



IN REPLY REFER TO:

# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

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April 12, 2007

FILE

Dr. Susan Rees  
Coastal Environment  
U.S. Army Corps of Engineer, Mobile District  
P.O. Box 2288  
Mobile, Alabama 36628-0001

41410-2007-7A-0127

Attn: Ms. Elizabeth Godsey

Re: FWS Log No. 4-P-97-008  
Panama City Beach Nourishment  
Bay County, Florida

Dear Dr. Rees:

This letter continues the Fish and Wildlife Service (Service) and the U.S. Army Corps of Engineers, Mobile District (Corps) section 7 consultation under the Endangered Species Act for the Panama City Beaches Federal beach nourishment project in Bay County, Florida. Specifically, this coordination concerns the Lighting Plan approved by the Panama City Beach Tourist Development Council (TDC) on March 27, 2007. Completion of the Plan was to address lighting issues identified by the lighting survey performed as a requirement of the Corps' Federal beach restoration project in Bay County, Florida. This confirms a discussion with Ms. Elizabeth Godsey of your office and Ms. Lorna Patrick of this office on March 27, 2007, regarding the subject Plan. Our comments are provided in accordance with the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1351 *et seq.*).

We have reviewed the subject document and find that it adequately identifies and plans for the preparation of a lighting ordinance, coordination with the Panama City Beach Community Redevelopment Project, funding opportunities, community education, sea turtle monitoring and protection, and eco-tourism. Our comments are provided below:

1. Plan title. The title should be revised to read: "Plan and Process to address Protection of *Threatened and Endangered Sea Turtles on the nourished beaches of Panama City Beach and Bay County.*" This more accurately identifies the sea turtle species that nest in the area and the beaches/governmental entities to be covered under the Plan.

2. Lighting ordinance goal. The lighting ordinance goal should be revised to read:  
“Development of a lighting ordinance that adequately protects sea turtles and meets the needs of the City of Panama City Beach/Bay County community.” While we agree that lighting ordinances must be created to “be acceptable” to the community, it must also address the lighting issue and protection of sea turtles.
3. Lighting ordinance, Item 3. The designation of areas to be grandfathered should be deleted. Lighting ordinances do not include “grandfathering” clauses because it negates the purpose of the ordinances by allowing lighting that potentially impacts sea turtles. Usually, correction of existing lighting is accomplished over a compliance period (1 to 2 years). This situation should be addressed in the phased approach such that these older facilities would convert to sea turtle lighting where it can be easily accomplished in the initial compliance period and over longer term conversion phase for lighting problems that are not easily addressed.
4. Proposed lighting survey, Item 3. The 2006 lighting survey was incomplete and provided ambiguous results due to flawed methodology and poor documentation. The Service and the Florida Fish and Wildlife Conservation Commission (FWC) are available to review or assist in the preparation of a Request for Proposals (RFP) so that this situation is not repeated. If the primary objective of this study is to prepare for a phased approach of a lighting ordinance, it is important for the regulatory agencies to provide input on the study’s methodology and expected results.
5. Lighting Ordinance, Item 4. The Service and the FWC are able to provide qualified companies for these tasks to ensure that the results have credibility with all parties (regulators, property owners/managers, the public, and local officials). The value of measuring light levels for the purpose of ordinance implementation or enforcement should be discussed with the regulatory agencies.
6. Lighting Ordinance, Item 6. The concept of “lighting zones” appears to denote areas where “grandfathering” may be considered. However, as indicated above, grandfathering would be unacceptable and these older areas should be addressed in the phased approach.
7. FWC Educational Opportunities. An additional item is needed to educate beach property owners and managers, local government officials, tourists, and the general community on the positive results of the pilot ordinance. We have observed a reduction in sea turtle disorientations with proper enforcement of the ordinance. In addition, the Service, FWC, and the Turtle Watch are available to meet with interested officials to describe sea turtle monitoring and protection activities including observing the Turtle Watch accomplishing their monitoring.

This Plan, when implemented as proposed, should result in a strategy that protects sea turtles on the nourished beaches of Panama City Beach and Bay County. If you have any questions concerning this matter, please contact Lorna Patrick of this office at ext. 229.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet Mizzi". The signature is fluid and cursive, with the first name "Janet" written in a larger, more prominent script than the last name "Mizzi".

Janet Mizzi  
Deputy Field Supervisor

cc:

FWS, Jacksonville, FL (Nicole Adimey/Sandy MacPherson)  
FWC, Imperiled Species Mgmt. Section, Tallahassee, FL (Robbin Trindell)  
FDEP, Office of Beaches and Coastal Systems, Tallahassee, FL  
Robert Warren, PCBCVC, PCB, FL  
Bay County Board of County Commissioners, PC, FL  
Panama City Beach City Council, PCB, FL  
Bay County Planning Dept., PC, FL  
Kennard Watson, RMA, Turtle Watch Program, PCB, FL