



## Frequently Asked Questions: Building Permits and the Alabama Beach Mouse

**The City of Gulf Shores has said that I can't get a building permit until I satisfy endangered species concerns. What does that mean?**



**What do I do first to meet those requirements?**

The City of Gulf Shores has, for a number of years, had a flood damage prevention ordinance, approved by the Federal Emergency Management Agency (FEMA). The ordinance requires review of all building permit applications to assure that all necessary permits have been received.

[The Endangered Species Act](#) (ESA) prohibits the taking of a listed species without authorization from the U.S. Fish and Wildlife Service (Service). The [Alabama beach mouse](#) (ABM), which is protected under the ESA, is found in some areas of the Fort Morgan Peninsula. To ensure that building activities on the Peninsula comply with the flood damage prevention ordinance and that harm to this listed species is avoided or minimized, the City of Gulf Shores is requiring that all proposed projects within the areas known to be used by the ABM meet the requirements of the Service and the ESA before a building permit can be issued.

First, you will need to determine if your development proposal will impact threatened or endangered species. The Service has developed maps indicating, in general terms, where ABM habitat can be found. These maps are available for review at the City of Gulf Shores offices, Bon Secour National Wildlife Refuge, the Baldwin County Zoning Office in Foley, and at the U.S. Fish and Wildlife Service Office in Daphne.

While the habitat maps provide a general indication of where the ABM is found, to receive verification regarding your property, you can request a site visit. **Please send your request in writing** to the USFWS-Daphne Field Office. Include building plans, parcel identification numbers, directions to the property, street address (if known), contact information, and any other relevant information.

**What if I do have habitat on my property?**

If your property is determined to be within ABM habitat, the Service recommends that you apply for an Incidental Take Permit (ITP) before any building or property alteration occurs. The ITP will specify actions required so that your project is in compliance with the ESA. In return, the permit provides you with specific protections under the ESA should an endangered ABM be harmed while your project is underway.

### Sea Turtles, too.

*Another factor to consider—if your property is a Gulf-front, or first tier, lot—is that development in these areas may affect sea turtle nesting during the primary nesting season from May — October each year. A list of conservation measures to avoid adversely impacts to sea turtles is available from the Daphne Field Office.*



**What if you tell me I need a permit...what next?**

If you need an ITP, we will mail an application packet to you. Once you receive a packet, including instructions, you will need to fill out the forms and other documents and return them to the Daphne Field Office, together with the \$100 processing fee. For single-family and duplex residential construction, the Daphne Office has prepared a template [Habitat Conservation Plan](#) (HCP) which must be completed and accompany your ITP application. Read carefully through the HCP, including the conservation measures, and fill in the blanks regarding your project description.

In addition, the National Historic Preservation Act (NHPA) requires that all Federal agencies take into account the effects of their undertakings and actions on cultural resources. The issuance of an ITP constitutes an undertaking requiring Federal permits; therefore, we recommend that a cultural resource survey be performed. A copy of that report and the response letter from the Alabama State Historical Commission should be sent to our office before we can issue an ITP. The Historical Commission website (<http://www.preserveala.org/>) contains a list of archeologists that may be of assistance to you in obtaining your cultural resource surveys. You may also choose to wait until your permit is approved before committing to the cultural resource survey. We can process and consider your permit, but it will not be issued to you until we receive the survey and response letter from the State.

**Do I need a permit for repairs or renovations to an existing structure?**

In most cases, repairs and renovations to an existing residence that stay within the footprint of the original structure can be authorized by the Service without applying for an ITP. However, if you are planning a pool, enlargements to the existing footprint, landscaping of new areas, or changes to the driveway or parking areas, we recommend contacting the Daphne Field Office before work begins.

**How long will it take to get a permit?**

Processing for ITPs can take three to six months or longer. Applications for ITPs are processed in the order that they are received and in accordance with workload in the Daphne Field Office. For best results, follow the instructions carefully and provide all the requested information. You can also call us to discuss your application before you mail it.

The Service is working closely with the City of Gulf Shores to streamline this process. The City is also developing conservation measures for the entire Gulf Shores area to simplify the permitting requirements.

**What is the process for issuing permits?**

Once an application is received, the package is reviewed by Service staff in Daphne to make sure all needed information has been included. A draft Environmental Assessment will be prepared by the Daphne Field Office, forwarded to the Service's Southeast Regional Office in Atlanta, Georgia, for review, and published as a public notice in the [Federal Register](#). That notice starts a 30-day period, required by law, during which members of the public may comment. At the end of that period, all comments will be addressed, and a NEPA document (Environmental Assessment (EA) or Environmental Impact Statement (EIS)) will be finalized. A biological opinion will be rendered and, if appropriate, the permit package will then be sent to the Service's Regional Director for approval and issuance.

**For more information:**

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