



United States Department of the Interior



FISH AND WILDLIFE SERVICE
South Florida Ecological Services Office
1339 20th Street
Vero Beach, Florida 32960

June 21, 2010

Michael Roberts
Senior Administrator, Environmental Services
Monroe County Growth Management
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

Dear Mr. Roberts:

During a May 5, 2010, conference call between you and Mark Salvato of our office, we indicated we received a number of requests to construct fences in Tier 1 lands on Big Pine Key. The Big Pine Key Habitat Conservation Plan (HCP) and incidental take permit (ITP) (TE083411-0), as well as Monroe County Land Development Regulations 114-20(3), recognize and provide for the particular habitat needs of the federally endangered Key deer (*Odocoileus virginianus clavium*) on Big Pine and No Name Keys. These documents allow for reasonable use of minimal fencing for the purposes of safety and protection of property, provided it does not hinder movement of deer throughout these islands.

The HCP, Appendix C, sets forth a number of standards that must be included in the design and installation of fences on Big Pine and No Name Keys. Briefly, Appendix C, indicates "...fences may enclose up to a maximum of and not to exceed the net buildable area of the parcel only" and "All fences shall be designed and located such that Key deer access to native habitat, including pinelands, hammocks, beach berms, salt marshes, buttonwoods, and mangroves is maintained wherever possible."

However, these fencing regulations only apply to properties within Tier 2 and 3 lands. Appendix C indicates "No new fences will be allowed in Tier 1 lands, unless they are authorized by the United States Fish and Wildlife Service (Service)." Key deer use disturbed and developed lands extensively for foraging, travel, loafing, and socializing. Entanglement in fences within these areas is cited in the HCP as a known source of human-related deer mortality or take. The Endangered Species Act defines the term "take" as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such activity. Therefore, to minimize take of Key deer, Appendix C indicates "The Service will review applications for fences in Tier 1 for impacts on protected species."

In most instances applicants have sought permission to construct chain link fences, entirely within the back yards, in order to protect property from trespassing and vandalism. Also, applicants have requested fences to enclose their dogs since free roaming dogs have been known to take (kill) Key deer. However, we do not believe fencing, even when restricted to only the back yard, would reduce conflicts between dogs and Key deer that may result in take. In fact, in

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some instances fencing may actually increase the potential for take, should a Key deer enter an enclosed area, and then be unable to escape. Therefore, no fencing that restricts Key deer movement, such as a continuous chain link fence, will be authorized in Tier 1 lands.

However, recognizing the applicant's concerns, we recommend three fencing options they can employ within Tier 1 to protect properties from trespassing or vandalism. These include:

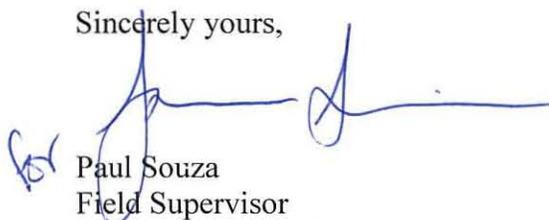
- 1) Installing pole and cable fencing, similar to that illustrated in Figure 1;
- 2) Installing a single or split rail fence; similar to those in Figures 2 and 3;
- 3) Planting bushes or positioning rocks around the property to serve as a natural boundary.

In both instances a barrier would be created that may eliminate or reduce trespassing, but will not block Key deer corridors or restrict movement and access to native habitat. All standards set forth in Appendix C for fencing in Tier 2 and 3 lands would also apply to the installation of cable or rail fencing and natural barriers discussed above.

In regards to applicant requests for enclosure of free-roaming dogs, one option we recommend is to install a dog run or kennel run. A dog run or kennel run's dimensions may be up to 10 feet in width, 20 feet in length, and at least 6 feet in height and covered with mesh screening to provide shade, similar to that illustrated in Figure 4. This option would greatly reduce the risk of take from dog and deer interaction, but also would not block Key deer corridors or restrict movement and access to native habitat.

If you have any questions or need additional information, please contact Mark Salvato at 772-562-3909, extension 340.

Sincerely yours,



Paul Souza
Field Supervisor
South Florida Ecological Services Office

Figure 1



Figures 2 and 3



Figure 4



bcc:Reading

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