



Department of the Interior  
U.S. Fish and Wildlife Service

Expires (2/28/01)  
OMB No. 018-0094

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION FORM

RETURN TO:

Type of Activity:

3-200-56 NATIVE ENDANGERED AND THREATENED  
SPECIES - INCIDENTAL TAKE

|                                                 |                                                |                 |                         |
|-------------------------------------------------|------------------------------------------------|-----------------|-------------------------|
| <b>A. COMPLETE IF APPLYING AS AN INDIVIDUAL</b> |                                                |                 |                         |
|                                                 |                                                |                 | 3. County: <u>Moike</u> |
|                                                 |                                                |                 |                         |
|                                                 |                                                |                 |                         |
|                                                 |                                                |                 | license or permit:      |
| 9. Home telephone number:                       | 10. Work telephone number: <u>251-604-3929</u> | 11. Fax number: | 12. E-mail address:     |

|                                                                                                    |                           |                            |                     |
|----------------------------------------------------------------------------------------------------|---------------------------|----------------------------|---------------------|
| <b>B. COMPLETE IF APPLYING AS A BUSINESS, CORPORATION, PUBLIC AGENCY OR INSTITUTION</b>            |                           |                            |                     |
| 1. Name of business, agency or institution:                                                        |                           | 2. Tax identification no.: |                     |
| 3. Street address:                                                                                 |                           | 4. County:                 |                     |
| 5. City, State, Zip code:                                                                          |                           |                            |                     |
| 6. Describe the type of business, agency, or institution:                                          |                           |                            |                     |
| 7. Name and title of person responsible for permit (president, principal officer, director, etc.): |                           |                            |                     |
| 8. Home telephone number:                                                                          | 9. Work telephone number: | 10. Fax number:            | 11. E-mail address: |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| <b>C. ALL APPLICANTS COMPLETE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                         |
| 1. Do you currently have or have you had any Federal Fish and Wildlife License or Permit? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/><br>If yes, list license or permit numbers:                                                                                                                                                                                                                                                                                                        |                         |
| 2. Have you obtained any required state or foreign government approval to conduct the activity you propose? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not required <input type="checkbox"/><br>If yes, provide a copy of the license or permit.                                                                                                                                                                                                                                       |                         |
| 3. Enclose check or money order payable to the U.S. FISH AND WILDLIFE SERVICE in the amount of \$25.<br>Institutions which qualify under 50 CFR 13.11(d)(3) may be exempt from fees.                                                                                                                                                                                                                                                                                                                            |                         |
| 4. ATTACHMENTS: Complete the additional pages of this application. Application will not be considered complete without these pages.<br>Incomplete applications may be returned.                                                                                                                                                                                                                                                                                                                                 |                         |
| 5. CERTIFICATION: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a license or permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001. |                         |
| 6. Signature (in ink) of applicant or person responsible for permit in Block A or B<br>                                                                                                                                                                                                                                                                                                                                                                                                                         | 7. Date: <u>3/21/03</u> |

**HABITAT CONSERVATION PLAN**

**For**

**ALABAMA BEACH MOUSE**  
**(*Peromyscus polionotus annobates*)**

**Prepared for**

**John Gulas and**  
**Gerald and Mary Nasello**

**For**

**Development of Two Single-Family Residences**  
**on the Fort Morgan Peninsula**

**Baldwin County, Alabama**

**April 16, 2003**

**Prepared by**

**WETLAND RESOURCES Environmental Consulting**

**Post Office Box 2694 \* Daphne, Alabama \* 36526 \* (251) 928-6157**

## HABITAT CONSERVATION PLAN

For

### **ALABAMA BEACH MOUSE** **(*Peromyscus polionotus ammobates*)**

#### DESCRIPTION OF THE ACTIVITY

The proposed activity of applicants John Gulas (Lot 35) and Gerald and Mary Nasello (Lot 36), each owning adjacent lots, is the construction of a single-family dwelling and access drives on each lot and widening of an existing access road. Each of the lots is approximately 1.27 acres in size (167 feet wide by 330 feet long). Both lots are located east of Mobile Street in Section 25, Township 9 South, Range 2 East (see **Figure 1**, USGS topographic map).

The area of the lots in their entirety is within habitat that is considered suitable for the Alabama beach mouse (*Peromyscus polionotus ammobates*) (ABM). Construction of the residences and access road and drives and eventual occupancy may unintentionally take ABM and thus potentially expose the applicants to enforcement action under Section 9 of the Endangered Species Act. Authorization, therefore, is sought for any incidental taking of ABM that may result from construction and occupancy of the proposed residences.

The subject lots are private inholdings within the Bon Secour National Wildlife Refuge. A 33-foot-wide public right-of-way runs along and within the north property boundary of both lots and along and within the east boundary of Lot 36. There is a 30-foot building setback requirement from the right-of-way on the north line, a 20-foot setback requirement from the right-of-way on the east side of Lot 36, a 30-foot setback requirement from the south property boundary, and 10-foot setback requirements from the west property boundary of Lot 35 and the common boundary between both lots. Total useable area for placement of a residence on Lot 35 (not deducting wetland area) is 34,839 square feet, or 0.8 acre. Total useable area for placement of a residence on Lot 36 (not deducting wetland area) is 24,648 square feet, or 0.57 acre. See **Figure 2**, property boundary survey plat and proposed site plan.

The Gulas residence (Lot 35) will be located in the southwest corner of the property. The footprint of the house will be approximately 2,198 square feet in size. It will be built on pilings with a paved parking area underneath the house. A 540 square foot crushed limestone covered parking/turn-around area will also be located in the southwest corner of the lot and will extend from the west property line to the western side of the house where it will connect to the parking area located under the house.

The Nasello residence (Lot 36) will be located in the west central area of the lot, and will have a footprint of approximately 1,753 square feet. The driveway will consist of a strip of crushed limestone approximately 15 feet wide that will widen and wrap around the north and east sides of the house to provide additional parking and turn-around space.

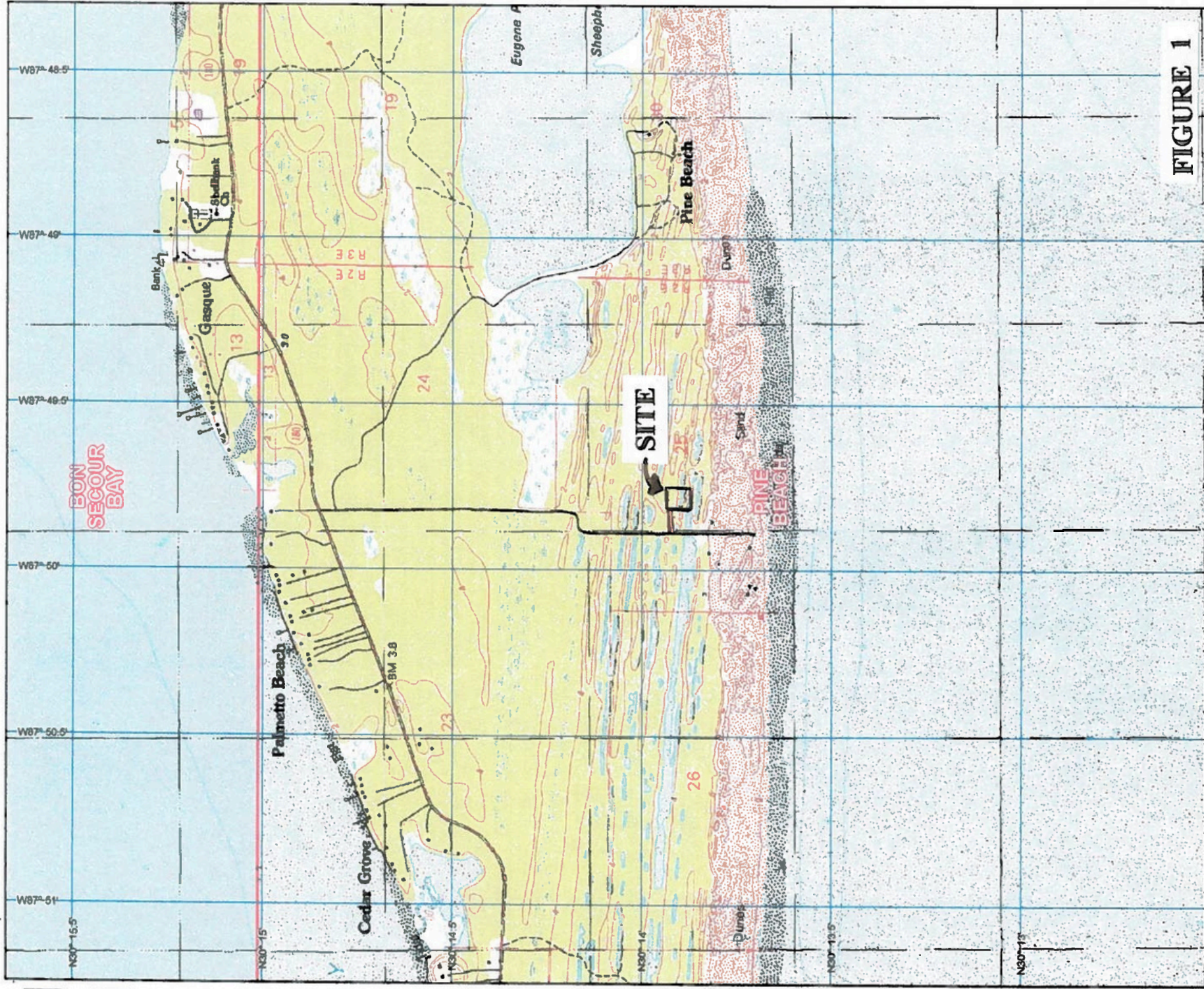


**FIGURE 1**

LEGAL:

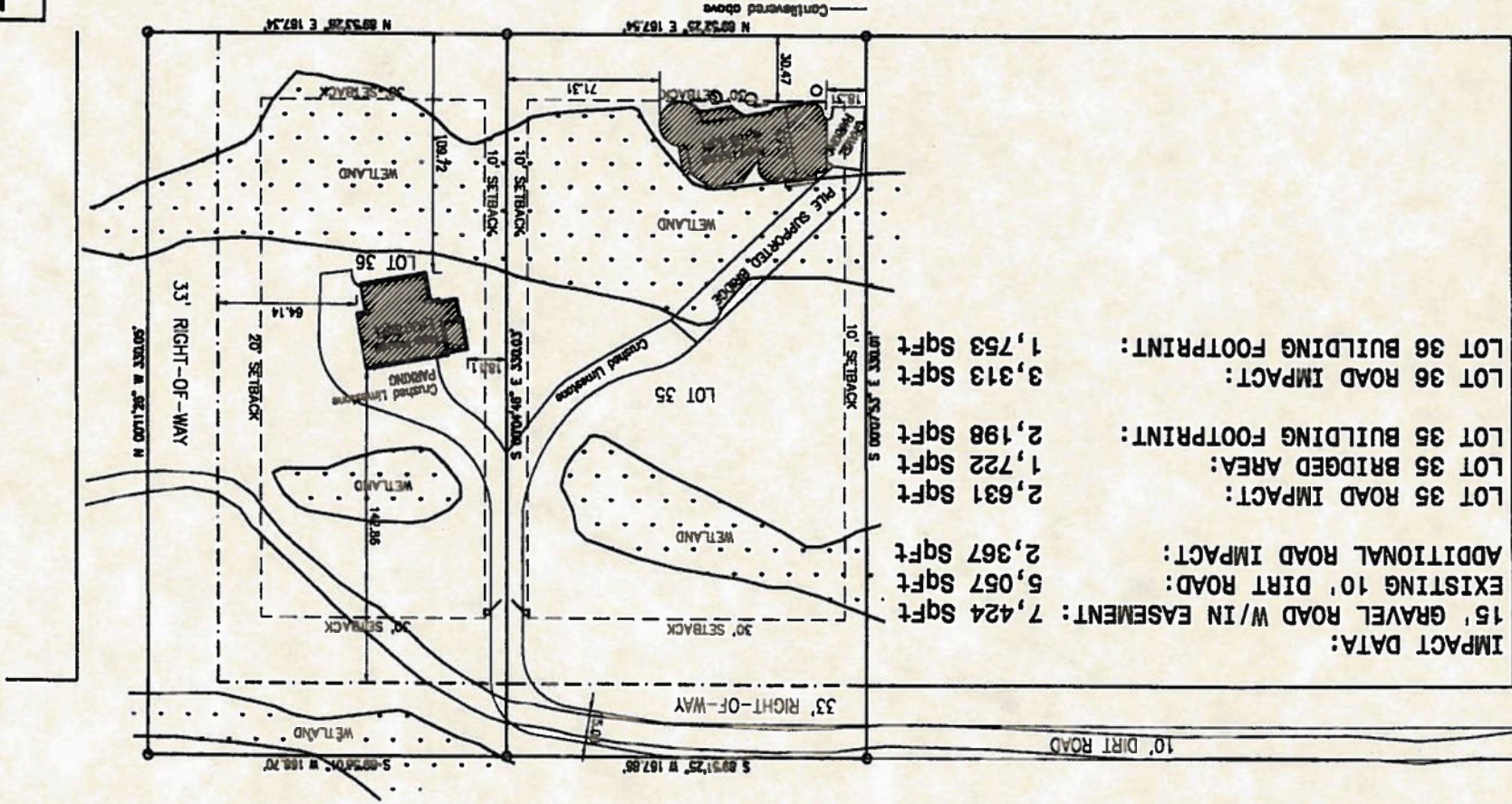
LOT 35

LOT 36

FIGURE 2

LOT 35 IN SECTION 25, TOWNSHIP 9 SOUTH,  
RANGE 2 EAST, AS SHOWN BY THE GOVERNMENT  
OF US SURVEY ON RECORD IN THE BUREAU OF  
LAND MANAGEMENT AND BEING IN THE ST.  
STEPHENS MERIDIAN, BALDWIN COUNTY, ALABAMA;  
(LESS RIGHT-OF-WAY 33 FEET RECORDED IN DEED  
BOOK 276, PAGE 310) ALONG THE NORTH SIDE  
AND RECORDED IN MAP BOOK 4, PAGE 136  
BALDWIN COUNTY PROBATE RECORDS.

LOT 36 IN SECTION 25, TOWNSHIP 9 SOUTH, RANGE 2  
EAST, ST. STEPHENS MERIDIAN, ALABAMA, AS RECORDED IN  
MAP BOOK 4, PAGE 136, BEING ALL OF THAT REAL  
PROPERTY DESCRIBED IN LAND PATENT NO. 1194891 OF  
THE BUREAU OF LAND MANAGEMENT, UNITED STATES OF  
AMERICA, DATED APRIL 17, 1959, TO MORRIS A. STEIGLER  
AND RECORDED IN BOOK 279, PAGE 592, OF THE RECORDS  
IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN  
COUNTY, ALABAMA. LESS RIGHT-OF-WAY ALONG THE  
NORTH AND EAST BOUNDARY OF THE PROPERTY HEREIN  
ABOVE AS SET FORTH IN DEED BOOK 279, PAGE 29.



Additionally, an existing dirt road, 10 feet wide, will be widened to 15 feet and covered with crushed limestone. This road is within an existing right-of-way and extends from Mobile Street and continues through the north part of both lots. The widening of this road will increase the existing road impact (5,057 square feet) by 2,367 square feet for a total of 7,424 square feet. A common driveway from the right-of-way into the property will extend approximately 120 feet south then split just north of the Nasello home where two separate drives will continue to the residences. The section of common driveway is approximately 120 feet long by 15 feet wide. Total impact of the driveway on Lot 35 is 2,631 square feet; on Lot 36, total impact of the driveway, including parking/turn-around area not underneath the house, is 3,313 square feet. The driveway will be covered with crushed limestone. On Lot 35, a pile-supported bridge will be constructed from the end of the driveway in a southwest direction over wetlands and end at a parking/turn-around area on the west side of the house. The bridge will encompass a 1,722-square-foot area.

Private sewer service serves the area, therefore, there will be no added alteration for a septic tank and disposal field. However, all utilities (sewer lines, water lines, electricity, and possibly gas lines) will be buried underground along the south side of the road and west side of the common drive and individual drives. It will be necessary to dig one or more trenches within an area not expected to exceed 4-5 feet in width. After the utilities are installed, the trench(es) will be backfilled with the material that was removed and project elevations and contours reestablished. Utility installation work will create temporary impacts to ABM habitat that will encompass a maximum area of approximately 3,700 square feet.

These lots are considered third tier lots; they are the third row of lots north of the beach and are approximately 1,000 feet +/- from the water. The topography of both lots is forest-covered dunes dropping down to wetland swales in an alternating pattern. Dunes and swales run generally in an east-west direction. Vegetation on both lots is natural and relatively undisturbed. Species present in upland areas include sand live oak (*Quercus geminata*), myrtle oak (*Quercus myrtifolia*), saw palmetto (*Serenoa repens*), fetterbush (*Lyonia lucida*), rosemary (*Ceratiola ericoides*), gopher-apple (*Licania michauxii*), and gallberry (*Ilex glabra*). Vegetation in wetlands includes buttonbush (*Cephalanthus occidentalis*), saltmeadow cordgrass (*Spartina patens*), Virginia button-weed (*Diodia virginiana*), panic grass (*Dichanthelium acuminatum*), Carolina redroot (*Lachnanthes caroliniana*), netted nutrush (*Scleria reticularis*), and erect coinleaf (*Centella erecta*). Alabama beach mice likely occupy the suitable habitat that occurs on the lots. Suitable habitat includes essentially all non-wetland areas outside the footprint of the existing road through the property.

Approximately 42,857 square feet, or 78 percent, of undisturbed natural area will remain on Lot 35. These figures include deductions for the proposed 15-foot-wide drive through the right-of-way to the north. They do not include the temporary impacts caused by installation of the underground utilities.

Approximately 48,044 square feet, or 87 percent, of undisturbed natural area will remain on Lot 36. These figures include deductions for the existing 10-foot-wide dirt road that crosses through the north area of this lot in a southeast direction. They do not include the temporary impacts caused by installation of the underground utilities.

The applicants will maintain undeveloped parts of the lot in a natural state. The developed areas will be confined to the footprints of the residences and the driveways. The area on each site designated for staging building materials will be minimized.

#### **SPECIES TO BE COVERED BY THE PERMIT**

The applicants are seeking Incidental Take Permits that would cover take of the Alabama beach mouse (*Peromyscus polionotus ammobates*). Based on familiarity with occupied ABM habitat in this area, an inspection of the property, and information given by the U.S. Fish and Wildlife Service (Bon Secour NWR and Daphne Field Office staff), occupancy by ABM is considered likely. Because ABM have home ranges larger than each of the lots, it is always possible that mice could occur on the site during construction and thus be exposed to a taking. Even though ABM are nocturnal and not likely to be out of their burrows during daylight construction, pilings could impale or crush mice in a burrow.

#### **HABITAT CONSERVATION PLAN**

##### **Likely Impact From the Proposed Taking**

**Direct Effects.** Construction of the residences and associated driveways may result in the taking of AMB incidental to clearing, excavating, grading, filling and other construction activities involved in completion of this project. Habitat alteration associated with the project may reduce the availability of breeding, feeding, sheltering, and resting habitat within the area directly impacted by construction or permanent occupancy of the developed area. Incidental taking, unless controlled by appropriate restrictions and management practices, could occur as a result of poor refuse management practices, improper deployment of construction materials and equipment, introduction of house cats and house mice, improper pest control practices, and increased pedestrian traffic on dune habitats occupied by ABM.

##### **Indirect Effects.** The Alabama beach mouse may be indirectly affected by:

1. Introduction of house mice, a species thought to compete directly with AMB for limited natural food sources, while also being supported by humans.
2. Free-ranging domestic and feral cats that could prey upon ABM.
3. Unmanaged foot traffic through dune structures, which destroys dune vegetation and thereby initiates additional extensive dune degradation through subsequent wind erosion.
4. Storm surges through footpaths in the dunes, with subsequent backwashing and further erosion from storm water.

5. Lighting of the natural habitat remaining around structures, which may subject ABM to increased predation.
6. Fragmentation of habitat.

#### **Monitoring, Minimization, & Mitigation; Funding, and Unexpected Circumstances**

The applicants agree to the following:

**Monitoring.** Each applicant, as permittee, will allow U.S. Fish and Wildlife Service, the State of Alabama Department of Conservation and Natural Resources personnel, or other persons designated by either agency to enter the property, following reasonable notice, for the general purposes specified in 50 CFR 13.21 and 17.22, and, for the purpose of trapping beach mice.

**Minimization and Mitigation of Impacts.** Each permittee will minimize potential adversity to ABM through the following measures:

1. A 33-foot-wide right-of-way extends east from Mobile Street and through the north area of both lots. An existing 10-foot-wide dirt road runs through the right-of-way. The applicants will minimize impacts to ABM habitat by fully utilizing the existing dirt road footprint. This road will be widened to 15 feet to accommodate the passing of vehicles traveling in opposite directions. The existing 10-foot-wide dirt road occupies 5,057 square feet; after widening to 15 feet, the road will occupy 7,424 square feet, which will increase the amount of impact by 2,367 square feet. This access road will be covered with crushed limestone. The permittees will use native beach species plantings along both sides to help confine the aggregate to the road footprint.
2. To further minimize impacts to ABM habitat, both landowners have agreed to the construction of a common driveway into the property that will split just north of the Nasello home then continue to both residences. The section of common driveway is approximately 120 feet long by 15 feet wide. Total impact of the driveway on Lot 35 is 2,631 square feet; on Lot 36, total impact of the driveway, including parking/turn-around area not underneath the house, is 3,313 square feet. Common and individual drives and parking/turn-around areas that are not underneath the houses will be constructed of crushed limestone. A 115-foot-long bridge will span the southernmost wetlands on Lot 35 to provide access to the house site. The borders of the driveways and parking/turn-around areas will be planted with native beach grasses or other native beach plants in an attempt to confine the aggregate to these areas.
3. The site development plan of each lot has been designed in an attempt to minimize impacts to ABM habitat to the greatest extent practicable. Designing homes with multiple floors has minimized the footprint of each residence. The Gulas home (Lot 35) is to have a footprint of 2,198 square feet; the Nasello home (Lot 36) is to have a footprint of 1,753 square feet. Placement of the majority of

the parking area underneath both houses has further minimized the development footprint.

4. Waste disposal services are available for this area and will be used. Additionally, no user of the properties will accumulate any refuse capable of attracting rodents. All such refuse will be disposed of using a refuse container that is rodent proof and scavenger proof. The permittees shall assure at all times the availability of such containers. No lumber, metal, nor bulk materials will be kept, stored, or accumulated on the properties excepting only building materials during construction. The permittees shall provide each contractor, including each subcontractor, retained for land preparation and construction of the proposed residence, with specific written requirements reflecting the entirety of the above conditions controlling construction refuse disposal and removal and limitations on material storage.
5. No free-roaming cats will be allowed on the properties. Residents or visitors are prohibited from supporting the presence of free-roaming (i.e. "stray" or feral) cats by providing food, shelter or any other life support elements. The applicants agree to report any observations of free-roaming cats to local animal control authorities and to the U. S. Fish and Wildlife Service's Daphne, Alabama field office. Pets of property owners shall be kept on a leash while outside. These prohibitions and reporting provisions are for the purpose of avoiding the introduction of predators/competitors and for their removal if necessary.
6. If at any time during initial land development activity or subsequent residential construction or occupancy: (a) any ABM is killed or found dead, the respective permittee shall immediately place the specimen in secure freezer storage and shall, within 48 hours, contact the designated representative of the U. S. Fish and Wildlife Service, who shall make arrangements for transfer of the specimen to appropriate custody or shall direct disposition; (b) any ABM is injured or found in an injured state, such that it is immobilized or otherwise traumatized sufficiently that it may be readily captured, the permittee shall take custody of the injured mouse, using due caution to avoid further injury; shall notify the designated representative of the U.S. Fish and Wildlife Service concerning circumstances of the injury and apparent condition of the injured mouse and shall follow such instructions as the U.S. Fish and Wildlife Service representative may provide concerning custody, care and disposition.
7. The applicants shall not install or use upon the properties any directional outdoor floodlights or any other lights that illuminate any area south of the residences. If lights are to be placed on decks or walkways they will be shielded and directed in a northern direction only. Tinted glass for dwellings is required and will be used.
8. Remaining areas of the subject property outside the footprint of development will be left in a natural condition and will not be formally landscaped. Any plantings that are done will be with native dune/beach plant species.

9. Any fences installed on the properties or the properties' perimeters will be of a design that incorporates openings along its entire length of an adequate width to permit unimpeded movement of beach mice through the fence. The design of the fence will be such that accumulation of windblown sand at the base of the fence will provide no impediment to such movement.

**Funding of the Habitat Conservation Plan.** Costs associated with monitoring ABM on the site will be borne by the applicants, or the applicants may elect to allow the Service access to the property for trapping. In this case, the cost of trapping, monitoring, and surveying will be borne by the Service.

The essential features of the applicants' plans to minimize potential adversity to ABM (i.e., positioning of the residence, management of construction materials storage, controlled lighting, and tinted windows) require little above that normally associated with construction and maintenance costs and supervision of same and thus require no separate financing or financial guarantees of performance.

The provision of refuse containers according to specifications herein is an expense that shall be the sole responsibility of the applicants. Supervision of contractors to assure their compliance with the same provisions is also the sole responsibility of the applicants.

The prohibition of free-roaming cats requires no funding commitment.

The provisions regarding mouse fatalities and injured mice, care and reporting may result in minor expenses that will be borne by the applicants.

**Procedures for Dealing With Unforeseen Circumstances.** The applicants and the U.S. Fish and Wildlife Service acknowledge that even with the above detailed provisions for monitoring, minimizing and mitigating impacts to the ABM, circumstances could arise that were not fully anticipated by this plan, which may result in unanticipated adversity to this species. Should an event come to the attention of either a permittee or to the U.S. Fish and Wildlife Service, the party identifying the unforeseen circumstances shall promptly notify the other. Within 10 working days of such notification, representatives of the respective permittee and the U.S. Fish and Wildlife Service will discuss the unexpected circumstances, and will agree to appropriate corrective measures. Implementation of any agreed upon measures shall begin, if feasible, within an additional 10 working days. Failure of the permittee to implement protective measures within 60 days of the discovery of unforeseen circumstances may constitute grounds for permit suspension or revocation. The U.S. Fish and Wildlife Service may provide to the permittee a written notice of the deadline for implementation of corrective measures.

In the case of unforeseen extraordinary circumstances that are causing, or that pose the threat of, immediate harm significant to ABM that require implementation of corrective measures to relieve such threat or to mitigate, minimize or avoid such harm, the parties shall implement the provision of this part as expeditiously as is feasible and shall not invoke any above-described time limitation as a basis for any delay that would reduce the

scope or effectiveness of the protective or corrective measures necessary for addressing such extraordinary unforeseen circumstances.

### **ALTERNATIVE ACTIONS CONSIDERED**

Alternatives to the proposed action considered by the applicants include (1) the no-action alternative, i.e., leaving the entirety of each property in its current undeveloped state; and (2) clearing most or all of the property of its existing native vegetative cover, building the proposed residences and driveways, and formally landscaping the properties with lawn grasses and nursery-grown ornamental shrubs and trees.

**No Action Alternative.** Each of the applicants, like many other residents of the Gulf Coast, acquired the respective property with the intent to eventually develop it for residential/recreational purposes. The no-action alternative would leave each of the applicants with essentially no beneficial use of the property and is accordingly unacceptable.

**Development With Wholesale Clearing and Formal Landscaping.** This alternative, though often practiced in this area, is not the preferred choice of these applicants. Each applicant prefers to leave as much as possible of their respective lot in a natural state, which is more aesthetically pleasing and requires less maintenance and upkeep.

### **REPORTING**

During the incidental take permit period, each permittee will submit to the U.S. Fish and Wildlife Service a report immediately after construction has been completed. Thereafter, a report, for a reporting period to be specified in the permit, shall be submitted. The report shall describe the implementation of the mitigation and minimization measures set forth in this plan. A report shall also be prepared if the following occurs:

1. An incident of non-compliance with any requirement or condition of the incidental take permit, including any corrective measures taken and the result of such corrective measures.
2. Observations of house mice (*Mus musculus*) on the lot or in the residence.
3. Any change in garbage and refuse management and the status.
4. Any incidents related to placement and storage of materials or equipment relating to construction of the project.
5. Any change in dune integrity and crossover status and any maintenance required for dune crossover structures (none to be constructed in this case).
6. Landscaping, if any, other than native dune plant species, using the list at the end of this document.

7. Any changes to lighting on the property.
8. Any corrective measures or other changes that may be necessary to improve the efficacy of the permit, including a description of incidents that have been resolved.

**Contact for reports:**

U.S. Fish & Wildlife Service  
P. O. Drawer 1190  
1208-B Main Street  
Daphne, AL 36526  
Telephone: (251) 441-5181  
Fax: (251) 441-6222

# INDIGENOUS PLANT SPECIES USED IN DUNE RESTORATION ON THE GULF COAST

## Trees

*Magnolia grandiflora*  
*Osmanthus americanus*  
*Persea borbonia*  
*Pinus clausa*  
*Pinus elliotii*  
*Quercus geminata*  
*Quercus myrtifolia*

Southern Magnolia  
 Wild Olive  
 Red Bay  
 Sand Pine  
 Slash Pine  
 Sand Live Oak  
 Myrtle Oak

## Medium to Large Shrubs & Small Trees

*Callicarpa americana*  
*Erythrina herbacea*  
*Ilex vomitoria*  
*Iva frutescens*  
*Rhus copallina*  
*Serenoa repens*

American Beautyberry  
 Coral Bean  
 Yaupon  
 Marsh Elder  
 Winged Sumac  
 Saw Palmetto

## Small Shrubs & Ground Covers

*Schizachyrium maritimum*  
*Asclepias humistrata*  
*Bignonia capreolata*  
*Cakile edentula*  
*Ceratiola ericoides*  
*Chrysoma paucifloruscula*  
*Chrysopsis gossypina* subsp. *cruiseana*  
*Conradina canescens*  
*Cyperus* spp.  
*Heterotheca subaxillaris*  
*Hydrocotyle bonariensis*  
*Ipomoea pes-caprae*  
*Juncus scirpoides*  
*Licania michauxii*  
*Panicum amarum*  
*Polygonella macrophylla*  
*Pteridium aquilinum*  
*Spartina patens*  
*Tradescantia ohienensis*  
*Uniola paniculata*

Gulf Bluestem  
 Sandhill Milkweed  
 Cross Vine  
 Sea Rocket  
 Seaside Rosemary  
 Seaside Goldenrod  
 Cruise's Golden Aster  
 Beach Heather  
 Sedges  
 Camphor Weed  
 Pennywort  
 Railroad Vine  
 Rush  
 Gopher Apple  
 Beach Grass  
 Large-leaved Jointweed  
 Bracken Fern  
 Saltmeadow Cordgrass  
 Spiderwort  
 Sea Oats