suggesting that the restocking effort was successful.

Table 1. Summary of FLUCFCS Categories, Number of Active and Inactive Tortoise Burrows, Tortoise Density and Mitigation Acreages on Parkway Center.

FLUCFCS	Alpha	Area (ac)	GT-Active	Inactive	GT Density	Mit. Acres
Total 210		35.6	3	1	0.33	0.5
210	A	1.0	0	0	0.00	0.0
	B	3.5	2	0	0.19	0.2
	C	2.9	0	1	0.12	0.1
	D	13.6	1	0	0 02	0.1
	E	12.0	0	0	0 00	0.0
	F	2.6	0	0	0.00	0.0
Total 321		279.5	183	150	0.41	35.1
321	A	32.2	24	21	0.47	4.8
	B	98.6	25	44	0.24	8:8
	C	2.3	0	0	0.00	0.0
	D	3 4	3	1	0.40	0.5
	E	2.7	0	0	0.00	0 0
	F	20.4	41	42	1.38	5.1
	G	19.1	20	10	0.53	2.9
	H	1.0	0	0	0.00	0.0
	I	9.7	3	2	0.17	0 6
	J	77.8	63	28	0.40	11.6
	K	2.6	1	0	0.13	0.1
	L	4 7	1	2	0 21	0.4
	M	5.1	2	0	0.13	0 3

Table 1. (Continued).

FLUCFCS	Alpha	Area (ac)	GT-Active	Inactive	GT Density	Mit. Acres
Total 4111		342.7	153	69	0.22	27.5
4111	A	44.1	12	6	0 14	2.3
	B	10.1	1	0	0.03	0.1
	C	11.2	14	4	0.54	1.7
	D	1.7	0	0	0.00	0.0
	E	8.0	0	2	0 09	0 3
	F	165.1	84	22	0.22	13.5
	G	2 3	2	1	0.45	0 3
	H	34.8	27	15	0 41	5.2
	I	40.7	11	7	0.15	2 3
	J	24 5	2	12	0.19	1 8
Total 4112		17.7	14	2	0.31	1.7
4112	A	8.7	4	0	0.16	0.5
	B	1 9	1	1	0 36	0.3
	C	6.0	9	1	0.57	0 9
	D	1 2	0	0	0 00	0.0
Total 4113		2.5	0	1	0.14	0.1
4113	A	2.5	0	1	0.14	0 1
Total 4121		8.2	4	3	0.29	0.9
4121	A	8.2	4	3	0.29	0 9
Total 420		6.6	0	0	0.00	0.0
420	A	3 8	0	0	0.00	0.0
	B	1 3	0	0	0 00	0.0
	C	1 5	0	0	0 00	0 0

Table 1. (Continued)

FLUCFCS	Alpha	Area (ac)	GT-Active	Inactive	GT Density	Mit. Acres
Total 428		**23.5**	**0**	**0**	**0.00**	0.0
428	A	9.4	0	0	0.00	0.0
	B	6.3	0	0	0.00	0.0
	C	1.8	0	0	0.00	0.0
	D	2.1	0	0	0.00	0.0
	E	0.1	0	0	0.00	0.0
	F	0.1	0	0	0.00	0.0
	G	2.5	0	0	0.00	0.0
	H	1 0	0	0	0.00	0 0
	I	0 3	0	0	0.00	0.0
Total 4341		**4.9**	**1**	**1**	**0.14**	0.3
4341	A	4 9	1	1	0.14	0.3
Total 4342		**39.1**	**7**	**2**	**0.08**	1.2
4342	A	4.0	0	0	0.00	0.0
	B	0.6	0	0	0.00	0 0
	C	2.0	0	0	0.00	0 0
	D	4.7	0	1	0 07	0.1
	E	1.3	0	0	0.00	0.0
	F	6 5	0	0	0.00	0.0
	G	2.6	2	0	0.27	0.3
	H	3.6	0	0	0.00	0.0
	I	10 5	5	1	0.20	0 8
	J	0.3	0	0	0.00	0.0
	K	3 0	0	0	0 00	0 0

Table 1. (Continued).

FLUCFCS	Alpha	Area (ac)	GT-Active	Inactive	GT Density	Mit. Acres
Total 4343		**66.9**	**5**	**1**	**0.03**	**0.8**
4343	A	6.9	0	0	0.00	0.0
	B	1.9	0	0	0.00	0.0
	C	5.5	0	0	0.00	0.0
	D	2.2	1	0	0.15	0.1
	E	30.1	4	1	0.06	0.6
	F	0.9	0	0	0.00	0.0
	G	7.4	0	0	0.00	0.0
	H	0.3	0	0	0.00	0.0
	I	7.4	0	0	0.00	0.0
	J	4.4	0	0	0.00	0.0
Total 510		**23.1**	**2**	**0**	**0.03**	**0.3**
510	A	23.1	2	0	0.03	0.3
Total 610		**3.2**	**0**	**0**	**0.00**	**0.0**
610	A	3.2	0	0	0.00	0.0
Total 640		**70.6**	**2**	**1**	**0.01**	**0.4**
640	A	70.6	2	1	0.01	0.4
Total 743		**11.4**	**0**	**0**	**0.00**	**0.0**
743	A	11.4	0	0	0.00	0.0
Total 814		**14.6**	**0**	**0**	**0.00**	**0.0**
814	A	14.6	0	0	0.00	0.0
Total 830		**17.5**	**1**	**0**	**0.02**	**0.1**
830	A	17.5	1	0	0.02	0.1
Grand Totals		**967.5**	**375**	**231**	**N/A**	**68.8**

5.0 PROPOSED HABITAT PRESERVES

Using the FGFWFC's 26 June 1992 mitigation guidelines for the "taking" of gopher tortoises, a total of 68.8 acres of tortoise habitat would need to be preserved on or off-site, if the applicant were to follow today's mitigation standards (Table 1). As noted above in Sections 1.0 and 4.2, and in Appendix A, the applicant expended considerable resources in relocating the Parkway Center tortoise population to the Agri-Timber property. This restocking effort has resulted in a tortoise population that is now near carrying capacity for this sandhill tract, which currently is in public ownership. The Agri-Timber site meets the following criteria established by Berish (1995) as a suitable and desirable restocking location: (1) original tortoise population depleted by past human predation; (2) donor population is geographically close and presumed to be genetically, socially and demographically compatible with no known incidence of upper respiratory disease syndrome (URDS); (3) restocking site consists of moderately to excessively well drained soils with an adequate to excellent forage base; (4) site has long-term security from development; (5) a long-term commitment for habitat management; and (6) greater than 50 acres (20 ha) in size.

The amended D.O for Parkway Center requires that the developer: (1) set aside a representative 21-acre upland preservation tract of pine flatwoods and other native plant communities ". . in a manner that will ensure their continued natural function and listed upland animal species value" (D.O Condition IV.F.1); and (2) provide an acceptable plan detailing how the gopher tortoise population on Parkway Center will be " . . accommodated, protected, monitored, or mitigated" (D.O. Condition IV.F.5).

In consideration of these two D.O. Conditions, the developer proposes to set aside a ± 164.9-acre wildlife habitat that includes in its current condition the following elements (see Figure 5):

1) A contiguous 61.9-acre preserve (Area B of D.O. Condition IV.5.1) that incorporates seven (7) isolated wetlands and Allens Creek (total wetlands = 15.2 acres), and 43.5 acres of native uplands.

2) A ± 10.0-acre passive park bordered on the north by 5.4 acres of TECO easement and to the south by Allens Creek (1.5 acres) with 2.9 acres of upland buffer.

3) The bald eagle protection zones (40.6 acres).

4) The bald eagle flyway (52.6 acres) which includes 27.1 acres of uplands and three (3) isolated wetlands that total 25.5 acres.

A minimum of 68.8 acres of uplands (see Table 1) and all of the wetlands (42.3 acres) contained within the Area B Preserve and the Bald Eagle Flyway Preserve would be set aside through a conservation easement granted in favor of the FGFWFC. In order to maintain the drainage basins and pre-development hydrology of the isolated wetlands and, in accordance with SWFWMD Environmental Resource Permit (ERP) regulations, the applicant reserves the right to incorporate the isolated wetlands of these preserves into the project's surface water management system. This may involve the placement of sediment swamps (not to exceed 1 2 acres in total size) on the perimeter some of these isolated wetlands. The eagle protection zones would remain intact in accordance with the Development Order Condition Number IV F 2. The passive neighborhood park site will be platted as such and thus protected from intense development

The two proposed tortoise preserves (Area B and Flyway) contain a total of 70.60 acres of upland gopher tortoise habitat associated with 43.9 acre of high quality isolated wetlands The Fly Preserve is linked with the 40.6-acre bald eagle protection zones. Thus, this plan proposes the protection of about 107.9 acres of native uplands (12.4 percent of total uplands) and about 9.7 percent of the occupied gopher tortoise burrows on Parkway Center. With the proper management (described below), this tortoise population could be increased substantially. Also, by incorporating some 41.9 acres of isolated wetlands within the protection zones, the entire complement of native flora and fauna found on Parkway Center will be conserved.

6.0 NATURAL RESOURCE MANAGEMENT PLAN

The Parkway Center Natural Resource Management consists of: (1) conserving about 150 acres of uplands and wetlands as a wildlife greenway preserve, (2) preparing and implementing a prescribed burn/mechanical control program to preserve and maintain these habitats in a natural state, and (3) monitoring of flora and fauna to assess habitat quality both pre- and post- initiation of the land management program in the preserve areas. In addition, the two proposed tortoise preserves will be posted with signage designating the area as a "Nature Preserve".

6.1 Prescribed Burn/mechanical Control Plan

The goal of the prescribed burn/mechanical control program is to provide sustainable and viable habitat for the perpetuation of the existing upland native habitats and their associated gopher tortoise population. The prescribed burn program for the Parkway Center site will be conducted in accordance with the Significant Wildlife Habitat Guidelines set forth in the Hillsborough County Development Review Manual.

The prescribed burn/mechanical control land management plan will consist of: (1) an initial fuel reduction - site preparation burn, (2) the development of a schedule for the implementation of prescribed burns, (3) coordination with the Florida Department of Forestry in implementing all future prescribed burns (4) development of a schedule for the mechanical control program to be implemented once prescribed burning becomes unsuitable.

6.1.1 Initial Fuel Reduction - Site Preparation Burn

An initial fuel reduction and hardwood control burn conducted in 1997 appears to have been successful in reducing the palmetto cover and hardwood invasion both in the pine flatwoods and palmetto prairie communities. Land management activities, including prescribed burning, will be implemented in the spring following the issuance of the incidental take permit.

6.1.2 Scheduling a Site Specific Prescribed Burn/mechanical Control Program

Monitoring the effect of the initial burn will help in the determination of a burn cycle for the entire site. Burns will be scheduled on a cycle of no less than every three (3) years and no greater than every five (5) years. All future prescribed burns will take place during the natural wildfire season, March through August Summer burns tend to be less intense and wetlands are typically hydrated, so control of the burn is greatest. Any future prescribed burns will be contingent upon the approval of the Florida Department of Forestry (DOF) With the continued build out of the surrounding area, limits on the amount of incidental smoke and

other fire related matters may limit the use of fire as a land management tool. These possible future constraints will dictate the scheduling of the land management program utilizing mechanical control techniques. Roller chopping or hydroaxing are commonly used to control understory vegetation. These techniques are useful in decreasing saw palmetto and favoring herbaceous species. While fire as a management tool is primarily used during the wet season, mechanical management tools yield the best results when used during periods of low soil moisture, February through June. A qualified environmental consultant will coordinate the timing of the prescribed burn or mechanical control land management program.

6.1.3 Coordination with Florida Department of Forestry

The DOF requires the submittal of a site specific prescribed burn plan prior to the issuance of a burn permit. In addition, all necessary fire control measures (installation of fire lanes, removal of brush piles, etc.) must be completed prior to initiation of the prescribed burn. The DOF, as a service to the community, will participate in the installation of fire lanes and in performing the prescribed burn by supplying either man-power or equipment or both. When conducting a burn, it is advisable to have DOF personnel on-site as a precaution to the unwanted spread of fire to adjacent properties. A qualified environmental consultant will coordinate all contact and scheduling of prescribed burn activities with the DOF

6.2 Monitoring

Once the wildlife preserve is under a conservation easement, semi-annual qualitative assessments will be made by a qualified ecologist. During these assessments the overall ecological condition of the area will be evaluated. The monitoring will be scheduled to occur during the spring and fall seasons. Monitoring parameters will include but not be limited to: species composition within the herbaceous, shrub and canopy layers, percent aerial cover within each vegetative layer, shrub height, an estimate of the amount of open area, the number of occupied (active plus inactive) burrows found and wildlife use of the area. Additionally, the amount of ground litter will be noted and this information will be used to determine burn frequency. An annual report summarizing the results of the monitoring effort will be submitted to the FGFWFC Office of Environmental Services and to the Hillsborough County Planning and Growth Management Division.

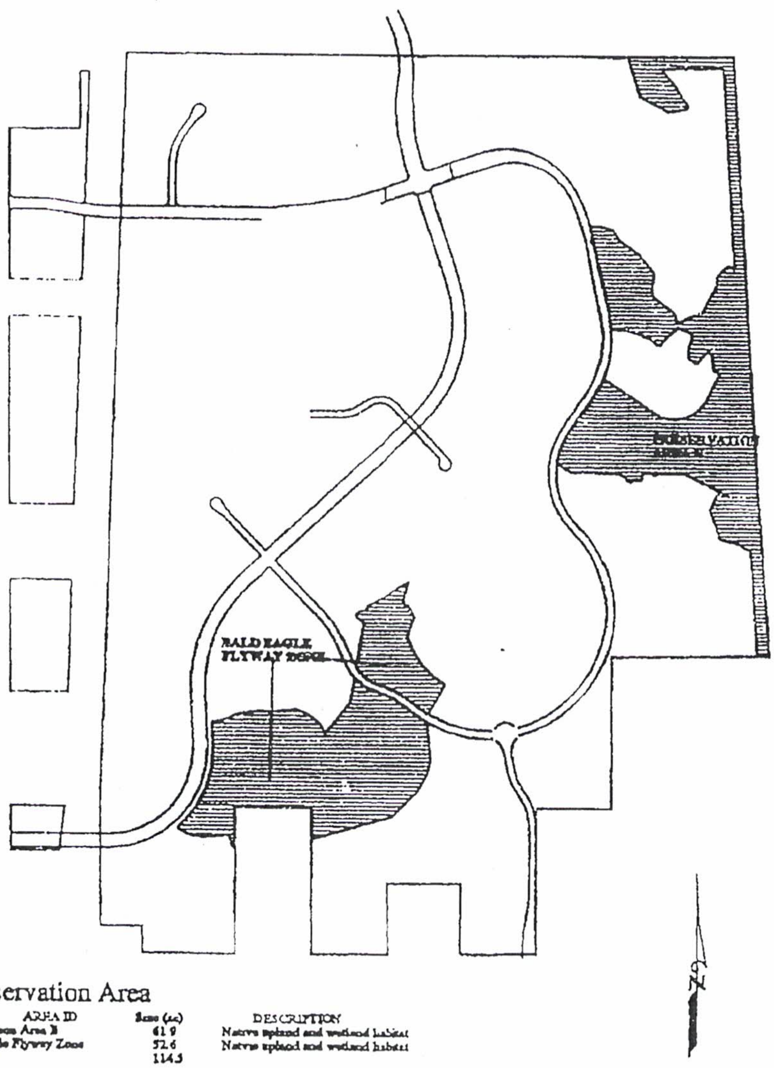
In addition to the qualitative assessments, gopher tortoise surveys will be conducted periodically in a manner that will allow a quantitative estimate of the gopher tortoise population located within the conservation easement. These surveys will occur within 90 days after each prescribed burn/mechanical control event. This schedule will allow the greatest visibility and therefore, the most accurate assessment of the actual density and size of the gopher tortoise population. This information will be included in the yearly annual monitoring report. Following buildout, responsibility for habitat management and monitoring will be turned over to the Homeowners Association for the site.

LITERATURE CITED

Berish, J.E. 1985. Identification of gopher tortoise restocking sites. Final Report, Study No 7536, Division of Wildlife, FGFWFC

Cox, J., D Inkley and R. Kantz. 1987 Ecology and habitat protection needs of gopher tortoise (*Gopherus polyphemus*) populations found on lands slated for large-scaled development in Florida. Nongame Wildlife Program Technical Report No. 4, Office of Environmental Services, FGFWFC.

~~OR BK 09385 PG 1616~~



Preservation Area

AREA ID	Size (ac)	DESCRIPTION
Preservation Area B	61.9	Native upland and wetland habitat
Bald Eagle Flyway Zone	52.6	Native upland and wetland habitat
Total	114.5	

Area of Proposed Incidential Take

1200' 0' 1200'

GRAPHIC SCALE 1" = 1200'

REVISION DATE 98-01-08 15:50:22 Thu
USER NAME [illegible]
FILE NAME [illegible]

BIOLOGICAL RESEARCH ASSOCIATES 3910 U.S. HIGHWAY 301 N. SUITE 180 TAMPA, FLORIDA 33619 (813) 664-4500 - FAX (813) 664-0440	**PARKWAY CENTER** Preserve Map	DESIGNED BY: MPE DRAWN BY: KAA CHECKED BY: MPE	PROJECT: 2746-007-B44 DATE: 8 January 1998 SHEET 1 OF 1

Exhibit "C"
Page 1 of 2

SUBORDINATION OF MORTGAGE TO EASEMENT

This Subordination of Mortgage to Easement (the "Subordination") is executed as of _____, 199___, by Stephen B. Oveson ("**Mortgagee**")

BACKGROUND

Mortgagee is the owner and holder of the instruments and documents listed on **Exhibit "A"** attached hereto and those listed below (collectively, the "Mortgage Documents"), which Mortgage Documents encumber certain property (the "**Mortgaged Property**") located in Hillsborough County, Florida:

1 Assignment, Bill of Sale and Conveyance (the "Assignment") dated August 29, 1994, executed by Mellon Bank, N A. (the "Assignor") and recorded in Official Records Book 7662, at Page 519, of the Public Records of Hillsborough County, Florida; and

2. UCC-3 Statement of Change (the "UCC-3") recorded in Official Records Book 7663, at Page 1120, of the Public Records of Hillsborough County, Florida;

Mortgagee has been requested by Parkway Center, Inc. ("**Mortgagor**") to subordinate the lien and operation of the Mortgage Documents to that certain Conservation Easement (the "**Conservation Easement**") granted by Mortgagor to the Florida Game and Fresh Water Fish Commission, dated November 23, 1998, recorded in O.R. Book ____, page ____ of the public records of Hillsborough County, Florida, which Conservation Easement encumbers a portion of the Mortgaged Property.

SUBORDINATION

For $10.00 and other valuable consideration, the receipt of which is hereby acknowledged:

1. Mortgagee hereby represents that Mortgagee owns and holds the Mortgage Documents, and has not assigned or transferred them

2. Mortgagee hereby agrees that the lien and operation of the Mortgage Documents shall be subordinate to the Conservation Easement (but none other).

(SIGNATURE ON FOLLOWING PAGE)

THIS SUBORDINATION IS EXECUTED as of the date specified above.

Signed, sealed and delivered
in the presence of:

Name: _____

Name: _____

Name: Stephen B. Oveson
Address: _____

"MORTGAGEE"

STATE OF :
COUNTY OF :

The foregoing instrument was acknowledged before me this ____ day of _____, 1998, by STEPHEN B. OVESON, who is personally known to me or has produced _____ as identification.

_____
Notary Public

jca\parkway\suborddn

EXHIBIT "F"

FFWCC GOPHER TORTOISE PRESERVE COMPATIBILITY MANAGEMENT PLAN FOR THE EAGLE PALMS PARCEL PHASE III

Prepared for:

Mr. Richard Bowman
Avid Engineering, Inc
2300 Curlew Road, Suite 100
Palm Harbor, Florida 34683

Mr. Larry Morris
Hillsborough County P.G. M. D.
P.O. Box 1110
Tampa, Florida 33601

Mr. Bill Smith
Florida Fish and Wildlife Conservation Commission
c/o Terra Ceia Aquatic Preserve
P.O. Box 309
130 Terra Ceia Road
Terra Ceia, Florida 34250

and

Mr. John Schrecengost,
Hillsborough County Planning & Growth Management Department
601 E. Kennedy Blvd, 19th Floor
P.O. Box 1110
Tampa, Florida 33601-1110

Prepared by:

Meryman Environmental, Inc.
10408 Bloomingdale Avenue
Riverview, Florida 33569

July 14, 2005

SITE NAME: Eagle Palms Phase III, f/k/a Oak Creek Phase III

SITE LOCATION: The Subject Site lies East of South Falkenburg Road and West of Interstate 75. The two (2) Folios are divided by Eagle Palm Drive (Figure 1).

LEGAL DESCRIPTION: According to the Hillsborough County Tax records, Phase III of the Eagle Palms Mixed Use Community lies within Folio No: 049097-0071 in Section 12, Township 30 S, and Range 19 E, and Folio No: 073988-0000 in Section 7, Township 30 S, and Range 30 E (Figure 2).

ACCESS POINTS: Per the Preliminary Plat, two (2) access points are planned via Eagle Palm Drive and one (1) access road is planned to be extended to connect Phase I to Phase III East, Parcel No. 0490970071 (Figure 3).

SITE HISTORY: The 49.31 ± Acres subject property has historically been used for agriculture and raising livestock. As early as 1966 and as late as 2004, aerials reflect man-made irrigation ditches, wetlands, and roadways constructed throughout the property. The FLUCCS Codes for the parcels include # 213 Woodland Pastures, # 421 Xeric Oak, # 414 Pine-Mesic Oak, # 6412 Freshwater Marsh Cattails, and # 630 Wetland Forested Mixed. Currently, there are no residences on-site. A 31.7 Acres FFWCC Gopher Tortoise Preserve created by Permit No. HIL 64 and Development Order Resolution Number R87-0334 is located to the south and east of the Phase III Parcels (Figure 4). A 2.70 Acre Tampa Electric Company (TECO) Easement borders the Development to the South.

SITE CONSERVATION AREA: The Proposed Phase III Site consists of 49.31 ± Acres. Of the total Acres, 6.16 Acres are assumed to be Wetlands. When the Wetlands are lessed out, a total of 43.15 ± Acres of Uplands remain. A Wetland Delineation was included under DRI Number 146 and the wetlands on-site were reviewed by Meryman Environmental, Inc. Per Hillsborough County's Environmental Protection Commission's Chapter 1-11, the Wetland/Upland interface line determination is based upon the Hydrophytic Overstory and Understory Vegetation, Wetland Hydrology and Hydric Soils. The marshes on-site are seasonal ponds with Sand Cord Grass, Goldenrod, Maidencane, and Blue Stem Grasses surrounded by Flatwoods.

Section 4.01.07 Environmentally Sensitive Areas (A) prohibits land alteration activities that destroy, reduce, impair, or adversely impact Wetlands or Natural Bodies of water. Furthermore Section 4.01.07 (B) of the Natural Resources Regulations requires a minimum setback of 30 ft around Wetland Conservation Areas. The Phase III Preliminary Plat proposes minimal impacts to the wetlands and no impervious impacts to the 30 foot Conservation Area.

DEVELOPMENT AREA: Per the Preliminary Plats of Eagle Palms Phase III East and West, the Development is proposed to include 153 townhomes (51 Triplex buildings) on the eastern parcel and 156 townhomes (52 Triplex buildings) on the western parcel. Each unit has a proposed 25 foot front setback, 20 foot rear, and 15 side setbacks. The Phase III Parcels lie within FEMA Flood Zone A and C.

TERRESTRIAL AREA DESCRIPTION:

Eagle Palms Phase III is divided into two (2) folios. Phase III East, Folio No. 073988-0000, contains portions of five (5) wetland systems located along the Northern and Eastern Boundaries (Figure 1). Phase III West, Folio No. 049097-0071, contains a portion of one (1) marsh system located along the northwest boundary (Figure 2). These marsh systems are to be preserved according to the Preliminary Plat (Figure 3).

When the Subject Site is compared to the Hillsborough County's August 19, 1999 Approved Significant Wildlife Habitat Map, the on-site acreage was classified as Significant Wildlife Habitat. On December 3, 2004 and May 26, 2005, Meryman Environmental requested that **no** upland preservation be required due to field reviews and fact finding. The Parcels are vested under DRI Number 146 which precedes the adoption of a Hillsborough County Significant Wildlife Habitat Map and relieves the Eagle Palms Phase III of habitat restrictions due to having a current Significant Wildlife Habitat designation.

According to the SCS Soil Map units, the Parcels Upland area primarily falls with SCS # 29 Myakka Fine Sand and # 41 Pomello Fine Sand, with the remainder of the site falling within the Hydric Soil Unit, SCS # 5 Bassinger-Holopaw-Samsula, depressional (Figure 4).

The Upland Foliage (classified using the Florida Land Use Cover and Forms Classification System (FLUCCS: Florida Department of Transportation, 1985) includes the species types # 213 Woodland Pastures, # 421 Xeric Oak, # 414 Pine-Mesic Oak, #6412 Freshwater Marsh Cattails and # 630 Wetland Forest Mixed.

The Upland Species classified on-site were Sand Live Oak, Scrub Oak, Chapman Oak, Myrtle Oak, Live Oak, Long-leaf Pine, Slash Pine, Cabbage Palm, Saw Palmetto, Wax Myrtle, Fetterbush, Winged Sumac, Gallberry, Wire Grass and Gopher Apple.

COMPATIBILITY PLAN OBJECTIVES AND PROCEDURES:

The Compatibility Plan Deed Restrictions shall be referenced and recorded on each Property deed for each lot platted in the Subdivision. Each lot owner with a Platted ownership interest in any portion of the Subdivision must maintain the Wetland Conservation Areas and the 31.7 ± Acre FFWCC Gopher Tortoise Preserve in their respective natural states. No Invasive or Nuisance species of plants or trees may be planted within the Preserve or Conservation Area. Passive recreational uses such as picnic tables, pedestrian trails, or other uses that will not destroy the Wetland Conservation Areas or harm the Gopher Tortoises and habitat within the Preserve are permitted, however no permanent structures are permitted. Boarding, grazing, or storage of livestock within the Wetland Conservation Areas or Gopher Tortoise Preserve are not permissible due to possible injury to Gopher Tortoises caused by livestock and the long term adverse impacts that livestock may cause to any natural vegetation present. No impervious surfaces such as Concrete or Asphalt are permitted. Each lot owner with Platted ownership shall prevent the introduction of feral domestic animals such as dogs and cats and prevent unauthorized activities such as poaching, collecting, motorized vehicle use and nighttime access into the Wetland Conservation Areas and the FFWCC Gopher Tortoise Preserve.

Near the Eagle Palm Phase III is the FFWCC Gopher Tortoise Preserve, which totals 31.7 ± Acres site located adjacent to Eagle Palms Phase III between Falkenburg Avenue and Interstate 75 in southern Hillsborough County. The inclusion of a Gopher Tortoise Preserve to Eagle Palms Phase III results from 566+ Gopher Tortoises being excavated from the three (3) sites in May, June and August in1988 and an Incidental Take Permit (HIL 64) issued for 68.8 Acres of Tortoise Habitat. As result of the high density of Gopher Tortoises, Eagle Palm's Development Order was amended to include a Preserve for upland preservation of pine flatwoods and other native plant communities to ensure their natural function and listed species value (DO Condition IV.F.1).

An eagle's nest is located to the south of Eagle Palms Phase III. The nest is located approximately 1,700 feet from the Phase III development with a FFWCC established primary conservation zone set at a 400 foot radius and a secondary conservation zone set at a 750 foot radius from the nest which results in 40.6 Conservation Acres. Eagle Palms Phase III is located approximately 1,300 feet from the Primary Conservation Zone and 950 feet from the Secondary Conservation Zone. In addition to these two (2) conservation zones, a Flyway for extends 52.6 Acres southeast from the nest away from Phase III. These Eagle conservation areas do not connect to the Phase III Parcels and are isolated from both the TECO Easement and the FFWCC Gopher Tortoise Preserve (Figure 5).

There are thirteen (13) FFWCC Gopher Tortoise Preserve/Wetland Conservation Areas Compatibility issues of concern that will be addressed below. These items serve as the basis for Deed Restriction documentation for potential homeowners as well as Restrictive Covenants for the Final Plat to promote a healthy, proactive Wildlife/Urban Community Interface.

1) **Buffers Between Development and the FFWCC Gopher Tortoise Preserve:** Fences are proposed along the southern or eastern borders of the Phase III Development. Phase III West will have a 15 foot average buffer from the Preserve to the south. Phase III East plans reference a 20 foot average buffer from the south and 180 foot buffer from the east. Gopher Tortoises are proficient at digging tunnels and burrows, and should the gopher tortoises enter the Development, residents and visitors must not harm or kill the tortoises, or damage their burrows as the species is listed as a Species of Special Concern by the Florida Fish and Wildlife Conservation Commission (FFWCC) under Chapter 68A-27.002-004 F.A.C.

2) **Feral and Domestic Animal Releases:** Domestic animals such as cats, dogs or other common pets such as reptiles and birds will be kept within the owners lot and will not be allowed to roam loose in the Gopher Tortoise Preserve or Wetland Conservation Areas, either supervised by the owner or wandering alone.

3) **Fire Lane Maintenance:** No disturbances are proposed within either the TECO Easement or Gopher Tortoise Preserve. No fire lane are proposed. Access to the Preserve will not be impeded by the residents. All residents will receive Ecological burn and maintenance education from D. R. Horton to promote a Fire Wise Community.

4) **Illegal Conservation Area Construction:** Construction of tree houses, forts, paintball fields, horseback, mountain bike, or off-road vehicle trails will be strictly prohibited within the FFWCC Gopher Tortoise Preserve and the Wetland Conservation Areas.

5) **Illegal Poaching and Collecting:** Poaching and/or collecting plants, animals, or artifacts in the FFWCC Gopher Tortoise Preserve and Wetland Conservation Areas will be restricted. This restriction includes, but is not limited to, hunting or hunting equipment, digging, trapping, or other collection devices. The locations and boundaries of the Gopher Tortoise Preserve will be posted with a kiosk to remind the residents of these restrictions.

6) **Illegal Preserve Access Points:** The proposed development shares both a southern and eastern border with the FFWCC Gopher Tortoise Preserve. The Developer is not proposing to install a fence along the border; however, should the Developer, FFWCC, or the Property Owner construct a wall or fence along the border between the development and the FFWCC Gopher Tortoise Preserve, lot owners may not breech the fence or wall, by drilling, cutting, or other means to gain access to the FFWCC Gopher Tortoise Preserve.

7) **Illegal Solid and Hazardous Waste Dumping:** With the development of the Subject Site, illegal dumping or disposal of solid or hazardous materials near the FFWCC Gopher Tortoise Preserve and Wetland Conservation Areas is prohibited. During the construction phase, contractors must control all trash on-site. No trash or construction debris will be allowed to be stored, dumped or inadvertently carried by animals or wind into the FFWCC Gopher Tortoise Preserve or Wetland Conservation Areas

8) **Invasive Nuisance or Exotic Vegetation Control:** This issue is a concern along the boundaries shared by the Proposed Development and the Gopher Tortoise Preserve as well as the Proposed Development and the Wetland Conservation Areas. As a result of the development of the parcels, most current exotic and nuisance vegetation will be eliminated. The 30 ft wetland buffer will also aid in seed control. A copy of Hillsborough County's Non-native and Nuisance Plant List is listed below for the developer to hand out to the homeowners. Educating the landowners is the best means to prevent introduction and promote the removal of Nuisance Vegetation. The following list of Invasive, Nuisance, or Exotic Species **are not** to be propagated or dumped in either the Wetland Conservation Areas or Gopher Tortoise Preserve.

Prohibited Invasive, Nuisance and Exotic Species List

Scientific Name	Common Name
Abrus precatorius	rosary pea
Ardisia crenata	coral ardisia
Asparagus densiflorus	asparagus-fern
Broussonetia papyrifera	paper mulberry
Casuarina cunninghamiana	basswood Australian pine
Casuarina equisetifolia	Australian Pine
Casuarina glauca	suckering Australian pine
Cestrum diurnam	day jessamine
Cinnamomum camphora	camphor-tree
Colocasia esculenta	wild taro
Cupaniopsis anacardioides	carrot wood
Cypererus involucratus	umbrella plant
Cyperus prolifer	dwarf papyrus
Dalbergia sissoo	Indian rosewood
Dioscordea bulbifera	air-potato
Eichhornia crassipes	water-hyacinth
Eugenia uniflora	Surinam cherry
Hydrilla verticillata	hydrilla
Imperata cylindrica	cogon grass
Ipomoea aquatica	water spinach
Koelreuteria elegans	flamegold tree
Lantana camara	lead tree
Leucaena leucocephala	Chinese privot, hedge privot
Ligustrum sinense	lantana, shrub verbena
Lonicera japonica	Japanese honeysuckle
Lygodium japonicum	Japanese climbing fern
Lygodium microphyllum	Old world climbing fern
Macfadyena unguis-cati	cat's claw vine
Melaleuca quinquenervia	melaleuca, paper bark
Melia azedarach	Chinaberry
Nephrolepis cordifolia	sword fern
Nephrolepis multiflora	Asian sword fern
Paederia foetida	skunk vine
Panicum repens	torpedo grass
Pennisetum purureum	Napier grass
Phyllostachys aurea	golden bamboo
Pistia stratiotes	water lettuce
Psidium cattleianum	strawberry guava
Psidium guajava	guava
Pueraria montanta	kudzu
Rhodomyrtus tomentosa	downy rose myrtle
Ricinus communis	castor bean
Ruellia brittoniana	Mexican petunia

Schinus terebinthifolius	Brazilian pepper
Solanum diphyllum	twinleaf nightshade
Solanum torvum	turkey berry
Solanum viarum	tropical soda apple
Syngonium podophyllum	arrowhead vine
Wedelia trilobata	wedelia
Xanthosoma sagittifolium	elephant ear

9) **Pool and Gate Construction:** Two (2) gates are proposed for Eagle Palms Phase III. Both gates coordinate vehicular access into the community from Eagle Palm Drive into the Community. One gate is included in Phase III East and one is included in Phase III West (Figure 3). One pool is planned to be constructed in the north portion of Phase III West next to Eagle Palm Drive. The proposed pool is connected to the main sanitary sewer system and is separated from the nearest wetland by approximately 120 feet and an internal road.

10) **Prescribed/Permitted Burns:** One tool often used by the FFWCC and other Agencies is Prescribed Ecological Burns for the maintenance of Natural Plant Communities and is used as a tool to perpetuate habitat for Federal and State Listed Species such as Gopher Tortoises. Controlled Burns are normally conducted in the early growing season (May-June) and should be acceptable to the Development Home Owner's Association. Due to the site's close proximity to Interstate 75, public schools, and numerous residential properties, prescribed/permitted burns will be difficult to perform safely. If a burn is scheduled, the Homeowners Association will be the single point of contact to disseminate any agency notifications to the residents regarding any scheduled burns. It is possible that smoke may impact the residents during and after a prescribed/permitted burn; however, the Agency conducting the prescribed/permitted burn should work with the Developments Home Owner's Association to minimize any negative impacts to the community. D.R. Horton Homes will also distribute educational materials concerning the benefits of these burns in order to promote a Fire Wise Community.

11) **FFWCC Gopher Tortoise Preserve Use by Developers and Residents:** The residents of the Eagle Palms Development as well as the General Public will not have foot access or use privileges to the Gopher Tortoise Preserve or the Wetland Conservation Areas due to the potential damage to the habitat.

12) **Safety and Security Concerns:** The Development will include Site Specific Objectives and Restrictions within their Deed Restriction, and Conservation Area Compatibility Plan in conjunction with the FFWCC's Management Plan to prevent and control poaching, the release of feral animals, prevention of vandalism and restriction of illegal dumping, and off-road vehicle traffic within the FFWCC Gopher Tortoise Preserve. The risk for dumping and vandalism should decrease as the Development becomes occupied and more residents are monitoring their neighborhoods and roads.

13) **Surface Water Management System:** No perimeter ditches will be constructed or extend outside the development and no proposed impacts to the preserved Wetlands or the Gopher Tortoise Preserve are planned, hence, no water quality or quantity issues nor erosion of the preserved Wetlands or Preserve Area are expected. Stormwater and Flood Plain concerns will be addressed in the S.W.F.W.M.D.'s Environmental Resource Permit.

Based on the notarized signature page attached and written acceptance by Hillsborough County, the Compatibility Plan will be adopted by both parties.

This management plan will be recorded in the Public Records along with other restrictive covenants (Deed Restrictions) upon Final Plat Approval and recording.

Dr. C. Dale Meryman
Chairman and President
The Meryman Companies

Melissa L. Bennett
Wildlife Ecologist

SIGNED AND WITNESSED THIS _____ DAY OF _____, 2005.

_____

Witness Signature

_____

Witness Printed Name

_____

Witness Signature

_____

Witness Printed Name

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this _____ day of _____, 2005.
By _____ who is personally known to me or has produced
_____ as identification.

Notary Signature: _____ SEAL

Printed Notary Name: _____

Commission Expires: _____