NATIVE ENDANGERED SP. HABITAT
CONSERVATION PLAN
Permit Number: ES48931D
Version Number: 0
Effective: 2021-4-27 **Expires:** 2051-4-27

Issuing Office:
Department of the Interior
U.S. FISH AND WILDLIFE SERVICE
Ecological Services Permit Office
1875 Century Boulevard
Atlanta, Georgia 30345
permitsR4ES@fws.gov

GIANFRANCO BASILI
Digitally signed by GIANFRANCO BASILI
Date: 2021.04.27 14:40:35 -04'00'
Deputy State Supervisor for Florida Office

Permittee:
CITY OF ORANGE BEACH
14101 ORANGE BEACH BLVD
ORANGE BEACH, AL 36561
Antony Kennon - Mayor

Authority: Statutes and Regulations: 16 U.S.C. 1539a 50 CFR 17.22, 50 CFR 13

Location where authorized activity may be conducted:

The location includes all 73.744 acres of Perdido Key Beach mouse habitat from the Florida/ Alabama line west to Gulf State Park-Alabama Point. This is primarily Perdido Key Beach Mouse habitat and 36.872 acres will be preserved and 36.872 acres will be impacted over the 30 years of the permit. The acreage available for impact will be 6.145 acres every 5 years.

Reporting requirements:

See Reporting in the TERMS AND CONDITIONS (Page 8 sections 18-20).

THIS PERMIT CONSISTS OF TERMS AND CONDITIONS ON PAGES 2-19.

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TERMS AND CONDITIONS

- General conditions set out in Subpart B of 50 CFR 13, and specific conditions contained in Federal regulations cited above, are hereby made a part of this permit. All activities authorized herein must be carried out in accordance with and for the purposes described in the application submitted. Continued validity, or renewal of this permit is subject to complete and timely compliance with all applicable conditions, including the filing of all required information and reports.

- The validity of this permit is also conditioned upon strict observance of all applicable foreign, state, local tribal, or other federal law.

- Valid for use by Permittee named above. The Permittee is defined as those entities which hold, or will hold, any right, title, or interest in any portion of the covered property over the duration of this Permit.

- Acceptance of this Permit serves as evidence that the Permittee and its authorized agents understand and agree to abide by the terms of this Permit and all sections of Title 50 Code of Federal Regulations, Parts 13 and 17, pertinent to issued permits. Section 11 of the Endangered Species Act of 1973, as amended, provides for civil and criminal penalties for failure to comply with permit conditions.

- All conservation measures described in the Project Plan Conservation Measures section in this BO are hereby incorporated by reference as terms and conditions within this document pursuant to 50 CFR § 402.14(I) with the addition of the following terms and conditions. In order to be exempt from the prohibition of section 9 of the Act, the Applicant must comply with the following terms and conditions, which implement the reasonable and prudent measures. These terms and conditions are mandatory.

Species Monitoring

1. Access to the preserved and restored areas will be granted to the Service, FWC, and their representatives to conduct PKBM monitoring and predator control. Activities covered for access are described in the PKBM Conservation Strategy and include, but are not necessarily limited to, status surveys and translocations to the preserved areas. These activities will be funded through the PKBM Conservation Strategy's Conservation and Management Fund (Conservation Fund).

2. As a measure of PKBM and PKBM habitat function, the City will monitor the restored and preserved areas to assess restoration success, functionality of habitat, and to inform further restoration needs. Habitat monitoring will be performed annually on each covered project site per the approved monitoring plan. If conditions do not meet habitat expectations and success criteria, the City will contact the Service to discuss future management plans. The exception will be following destructive storm events, at which time, restoration needs will be evaluated by the City within 3 months of the storm to evaluate needs and implement management action to restore damaged habitat. This post-storm monitoring may occur at any time or frequency during the five-year period as necessitated by storm occurrence.
   a. Service approved monitoring plan shall be implemented within the first year of permit issuance following the hiring of pertinent staff to implement the HCP and ITP program.

3. These ongoing monitoring efforts, and the consistency and quality of the resulting data, are essential to monitoring the progress of the Perdido Key HCP. These data shall be compiled and maintained by the City and submitted to the Service on an annual or as needed basis.

Project Design and Construction

4. The Permittee will implement the following exterior lighting restrictions throughout the HCP Area to minimize the effects of artificial lighting on PKBM habitat.

   a. The Permittee will limit exterior lighting on each project to those areas deemed essential for human health, safety, and welfare. Where essential, install shielded wildlife-friendly lighting in conjunction with current Service standards at the time.
   b. The Permittee will direct all lighting downward and beachfront lighting shall be directed downward and away from beaches and Gulf waters.
   c. All windows and glass doors would have the appropriate glass or window tint that only allows 45% light transmittance from inside to outside.
   d. The Permittee will be responsible for review and approval of each project's lighting plan. These should be provided on construction phase drawings and maintained for Service review if needed. Each projects' lighting plan shall be consistent with the Counties' forthcoming Service approved lighting ordinance. Prior to the ordinance being finalized, the City will review the lighting plans with assistance from the Service if needed.

5. The City will finalize and pass a Service approved lighting ordinance for Perdido Key Orange Beach area within 1 year after issuance of the ITP.

6. The City will preserve and/or restore appropriate on-site habitat for PKBM use post construction.

a. Each applicant will be required to delineate preserved/restored areas during pre-development consultation with the City HCP staff or qualified designee. Prior to land disturbance activities, silt fencing will be placed 25 feet beyond each vertical construction footprint to prevent encroachment and restrict construction activities and workers within the disturbed construction footprints. Silt fencing shall be placed 4 inches off the ground to allow for PKBM to pass through these areas.
b. Each applicant will provide a minimum 10-foot natural vegetated corridor/buffer along all sides of each parcel. These corridors shall be maximized on parcels where a contiguous primary dune is not available for connectivity. The corridors shall be the entire length of the parcel.
c. Permanent fencing may be required for some specific project sites to restrict access through habitat. Post and rope or split rail fencing are options for preventing human access to areas.
d. Each applicant will select plants from the list of native plants (Appendix B) required for landscaping within the coastal dune ecosystem of Perdido Key. Additionally, restoration activities will follow the University of Florida Dune Restoration and Enhancement for the Florida Panhandle Manual. The restoration of temporary impact areas shall be completed prior to receiving Certificate of Occupancy.
e. For Gulf front lots, each applicant will construct elevated dune walkovers (consistent with existing Service guidelines) within each project site (as appropriate) to manage and discourage human traffic from entering and impacting natural and restored habitat.
f. Prior to commencement of construction, each applicant shall develop a final site plan for each specific project overlaid on a current aerial showing all conservation areas. The City shall compile these as shapefiles or geographic information datasets to submit to the Service with the yearly monitoring reports. The specific format can be discussed with City and Service staff during the first year of implementation. This will allow for compliance and enforcement of the terms and conditions of the 30 year ITP.

g. Each applicant will record a conservation easement over the preserved and/or restored areas within each site. The conservation easements will be recorded with the City or Orange Beach at the Baldwin County Clerk of Court prior to receiving a Certificate of Occupancy. A copy of the recorded conservation easement will be provided to the Service with the end of year report.
h. Each applicant will develop and record restrictions and covenants for each site to provide for the long-term management and maintenance of the preserved and restored areas and to obligate the homeowner or homeowners' association (or similar organization) to implement and fund the long-term management and maintenance of these areas. These documents will be provided to the Service with the end of year report.
i. In the event of a future major storm event, all preserved and/or restored areas must be replanted by the Permittee according to the plant list and restoration manual in Appendix B.
j. All areas temporarily impacted during construction will be restored to ambient or design grade and planted with native dune vegetation (Appendix B). Restoration of temporary impacted habitat shall be completed prior to receiving Certificate of Occupancy. This includes sifting all construction debris out of these areas.

7. Final landscape design/plan for each project will be reviewed and approved by the City to confirm the plants proposed are consistent with the list of native coastal dune plants in Appendix B and contain a variety of species. The landscape design/plan shall be meet all the requirements of this BO to allow for connectivity, food, shelter, etc. for PKBM. A copy of these landscape design/plans shall be maintained by the City to provide to the Service to fulfill the reporting requirements of this BO.

8. A summary of the permit requirements shall be provided to the general contractor and shall be included in the construction contract between the owner and general contractor. The construction contract shall also obligate the general contractor to provide the permit requirements to all sub-contractors and obtain affirmation for compliance. No later than 30 days prior to commencement of construction of a specific project, each applicant will conduct a pre-construction meeting with the City and general contractor to review permit and BO conditions.

9. Educational signs informing of the habitat importance shall be designed in coordination with the Service. The signage plan will be used for each project during the entire length of construction. The City shall develop a standard signage plan to be used for each covered project. The Service will review and approve this signage plan within 60 days prior to the first project utilizing this permit.

10. The use of sod, mulch, and landscape fabric/netting is prohibited in the dune habitat and native landscaped areas.

11. Irrigation of planted dune vegetation within the restoration areas shall be by hose or backpack, drip irrigation pipes (above ground). This is only needed to get the plants established. No surface or subsurface irrigation will be permitted to cut through any conservation/restoration areas.

Operation and Maintenance

12. Permanent signs and/or approved fencing must be used to prevent pedestrian traffic in PKBM habitat. Educational signs shall be permanently installed to increase awareness of coastal conservation, endangered species endemic to the area, and to encourage sustainable use by people. These educational signs can be the same as the construction phase, but will be permanent and maintained throughout the life of the permit. The signs shall be provided to the Service for review and approval sixty (60) prior to receiving a Certificate of Occupancy. A standard sign can be developed for similar habitats and submitted for review and approval once. The signage location shall be placed on the final landscape plan to be submitted to the Service during the end of year report.

13. Prior to receiving the Certificate of Occupancy, the City shall submit the pertinent portions of the draft restrictions and covenants to the Service for review and approval. Within 30 days, the Service will review with comments or approve the restrictions and covenants. These documents shall be recorded with the State of Alabama. One set of restrictions and covenants can be established and approved for all similar types of projects if preferred.

14. Each applicant will pay the $100,000-per-acre mitigation payment for each acre of permanent impact within PKBM habitat, as provided in the Unified Mitigation Option specified in the Business Plan for the PKBM Conservation Management Fund (CMF) (July 1, 2005) and the Intergovernmental Agreement (USFWS Agreement No. 401816K002) executed in December 2005 by the Service, FWC, and Escambia County (Intergovernmental Agreement). And subsequently agreed to by the City of Orange Beach during this permitting process. Each applicant will pay the per-acre mitigation payment applicable to each phase of development 30 days prior to commencing each phase of development. The final acreage of permanent impact will be depicted on the City of Orange Beach building permit. Each applicant will submit the mitigation payments to the City or Orange Beach for deposit in the CMF as provided in the Intergovernmental Agreement.

15. The Project's recorded restrictions and covenants will provide notice that dwelling units within the area designated as PKBM habitat will be required to pay the annual $201 per unit program maintenance payments to the City of Orange Beach. Commercial developments (shopping center, restaurant, hotel, etc) will be assessed $201 per designated parking space annually. Multi-family developments (condos) will be assessed $201 per dwelling unit and single family/duplex residences will be assessed $201 per bedroom annually.

16. The City will incorporate into the each project's recorded restrictions and covenants the following:

a. The recorded restrictions and covenants will prohibit domestic cats (Felis catus) as pets or the possession or maintenance of domestic cats at any time.
b. The recorded restrictions and covenants will provide that no pets may free-range within any project site and require all dogs to be maintained on a leash and under direct control of their owner while outdoors.
c. The recorded restrictions and covenants will provide that all household trash and other waste materials be maintained and deposited for disposal in animal-proof containers.
d. The recorded restrictions and covenants will prohibit the use or disposal of herbicides or pesticides that are harmful to native plants or rodents within the project site.
e. The recorded restrictions and covenants will provide that prior written approval of the Service is required for modification of any provisions associated with any of these conditions.
f. The recorded restrictions and covenants will provide that educational fliers on the ecology and history of Perdido Key, the biology and status of beach mice, and the importance of natural areas to wildlife and human quality of life will be made available to all project residents and guests.

17. Any development designated as a rental unit shall have occupants sign a rules/restrictions/education sheet upon renting or staying. This should include the same language outlined in the restrictions and covenants. The City can develop a consistent form and provide to each development owner and Management Company. This document should be provided to the Service for approval prior to developments being rented out.

Reporting

18. Prior to conveyance of title to any real property within any development, the Permittee shall record a separate legally binding covenants and restrictions or other appropriate legal instruments for that development incorporating and requiring full and timely compliance with the pertinent terms and conditions of this BO. Such documents shall include a brief description of the project and the requirements associated with protecting PKBM. The conservation measures associated with the HCP, BO and ITP shall be incorporated in these documents as well as a statement that no changes would be made that would cause noncompliance with these requirements without prior written approval from the Service. In the event of a condominium type development using this HCP, the specific ITP requirements will be transferred to the property owners association at the appropriate time when a majority of the units are no longer owned by the developer/applicant. The applicant shall provide the City with certification of the compliance with this requirement and the City will include in their annual report to the Service.

19. Annual reporting will be accomplished at the end of each calendar year. The City HCP Coordinator will be responsible for compiling and analyzing PKBM data collected under this ITP. These data will be summarized in a manner that allows for an assessment of natural and human related impacts to PKBM on Perdido Key. Direct, indirect, and cumulative impacts to PKBM related to private development activities and City infrastructure improvements will be identified. The phased take acreages and additional take acreages associated with the ITP will be reported to ensure compliance. Data from the Cities' predator control program will be analyzed to ensure that targeted goals are being met. Any deficiencies within the HCP program will be identified and potential remedial actions proposed.

20. Upon locating a dead, injured, or sick individual of an endangered or threatened species, initial notification shall be made to the U.S. Fish and Wildlife Service Panama City Field Office at (850) 769-0552 within 24 hours. Care should be taken in handling sick or injured individuals and in the preservation of specimens in the best possible state for later analysis of cause of death or injury.

Compliance and enforcement of the terms and conditions of the ITP will be accomplished by Federal and State agencies that have the ability to enforce provisions of the Act as they relate to the taking of an endangered species with respect to each specific occurrence. If general terms and conditions required under the HCP and the ITP are not carried out in a timely manner, the Service may suspend the ITP until all parties agree to a solution.

Project Plan Conservation Measures

Conservation measures to implement during the design and planning phase.

1. Proactive Planning on behalf of the Cities' HCP Program. This includes informing and educating current and prospective property owners of the HCP and covered species; cross training internal City staff in other departments; and developing a public awareness brochure on the HCP. Documents to train City staff on the specifics of the HCP/ITP will be developed and administered by the City HCP Coordinator. The USFWS will help the City develop these documents as needed. Specific tasks will include:

- Developing a City maintained webpage for the City HCP/ITP.
- Links to current monitoring reports and HCP status updates, educational components, and links to other existing coastal programs.
- A review of procedures for each of the activities to be performed under the HCP and ITP.
- A review of the City organizational chart (chain-of-command).
- All persons receiving HCP training will be required to sign a certification form indicating that they have received the training class, understand their responsibilities under the plan, and agree to abide by al rules and regulations regarding permitted activities.

Public education and awareness will include:

- Post appropriate signage at beach access points within the first year.
- Develop brochures and other materials to disseminate information on the permitting requirements within 6 months of ITP issuance.
- Link all public information to City maintained website.
- Work with local public education entities to disseminate information on the HCP/ITP and the conservation of protected species. A slide show will be developed and made available to these entities.
- Discouraging road side parking in the City/State ROW when PKBM habitat is present. Appropriate no parking signs will be installed.

2. City staff will review each project to ensure:

- Projects shall be sited to maximize the best habitat conservation on site and incorporate appropriate connectivity and buffers between developments. These corridors will be a minimum width of 10% of the total linear length of the corridor (i.e. if a corridor is 200 ft. long (N-S) its width should be 20 ft.) or the current standard that is used by USFWS at the time. This would be applicable to all corridors 500 feet or less in length. This HCP is structured to allow adaptive changes in response to new information derived from monitoring programs. This is a feature that will be monitored in the future to determine if these corridor widths are usable to PKBM. If corridor widths are found to be insufficient to maintain the ecological function and connectivity of these areas, wider corridors will be proposed for future projects as a measure to meet the success criteria of the phased take acreage.

- Structural designs to homes and other structures to make them less vulnerable to storm damage and creating debris in habitat (e.g. elevate on pilings).
- No sod or mulch (or associated fabric or netting) is proposed in any project areas.
- Concrete, pavers with ribbon curbing, appropriately installed geo-grid with sand back-fill, or some other material approved by HCP Coordinator. Material must be approved by HCP Coordinator prior to install. Asphalt or loose aggregate is not acceptable for parking or driveways.
- Minimizing impervious surfaces, surface parking associated with multifamily condominium projects will be limited to 1.5 spaces per unit, single family and duplex structures will provide all parking under the structures; and
- A site specific restoration plan maximizes the use of a variety of local native dune vegetation, which also provides food and cover for PKBM (See Appendix B, City of Orange Beach Species Plant List for Coastal Dune and Beaches).
- Siting of developments and structures to preserve and maximize the continuity of dune habitats within a project site and with habitats on adjacent lands.
- An approved lighting plan is developed to adhere to wildlife friendly designs with minimal outdoor lighting only where needed for safety and appropriate wavelength bulbs to the currents standards. These standards may be updated as information and technology changes in the future.
- Staging and storage areas for construction phases will be adequate for each project and clearly indicated on plans.
- Restoration and conservation measures, appropriate setbacks, dune walkovers, wildlife friendly lighting, and operational protection measures are all incorporated and specific to each project.

3. Each project permittee shall pay $100,000 for each acre of permanent impacts to designated PKBM habitat to the PKBM Conservation Fund held by Escambia County, Florida. The City will ensure each permittee is providing the adequate amount of mitigation based on site specific impacts. This is explained further in the mitigation for unavoidable impacts section below.

4. Provide variance for building height increase if parking is provided under the building.

5. No walls or fences that preclude PKBM movement or dune development shall be allowed.

6. Pools shall be elevated to second story or higher when possible to maximize remaining habitat within the project site. As an incentive, the incorporation of elevated pools will not count as habitat impact if habitat is restored and maintained underneath. When an on-grade pool is proposed, additional coordination with HCP Coordinator or designee will be required.

7. No increasing or transfer of zoning densities shall be allowed.

Conservation measures to implement during land clearing and site preparation phase.

8. All contractors will be informed of the HCP/ITP and be required to sign indicating they understand the requirements associated with working in these sensitive areas. These contractor/ subcontractor requirements include:

- Placing sediment barriers and notification signs to restrict access and avoid impacts to habitat.
- Keeping the construction site clean and free of debris, keeping trash out of habitats and in predator proof containers. The City will require and approve a trash and rubbish control program for each construction project and establish a permitted area for trash collection and storage post construction. Receptacles will be animal proof, elevated, and covered to prevent scavenger access.
- Limiting disturbance from site preparation and construction grading by clearly indicating on all construction plans and onsite with silt fence or other barrier fence installation.
- Adhering to the defined limits of construction.
- There will be no clay materials used in construction.
- Fill material must be certified as clean of noxious weeds. No hay bales will be used in dunes. No fertilizer or lime will be applied within the "limits of construction" zone.
- All construction of public utility improvements will occur within the existing City owned/maintained ROW with the exception of areas that require additional ROW improvement requirements.
- Unless specifically authorized, there will be no vegetation removal/destruction beyond the existing maintained ROW.
- Staging/storing areas will be identified and approved by the City during the design phase of the project. These areas will be used as turning points, parking areas, and stockpiling areas to prevent vehicles or construction equipment from violating the construction zone limits. These identified, surveyed, and approved areas will be depicted as hatched areas on the construction plan sheets. Station number will identify the locations of these areas in project documentation. These staging/storage areas will be located only in the non-native, disturbed/maintained ROW areas to avoid impacts to native vegetation and wildlife habitat and reduce erosion control problems.

- No heavy construction equipment will be stored on the beach overnight or outside of areas designated by the City for each project.
- Sands outside of the ROW shall be sifted post-construction to remove construction debris and restore the habitat to pristine fine sand. No constriction debris shall remain in habitat or restored areas.

9. Silt fencing will be used to minimize impacts. Silt fencing will be used to cordon off each approved impact areas within the subject parcel. The purpose of such is the delineation of construction zones and to restrict construction activity, vehicle and equipment parking, and building material storage from areas not needed for construction at the time. Silt fencing also will be used to cordon off 25-foot buffers around vertical construction and 25-foot buffers around roads, walkways, and surfaced parking lots within parcels while under construction to further minimize impacts to areas outside buffers within those parcels. Silt fence should be placed off the ground to allow PKBM to pass through the site during the night. A qualified environmental professional will inspect all installed silt fences prior to onset of construction within each phase or parcel.
10. The Applicant also will conduct weekly monitoring of each parcel to inspect, repair, and maintain silt fences during construction to assure the purposes of the silt fences are not being compromised. All silt fence will be removed upon project completion.

Conservation measures to follow during construction phases of each project.

11. Use of sod in the ROW is not allowed due to its tendency to spread into adjacent beach mouse habitat. No mowing shall occur in ROW.
12. Sands outside of the ROW shall be sifted post-construction to remove construction debris and restore the habitat to pristine fine sand. Remnant construction debris impacts dune growth and PKBM movement.
13. All temporary impacts due to construction will be restored with a minimum of three species of native coastal dune plants in a manner appropriate for the habitat type. This restoration will be shown and followed according to each sites' landscape plan.
14. No permanent barriers which would limit wildlife movement to and from adjacent properties would be placed on the property. Contractors should understand the elevated placement of silt fence to allow PKBM to pass through.
15. Construction staging will occur, to the maximum extent possible, within the footprint of the proposed development or previously constructed areas within the project site. Parking of construction vehicles will occur only within the footprint of the proposed project.

16. Construction activities will be prohibited from the adjacent unimpacted preserved habitat. Encroachment into preserve areas will require immediate restoration plus additional work to repair the functional aspect of the habitat.

Conservation measures to follow during the operation/occupancy phase of projects.

These conservation measures will be incorporated into the operation and management of each covered project; including single family, multi-family, commercial, or government projects. Where relevant operation policies would be included in condominium documents provided to each unit owner. The condominium documents would contain provisions, which provide for the following:

17. The number of waste receptacles will be minimized and located in specified outdoor contained areas for all projects. Any outdoor receptacles would be animal/wildlife-proof. These receptacles should only be set out on the roads edge (if appropriate) the morning of trash pickup.
18. Pesticide, herbicide, and rodenticide will be prohibited in exterior areas of any units at all developments.
19. Removal of debris deposited on project sites as a result of past and future hurricanes
20. Access to the preserved and/or restored areas within the project site impressed with a conservation easement as provided for herein, will be granted to the USFWS, FWC, City of Orange Beach, or their designated agents) to conduct population monitoring, habitat restoration, PKBM capture and/or release, and predator control. Such access will be subject to reasonable notice and coordination with each applicant or their designee prior to conducting such activities and conditioned upon terms otherwise mutually agreeable between the parties.
21. General guidance provided in the covenants and restrictions for each project will provide information about the ESA and the presence of the endangered PKBM, sea turtles, and shorebirds, prohibit littering in common areas, and prohibit access to the conservation easement and other natural areas on the site. Except as provided in marked boardwalks or walkways.
22. Educational materials will be made available to inform project residents and guests of the ecology and history of Perdido Key, the biology and status of beach mice and other coastal wildlife, and the importance of natural areas to wildlife and human quality of life.
23. Domestic cats will be prohibited from the premises of all permitted developments and/or City infrastructure improvement projects. Covenants and restrictions for the residences will include a

provision restricting cats from all properties. Dogs will be allowed when confined inside and may be walked on a 6-foot hand held leash outside of beach and dune restoration and preservation areas. Adherence to rules associated with public lands providing PKBM habitat (GINS, PKSP, and GSP) regarding dogs shall be followed. Inform residents and guests of where appropriate dog parks are located within the City or surrounding areas and why they are not allowed on beaches or marked areas. Solid waste shall be picked up and disposed of properly by the pet owner/caretaker.

24. Any feral or free ranging pets will be captured and removed by the City or their designated representative. The City HCP Coordinator will oversee this effort and direct trapping and removal activities. There should be a designated trapper that understands these cats cannot be released back into or near coastal dune habitats. This condition supersedes any current or future ordinance or law allowing Trap-Neuter-Release of cats within the City limits. No cats will be released or harbored, or fed on Perdido Key.

25. Onsite conservation areas shall be placed under a conservation easement held by the City of Orange Beach. The conservation easements shall be recorded with the Clerk of Baldwin County prior to receiving a Certificate of Occupancy and provided to the City.

26. Deed restrictions for condominium developments will be developed and signed by each owner to incorporate all the permit conditions that must be adhered to. Home Owners Associations (HOAs) will incorporated these permit conditions into their covenants and restriction documents that also will be signed by each owner. These deed restrictions and covenants will be reviewed yearly with all residents via HOA meetings, election meetings, virtual methods, etc. A signed record of yearly compliance will be requested and provided to the City as a requirement under this ITP.

27. Any trash receptacles located seaward of the Coastal Construction Line (CCL) will be emptied routinely by the City.

28. Mowing within the City ROW is discouraged as this is detrimental to habitat. However if needed a bush hog mower will be used. Efforts to restore the ROW with native plants should be adopted instead.

29. All multi-family condominium developments within the area covered by the HCP shall contribute to the fund by paying the annual fee of $201.00 per dwelling unit to the City's habitat conservation fund.

30. Single family and duplex developments will be assessed an annual fee of $201.00 per bedroom to the City's habitat conservation fund.

31. Commercial properties will be assessed an annual fee of $201.00 per parking space to the City's habitat conservation fund.
32. These fees will be adjusted annually at a rate designated by the City's Perdido Key habitat conservation ordinance.
33. Each owner will implement a plan to accelerate temporary impacts and or restoration opportunities on all non-developed areas within each specific site. This includes:
   - Installation of additional native dune plants appropriate for each habitat zone and the installation of signs and other measures (i.e. planted vegetative barriers, post and rope, split rail fence, etc) to control trespass.
   - To ensure perpetual maintenance of the beach mouse habitat on the properties, each applicant will record a conservation easement (as mentioned above) on the portion of undeveloped beach mouse habitat. This measure ensures that all undeveloped land would remain in its natural state in perpetuity.
   - The owner will establish a condition in the covenants and restrictions of the project site that require beach mouse habitat restoration after a storm event that has degraded or denuded the vegetation of the preserved or previously restored areas. This compensation measure provides legal assurance that restoration after future habitat losses would occur. Beach mouse habitat on the property would be revegetated with native plants similar to what was lost or what is suitable for that specific dune habitat.
   - No sod or loose rock material will be used on any project site.

Additional conservation measures the City will impose on itself and follow.

34. Include covenants or deed restrictions to prohibit ownership of cats on Perdido Key, AL for those requesting coverage under the City's ITP. For developments considered as rebuilds utilizing the City ITP with existing cats or ferrets, those animals shall be registered with the City, obtain a City license annually, and kept indoors at all times.
35. The City will enhance animal control/conservation enforcement efforts by dedicating more City staff (i.e. animal control and conservation enforcement officers) to provide patrol and ensure compliance for animals that are not under the direct control of their owners. Direct control means immediate, continuous physical control of an animal at all times such as by means of a fence, leash, cord, or chain of such strength to restrain the same. In the case of specifically trained or hunting animals which immediately respond to such commands, direct control shall also include aural and/or oral control, if the controlling person is at all times clearly and fully within unobstructed sight and hearing of the animal.

36. The City will also increase fines for free roaming pets through a separate fee table established for the barrier islands of Baldwin County (i.e. Orange Beach).
37. A track tube monitoring program will be set up on covered lands. This will feed into the existing monitoring done at GSP by agency staff. USFWS staff will help the City establish this monitoring program to ensure consistency with other efforts.
38. The City will seek emergency funding to restore coastal dunes south of SR 182, occurring as a result of storm damage. This effort will speed recovery of the dune ecosystem and provide connectivity for PKBM and nesting area for sea turtles.
39. The City will submit an end of year report each year summarizing their development activities. This will be submitted by January 31st of each year. The report should include number of covered developments, total acres of all projects, PKBM habitat preserved, and total PKBM habitat impacted.
40. The proposed action would permanently impact 36.87 acres of beach mouse habitat within the HCP Area representing, 50% of the habitat within the Action Area. This will occur in 5-year increments over the 15-year lifespan of this permit. Therefore; 12.29 acres of take will be allotment each 5 years and the following must be met before the next 5-year allotment of take acres can be released:

Years 1 through 5 –

- Documentation of acreage allocated for impacts and not to exceed the 12.29 acres of PKBM critical and suitable habitat as determined by permits issued by the City of Orange Beach.
- Documentation of PKBM throughout 50% of suitable PKBM habitat as determined by surveys agreed to by the USFWS, and the City.
- Documentation of PKBM within private lands.
- Documentation of PKBM east of GSP Florida Point as determined by surveys agreed to by the USFWS, and the City.
- PKBM habitat impact (acres) restricted as exhibited shown.
- Installation and collection of track tubes and presence/absence data within private permitted properties.

Years 5 through 10 –

- Documentation of acreage allocated for impacts and not to exceed the 12.29 acres of PKBM critical and suitable habitat as determined by permits issued by the City of Orange Beach.
- Documentation of PKBM throughout suitable PKBM habitat in GSP as determined by surveys agreed to by the USFWS, and the City.

Years 5 through 10 – Continued

- Documentation of PKBM throughout 75% of the acreage of suitable PKBM habitat in GSP as determined by surveys agreed to by the USFWS and the City.
- Documentation of PKBM east of GSP as determined by surveys agreed to by the USFWS, and the City.
- Maintenance and collection of track tubes and presence/absence data within private permitted properties.

Years 10 through 15 –

- Documentation of acreage allocated for impacts and not to exceed the 12.29 acres of PKBM critical and suitable habitat as determined by permits issued by the City of Orange Beach.
- Documentation of PKBM throughout GSP determined by surveys agreed to by the USFWS, and the City.
- Documentation of PKBM east of GSP as determined by surveys agreed to by the USFWS, and the City.

Buildout is expected to be complete in 15 years, however the City has committed to the following for Years 15 through 30 –

- Documentation of PKBM throughout GSP and Perdido Key as determined by surveys agreed by the USFWS, GSP and the City.
- Documentation of PKBM throughout 80% of the acreage of suitable PKBM habitat in GSP as determined by surveys agreed to by the USFWS GSP and the City.
- Documentation of PKBM east of GSP as determined by surveys agreed to by the USFWS, GSP and the City.
- PKBM habitat impact (acres) areas restricted as shown.
- Maintenance and collection of track tubes and presence/absence data within private permitted properties.

Mitigation for unavoidable impacts

Contributions to the PKBM Conservation Fund would be provided in accordance with the Intergovernmental Agreement among the Service, FWC, and Escambia County. The agreement is to implement the Conservation Strategy for the Perdido Key Beach Mouse (2005), Business Plan for the Perdido Key Beach Mouse Conservation Fund (2005), and the Escambia County 1975 Coastal Construction Control Line prohibitions ordinance (2005-56; 2006-02). The Business Plan and subsequent agreements to implement the Conservation Strategy were

developed based on the annual contributions of 4200 development units (density cap minus previously permitted units) with the annual assessment portion of this compensation option for units inside of PKBM habitat, but not those outside PKBM habitat.

Monies deposited into the Conservation Fund will be used to carry out the goals and objectives outlined in the Conservation Strategy for the Perdido Key Beach Mouse (2005). It is important to note that money proposed as a contribution to offset impacts from the proposed project could not be used to purchase PKBM habitat equal or similar to the size and ecological importance of the habitat on the project site. Such land is not available or would otherwise be limited in quantity due to the expected land values. Furthermore, the business plan, on which the fund is based, includes funds for less than 15 acres of land acquisition based on land prices in 2005.

The City will coordinate with Escambia County who administers the PKBM Conservation Fund. This coordination will outline how the monies are collected from City projects.

All plantings and coastal dune habitat restoration will be accomplished with proven techniques and with plants as provided from the approved list for installation. Applicants shall use the USFWS most up to data dune restoration guidelines throughout the life of this permit.

On Gulf front parcels, the City may choose to address the restoration of the beach berm south of SR 182 that slopes down to the water's edge. If restored by the City, the applicant will implement measures to accommodate PKBM use, such as minimizing the number of dune walkovers, native dune vegetation planting, restricting foot traffic to walkovers, and maintaining corridors from the dune to the northern portion of each property.

The City also commits to adhering to the parameters of this HCP and informing other agencies during permitting efforts of these requirements when seeking approval for projects not covered by this HCP or requiring additional permits from other entities. These types of projects could include installing sand fencing, dune modification and restoration, windblown sand removal, and beach nourishment. Each of these projects require permits from Alabama Department of Environmental Management and/or the U.S. Army Corps of Engineers.

The City will also look at larger conservation easements and acquisition to count towards the overall landscape conservation for PKBM and coastal species. This could include:

1) The purchase of private parcels to the south of Perdido Beach Blvd, east of GSP;
2) The purchase of private parcels to the north of Perdido Beach Blvd, east of GSP;
3) Establishment of a mouse corridor along the Gulf of Mexico beach, between the Alabama/Florida state line and the eastern edge of GSP;
4) Establishment of a corridor along the south side of Perdido Beach Blvd from the Florida State Line to GSP; and
5) Participate in land acquisition grants by providing ability to match funding to secure land suitable for PKBM conservation.

This HCP/ITP will incorporate a phased impact release schedule as a conservation measure, which will extend availability of open space for potential use by PKBM, minimize direct and indirect impacts to habitat, and allow restored habitat to recover while other phases are constructed. The phased approach for take is based on: 1) the current status of the PKBM, 2) the time needed for the City to implement the HCP/ITP conditions successfully, and 3) the lag time for the HCP conservation measures to provide functional habitat for beach mouse recovery.

END