



Baldwin County, Alabama and the Alabama Beach Mouse

Frequently asked Questions and Answers *FEMA and County Building Permits* *March, 2003*

Baldwin County has told me that I can't get a building permit until I satisfy endangered species concerns. What does that mean?

Baldwin County has, for several years, had a flood damage prevention ordinance, approved by the Federal Emergency Management Agency (FEMA) that requires review of all building permit applications to assure that all necessary permits have been received from government agencies from which approval is required by Federal and State law. The Endangered Species Act (ESA) prohibits the taking of a listed species without authorization from the U.S. Fish and Wildlife Service (Service).



The protected Alabama beach mouse is found in some areas of Fort Morgan as well as the loggerhead sea turtle. To ensure that building activities on the Fort Morgan Peninsula comply with the ordinance and that harm to listed species is avoided or minimized, Baldwin County is requiring that all proposed projects within the areas known to be used by these species meet the requirements of the U.S. Fish and Wildlife Service and the ESA before a building permit is issued.

The Service has a good idea of where habitat for endangered species occurs on the Fort Morgan Peninsula. Employees of the Service can review your building plans to determine if they might be affected, and if you would need a permit or other authorization from the Service to proceed.

What do I do first to meet those requirements?

You can send your building plans (the same plans you would submit to the county for a building permit) to the Service office in Daphne by mail, fax, or e-mail. You may also include photos or any other information that you believe would be helpful.

By mail, send plans to:
U.S. Fish and Wildlife Service
P. O. Drawer 1190
Daphne, AL 36526
By fax: 251/441 6222
By e-mail: barbara_allen@fws.gov

All requests will be handled as quickly as possible on a first come, first served basis. If our review indicates that you do not need authorization under the Endangered Species Act, we will notify you and the county and they can process your building permit request.

What if you tell me I need a permit.....what next?

If it looks like you will need a permit, we will mail an application packet to you. The packet has all you will need to prepare your application. Once you receive a packet, including instructions, you will need to fill out the forms and other documents and return them to the Daphne Field Office, together with the \$25.00 processing fee. The staff at the Daphne Field Office will be available to help you prepare those materials should you need assistance. If we have questions about your application, we will contact you immediately.

How long will it take to get a permit?

Generally, applications for incidental take permits can be processed in three to six months, though the process can sometimes take longer. The Service is working with FEMA and Baldwin County to try to streamline the process. For best results, follow the instructions carefully and provide all the information that is requested, and call us to discuss your application before you mail it to us. Also, get the package in as soon as possible to allow sufficient time for the review process to be completed.

What is the process for issuing permits?

Once an application is received, the package is reviewed by Service staff in Daphne to make sure all of the information that is needed has been included. The request is then sent to the Service's Southeast Regional Office in Atlanta, Georgia where arrangements are made to publish a public notice of the application in the *Federal Register*. That notice will start a 60-day period, required by law, during which members of the public may comment on the application. Once the public comment period has concluded, we must address any comments. Finally, the permit package is completed and, if appropriate, the permit is issued.

Why has this happened now?

Complying with the Endangered Species Act is not a new requirement. The prohibition against taking a listed species has existed since the Endangered Species Act was passed in 1973. Baldwin County has had a flood damage prevention ordinance since 1978. The ordinance requires that before issuing a building permit, the county ensure that all other necessary permits have been received from governmental agencies from which approval is required by Federal and State law. The County must comply with this ordinance in order to remain a participating community of the National Flood Insurance Program, administered by FEMA. The Service is available to work with you to determine if your project requires authorization under the Endangered Species Act, and if so, to provide technical assistance to you in obtaining that authorization.