

DEPARTMENT OF THE ARMY

LONG TERM PERMIT

MAJOR MODIFICATION

Permittee: WALT DISNEY PARKS & RESORTS U.S., INC.
C/o Mr. Lee Schmudde
PO Box 10000
Lake Buena Vista, Florida 32830-1000

Permit No: SAJ-1991-01901 (SP-TSD)

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

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

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

Project Description: To modify the existing Disney Long Term Permit (LTP) with the following:

- Extend the Disney LTP an additional 13 years to December 21, 2045;
- Add five (5) parcels, Property Additions totaling 758 acres (Attachment 1, Sheet 1) into the Disney project site. Total modified project site will include 30,752 acres;
- To fill a total of 661.45 acres of waters of the United States (WOUS) in seven designated Districts within the Disney property, (excluding the Wildlife Management Conservation Areas (WMCA)). Of the 661.45 acres of fill, 86.45 acres are the remaining acres of fill previously authorized in the 1992 Disney LTP. The following table shows the acreages of fill authorized by this major modification within each Disney District (excluding (WMCA areas)):

District Name	Remaining Authorized acres of fill in WOUS 1992 Disney LTP	Additional acres of authorized fill in WOUS 2015 Disney LTP Major Modification	Total Authorized Acres of fill in WOUS
District 1: Magic Kingdom District	27	169	196.00
District 2: Epcot/Lake Buena Vista District	9	59	68.00
District 3: Studios/Sports District	26.45	122	148.45
District 4: Animal Kingdom District	5	95	100.00
District 5: Celebration West District	17	89	106.00
District 6: Celebration District	2	13	15.00
District 7: Northwest District	0	28	28.00
Total acres	86.45	575.00	661.45

- Authorize the discharge of fill at the Mira Lago compensatory mitigation site associated with the required compensatory mitigation (Attachment 5).

The work described above is to be completed in accordance with the 29 pages of drawings and 8 attachments affixed at the end of this permit instrument.

Project Location: The 30,752 acre project site would affect waters of the United States associated with Reedy Creek and London Creek Basins which discharge into Lake Hatchineha in the Kissimmee Watershed. Portions of the project are located in canals: C-1, C-2, L-404, West Perimeter Canal of the Reedy Creek Improvement District (RCID). The project site is located in Section 33, Township 23 South, Range 27 East, Sections 1-5, 8-17, 20-29, and 33-36, Township 24 South, Range 27 East; Sections 5-8, 17-23, and 26-32, Township 24 South, Range 28 East; Sections 1-3, 11-

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14, 23-26, and 36, Township 25 South, Range 27 East; and Sections 5-9, 16-20, and 29-31, Township 25 South, Range 28 East, Orange and Osceola Counties, Florida.

Directions to site: From Jacksonville, take I-95 South; exit and head west onto I-4; exit onto US Highway 192. The project site extends northeast, northwest, southwest, and south east of this intersection.

Directions to the Mira Lago site: From Jacksonville, take I-95 South, exit and head west onto I-4; exit onto US Highway 192 and head east; turn south onto Poinciana Boulevard, then turn south onto Pleasant Hill Road and continue as road becomes Cypress Parkway; then turn south onto Marigold Avenue; turn east onto Palmetto Street which turns into Chestnut Street; Site entrance is just east of the intersection of Amiens Way and Chestnut Street.

Approximate Central Coordinates:

Disney Project Site:	Latitude:	28.3632°
	Longitude:	-81.5639°

Mira Lago Mitigation Site:	Latitude:	28.0804°
	Longitude:	-81.4403°

Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on **December 21, 2045**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this

office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. The following Special Conditions pertain to the LTP Major Modification and supersede the Special Conditions included in the existing 1992 Disney LTP.

2. **Reporting Address:** All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, PO Box 4970, Jacksonville, FL 32232.

The Permittee shall reference this permit number, SAJ-1991-01901 (SP-TSD) and file name on all submittals. Email submittals shall include the project name and permit number on the subject line.

3. **Project Notifications:** The Permittee shall notify the Corps at least 30 days prior to initiation of any construction in WOUS authorized in this LTP Modification. The notifications shall be submitted in writing and shall include at a minimum the following:

a. Letter detailing the basic and overall project purpose, avoidance and minimization measures utilized for the project, project location within the District.

b. Detailed plan exhibits, cross section exhibits, and construction details of the project site including acreage of upland and wetland areas, proposed discharge of fill in WOUS associated with the proposed project, identification of prior discharges of fill in WOUS within the District;

c. WOUS (wetlands and waters) Table for the District.

d. Compensatory Mitigation Ledgers (Disney Wilderness Preserve and/or Mira Lago)
e. A discussion of how compliance with the U.S. Fish & Wildlife Service (FWS) Biological Opinions for this project was achieved and your compliance with the Endangered Species Act.

4. Commencement Notification: Within 10 days from the date of initiating any of the authorized work (discharge of fill material or compensatory mitigation endeavors), the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit. Each commencement notice (Attachment 3) submitted to the Corps shall include at least the following:

- a. Location map with local road names;
- b. Information identifying the specific wetland(s), by wetland number that have discharges of fill associated with the commencement notification;
- c. Wetland acreage associated with the commencement notification (include both total acreage from prior projects and current acreage that involves discharges of fill in WOUS).

5. As-Built Certification: Within 60 days of completion of the each authorized work activity (including the 12 site improvements within the Compensatory Mitigation Plan) the Permittee shall submit As-built drawings of the authorized work and a completed As-Built Certification Form (Attachment 4) to the Corps. The drawings shall be signed and sealed by a Florida registered professional engineer or a professional land surveyor registered in the state of Florida and include the following:

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

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

c. The Department of the Army Permit number on all sheets submitted.

6. Cultural Resources/Historic Properties:

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

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

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

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

7. Turbidity/Erosion Control: Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all

work areas to prevent the displacement of fill material outside the work area into waters of the United States. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable mats, barriers, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until each authorized work is completed and the work areas are stabilized. Best management practices for turbidity/erosion control shall be used when performing any activity authorized in this permit.

8. **Fill Material:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

9. **Wetland Avoidance/Minimization Areas:** The Permittee shall avoid impacts to the 8,348 acres of Wildlife Management and Conservation Area (WMCA) which consists of 7,613 acres of wetlands and 735 acres of uplands, reflected in Attachment 1, as detailed on Sheets 2 through 10 of 11). These natural wetland areas were avoided as part of the permit application review process and therefore will not be disturbed by any dredging, filling, mechanized land clearing, agricultural activities, or other construction work whatsoever. The Corps reserves the right to deny review of any requests for future impacts to these natural wetland areas.

10. **Compensatory Mitigation:** Within 18 months (to allow for construction in the dry season) from the effective date of this authorization, the Permittee shall initiate the mitigation activities in accordance with the approved **Mira Lago Compensatory Mitigation Plan (MLCMP)** included as Attachment 5 of this permit. Compensatory mitigation within the **MLCMP** is detailed in Attachment 5, which includes the construction of 12 site improvements along with the following:

- a) Preservation of the Mira Lago parcel, totaling 3,004 acres (in the current condition, 858 wetland acres and 2,146 upland acres) less 33.43 acres of out parcels from the conservation easement to account for an existing electrical easement and future administration and maintenance facilities total conservation easement area is 2,970.57 acres;
- b) Wetland restoration/reestablishment with hydrologic improvements to 338 acres;
- c) Wetland enhancement with hydrologic improvements to 483.49 acres;
- d) Long-term management over the entire 3,004 acre parcel including prescribed fire management program, exotic/nuisance species removal and management,

selective pine harvesting and roller chopping vegetation, reduction in cattle grazing, wild hog reduction, restoration of natural flow patterns throughout the site, and perpetual management and perpetual conservation.

11. Conservation Easement: The Permittee shall provide a copy of the executed conservation easement for the Mira Lago parcel which was previously reviewed by the Corps (Attachment 6). The conservation easement was prepared to ensure to the Corps' satisfaction the areas referenced in the Compensatory Mitigation Special Condition (number 10 above) will remain in their natural state in perpetuity. The conservation easement will encompass 2,970.57 acres. These natural preserved areas will not be disturbed by any dredging, filling, land clearing, agricultural activities, planting, or other construction work whatsoever except as required or authorized by this permit and reflected in the **MLCMP**. The Permittee agrees that the only future utilization of the preserved areas in the **MLCMP** will be as a purely natural managed area. To show compliance with this condition, the Permittee shall complete the following:

a. Within 30 days from the date of initiating the authorized work or 18 months from the effective date of this permit, whichever first occurs, the Permittee shall submit to the Corps a certified copy of the recorded conservation easement document with exhibits (including the legal description, and sketch) and a copy of the Title Insurance Commitment;

b. Any deviation from the established conservation easement cannot be performed without a modification to this permit. The ability to modify or remove this conservation easement is neither implied nor guaranteed. If the conservation easement is removed or modified for any reason, the Permittee shall provide appropriate mitigation to compensate for functional wetland loss.

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

The Grantee shall not assign its rights or obligations under this conservation easement except to another organization qualified to hold such interests under the applicable state and federal laws, including §704.06 Florida Statutes, and committed to holding this conservation easement exclusively for conservation purposes. The Corps shall be notified in writing of any intention to reassign the conservation easement to a new grantee and shall approve the selection of the grantee. The new grantee shall accept the assignment in writing and a copy of this acceptance delivered to the Corps. The conservation easement shall then be re-recorded and indexed in the same manner as any other instrument affecting title to real property and a copy of the recorded conservation easement furnished to the Corps.

12. Compensatory Mitigation Performance Standards: To meet the objectives of the approved compensatory mitigation plan, the Permittee shall achieve the following performance standards as outlined in **MLCMP** which includes 9 hydrologic units (HU):

- a) HU's 1 and 4 Performance Standards include:
 - (1) Cover of Category I and II invasive and exotic plant species, pursuant to the most current list established by the Florida Exotic Pest Plant Council at <http://www.fleppc.org>, shall be less than 5 percent of coverage (measured independently) in each wetland and upland area; and the nuisance species shall total less than 10 percent coverage (measured independently) in each wetland and upland area;
 - (2) Relative coverage by appropriate wetland species (OBL, FACW) shall be equal to or greater than baseline conditions (all vegetated strata combined),
 - (3) Natural recruitment of desirable wetland plant species in the ground cover, shrub, and canopy within the wetland areas and upland plant species within the upland areas;
 - (4) At least 75 percent relative cover by appropriate upland species within the canopy, shrub and ground cover similar for the targeted communities within the upland communities;
 - (5) Document usage (qualitative) by native wildlife species is typical of that found in upland and wetland community types and exceeds that found in the baseline monitoring report.
- b) HU's 2 3, 5, 6, 7, 8, and 9 Performance Standards:
 - (1) At least 80 percent relative cover (all strata combined) by appropriate wetland species (with a OBL or FACW indicator status) within the vegetated zones of the wetlands;
 - (2) Upland enhancement areas shall have at least 75 percent relative (all strata combined) by appropriate upland species for the upland communities;
 - (3) Cover of Category I and II invasive and exotic plant species, pursuant to the most current list established by the Florida Exotic Pest Plant Council at <http://www.fleppc.org>, shall be less than 5 percent of coverage (measured independently) in each wetland and upland area; and the nuisance species shall total less than 10 percent coverage (measured independently) in each wetland and upland area;
 - (4) Natural recruitment/regeneration of desirable canopy wetland species in the understory;
 - (5) Demonstrate that 338 acres of wetlands have been hydrologically improved and restored/reestablished within the HU's by documenting that the Corps wetland jurisdictional areas have expanded over baseline conditions;

- (6) Demonstrate that hydrologic conditions have improved over baseline conditions (excluding preserved wetland areas in HU 1 and HU 4) within the 483.59 acres of wetland enhancement with evidence such as water level recorders, water marks, adventitious roots, standing water, etc.)
- (7) Document usage (qualitative) by native wildlife species is typical of that found in upland and wetland community types and exceeds that found in the baseline monitoring report.

13. **Monitoring and Reporting Timeframes:** To document achievement of the performance standards identified in Attachment 5 to the **MLCMP** and within the **Compensatory Mitigation** Special Condition of this permit. The Permittee shall complete the following:

- a. Perform a time-zero monitoring event of the wetland mitigation areas prior to implementing the **MLCMP**. The time-zero monitoring event will identify all the existing wetland and upland areas within all nine Hydrologic Units and distinguish these areas by community type and acreage sizes.
- b. Submit the time-zero report to the Corps within 60 days of completion of the monitoring event. The report will include at least one paragraph depicting baseline conditions of the mitigation site(s) prior to initiation of the compensatory mitigation objectives and a detailed plan view drawing of all proposed enhanced and/or restored/reestablished mitigation areas.
- c. Subsequent to completion of the compensatory mitigation objectives, perform annual monitoring of the **MLCMP** for a minimum of 5 years of monitoring.
- d. Subsequent to completion of the initial mitigation activities described in the **MLCMP** submit an annual monitoring report by January 30 of each year.
- e. Monitor the mitigation areas and submit annual monitoring reports to the Corps until released in accordance with the **Mitigation Release** Special Condition of this permit.

14. **Reporting Format:** The Permittee shall submit all monitoring documentation to the Corps on 8½-inch by 11-inch paper, and include the following:

- a. Project Overview:
 - (1) Department of the Army Permit Number
 - (2) Name and contact information of Permittee and consultant

(3) Name of party responsible for conducting the monitoring and the date(s) the inspection was conducted

(4) A brief paragraph describing the purpose of the approved project, acreage and type of aquatic resources impacted as of date, and mitigation acreage and type of aquatic resources authorized to compensate for the aquatic impacts.

(5) Written description of the location, any identifiable landmarks of the compensatory mitigation project including information to locate the site perimeter(s), and coordinates of the mitigation site (expressed as latitude, longitude, UTM, state plane coordinate system, etc.).

(6) Dates compensatory mitigation commenced and/or was complete.

(7) Statement on whether the performance standards are being met.

(8) Dates of any recent corrective or maintenance activities conducted since the previous report submission

(9) Specific recommendations for any additional corrective or remedial actions.

b. Requirements: List the monitoring requirements and performance standards, as specified in the **MLCMP** and special conditions of this permit, and evaluate whether the compensatory mitigation project site is successfully achieving the approved performance standards or trending towards success. A table is a recommended option for comparing the performance standards to the conditions and status of the developing mitigation site.

c. Summary Data: Summary data should be provided to substantiate the success and/or potential challenges associated with the compensatory mitigation project. Photo documentation may be provided to support the findings and recommendations referenced in the monitoring report and to assist the PM in assessing whether the compensatory mitigation project is meeting applicable performance standards for that monitoring period. Submitted photos should be formatted to print on a standard 8½-inch x 11-inch piece of paper, dated, and clearly labeled with the direction from which the photo was taken. The photo location points should also be identified on the appropriate maps.

d. Maps and Plans: Maps shall be provided to show the location of the compensatory mitigation site relative to other landscape features, habitat types, locations of photographic reference points, transects, sampling data points, and/or other features pertinent to the mitigation plan. In addition, the submitted maps and plans should clearly delineate the mitigation site perimeter(s). Each map or

diagram should be formatted to print on a standard 8½-inch x 11-inch piece of paper and include a legend and the location of any photos submitted for review. As-built plans may be included.

e. **Conclusions:** A statement shall be included that describes the conditions of the compensatory mitigation project. If performance standards are not being met, a brief explanation of the difficulties and potential remedial actions proposed by the Permittee or sponsor, including a timetable, shall be provided. The District Commander will ultimately determine if the mitigation site is successful for a given monitoring period.

15. Mira Lago Mitigation Release of Credits: The wetland functional units of lift (credits) generated by the Mira Lago Mitigation Plan (MLCMP) may be used by Walt Disney Parks & Resorts U.S. Inc. (Disney) to provide compensatory mitigation for only projects within the 30,752 acre property site located in Orange and Osceola County, Florida. The release of credits is based upon the completion of specified performance requirements including preservation, wetland enhancement, wetland restoration, management, monitoring and final success criteria.

a. Under the existing Disney LTP, SAJ-1991-01901: There is a current balance of 86.45 credits remaining associated with the Disney Wilderness Preserve Mitigation Plan.

b. **Mira Lago Mitigation Plan:** A total of 575 credits can be achieved through the Mira Lago Mitigation Plan. The release of the credits are outlined below.

(1) 100 credits after receipt of the executed and recorded conservation easement (with the Corps as 3rd Party Beneficiary Rights & Entry Rights) over the 2,970.57 acre Mira Lago parcel.

(2) 100 credits after receipt of completion of construction to the 12 site improvements (with As-Built drawings) and the baseline monitoring report is submitted;

(3) 75 credits after receipt of the first annual monitoring report provided the work implemented is achieving the project goals (trending toward success).

(4) 75 credits after receipt of the second annual monitoring report provided the work implemented is achieving the project goals (trending toward success).

(5) 75 credits after receipt of the third annual monitoring report provided the work implemented is achieving the project goals (trending toward success).

(6) 75 credits after receipt of the fourth annual monitoring report provided the work implemented is achieving the project goals (trending toward success).

(7) 75 credits after receipt of the fifth annual monitoring report provided the work implemented is fully successful.

All credit transactions will be maintained by the Corps in the Compensatory Mitigation Ledger. In order to keep the Corps up to date, the Permittee shall provide notification to the Corps upon successful completion of each mitigation endeavor (credit release) and for each proposed credit withdrawal as outlined in the **Project Notifications** Special Condition.

16. Remediation: If the compensatory mitigation fails to meet the performance standards eight (8) years after completion of the 12 site improvements, the compensatory mitigation will be deemed unsuccessful. Within 60 days of notification by the Corps that the compensatory mitigation is unsuccessful, the Permittee shall submit to the Corps an alternate compensatory mitigation proposal sufficient to create the functional lift required under this permit. The alternate compensatory mitigation proposal may be required to include additional mitigation to compensate for the temporal loss of wetland functions associated with the unsuccessful compensatory mitigation activities. The Corps reserves the right to fully evaluate, amend, and approve or reject the alternate compensatory mitigation proposal. Within 120 days of Corps approval, the Permittee will complete the alternate compensatory mitigation proposal.

17. Mitigation Release: The Permittee's responsibility to complete the required compensatory mitigation, as set forth in the **MLCMP** and in the Compensatory Mitigation Special Conditions of this permit will not be considered fulfilled until mitigation success has been demonstrated and written verification has been provided by the Corps. A mitigation area which has been released will require no further monitoring or reporting by the Permittee; however the Permittee, Successors and subsequent Transferees remain perpetually responsible to ensure that the mitigation area(s) remain in a condition appropriate to offset the authorized impacts in accordance with General Condition 2 of this permit.

18. Eastern Indigo Snake Protection Measures: The Permittee shall comply with U.S. Fish and Wildlife Service's "Standard Protection Measures for the Eastern Indigo Snake" dated February 12, 2004 and provided in Attachment 7 of this permit." All gopher tortoise burrows, active or inactive, shall be evacuated prior to site manipulation in the vicinity of the burrow. If excavating potentially occupied burrows, active or inactive, individuals must first obtain state authorization via a Florida Fish and Wildlife Conservation Commission (FWC) Authorized Gopher Tortoise Agent permit. The excavation method selected shall minimize the potential for injury of an indigo snake. The Permittee shall follow the excavation guidance provided in the most current FWC Gopher Tortoise Permitting Guidelines found at <http://myfwc.com/gophertortoise>. If an indigo snake is encountered, the snake must be allowed to vacate the area prior to additional site manipulation in the vicinity. Holes, cavities, and snake refugia other than

gopher tortoise burrows shall be inspected each morning before planned site manipulation of a particular area, and if occupied by an indigo snake, no work shall commence until the snake has vacated the vicinity of the proposed work.

19. Biological Opinions: This permit does not authorize the Permittee to take threatened or endangered species, in particular the sand skink (*Neoseps [=Plestiodon] reynoldsi*). In order to legally take a listed species, the Permittee must have separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permit, or a BO under ESA Section 7, with “incidental take” provisions with which you must comply). The enclosed United States Fish and Wildlife Service Biological Opinions (BO’s) (Attachment 7) contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with “incidental take” that is also specified in the BOs. Authorization under this permit is conditional upon compliance with all of the mandatory terms and conditions associated with incidental take of the enclosed BOs, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BOs, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute noncompliance with this permit. The United States Fish and Wildlife Service is the appropriate authority to determine compliance with the terms and conditions of its BOs, and with the ESA.

20. Posting of Permit: The Permittee shall have available and maintain for review a copy of this permit (Project Notification approval) and approved plans at the construction site.

21. Ledgers: The Corps will maintain the Disney LTP Modification Ledger and Disney LTP Mitigation Ledger based upon the Permittee’s Project Notification requests. The Permittee will provide a modified wetland accounting spreadsheet, previously entitled Table 11 under the original Disney LTP to track all fill discharge in WOUS (wetlands and waters) permitted pursuant to SAJ-1991-01901 (SP-TSD). In addition, an overall WOUS Ledger will be maintained to keep track of the existing wetlands and discharge of fill in WOUS within each District.

22. Annual Reviews: The Permittee agrees to conduct annual reviews with the Corps and the U.S. Fish & Wildlife Service (FWS) regarding this permit (Disney LTP Major Modification). In addition, The Permittee agrees to conduct interagency reviews with the Corps, Environmental Protection Agency, U.S. Fish & Wildlife Service with regard to the ongoing Disney LTP development and MLCMP at least every 5 years.

23. Agency Changes/Approvals: Should the Permittee propose or any other agency require and/or approve changes to the work authorized or obligated by this permit, the

Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Cocoa Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

24. The Permittee recognizes that this Disney LTP Major Modification is not valid unless the Permittee has water quality certification from the State of Florida.

Further Information:

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

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

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

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

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

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

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

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

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

Lee M. Schmuck 11-18-15
(PERMITTEE) Vice-President (DATE)

Walt Disney Parks & Resorts U.S., Inc.
(PERMITTEE NAME-PRINTED)

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

[Signature] 18 Nov 2015
(DISTRICT ENGINEER) (DATE)
For Jason A. Kirk, P.E.
Colonel, U.S. Army
District Commander

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When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)

(E-MAIL Address)

(TELEPHONE NUMBER)

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***Attachments to Department of the Army
Permit Number SAJ-1991-1901 (SP-TSD)
Long Term Permit Major Modification***

1. PERMIT DRAWINGS: 29 pages, dated November 17, 2015.
2. WATER QUALITY CERTIFICATION: Specific Conditions of the water quality permit/certification in accordance with General Condition number 5 on page 2 of this DA permit. South Florida Water Management District Permit Modification # 48-00714-P dated October 19, 2015.
3. Commencement Notification Form (Attachment 3)
4. As-Built Certification by a Professional Engineer (Attachment 4).
5. Compensatory Mitigation Plan: Mira Lago Mitigation Plan (MLCMP) (Attachment 5).
6. Conservation Easement – Mira Lago Conservation Easement Draft (Attachment 6).
7. Eastern Indigo Snake - Standard Protection Measures for the Eastern Indigo Snake (Attachment 7).
8. U.S. Fish & Wildlife Service (FWS) Biological Opinions (Attachment 8).