

HABITAT CONSERVATION PLAN

For

Coquina Caye Condominium,

Perdido Key Florida

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Revised
May 2010
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By:



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WSI Project # 2005-482

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1.0 INTRODUCTION

This Applicant is seeking an incidental take permit (ITP) from the United States Fish and Wildlife Service (USFWS) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (ESA), as amended, to take the federally and state listed Perdido Key beach mouse (*Peromyscus polionotus trissyllepsis*). The requested duration of the ITP is 25 years. In 1981, the USFWS listed the Perdido Key beach mouse (PKBM) as an endangered species and designated critical habitat for the species. The proposed take would be incidental to the construction of a 13 unit multifamily condominium and elevated dune walkover to be sited within 18,669 sq/ft (0.428 acre) of designated critical habitat for the beach mouse (Appendix A).

The parcel is a platted Gulf front lot, located within the central portions of Perdido Key (Appendix A). The activities associated with construction of the condominium are expected to permanently impact 18,669 sq/ft (.428 acre) of PKBM occupied and designated critical habitat (Appendix A).

Although other listed species may occur in the habitats addressed by this Habitat Conservation Plan (HCP), the PKBM is the “trigger” species that has prompted the need for this HCP and the requested ITP. This HCP also includes conservation measures for nesting sea turtles and non-breeding piping plover. Implementation of these measures will preclude take of the species and, therefore, not require the Applicant to seek authorization for their incidental take.

Because the Florida Fish & Wildlife Conservation Commission (FWC) regulates “take” of state-listed species under the Florida Administrative Code 68A-27.003 and is responsible for ensuring that an ITP is issued only when the HCP and permit will clearly enhance the survival potential of the species, the intent of this HCP is to provide the information necessary for the USFWS and the FWC to determine whether to issue their respective permits.

1.1 HCP Development

This HCP is prepared in accordance with Section 10(a)(1)(B) of the Endangered Species Act, the USFWS’s implementing regulations at 50 CFR 17.22(b)(1), and the *Habitat Conservation Planning Handbook* (Handbook), published by the USFWS and the National Oceanic and Atmospheric Administration’s National Marine Fisheries Service (NOAA-Fisheries) in November 1996. The *Choctawhatchee Beach Mouse, Perdido Key Beach Mouse, and Alabama Beach Mouse Recovery Plan, USFWS* (August 1987) also was used in preparing this HCP.

As required by the ESA and the USFWS’s implementing regulations at 50CFR 17.22(b)(1) and 17.32 (b)(1), an HCP submitted in support of an incidental take permit application must contain the following information (corresponding section numbers in this HCP are noted in parentheses).

- i. Impacts likely to result from the proposed taking of the species for which permit coverage is requested (section 2.1);
- ii. Measures the applicant will take to monitor, minimize, and mitigate such impacts, including the funding that will be available to undertake such measures, and the procedures to deal with unforeseen circumstances (section 2.2);
- iii. Alternative actions to such taking the applicant considered and the reasons why such alternatives are not being utilized (section 2.7);
- iv. Additional measures required by the USFWS to be necessary or appropriate for purposes of the plan.

The *Habitat Conservation Planning Handbook* identifies the following as four subtasks that fall under the first element listed above:

- a. delineation of the HCP boundaries or plan area;
- b. collection and synthesis of biological data for species to be covered by the HCP;
- c. identification of activities proposed in the plan area that are likely to result in incidental take; and
- d. quantification of anticipated take levels.

1.2 Project Location and Delineation of Habitat Boundaries

The Applicant proposes to construct a multi family condominium within a 1.21 acre Gulf front lot. The Applicant's project is designed and depicted to be consistent with the scope and quality of other multifamily projects permitted on Perdido Key.

Landforms and vegetative communities on the Applicant's lot consist of a created primary dune, and secondary dune habitat, of which is intact suitable habitat for the PKBM. The proposed construction activities are expected to impact approximately 18,669 (.428 acre), i.e., 45% of the suitable habitat. The remaining 65% of the parcel will remain in a natural condition. The habitat that will be impacted by the construction of multifamily development will be located north of the created primary dune habitat, and within secondary dune habitats. The project location, i.e., the Applicant's parcel, and the HCP boundaries are presented in Appendix A. Photographs of the habitat on the Applicant's lot are reflected in Appendix B.

1.2.1 Critical Habitat

Subsequent to the Applicant's purchase of the subject parcel, critical habitat was designated for the PKBM at the time of its listing (50 Code of Federal Regulations [CFR] § 17.95, 50 FR 23872), and revised October 12, 2006 (71 FR 60238). Five units were designated for the PKBM and spaced throughout the species historic range. The location of the units was determined based on the relative fragmentation, size, and health of habitat, as well as the availability of areas with beach mouse primary constituent

elements. The five units are: (1) Gulf State Park Unit, (2) West Perdido Key Unit, (3) Perdido Key State Park Unit, (4) Gulf Beach Unit, and (5) Gulf Islands National Seashore Unit (**Table 1** and **Figure 1**). The Applicant’s lot, which contains critical habitat primary constituent elements (PCE), is located in lands designated as critical habitat within the Gulf Beach Unit (Unit 4).

Table 1: Critical Habitat Units for the Perdido Key Beach Mouse

Critical Habitat Unit	Federal Acres	State Acres	Local and Private Acres	Total Acres
1. Gulf State Park Unit	0	115	0	115
2. West Perdido Key Unit	0	0	147	147
3. Perdido Key State Park Unit	0	238	0	238
4. Gulf Beach Unit	0	0	162	162
5. Gulf Islands National Seashore Unit	638	0	0	638
Total	638	353	309	1300

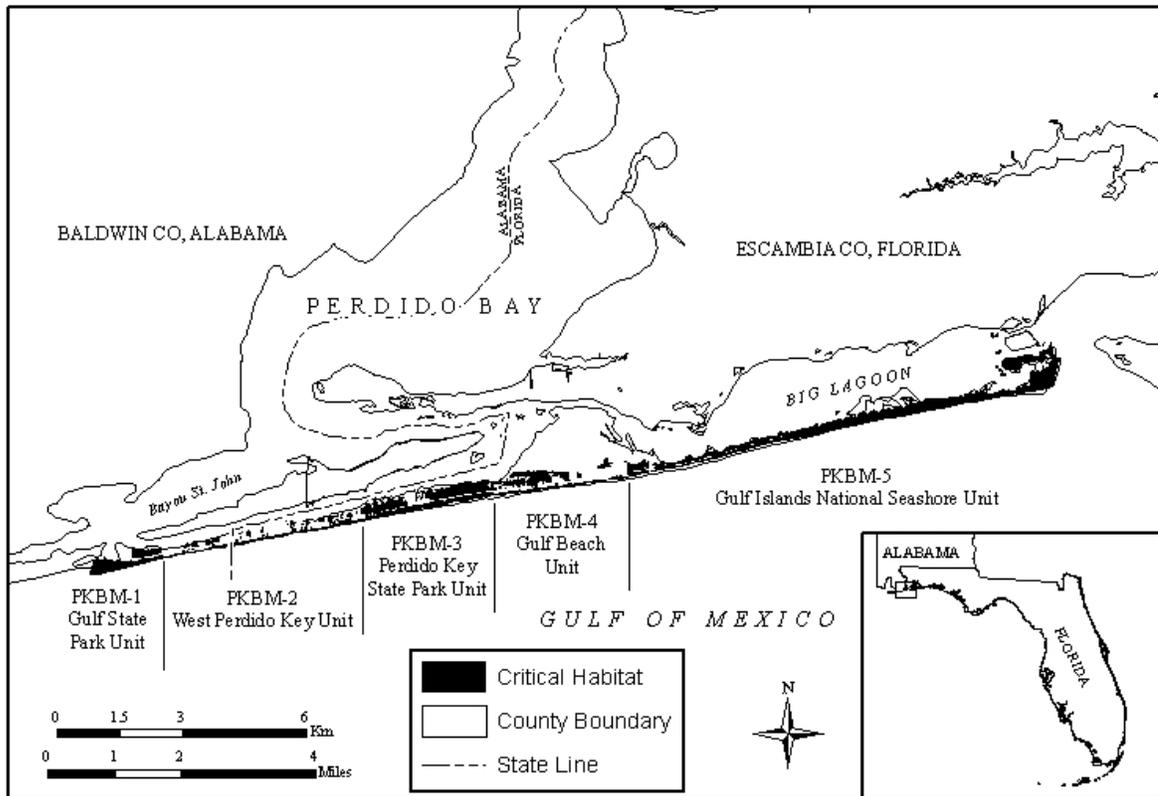


Figure 1. Designated Critical Habitat Units for the Perdido Key Beach Mouse

1.2.3 Primary/Secondary Dune

The primary and secondary dune system is vegetated by sea oats (*Uniola paniculata*), with moderate to sparse cover of beach grasses (*Panicum amarum*) and gulf blue stem (*Schizachyrium scoparium*). Some woody species such as sand live oak (*Quercus geminata*), chapmans oak (*Quercus chapmanii*), yaupon (*Ilex vomitoria*), southern magnolia (*Magnolia grandiflora*), beach heather (*Conradina canescens*), marsh elder (*Iva frutescens*), greenbrier (*Smilax* spp.), woody goldenrod, and Florida rosemary (*Ceratiola ericoides*).

1.3 Biological Overview of Species Addressed by this Plan

The habitat that is the primary focus of this HCP is the primary and secondary dune system. These areas constitute suitable habitat for the PKBM because they provide cover and foraging habitat for the species. A biological overview for PKBM is provided in the following sections.

1.3.1 Perdido Key beach mouse

The Perdido Key beach mouse (*Peromyscus polionotus trissyllepsis*) is a subspecies of the old field mouse (*Peromyscus polionotus*) and is endemic to Florida (Humphrey 1992). The Perdido Key beach mouse is one of several subspecies of beach mouse that inhabit the coastal areas and barrier islands of Alabama and Florida. The various subspecies differ from the old field mouse in color, markings, and size. The historic range of the Perdido Key beach mouse included coastal dunes extending from Alabama Point to the eastern terminus of Johnson's Beach Escambia County.

Populations of the Perdido Key beach mouse have historically occurred throughout the coastal regions of Perdido Key, Florida. Small, isolated populations of Perdido Key beach mice may occur on privately owned, developed and undeveloped areas within the historic range. Critical habitat was revised October 12, 2006 (71 FR 60238).

1.3.1.1 Life History

The Perdido Key beach mouse is primarily a granivore, foraging mainly on seeds and fruits of bluestem, sea oats, and evening primrose (*Oenothera humifusa*); however, insects are also an important component of their diet (Moyers, 1996). These foods are often stored in burrows excavated by the mouse. The PKBM is likely preyed upon by a variety of larger animals such as foxes, raccoons (*Procyon lotor*), herons, and coyotes (*Canis latrans*), as well as domestic cats (*Felis catus*). PKBM are nocturnal foragers, in part to avoid predation.

The PKBM constructs intricate burrows. Entrances to the burrows are typically on the sloping side of a dune at the base of vegetation, where the burrow is both stabilized and concealed. The burrows usually have secondary exits, which provide escape from predators. The beach mouse burrow consists on an entrance tunnel, usually descending

obliquely for some distance before continuing straight into the dune bank, where there is typically a nesting chamber 2 to 3 feet in depth, and an escape tunnel rising steeply to within an inch from the surface. Beach mouse home ranges may include numerous burrows for safe refuge from predators and shelter for food storage and nesting.

1.3.1.2 Habitat

Optimal habitat for the Perdido Key beach mouse consists of rolling, stabilized, inland and high frontal sand dunes which support vegetation communities of sea oats, grasses, herbs, and small shrubs. Optimal beach mouse habitat, as defined in the Biological Opinion for the Alabama beach mouse (1999) added primary, secondary, scrub dunes, and interdunal areas to optimal habitat previously described by the USFWS Recovery Plan (1987). Data has indicated the presence of beach mice in interior areas beyond the traditional areas (primary, secondary, scrub dunes approximately 700-1000 feet inland). Optimal habitat may also include connecting corridors between other habitats. Based on trapping data through 1999, optimal beach mouse habitat is characterized by:

- primary, and secondary and interdunal areas;
- high maximum elevation of the coastal sand dunes;
- relatively great difference between maximum dune height and minimum interdunal elevation;
- close proximity of forest;
- sparse cover of ground vegetation with moderate number (average 3.5) of plant species; and
- relatively low cover of sea oats.

The habitat types described above for the Alabama beach mouse are found in coastal dune habitats of northwest Florida along Perdido Key and extend to Money Bayou in Gulf County. The habitat description is consistent with optimal habitats of the Perdido Key subspecies.

1.3.1.3 Local Populations

Currently, three core populations of the PKBM exist along an estimated 10 to 12 miles of coastline (Figure 2). Each of these core populations is described below. The applicants parcel exists west of the Perdido Key State Park core population.

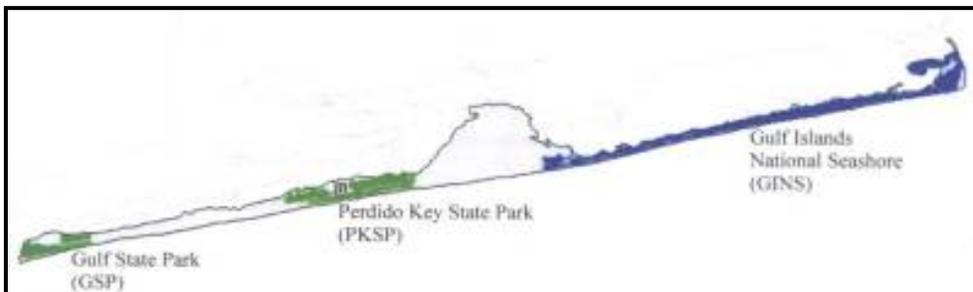


Figure 2. Map of public lands on Perdido Key.

The Gulf State Park (GSP) population is located in the extreme western section of Perdido Key within Baldwin County Alabama, approximately 3 miles west of the Applicant's parcel. This 115-acre State Park has 1.1 miles of shoreline on the Gulf of Mexico with a bank of primary, secondary, and scrub dunes, paralleling the coast.

The Perdido Key State Park (PKSP) consists of 1.5 miles of Gulf of Mexico frontage with considerable back dune acreage the width of the Key. This area is located approximately 1 mile west of the Applicant's parcel. The PKBM population at PKSP was thought to be extirpated in the early 1980s. Reintroduction efforts occurred in 2000 and 2001, and until the passage of hurricane Ivan, indication was that the population was doing well. Personal communications with the USFWS (2011 indicate that the beach mouse is currently present within much of its historic range within both the Gulf front habitats as well as the scrub dunes north of SR 292.

Tracking and trapping surveys from 2004 to 2009 at PKSP and GINS documented the presence of beach mice (GINS 2004, 2005; FWC 2004, 2005, 2006, 2007). In October 2005, following the active hurricane seasons of 2004 and 2005, a trapping effort of less than one-third of the habitat available on public lands yielded captures of less than 30 individuals. Tracking data from June 2006 indicated that about 25 and 32 percent of the available habitat was occupied at PKSP and GINS, respectively (FWC 2007). Trapping at PKSP and GINS in March 2007 was cancelled after one night after the capture of only one mouse (a fatality) and very limited sightings of beach mouse sign (tracks, burrows) (FWC 2007). Trapping conducted in April of 2008 resulted in the capture of 35 mice at GINS (Sneckenberger 2008 pers. comm.), while no mice were captured on PKSP (Himes 2008 pers. comm.). Tracking data from summer of 2009 suggested population abundance and distribution was increasing within GINS and PKSP (FWC 2010a). Trapping at GINS and PKSP in spring 2010 generally confirmed this with PKBM widely distributed at both public lands. In the spring of 2010 PKBM were released at GSP. The source population was captive mice from Brevard and Palm Beach Zoos. A total of 48 PKBM were released in the southwestern portion of GSP and were fitted with radio transmitters. Within a few days, most of the transmitters were found in a red fox den near the Carib condominiums to the north of the bridge. By the time two adults and five red fox pups were removed by USDA employees, 13 mice remained. Monitoring continued daily for the life of the transmitters (3 weeks) and monthly trapping continued over the summer and fall. A 3-day trapping effort at the end of September 2010 yielded 51 individual PKBM, including 8 of the originally released mice. Mice were found throughout habitat at GSP south of highway 182 (FWC 2010b). The release appears to be a success and PKBM are occupying all three public lands for the first time since being listed as endangered.

The Gulf Islands National Seashore (GINS) population is located along the easternmost section of Perdido Key. This section of habitat extends for 7 miles of Gulf frontage and maintains a mosaic of habitats from tidal marsh to primary dune systems. This population was thought to be extirpated in the early 1980's, but reintroduction efforts in 1986 yielded a healthy population. Since hurricane Ivan, and the numerous tropical

storms in 2005, the population and its habitat had been severely impacted. However, the most recent tracking data in GINS (August 2012) has suggested a significant rebound in population abundance and distribution (Mitchell 2009, Yanchis 2012). This trend is likely the result of habitat conditions within GINS finally improving after being set back by repeated storm events following the hurricanes of 2004 and 2005.

2.0 PROPOSED ACTIVITIES

The proposed activities include the construction and occupation of 15 unit condominium on the Applicant’s 1.21 acre-acre property. These activities that are anticipated to result in incidental take of the PKBM within the project area. The applicant proposes the construction of the condominium with a footprint encompassing 18,669sq/ft , The applicant maintains all appropriate front, rear and side setbacks. The development location minimizes impacts to intact dune and scrub habitat and is generally situated within an unvegetated area within the subject lot.

The construction activities are expected to permanently impact 18,669 (.428 acre) of habitat occupied by the PKBM. (See Appendix A). The remaining habitat will not be impacted.

2.1 Impacts Likely to Result in Take

Quantifying the anticipated take of the Perdido Key beach mouse on the Applicant’s parcel is directly dependent upon impacts to the habitat that is occupied by PKBM. Thus, the anticipated incidental take has been quantified in measures of habitat and is presented below.

The project site consists primarily of intact coastal dune habitat. This habitat provides food, shelter and areas foraging for the PKBM. The Applicant’s parcel is comprised of 1.21 acre of such habitat. Approximately 0.428 acre (18,669 sq/ft or 45%) will be permanently impacted by the proposed activities. The Applicant will, however, retain habitat within all areas outside the core of the footprint of the development, where possible, augment such habitat with native landscaping.

Table 2. Amount of PKBM habitat before and after the proposed project.

	Current Condition	Proposed Condition
PKBM Habitat	1.21 acre	0.782 acre
Developed/Disturbed	0.0	0.428 acre
Parcel Total	1.21 acre	1.21 acre

2.2 Conservation Intent, Minimization and Mitigation

2.2.1 Conservation Intent

The conservation intent of this HCP includes the following components:

- Conservation of designated critical habitat on the parcel;
- Recordation of a conservation easement on a portion of the parcel;
- Restoration of scrub area degraded by previous impacts to the parcel;
- Development of appropriate covenants and restrictions on the parcel; and
- Implementation of a prescriptive management program (described in section 2.2.2.2.1, below).

Each of these components is intended to conserve and manage habitat for the Perdido Key beach mouse and benefit other species with similar habitat requirements.

2.2.2 Minimization and Mitigation Measures

The project has been designed to minimize impacts to the PKBM and its habitat and to provide for the long term protection and maintenance of existing suitable habitat on the parcel that will not be permanently impacted. Measures also will be employed to mitigate for impacts to the PBKM from the proposed action and benefit the species. The minimization and mitigation portion of this HCP contains the following three parts, which are more specifically described below:

- Management and conservation of remaining natural area (approximately 0.78 acre);
- Restoration of scrub habitat impacted by Hurricane debris
- Implementation of measures approved by the USFWS and the FWC, including trapping, relocation, monitoring, and management efforts; and
- Planting and maintaining native scrub vegetation on the parcel.

2.2.2.1 Minimization Measures

2.2.2.1.1 Restoration

Minimization of impacts associated with the project includes removal of hurricane debris within the secondary dune system, and the alignment of the development within mostly unvegetated areas.

2.2.2.1.2 Control or Removal of Pests and/or Predators

The Applicant shall not permit domestic cats to be kept on or allowed to come onto the parcel. The county or state employs animal control for stray and feral cats, and often trap nuisance, stray or feral animals on a regular basis. The Applicant will grant County and State animal control personnel to access the parcel to remove such animals. The Applicant also will provide for such access in a conservation easement. Dogs will be permitted outdoors on the parcel only on a leash.

2.2.2.1.3 Litter and Trash Control

A trash and rubbish control program will be incorporated into daily construction and operating procedures. During the construction activities, the Applicant, its contractors and their subcontractors will ensure that litter and rubbish are controlled and disposed of properly. The Applicant will also include provisions within the conservation easement and deed restrictions regarding litter and trash control measures for all unit owners.

2.2.2.2 Mitigation Measures

2.2.2.2.1 Prescriptive Management Program

The prescriptive management program (PMP) (USFWS 1996) addresses the protection and management of the coastal beaches and secondary and primary dune habitat such as that located on the Applicant's parcel. Design and habitat management activities will be accomplished through appropriate:

- Operation, including long-term management of the project area.

The Applicant will implement measures from the PMP, including restoration of marginal habitat, mitigation for impacted habitat, and installation of appropriate lighting compatible with management for coastal beach and dune habitat. Finally, there will be allocation of responsibilities to the Applicant/Permittee. The activities required for the management of remaining habitat on the Applicant's parcel as well as the entities responsible for the management, are specifically addressed in the following sections.

2.2.2.2.2 Revegetation of Temporarily Disturbed Areas

Areas designed for habitat protection that can benefit from active management shall have hurricane debris removed (Siding, decking, house hold items) to ensure habitat conditions compatible with the Perdido Key beach mouse. Also, areas which would benefit from revegetation provision include side setbacks, front degraded areas and rear property disturbance, and natural areas impacted by construction or natural causes. Plants to be installed in these natural areas shall include only species native to coastal Escambia County.

2.2.2.2.3 Conservation Easement and Deed Restrictions

Conservation of lands on the parcel shall be accomplished through a conservation easement encumbering undeveloped portions of the parcel. These measures will insure that the property is protected in perpetuity and that any future owners of the parcel are aware and comply with the conditions of the HCP and ITP on the parcel. A copy of the proposed conservation easement and deed restrictions are attached hereto as Appendix C.

2.2.2.2.4 Management Activities

The Applicant proposes to undertake the following management and conservation activities:

- implement management actions designed to avoid impacts and to maintain and enhance the ecological integrity of habitat in the project area; and
- consent to future trapping and recovery efforts of beach mice undertaken by the USFWS and/or FWC and to provide for such in the conservation easement.

2.2.2.2.5 Habitat Restoration

Because dune restoration requires natural accretion of sand, it cannot be conditioned as a single event. Restoration of disturbed areas within the preserved habitat area will occur as described previously. All plants used in the restoration of the dunes shall be native to coastal Escambia County.

2.2.2.2.6 Contribution to Conservation Fund

To further mitigate for impacts to the .428 acre, the Applicant will contribute \$42,800.00 to the conservation fund that is established by Escambia County, state and federal *agencies*. In addition to the initial contribution, each year thereafter the Applicant will make an annual contribution to the conservation fund in the amount of \$201.00 per unit. The funds in the conservation fund will be spent in accordance with the conservation strategy prepared for the PKBM (FWC, et al. 2005). The prioritization of annual conservation effort priorities would be determined by an interagency committee including the USFWS.

2.2.2.2.7 Lighting Guidelines to Reduce Impacts to Sea Turtles and Beach Mice

General Information. The negative effects of lighting on sea turtle hatchlings and nesting females and beach mice are well documented. Hatchlings emerge during hours of darkness, allowing them to make their journey to the sea when sand temperatures are low and terrestrial, avian, and aquatic predators are comparatively few. Proper hatchling orientation depends largely on a visual response to light. Under natural conditions, the ocean presents the brightest and most open horizon, and this serves as a cue to hatchlings in their new ocean finding behavior. Beach mice forage less often and are more susceptible to predation as ambient light increases.

Artificial lights disrupt this behavior and attract hatchlings as they emerge from their nests. Both visible light sources and the reflection or “glow” resulting from the cumulative effects of coastal lights contribute to this problem. Instead of making their way to the ocean, hatchlings become disoriented and may wander extensively on the beach. Even for those hatchlings that eventually reach the ocean, unnecessary wandering increases their vulnerability to predation and causes them to expend limited

energy stores. In addition, hatchlings may wander landward through beachfront property or across parking lots and highways towards other light sources. Most hatchlings die from desiccation, direct exposure to the morning sun or by contact with vehicles. Beachfront lighting has been documented to negatively affect nesting females and often results in reduced or abnormal nesting activity.

General Guidelines. To prevent hatchling disorientation and adverse impacts to nesting Turtles and beach mice, all exterior lighting visible from a nesting area located on and adjacent to the waterway to the south of the property will be “turtle friendly”, and tinted glass or window film that meets a transmittance value of 40% or less (inside to out transmittance) shall be used on all windows and glass doors visible from any point in a nesting area located on and adjacent to the waterway to the south of the property. Any pole mounted fixtures will be no higher than 15’ feet tall. The light fixtures will be shielded from line of sight to the beach and remaining PKBM habitat on and off site. The bulbs will be long wavelength light sources such as low pressure sodium.

2.3 Monitoring

The Service’s implementing regulations at 50 CFR 17.22(b)(1)(iii)(B) require that an HCP specify the measures the Applicant will take to “monitor” the impacts of the taking resulting activities.

The Applicant agrees to allow USFWS and/or FWC representatives and personnel to come onto the parcel to conduct activities to monitor for beach mice and engage in monitoring to ensure that the parcel is managed and protected in compliance and accordance with the HCP, ITP, conservation easement and deed restrictions. The conservation easement that the Applicant will grant in accordance with this HCP will contain provisions allowing for such.

2.4 Reporting

The Applicant agrees to submit an activities report to the USFWS and the FWC by 31 January of each year after issuance of the ITP. The report shall be prepared by the Applicant or an approved representative. The report shall contain a summary of development activities that took place on the project area during the preceding year and other information relevant to preservation of the habitat for the PKBM.

2.5 Funding

The applicant/permittee is responsible for the adherence to the conditions and funding the conditions set forth within the Permit and associated documents.

2.6 Unforeseen Circumstances

In the event of unforeseen circumstances, the proposed development footprint will remain, and appropriate native coastal plants will be re-established.

2.7 Alternative Actions

Alternative actions considered included:

- no development (no action alternative); and
- on site and offsite mitigation (proposed action), as conditioned by this HCP.

2.7.1 No Action Alternative

Under the No Action Alternative, the Applicant would not construct the condominium on the parcel or perform any of the conservation and mitigation measures set forth in the HCP. The Applicant has the right to develop the property consistent with high end residential facilities located within the subdivision. It is not the intention of the ESA to take property rights away from individuals proposing to develop their properties consistent with Federal, State, and County mandates. The No Action alternative would be appropriate if the State were to purchase the Applicant's parcel for current market value. This is not anticipated, however. Under the No Action alternative, the habitat on the parcel would be expected to remain as PKBM habitat.

2.7.2 Proposed Action Alternative

The proposed action is the development of the condominium with on-site and off-site mitigation as well as the implementation of measures to minimize impacts to PKBM, under the proposed action, the Applicant will:

- Enhance, maintain, and protect habitats by the installation of appropriate forage and cover plant species;
- Consent to allow trapping for the PKBM and other conservation measures, including recovery efforts, deemed appropriate by the USFWS and/or the FWC to occur on the parcel and grant a conservation easement authorizing such activities.

These actions will result in the restoration and perpetual maintenance of 0.782 acre of dune habitat. The undeveloped 0.782 acre will be managed to provide high quality suitable habitat for the PKBM and other listed species. Management will also include the proposed action described in this HCP and any habitat impacted during construction.

After issuance of the requested ITP but prior to beginning construction activities on the parcel, the Applicant will execute and record legally binding deed restrictions and a conservation easement in accordance with Florida law on the parcel. These will include, among other things, building restrictions, trash and pest control, sea turtle lighting requirements, and other matters set forth in this HCP.

2.8 Minor Construction Boundary Adjustments

To accommodate conditions encountered during construction, an explicit provision is made for minor construction boundary adjustments. Upon request by the landowner, the USFWS and the FWC shall consider the construction boundary fence to be moved if there is a compelling reason to do so. The USFWS and FWC shall determine the appropriateness of fence movement on a case by case basis. Minor boundary adjustments cannot increase the cumulative extent of temporary disturbance of habitat. Construction boundary adjustments would not result in a change in the permanent development footprint.

2.9 Construction

All restored/protected suitable habitat will be restored upon loss caused by hurricanes or other natural disasters. Once construction is completed, no further construction or activity may occur in the restored\conserved areas that is not in compliance with the conservation easement or otherwise permitted by the ITP.

2.10 Other Measures Required by the USFWS

Section 10(a)(2)(A)(iv) of the ESA and 50 CFR 17.22(b)(iii)(D) of the USFWS's implementing regulations provide that the USFWS may require that the HCP include such other measures as may be necessary or appropriate for purposes of the plan. Based on prior conversations, it is the Applicant's best interest that no other measures are required by the USFWS.

2.10.1 Amendment Procedures

The HCP includes a wide range of management efforts designed to limit and mitigate take of the endangered Perdido Key beach mouse and develop the parcel lot in a manner consistent with Escambia County land use policies. If, over the usual thirty year life of the permit, there are unforeseen circumstances which change development or other conditions, HCP amendments may be needed. Amendments which may be included are listed and described below.

2.10.2 Administrative Amendments

Changes which would not appreciably alter the extent of incidental take, the mitigation prescribed for take, or the funding of the HCP, are primarily administrative and can be accomplished by amending the HCP text without modifying the underlying Section 10(a)(1)(B) permit. The determination of the administrative status of a change will be made by the USFWS and/or FWC with concurrence by other parties, and must take into account the cumulative effect of the proposed change and all preceding or pending administrative changes.

2.10.3 Permit Amendments

Changes which may appreciably alter the extent of the incidental take, the mitigation prescribed for take, and the funding of the HCP will require an amendment to the Section 10(a)(1)(B) permit as well as to the HCP text. Only the permittee can request a permit amendment, and the request is processed by the USFWS.

3.0 LITERATURE REVIEW

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APPENDIX A

APPENDIX B

Site Photographs



View South from SR 292



View North from center of subject parcel



View East from Subject parcel



View west from southern portion of subject parcel

APPENDIX C

DRAFT
DECLARATION OF RESTRICTIVE COVENANTS

The Declarant, Guy Olano, Coquina Caye Condominiums Inc., is the fee simple owners of the certain real property located in Escambia County, Florida as described on Exhibit A, 16573 Perdido Key Drive which is attached hereto and incorporated herein by reference (the “Property”). Declarant has applied for a permit from the United States Fish and Wildlife Service (TE), pursuant to Section 10 of the Endangered Species Act to construct a multi-family condominium within Perdido Key Beach Mouse habitat. In consideration of the issuance of such permits and in compliance with the terms thereof, and for other good and valuable consideration, the Declarant hereby declares that the Property shall henceforth be subject to the following restrictive covenants, which shall run with the land in perpetuity. As used herein, the term “Declarant” includes the current owner and any successors, heirs, and assigns.

1. Except as permitted or required by the permits, the Property shall be retained and maintained its natural, vegetative, hydrologic, topographic, scenic, open, or wooded condition and to retain such areas as suitable habitat for fish, plants, or wildlife. Those areas that are to be restored or enhanced as pursuant to the Permit shall be retained and maintained in the restored, enhanced, or created condition required by the Permit. All terms and conditions of the incidental take permit are included as deed restrictions by this reference to the Permit as provided as Exhibit B, which is attached hereto.
2. Except as permitted or required by the permits, the following activity on the Property is prohibited:
 - a. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structure on or above the ground, including construction materials, hay bales, or dead vegetation;
 - b. Soil compaction, dumping or placing of soil, contaminated sand, or soil that does not meet sand ordinance, or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;
 - c. Removal or destruction of trees, shrubs, or other vegetation, except as may be permitted by the Permit, and except for the removal of invasive, non-native vegetation in accordance with a maintenance plan approved by the Grantee;
 - d. Planting of any species other than those native to coastal dune ecosystems of Escambia County;
 - e. Exploration for oil or gas, and excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such a manner as to affect the surface, except as may be permitted or required by the Permit;

- f. Surface use except for purposes that permit the land or water area to remain in its natural or restored condition;
 - g. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish or wildlife habitat preservation including, but not limited to, ditching, diking, and fencing, except as permitted or required by the Permit;
 - h. Acts or uses detrimental to such aforementioned retention and maintenance of land or water areas;
 - i. Acts or uses detrimental to the preservation of the structural integrity or physical appearance of site or properties of historical, architectural, archaeological, or cultural significance.
3. Grantor shall be responsible for any costs of liabilities related to the operation, upkeep, and/or maintenance of the Property consistent with these restrictive covenants. Grantor shall remove from the Property any non-native plants as listed by the Exotic Pest Plant Council (EPPC), or its successor.
- a. The property shall be restored of sand and vegetation in the dune community after a named storm event.
4. Declarant shall not convey any right or allow access to the general public to any portion of the Property for any purposes whatsoever.
5. Declarant shall record these restrictive covenants in the official records of Escambia County, Florida, and shall re-record these restrictive covenants at any time the Service or Commission may require to preserve its rights. In the event ownership of the Property is transferred, Declarant shall provide proof to the Service and Commission of delivery of a copy of the recorded restrictive covenants to the new owner(s), together with the notification to the Service and Commission of permit transfer. Declarant shall pay all recording costs and taxes necessary at any time to record these restrictive covenants in the public records.
6. These restrictive covenants shall take effect immediately upon declaration and shall run with the land in perpetuity. These restrictive covenants shall be deemed to survive unity of title. Declarant will take no action to rescind, revoke, or otherwise nullify these restrictive covenants. No changes shall be made to the recorded deed restriction that would cause noncompliance with the requirements of the Permit.
7. The terms and conditions of these restrictive covenants may be enforced by Escambia County, the U.S. Fish and Wildlife Service, or Florida Fish and Wildlife Conservation Commission, in an action at law or equity against any person(s) or other entity/entities violating or attempting to violate these restrictive covenants. In furtherance of this right, upon reasonable notice to the property owner, Escambia County, U.S. Fish and Wildlife Service, or Florida Fish and Wildlife Conservation Commission,

may enter the above described property in a reasonable manner and at a reasonable time to ensure compliance with these restrictive covenants. Any forbearance on the part of the Escambia County, U.S. Fish and Wildlife Service, or Florida Fish and Wildlife Conservation Commission, to exercise its rights in the event of a violation shall not be deemed or construed to be a waiver of its rights hereunder in the event of any subsequent violation. Should Escambia County, U.S. Fish and Wildlife Service, or Florida Fish and Wildlife Conservation Commission prevail in an enforcement action, Escambia County, U.S. Fish and Wildlife Service, or Florida Fish and Wildlife Conservation Commission shall be entitled to recover the cost of restoring the land to the natural vegetative and hydrologic condition existing at the time of the execution of these restrictive covenants or to the vegetative and hydrologic condition required by the Permit.

Signed in the presence of:

 Witness

 Print Name

 Property Owner

 Print Name

 Witness

 Print Name

 Property Owner

 Print Name

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____(date) by _____(name of person acknowledging), who is personally known to me and/or who has produced _____(type of identification) as identification and who did (did not) take an oath.

 Signature of Notary Public

 Print Name

(Notary Seal must be affixed)