Alabama Beach Mouse General Conservation Plan

Frequently Asked Questions

Q1. What is the Alabama Beach Mouse General Conservation Plan?

A1. The ABM GCP is a master plan which the Service will use to expedite the permitting process and still conserve the area's natural resources. Before the GCP, it took applicants one to two years to receive a permit to build in Alabama beach mouse habitat. But this plan will speed up the process to about three months as long as the applicant meets specific requirements under the plan. The applicant must also pay an in-lieu-fee, which is an integral part of the plan.

Five basic types of construction actions (Covered Activities) would be allowed under the GCP. These would include:

- New single-family/duplex dwellings constructed within ABM habitat with a maximum developed footprint limited to 0.1 acre (4,350 square feet) per unit, including residence, driveway (including access through the road right-of-way), parking, and amenity features that alter the natural topography or vegetation on the site. Special exemptions may be given for applicants needing driveways longer than 100 feet; however in this case, the residential footprint, without driveway impacts included, may not exceed 3,400 square feet. The special exemptions would be granted on a case-by-case basis, after an applicant has demonstrated the driveway impacts have been minimized to the maximum extent practicable.
- Minimal expansion of existing residences, including attached rooms, decks, driveway, parking, or other amenity features. The new impacts would be limited to a maximum of 0.05 acre (2,175 sq ft), provided the total maximum developed footprint on the lot, including the previously developed area, would not exceed 0.1 acre (4,350 sq ft).
- Minimal construction of detached features, such as outbuildings and pools. The maximum direct impact would be limited to 0.05 acre (2,175 sq ft), provided the total maximum developed footprint on the lot, including the previously developed area, would not exceed 0.1 acre (4,350 sq ft).

- Temporary habitat impacts which would result in incidental take of the ABM, with a requirement that temporarily impacted ABM habitat to be restored to pre-project conditions. This option would be used for the installation and maintenance of linear features, including installation of utilities, clearing sand from road shoulders, installation of dune walkovers, and temporary workspace immediately surrounding the construction area for permanent features. This option also includes the removal of sand from the foundation and driveway after tropical storms, provided the sand is used to rebuild dunes on the property. There is no maximum impact restriction for this option since impacts are only temporary; however, habitat impacts must be avoided or minimized to the maximum extent practicable and habitat must be restored to pre-project conditions. Actions which only result in temporary impacts but could adversely affect other environmental resources are not covered by the GCP.
- The repair or reconstruction of residences damaged or destroyed by tropical weather systems, or other natural disasters. This option is limited to two years following the impact of a tropical storm. The rebuilt residence must be identical to the pre-storm developed footprint which was destroyed, unless exceptional circumstances exist (*e.g.*, the pre-storm residence was located south of the CCCL). Reducing the size of the restored residence in order to install an amenity feature, such as a pool, may be allowed under certain circumstances; however, the new feature must be constructed at the same time as the residence is being rebuilt.
- Actions associated with occupancy of an existing residence whose owners wish to be covered for incidental take.

Q2. What specific requirements fall under the GCP?

A1. Under the GCP, all permit holders will be limited to 0.10 acres of impacts (4,350 square feet) for the footprint of their development.

- Each permit applicant will meet with a Service biologist to review their application for completeness and compliance with the terms of the GCP. The Service will explain the beach mouse and sea turtle conservation measures and permit conditions required of each permit holder. This will help insure permit applicants understand their responsibilities related to protecting listed species and aid the Service in ensuring compliance with the proposed development footprint and limits on “take” of the ABM.

- County waste disposal services will be used in the plan area. No user of the property may accumulate any refuse capable of attracting rodents. All refuse will be disposed of using a refuse container that is rodent and scavenger-proof.

- No lumber, metals, nor bulk materials will be kept, stored, or accumulated on the property except building materials during construction. Building materials will be stored in neat piles and positioned on the parking pad or driveway to the maximum extent possible. Construction debris will be placed in a bulk refuse container (dumpster) located on site for this purpose. Dumpsters will not be placed in ABM habitat. Each contractor and subcontractor retained for land preparation or construction of the proposed residence will be provided with specific written requirements on all of the conditions controlling construction refuse disposal and removal and limitations on material storage. These prohibitions and reporting provisions are designed to prevent the introduction of predators/competitors.

- Outdoor cats are prohibited within the Plan area. No free-roaming cats will be allowed on any enrolled property. Residents or visitors are prohibited from providing food, shelter or other actions that support the presence of free-roaming cats. All observations of free-roaming cats will be reported to local animal control authorities and to the Service's Alabama Field Office. Pets of property owners and/or renters will be kept on a leash while outside.

- All undeveloped areas of the lot will be maintained in a natural state. Landscaping of the lot is discouraged. If landscaping is proposed, only plants native to the coastal dune system of Alabama will be used. A list of native coastal dune plants is available from the Service. The natural topography of the lot will not be altered for landscaping purposes, with the exception of the construction of new dunes. The use of hay bales is not allowed because they can introduce exotic weed seeds and fire ants into the area. Mulch is prohibited as it removes open sand areas that are used by the ABM.

- New dune formation may be enhanced by the installation of sand fencing. Sand fencing must be installed in accordance with ADEM guidelines to avoid impacts to nesting sea turtles. These guidelines recommend wood slat fencing, with support posts no larger than two by four inches. Fencing is placed on a diagonal alignment parallel to the shoreline, with each segment not to exceed ten feet in length. Segments of sand fencing are separated by seven to ten feet. Sand fencing will not be placed seaward of the primary dune line or the most seaward vegetated area. If sand fencing is to be placed south of the CCCL, prior authorization must be obtained from ADEM.

- No exterior lighting will be allowed for decorative purposes. The applicant will not install or use any directional outdoor floodlights or any other lights that illuminate any area outside of the residential footprint. Exterior lights will be low pressure sodium and cannot exceed 40 watts. All exterior lights must be shielded or hooded. Any lights on dune walkovers must be recessed and no floodlights are permitted at the end of dune walkovers or south of the CCCL. Tinted glass is required for all exterior windows and doors. Applicants must also comply with the lighting ordinance passed by the City of Gulf Shores on November 13, 2006.

- For Gulf-fronting lots, an elevated wooden boardwalk, of a minimum length necessary to extend from the residence to the wet beach, will be constructed to protect the primary and secondary dune area from foot traffic damage. The elevation of the dune walkover must be one foot higher than the highest dune on the property, or a minimum of six feet above grade. If possible, the walkway will be constructed top-down to reduce the impacts of heavy equipment operation on ABM habitat. All boardwalks must comply with ADEM requirements.

- Driveways must be reduced to the minimum size and distance necessary to access the residence from the street, but will not exceed 30 feet in width for driveways less than 30 feet long or 12 feet in width for driveways longer than 30 feet. Due to the extensive contamination of coastal dune habitat by gravel/shell after recent hurricanes, driveways must be constructed of paved concrete, asphalt, or some form of environmentally friendly substrate (i.e. geoweb mesh filled with sand). Driving and/or parking in natural areas of the lot (outside of the development footprint) is not permitted.

- During the active sea turtle nesting season (May 1 – September 31), all beach/recreation equipment must be moved at least 100 feet north of the mean-high tide line each day before sundown. At all other times, recreation and beach equipment will not be placed or stored within undeveloped areas of the lot. Outdoor storage facilities will be restricted to the parking area underneath the residence or within an enclosed box attached to the dune walkover.

Q3. How much is the in-lieu-fee and what is its purpose?

- **A3.** The fee will cost the applicant $2.30 per square foot. The funds collected from the in-lieu-fee will be used to further ABM conservation across its range through monitoring, habitat restoration, land purchase, and research.
- Provide a predictable and streamlined process which private land-owners may use, on a voluntary basis, to develop their properties, while achieving compliance with the Act;
- Provide for the long-term conservation of the ABM through the avoidance, preservation and restoration of habitat areas;
- Ensure that impacts to ABM resulting from Covered Activities are appropriately minimized and mitigated consistent with the requirements of the Act; and

  Allow for development on the Fort Morgan Peninsula, based upon current (2006) zoning, while maintaining habitat and habitat continuity for ABM conservation.

Q4. Will the Service be in charge of funds made from the in-lieu-fee?

A4. No. The Alabama Coastal Heritage Trust Foundation will be in charge of administering the funds.

Q5. What area does the GCP cover?

A5. The Plan Area encompasses all developable areas on the Fort Morgan Peninsula determined to provide habitat for the ABM. The Plan Area includes the land area west of Little Lagoon Pass along both sides of Hwy 182 (West Beach Boulevard) to its western terminus at the Perdue Unit (PU) of Bon Secour National Wildlife Refuge (BSNWR). The PU is not included in the Plan Area because it is part of BSNWR and is restricted from development. The few single-family inholding lots which are located within the PU are not eligible to participate in this GCP due to the direct and indirect effects to the PU that could result from development of these lots. However, inholding property owners can submit HCPs and ITP applications for Service review on an individual basis. At the western boundary of the PU, the Plan Area begins again and expands northward to the edge of Mobile Bay and encompasses all lands westward to the eastern boundary of the Fort Morgan State Historic Site (FMSHS), at the western tip of the Peninsula.

Q6. What if the applicant can't meet all of the requirements in the GCP? Does that mean the applicant can't build?

A6. Not necessarily. If the applicant can't meet all of the requirements, he/she can still go through the former process of getting an incidental take permit. However, it may take one to two years to get the permit and additional mitigation might be needed. Let's wait on Darren's paragraph on this also.

Q7. Could you please provide with the estimated cost of obtaining an Incidental Take Permit? The cost use to be plus or minus $ 200, but someone told the cost had changed.

A7. The original application was $100.00 **plus** monitoring cost over the lifetime of the permit. Monitoring cost over the lifetime of the permit averaged $90,000.00 for just the ABM population checks. Native landscaping and other requirements could easily put the total cost well over $100,000 for the lifetime of the permit. We have documented single family and duplex landowners are unable to bear this burden, plus the lenghth of time for processing permit application between 18 months and 24 months. Without meeting all conditions of the issued ITP permit, we (the Service) would find ourselves unable to issue permits.

The Alabama Field Office decided it was time for a different approach through the General Conservation Plan (GCP). Under the General Conservation Plan, a full build-out scenario of the Fort Morgan peninsula for single family and duplex lots has been analyzed (R1 and R2). **This means a permit will be waiting for all lots**. Plus the USFWS will bear the burden of ABM monitoring reducing the overall cost for each landowner through the associated in-lieu fee. Please note that lots zone R4 and R6 can be permitted under the GCP but only if they developed at the R1 and R2 levels.

The total cost is $100.00 for the application and an in-lieu fee of $2.30 per square foot will be assessed for total footprint impacts to ABM habitat. All impacts are not to exceed 0.10 acre or 4,350 square feet (R1) or 0.20 acres or 8,700 square feet (R2) . So, theoritically, if someones total impacts are 0.10 or 4,350 square feet, then their in-lieu fee could be up to $10, 005.00

Also up to 500 Minor additions to existing homes in ABM habitat will be allowed but not to exceed 0.005 acres or 2175 square feet for each addition.

Please note their will be some variations allowed for new building due to some lots extending from Highway 180 to the Gulf of Mexico.

The in-lieu fee will go towards ABM monitoring, habitat restoration, and habitat aquisition, habitat conservation of ABM habitats and will be managed by the Alabama Coastal Heritage Trust.

Q8. The estimated time to get the permit approval. From the time submitted to approval

A8. We are estimating the General Conservation Plan approval time will be shortened to 3 months or less depending on the level of coordination necessary between the FWS and the homeowner. In the old batch system is would take 18 to 24 months to receive a permit.

Q9. How often are batches sent?

A9. Previously, it took about two years to process a batch of applications.

Under the General Conservation Plan, batches will no longer be necessary because all available zoned R1 and R2 lots will already have been reviewed making them available for expediting permitting. Permits will be issued as needed as people are

ready to build and permits will be issued from the Alabama Field Office not Atlanta.

Q10. Will you accept a hand drawn footprint of proposed footprint , driveway etc or does it have to come from an architect or a professional source.

A10. We will no longer be issuing permits for just the purpose of selling a lot. We have experienced a lot of violations from the lots changing hands and the original plans/conditions of the ITP not being followed. **We would like to again emphazie a permit will be waiting on all remaining single family and duplex lots in ABM habitat when the landowner is ready to build.** So, if a landowner is ready to build soon, we will be able to permit their proposed building plan through this program if their plans conform to the conditions of the GCP.

Q11. What is an Alabama beach mouse?

A11. Alabama beach mice are small, nocturnal animals that live in the sand dunes of coastal Alabama. They feed primarily on seeds and insects. The ABM was federally listed as endangered in 1985 because of loss of habitat due to destruction of the coastal sand dune ecosystem for residential and commercial development. The increased use associated with the development, as well as predation (primarily by feral house cats), competition for resources (primarily by house mice), and hurricanes were additional factors.

Q12. **What benefits does a beach mouse provide?**

A12. A healthy coastal ecosystem with intact dunes is the preferred habitat of beach mice. As hurricane frequency and intensity continue to grow, there is increasing evidence that natural beach dunes protect manmade structures such as homes, condominiums, and boardwalks. Plants that are a staple food item for beach mice – such as sea oats – are fundamental to trapping sand to build and grow dunes in the ever-changing coastal environment. In Gulf Shores, Alabama, where developments were set back behind dunes to protect beach mouse habitat, there was considerably less damage from Hurricane Ivan in 2004 than in other coastal areas.