



NATIVE ENDANGERED & THREATENED SP. HABITAT CONSERVATION PLAN
ENDANGERED & THREATENED WILDLIFE

Permit Number: TE85455B-0

Effective: 10/13/2016 Expires: 10/13/2026

Issuing Office:

Department of the Interior
U.S. FISH & WILDLIFE SERVICE
Ecological Services Permit Office
1875 Century Boulevard
Atlanta, GA 30345
permitsR4ES@fws.gov



Field Supervisor, Caribbean Ecological Services Field Office, Boqueron, PR

Permittee:

PALMAS DEL MAR HOMEOWNERS ASSOCIATION
5 ACADEMY DRIVE
PALMAS DEL MAR
HUMACAO, PR 00791
U.S.A.

Name and Title of Principal Officer:

ANTONIO MALDONADO - EXECUTIVE DIRECTOR

Authority: Statutes and Regulations: 16 USC 1539(a), 16 USC 1533(d); 50 CFR 17.22, 50 CFR 17.32, 50 CFR 13.

Location where authorized activity may be conducted:

Palmas del Mar is a 2,900-acre master planned community on the Caribbean Sea coast, Humacao, Puerto Rico. Community developments covered by this Permit include: Plaza del Mar, Coqui Park, Beach Village II, IV and V, Beach Bohio, Palmas Dorada, Crescent Cove, Crescent Beach, Solarea, Beach Club, and Marbella Club.

Reporting requirements:

Reports will be provided to the U.S. Fish and Wildlife Service office appearing in Condition L of this Permit.

Conditions and Authorizations:

A. General conditions set out in Subpart B of 50 CFR 13, and specific conditions contained in Federal regulations cited above, are hereby made a part of this permit. All activities authorized herein must be carried out in accord with and for the purposes described in the application submitted. Continued validity, or renewal of this permit is subject to complete and timely compliance with all applicable conditions, including the filing of all required information and reports.

B. The validity of this permit is also conditioned upon strict observance of all applicable foreign, state, local tribal, or other federal law.

C. Valid for use by Permittee named above, and valid for use by Permittee's authorized agents.

D. Acceptance of this Permit serves as evidence that the Permittee and its authorized agents understand and agree to abide by the terms of this Permit and all sections of Title 50 Code of Federal Regulations, Parts 13 and 17, pertinent to issued permits. Section 11 of the Endangered Species Act of 1973, as amended, provides for civil and criminal penalties for failure to comply with Permit conditions.

THIS PERMIT CONTINUES WITH CONDITIONS A - L (6 PAGES TOTAL) AND TWO ATTACHMENTS.

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Conditions and Authorizations Continued:

- F. This Permit does not exclude the Palmas del Mar Homeowners Association (PHA) from obtaining any local permits from the Puerto Rico government agencies with regards to work conducted in the Maritime Terrestrial Zone (MTZ).
- G. The Palmas del Mar Homeowners Association the Permittee, created in September 1972, is the organization that services, groups and represents all residents and property owners within the Palmas del Mar development as described in Block 10. Previous surveys within this area have indicated that both the endangered hawksbill sea turtle, (*Eretmochelys imbricata*), and the endangered leatherback sea turtle, (*Dermochelys coriacea*), utilize the beach on the Project property as nesting habitat. Although not yet reported, the beach on the Project property also provides nesting habitat for the threatened green sea turtle (*Chelonia mydas*).

When in full compliance of the revised HCP dated August 9, 2014 (Revised), the Permittee and any authorized agent, are authorized the take of eggs and/or hatchlings from a total of two (2) nests of the either green, hawksbill or leatherback sea turtle in the form of harassment and/or mortality, and the take of two (2) adult green, hawksbill or leatherback sea turtle females in the form of abandonment of nesting attempts or disorientation.

- H. The Permittee, upon reasonable notice, shall permit personnel from the U.S. Fish and Wildlife Service, the Puerto Rico Department of Natural and Environmental Resources (PRDNER) or any other qualified persons designated by either agency to enter the Project property at reasonable hours and times for the general purposes specified in 50 CFR 13.21(e) (2) "Any person accepting and holding a permit under this subchapter B acknowledges the necessity for close regulation and monitoring of the permitted activity by the Government. By accepting such permit, the permittee consents to and shall allow entry by agents or employees of the Service upon premises where the permitted activity is conducted at any reasonable hour. Service agents or employees may enter such premises to inspect the location; any books, records, or permits required to be kept by this subchapter B; and any wildlife or plants kept under authority of the Permit."
- I. The following measures must be employed by the Permittee to ensure that take of the covered species is minimized and fully mitigated:
1. Conduct inspections and nest surveys throughout the year on a regular basis by PR DNER certified and trained biologists to effectively identify active sea turtle nests. Beach maintenance activities that may affect sea turtle nests and habitat will not commence until after the beach is surveyed as outlined in the revised HCP. The permittee shall ensure that beach cleanup is closely coordinated with the sea turtle biologist to avoid impacting sea turtle nests and habitat. Sea turtle biologist will

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document and inform beach maintenance crew of sea turtles nests in order to avoid affecting these nests.

2. The permittee is responsible for the proper maintenance and operation of mechanized beach cleanup equipment. The permittee shall maintain mechanized equipment to the proper specifications to minimize the excess removal of sand during beach cleaning operations.
3. A yearly sea turtle nesting report shall be sent to the Service and the PRDNER at the end of each calendar year. Thirty days after issuing the yearly report, the applicant and the Service shall meet to discuss the report's findings, discuss corrective actions, new developments, or other matters pertinent to the Permit and to conduct site inspections of the areas covered by the Permit.
4. All nest relocations shall be carried out by trained personnel with valid PRDNER permits. These actions will be conducted prior to 9:00 AM and prior to any beach maintenance as outlined in the revised HCP.
5. In situ nests shall be marked and inspected as outlined in the revised HCP.
6. Any evidence of hatchling or adult disorientation and/or mortality will be reported within 24-48 hours to the Service and PRDNER. The events will be recorded and included in the annual reports.
7. As specified in the revised HCP, native beach vegetation shall not be removed or substituted for landscaping purposes. Vegetation restoration along the coast by the various residential areas and/or the developers shall use native vegetation plants appropriate to the area such as sea grapes, native scaevola, West Indian creeper, beach morning glory, palm trees, beach plum, among others (see Attachment 1). Planting of vegetation shall not entail the substitution of sand with soil so it does not disrupt the nesting habitat and process of the turtles.
8. Vegetation screening is part of the revised HCP lighting plan. Pruning of vegetation must not allow lights to be observed from the beach. Access trails must be maintained to keep development lighting from reaching the beach areas.
9. As specified in the revised HCP direct and indirect lighting shall not be seen from the beach. Currently identified lights detrimental to sea turtles, (e.g. incandescent or neon) shall be replaced with sea turtle friendly lighting such as LED lighting. The concept of sea turtle friendly lighting is to use specific types of light sources that emit a wavelength of 450 nanometers or longer. This wavelength is virtually invisible to

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sea turtles if viewed indirectly. LEDs can be purchased within the specific wavelength parameters of true red, orange or amber colored diode (see attachment 2). They should not consist of white or blue LEDs with filter material. The following websites have information regarding the latest in sea turtle friendly lighting:

<http://seaturtlelighting.net>
http://www.superiorlighting.com/Turtle_Friendly_Lights_s/864.htm
<http://www.ledsource.com/blog/leds-provide-turtle-friendly-lighting>
<http://myfwc.com/conservation/you- conserve/lighting/certified/bulbs/>

Regular light inspections by the permittee shall be conducted to ensure that the various development projects are in compliance with the revised HCP lighting measures.

10. Conservation Measures outlined in the revised HCP regarding driving on the beach, beach toys and recreational equipment will be complied with.
- J. The Permittee and the U.S. Fish and Wildlife Service agree that modification and amendments to the Permittee's revised HCP and this Permit may occur through its effective term. The Permit is based upon the Permittee's expected compliance with the provisions and commitments established in the submitted revised HCP and the Permit's stated terms and conditions identified herein. Where a conflict occurs between the revised HCP and this Permit, the Permit shall control. The following procedures shall govern the modification and amendment process:
 1. Either the Permittee or the U.S. Fish and Wildlife Service may propose modifications and/or amendments to the revised HCP or this Permit by providing written notice. Such notice shall include a statement of the reason for the proposed modification and an analysis of its environmental effects, including its effects on operations under the revised HCP and on the covered species. This analysis shall be conducted jointly between the Permittee and the contact office of the U.S. Fish and Wildlife Service. The U.S. Fish and Wildlife Service or the Permittee will use best efforts to respond to a proposed modification or amendment within sixty (60) days of receipt of such notice. Absent any objection from the U.S. Fish and Wildlife Service or the Permittee, the proposed modification and/or amendment will be determined as minor and will become effective upon written approval by the U.S. Fish and Wildlife Service or the Permittee.
 2. The U.S. Fish and Wildlife Service will not propose or approve minor modifications or amendments to the revised HCP or this Permit if the U.S. Fish and Wildlife Service determines that such modifications would result in operations under the

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revised HCP and Permit that are significantly different from those analyzed in connection with the original revised HCP, adverse effects on the environment that are new or significantly different from those analyzed in connection with the original revised HCP or additional take of the covered species not analyzed in connection with the original revised HCP. If, for any reason, a receiving party determines that a proposed amendment or modification is not minor, it must be processed in accordance with the U.S. Fish and Wildlife Service's permit regulations at 50 C.F.R. § 13 and § 17.

3. Any amendment or modification must conform with all applicable legal requirements, including but not limited to the Endangered Species Act, the National Environmental Policy Act, and the U.S. Fish and Wildlife Service's permit regulations at 50 C.F.R. § 13 and § 17.
- K. The Permittee and the U.S. Fish and Wildlife Service acknowledge that even with the above detailed provisions for mitigating and/or minimizing impacts to the covered species, changes in circumstances could arise which were not fully anticipated by this Permit and which may result in substantial and adverse change in the status of the covered species. The U.S. Fish and Wildlife Service's policy regarding changed and unforeseen circumstances is contained in the final "No Surprises" rule published on February 23, 1998 (63 FR 8859) and codified at 50 C.F.R. §§ 17.22(b)(5), 17.32(b)(5), 222.22(g).

Unforeseen and/or changed circumstances may become apparent either to the Permittee, authorized agents or to personnel of the U.S. Fish and Wildlife Service. For the purposes of implementation of this condition, unforeseen circumstances are defined as changes in circumstances affecting a species or geographic area covered by the revised HCP that could not reasonably have been anticipated by the revised HCP developers and the U.S. Fish and Wildlife Service at the time of the revised HCP's negotiation and development, and that result in a substantial and adverse change in the status of the covered species. Changed circumstances are defined as changes in circumstances affecting a species or geographic area covered by the revised HCP that can reasonably be anticipated by revised HCP developers and the U.S. Fish and Wildlife Service, and that can be planned for. Should either unforeseen or changed circumstances arise, the Permittee and the contact office of the U.S. Fish and Wildlife Service will meet within twenty (20) working days following notice. The U.S. Fish and Wildlife Service and Permittee will together agree upon appropriate and reasonable measures for addressing such circumstances, within the rule of applicable law, and the Permittee will implement appropriate and reasonable measures within an additional thirty (30) working days, unless a longer period of time is agreed to by the U.S. Fish and Wildlife Service.

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- L. For purposes of receiving reports, and monitoring compliance and administration of the terms and conditions of this permit, or the revised HCP the contact office of the U.S. Fish and Wildlife Service is:

U.S. Fish and Wildlife Service
Caribbean Ecological Service Field Office
PO Box 491
Boquerón, Puerto Rico 00622
Telephone: 787-851-7297

END

ATTATCHMENT 1

Sea Turtle Friendly Vegetation

The vegetation listed below can be used to restore or enhance existing beach vegetation habitat for nesting hawksbill sea turtles and stabilize coastal areas. It can also be used to help screen the beach from residential or commercial lighting and help minimize coastal erosion.

Strumpfia maritima



This species is a much-branched perennial shrub up to about one and a half meter high. It is a slow-growing species growing naturally only in coastal areas where it occurs singly, scattered or in small thickets. Plants are also grown as ornamentals.

Conocarpus erectus (Button Wood)



Buttonwood is salt tolerant and thrives in soils that are acidic to alkaline, clayey to sandy, and dry to wet. Silver buttonwood, a cultivar variety makes an outstanding beachfront tree where it will become contorted and twisted as it adapts to the constant wind and spray.

Silver buttonwoods can also be trimmed like a hedge or sculpted.



Tournefortia Gnaphalodes (Tabaco marino)



Also known as sea lavender, this is a small shrub of coastal dunes and beach scrub, its native to the Caribbean. Sea lavender is a shoreline erosion control plant. It helps to trap sand and stabilize the dunes on which other plants can become established. Keep the soil slightly moist until it is established. Once established, it is extremely drought tolerant.

***Erithalis fruticosa* (Black torchwood)**



Good as a buffer plant. Could be used as an informal hedge, grows primarily in coastal areas. It is a good attractor of birds and butterflies, and does well in coastal, salty, dry conditions.

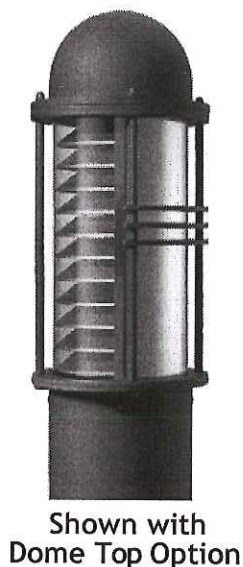
***Dodonaea viscosa* (soapberry)**



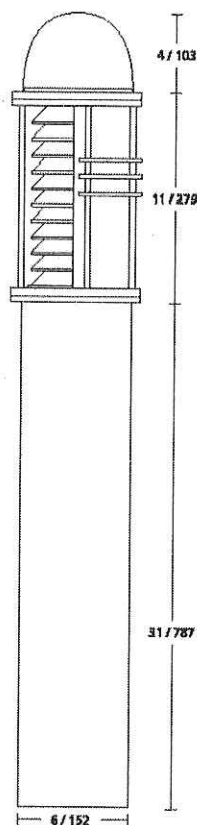
The fibrous spreading root system, rapid growth, and spreading canopy make *D. viscosa* an effective soil stabilizer which is particularly useful in controlling gully and coastal dune erosion. It is drought tolerant and has the ability to withstand wildfires. *D. viscosa* is an aesthetically pleasing plant. It has lush green foliage and deep red capsules that make it pleasing to the eye.

TURTLE BOLLARD

Sea Turtle Friendly



None (Flush Top)



180-degree Shielded, IESNA Cutoff
35w maximum, Vertical Base Down Lamp

NOTE: Overall height based on bollard with Dome Top option (D).
Consult factory for exact height of other Top Style Options.

General Description: Low Pressure Sodium bollard with 180-degree shielding provides pedestrian safety while eliminating light trespass on Sea Turtle Nesting Beaches; and the narrow light spectrum of the LPS lamp can be filtered out by astronomers. The high impact look includes extreme durability and corrosion resistant construction.

Construction: Marine grade low copper content cast aluminum top and mounting gear. Housing is marine grade aluminum extrusion. Stainless steel external hardware protects against corrosion.

Lens: Clear polycarbonate cylindrical lens. Acrylic option available.

Internal Louvers: High reflectance aluminum louvers standard. White painted louvers (WPL) option available.

Houseside Shield: Corrosion resistant, high purity aluminum standard.

Lamp: Fixture utilizes vertically mounted, base down, 35w Low Pressure Sodium lamp. Lamp not included.

Ballast: High power factor ballast. Standard with quad volt (QV) 120/208/240/277V 60Hz ballast.

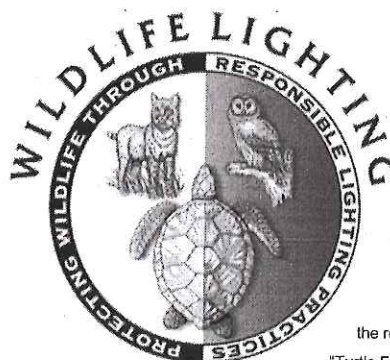
Decorative Top: Five top styles available: beveled, cone, dome, flat and none (flush top).

Mounting: Base is secured to concrete footing (by others) using provided mounting template and 1/2" anchor bolt kit (4 bolts). A 2" (51 mm) dia. conduit opening is provided in the base for ease of wiring.

Finish: Black textured polyester powder coat finish standard. Bronze, gray, white, silver, and verde green options available. For custom colors, please contact factory.

Gaskets: EPDM gaskets are standard.

Listings: UL Listed 1598 for Wet Locations. Indoor/Outdoor listed for use in Canada.



This luminaire meets
the requirements for being
"Turtle Friendly" by the Florida
Fish and Wildlife Conservation Commission



PHOENIX
Intrigue
SERIES

ORDERING INFORMATION

	SERIES	DIAMETER	MOUNT	LAMP SELECTION ¹	TOP STYLE	OPTIONS	VOLTAGE ¹	HEIGHT	FINISH
Example	TB	6	B	35LPS	D	TRH	347V	35	WHT
	TB	6	B	35LPS	B C D F N	CA NHS NR TRH WPL	347V 480V	35	BRZ WHT VGN GRY SIL CC

SERIES

TB = Turtle Bollard, Sea Turtle Friendly

DIAMETER

6 = 6" standard

MOUNTING

B = Bollard

LAMP SELECTION

35LPS = 35w Low Pressure Sodium (T16, medium base)

TOP STYLE

B = Beveled Top

C = Cone Top

D = Dome Top

F = Flat Top

N = None (Flush Top)

OPTIONS

CA = Clear Acrylic Lens

NHS = No Houseside Shield

NR = No Rings

TRH = Tamper Resistant Hardware

WPL = White Painted Louvers

VOLTAGE (QV Standard)

QV = 120/208/240/277V, 60Hz

347V = 347 volt (consult factory)

480V = 480 volt (consult factory)

HEIGHT (46" Standard)*

35 = 35"

FINISH (Black Standard)

BRZ = Bronze

WHT = White

VGN = Verde Green

GRY = Gray

SIL = Silver

CC = Custom Colors (consult factory)

LAMP AND BALLAST NOTES

1 - Requires base down universal LPS lamp, not included. Suggested lamp: GE SOX/35.

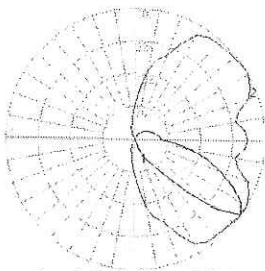
2 - Standard with quad-volt (QV) ballast.

3 - 347V and 480V consult factory for availability.

MOUNTING NOTES

1 - Base is secured to concrete footing using provided mounting template and 1/2" anchor bolt kit (4 bolts included).

* Overall height based on bollard with Dome Top option (D). Consult factory for exact height of other Top Style Options.



1 x LPS 35w T16
lumen output: 4,600

Louvers:
High Reflectance Aluminum

N5610981B

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SERIES

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Durability by Design

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