

# Approval of Perdido Key Habitat Conservation Plan will allow county officials to issue permits to “take” endangered species

By: Alan Dennis

I have read with interest the draft of Escambia County’s Habitat Conservation Plan. I’m sure this document represents many hours of work by a number of individuals—consultants and county employees alike—as well as a significant contribution from Escambia County taxpayers. I believe we can all appreciate the county wanting to develop and enforce strategies to protect the endangered species on Perdido Key— something, in my opinion, is long overdue.

In an ordinary world, a plan such as the one being presented by the county, could be a significant tool in protecting the habitat of endangered species. History tells us, however, that Perdido Key’s world is far from ordinary. For here you have a small, fragile, body of land that also happens to generate enormous income for Escambia County. This alone sets it apart from other places. Perdido Key’s world *is* complicated, its issues complex, and, as a result, its endangered species have continually struggled at the hands of politicians and developers—certainly more than they have from even the most severe hurricane.

As we all know, Escambia County has a significantly blemished record when it comes to keeping politics away from policy decisions. And this is what troubles me the most about this proposal— the potential for undue political influence when it comes to enforcing requirements related to protecting endangered species. Because, ultimately, any plan put forward for protection of endangered species on Perdido Key depends not upon the document, i.e., the written words, but upon the commitment of the people representing, and enforcing the words in the document.

For instance, it is well known, and often stated by local politicians that Perdido Key is the county’s “cash cow.” Indeed, a disproportionate amount of county revenue is derived from the property tax assessments on the Key. So in 2008, recognizing that development and growth equates to additional revenue, the county commissioners defied state law and chose to amend the Comprehensive Plan— completely removing the dwelling cap on Perdido Key— an act that would have allowed unbridled development. And, only after the Perdido Key Association, the 1000 Friends of Florida, and the Florida Department of Community Affairs

intervened, did the County finally withdraw its amendment. Still, PKA, via your generous donations to the legal fund spent more than \$80,000 before the county withdrew its amendment. It has been estimated the county spent upwards of \$1 million in taxpayer money trying to, unsuccessfully, remove Perdido Key’s dwelling cap. So, I ask, does this sound like an entity that should be in control of an HCP for endangered species on Perdido Key? Does this sound like an entity that would have any regard, or conscience, for protecting endangered species on Perdido Key? Isn’t this the same entity that has continually pushed for unlimited growth and development at any expense (certainly the expense of endangered species) to gain revenue for county coffers.

Let me be clear, this is not about county employees. My perception is most of them are hard working individuals, who offer sound advice to their political superiors, yet this advice is often neglected or overruled due to political influence. Even today, controversy is escalating over a proposed bingo parlor on Perdido Key and the political issues related to the approval of the development order.

Based on a decade of documented, questionable behavior, I believe Escambia County politicians should not be allowed to oversee, coordinate, or manage the protection of federally endangered species on Perdido Key. Their past and current track record clearly demonstrates why they should not be involved in this process.

I also have other concerns about this HCP outside the political arena.

**The plan itself.** . . This plan is not about protecting endangered species— it’s a plan about “taking.” Only after reading the HCP do you understand the true goals and objectives of the county’s proposal. The goal of this plan is not about protecting endangered species, rather it’s about creating a method to allow the legal “taking” of endangered species via county issued permits. Let us

not fool ourselves that the major focus of this proposal is legitimizing the killing of endangered species— i.e., not providing for

## 3.1 REQUESTED TAKE

*“The County is requesting an Incidental Take Permit that will authorize the incidental take of Perdido Key beach mouse, four (4) nesting sea turtle species (loggerhead, green, leatherback, and Kemp’s Ridley sea turtles), and the non-breeding piping plover within the Plan Area for a period of 30 years pursuant to the terms and conditions of this Habitat Conservation Plan and the ITP.”*

*Page 1— Escambia County HCP for Perdido Key*

their protection and/or survival.

**Declining Species.** . . All the information I have read in the HCP and related documents indicates that during the past few years there has been a significant decline in the number of PK beach mice living on the Key— especially following Hurricane Ivan. This also appears to be the case with nesting sea turtles. Question— should the county be proposing a plan that allows the “take” of any member of an endangered species? Shouldn’t a plan that authorizes “taking” of endangered species be delayed until numbers increase to viable levels?

**Indirect Impact.** . . The proposed HCP appears to focus mostly on direct impacts to endangered species and less on indirect impacts. Indirect impacts play a significant role, and have a cumulative effect, with regard to survival issues. This plan should incorporate more stringent methods to account for indirect impacts.

**30 Years.** . . The HCP plan being put forward by Escambia County authorizes, and opens, a 30-year window for “taking” endangered species on Perdido Key. A 30-year “taking” period is entirely too long.

**Widening SR 292.** . . The HCP does not deal, in any way, with changes to State Road 292; yet the county has, in hand, and has shown drawings and renderings, of a proposed new road. We have been repeatedly told by politicians, that plans are underway to widen SR 292. Common sense would mandate that any HCP should include all aspects of development on the Key and the effects on endangered species.

Recently, several Perdido Key organizations have asked the county about participating in a master overlay plan for the Key. That plan would certainly involve SR 292. So why does the county’s HCP omit SR292 especially since they continually report that work is underway to widen the road?

**Politically Appointed.** . . The steering committee for the HCP (West End Advisory) appears to be a politically appointed entity with members being named by a single county commissioner. Shouldn’t a committee attending to such important issues be represented by as many varied interests as possible rather than a commissioner’s select few?

**Big Box Permitting.** . . The use of the term “One-Stop Shop” for permit application and review (stated in the HCP) is troubling. The implication is, “Stop by the One-Stop Shop to get your permit for the “taking” endangered species.” This is a very poor choice of wording in the HCP; although it, most likely and accurately, reflects the county’s philosophy regarding endangered species.

**CMF.** . . I believe if you looked at the county’s past record of “protecting” endangered species you would find that it is grossly inadequate. I understand the county has a mouse mitigation agreement (Conservation Management Fund) with U.S.F.W.S. and F.F.W.C.C., yet I have seen no reports on how these funds are being collected or used to protect endangered species. Where have these CMF funds been spent? Where can progress reports be found? Who is responsible for the accounting?

**Past Performance.** . . Escambia County is one of the few coastal counties remaining in the state that doesn’t have a turtle lighting ordinance. This is yet another example of the county’s emphasis, or lack thereof, regarding the protection of endangered species. For the past three years I have participated in most of the turtle hatchlings on the Key. In nearly every case the hatchlings turned toward the artificial lights— away from the water. Had park rangers and volunteers not been on site all hatchlings would have perished.

Last year at least one nest, 120 hatchlings, were lost due to lighting disorientation. Proper lighting regulations are critical to all wildlife— especially endangered species. The fact that, to this day, Escambia County has done very little— not even enacted a simple lighting ordinance unlike every

other coastal county in the state— is proof again that protecting endangered species is not a priority with county officials.**Beach Obstruction.** . . Beach furniture vendors continue to have (by county permit) unlimited access to Perdido Key beaches. Their trucks, trailers, and tractors have left the beach in deplorable condition on many occasions (photos are available). Their lounges at several locations create a barrier to any creature trying to come ashore and do not conform to the F.F.W.C.C. guidelines. Vendors operate their vehicles along the entire length of the Key (from the FloraBama to Eden and eastward) when they should be carrying furniture to the beach through the parking lots of each condominium. Perdido Key is now in the middle of turtle season yet within the last few weeks vendor trucks have been driving on the beach— entering near the FloraBama and driving east along the dunes and around vacationers.

I understand the county has an ordinance preventing vehicles on the beach during turtle season. Apparently, it is not being enforced. Again, this is just one of many examples of why the county should not be involved in managing the protection of endangered species.

**Allocation.** . . Several months ago I learned that the county received (on behalf of Perdido Key) \$3 million from FEMA related to the last hurricane. Question, why has this not been reported? Where are these funds? Who will make the decision on use?

**Funding Shortfall.** . . Due to the scope of this proposal, the HCP calls for significant amounts of manpower and costs— whether related to predator control, live trapping, tracking, monitoring, beach management, mapping, turtle patrol, hatchling watches, lighting enforcement, nesting surveys, breeding inventories, data management, field management, documentation, reporting, compliance and enforcement, etc. These are just some of the manpower needs outlined in the county’s HCP. Under these circumstances I believe it would be impossible for the two or three employees mentioned in the HCP to effectively manage all of these duties outlined, and required, by this document.

And, based on past and current evidence, it would be absurd to believe the county would fund this plan to the necessary levels to insure viability. Lack of funding will have a direct impact on endangered species

## PERDIDO KEY’S Endangered and Protected Species

Perdido Key Beach Mouse  
Loggerhead Sea Turtle  
Green Sea Turtle  
Leatherback Sea Turtle  
Kemp’s Ridley Sea Turtle  
Piping Plover  
Red Knot

and conservation enforcement measures.  
**Summary.** . . While Escambia County’s HCP provides ideas, methods, and strategies for protecting endangered species on Perdido Key, I believe the county’s track record of using the Key as their “cash cow” at any expense to endangered species makes this HCP unworkable. Based on the county’s previous record (i.e., dwelling cap removal,

“*It would be akin to letting the fox watch the hen house.*”

lack of ordinances, and lack of active participation in species protection), there is simply too much temptation, and risk, in allowing the county have any part in protecting federally listed endangered species— much less allowing them to issue permits for the “take” of endangered species. It would be akin to letting the fox watch the hen house. Perdido Key would be much better served if the county was required to continue using outside independent parties (U.S. Fish and Wildlife Services) to protect these valuable, endangered, and irreplaceable assets.

*These were written comments by Alan Dennis submitted at public hearing on June 22, 2009 regarding the proposed HCP for Perdido Key. If you would like to read the county’s draft of the Perdido Key Habitat Conservation Plan and/or make comments, you may visit their website at: <http://www.co.escambia.fl.us/Bureaus/DevelopmentServices/HCP.html>*

*You may also visit U.S. Fish and Wildlife Service’s web page for additional information on endangered species, HCP, permitting, etc., at: <http://www.fws.gov/PanamaCity/>*