



A sand dune of its own: officials expanding habitat for beach mouse

BY: Zac Anderson

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Living on the beach is downright expensive.

So if you're a mouse with no money, it can be tough to scratch out a little piece of sand dune to call your own.

These days endangered beach mice are relegated to a few isolated stretches of undeveloped land along the Gulf Coast.

Federal wildlife officials believe these areas are essential to the survival of the mice, and they're moving to expand a controversial provision of the Endangered Species Act locally that designates land as "critical habitat" and may restrict development in some cases.

The plan has been lauded by environmental activists, who sued the U.S. Fish and Wildlife Service to get more protection for the mice.

"I'd say the conflict between coastal development and the

health of the beach ecosystem is one of the top environmental issues in the country," said Peter Galvin, conservation director for the Center for Biological Diversity, which first petitioned the government about the beach mice in 1999.

Under the terms of a recent settlement, almost 600 acres of state and private lands in Walton County and another nearly 100 acres of state land in Okaloosa County will be designated as critical Choctawhatchee beach mouse habitat.

Yet as area wildlife officials are moving to expand beach mouse habitat locally, federal lawmakers are trying to do away with the critical habitat section of the law.

U.S. Rep. Richard Pombo, R-Calif., has pushed legislation through the House that would repeal the critical habitat provisions of the ESA, a move Galvin's group opposes because they

believe it would leave endangered species with less protection.

Both U.S. representatives from Northwest Florida, Republican Jeff Miller and Democrat Allen Boyd, voted in favor of the proposed changes.

Dan McFaul, Miller's chief of staff, said "there are still avenues for protecting habitat" in the revised law.

"This allows private property owners freer use of their property while providing for the cohabitation of endangered species and people," McFaul said.

The issue is now before the Senate.

Area wildlife officials say the national debate over endangered species and critical habitat won't affect plans to protect habitat for beach mice.

"This is required by the current law and we can't worry about what may or may not change," said

Janet Mizzi, deputy field supervisor for the U.S. Fish and Wildlife Service's regional office in Panama City. "Every year somebody puts a bill before Congress to amend the ESA."

Mizzi's office recently completed a draft copy of the beach mouse habitat proposal. The agency is accepting public comments through Feb 13.

Private rights, public interest

Most of the land in Okaloosa and Walton counties that would be designated as critical habitat falls within the borders of four state parks along the beach, but approximately 126 acres of private property in Walton will receive the designation.

One reason Congress has moved to amend the critical habitat provision is because private developers and landowners say it unfairly restricts the use of their property without compensation.

How local property owners may react to the designation is unclear.

Mizzi said a report that will outline the potential economic impact has yet to be completed.

Walton County resident Crawford Sandefur, who owns five acres of undeveloped land adjacent to Topsail Hill Preserve State Park that likely will

be listed as critical habitat, said she wasn't told about the federal designation and had no knowledge of its implications.

"I haven't had a chance to think about it," said Sandefur, who noted that she does not plan to develop the five acres, which were part of a beach mouse study conducted at Topsail Hill in 1999.

Some debate exists as to what restrictions a critical habitat designation actually places on property.

While environmentalists say the critical habitat provision creates additional hurdles against development, federal and state wildlife officials said the designation offers little additional protection.

They note that the critical habitat law is only enforceable on federal property, although it can be invoked on private and state land if federal permits are needed or federal funds are used.

"It doesn't really change how we do business at all," said Harold Mitchell, a biologist with the state park system who focuses on endangered species in Northwest Florida. "There's no effect if you don't have a federal link."

Galvin said listing critical habitat on state and private lands is still important.

He noted that in a hurricane-prone area,

private homeowners might have federal flood insurance from the Federal Emergency Management Agency. Critical habitat restrictions would kick in and limit development because the homeowner is using federal resources.

State parks might receive federal grants.

"There can be multiple federal links in the development of a coastal area," Galvin said from the Center for Biological Diversity's headquarters in Tucson, Ariz. "The habitat should be listed regardless."

Galvin's organization frequently sues the federal government to get provisions of the ESA enforced.

His group filed the beach mouse lawsuit after ongoing research showed the mouse not only uses the primary dunes nearest the water -- which were already listed as critical habitat in some state parks -- but also depends heavily on the secondary, or "scrub" dunes.

"We believe critical habitat does increase the amount of protection species have on those lands," Galvin said.

Carrot or the stick?

Critics of the critical habitat law say the government should work to develop partnerships with landowners that are mutually beneficial.

For example, local conservation officials point to their agreements with St. Joe Co. -- a major developer -- to preserve beach mouse habitat on private lands in Walton County.

Two of St. Joe's largest beach resorts, WaterColor near Grayton Beach State Park and WaterSound near Deer Lake State Park, won't receive the critical habitat designation because the company agreed to create a detailed habitat conservation plan during the permitting process, said Sandra Sneckenberger, a federal Fish and Wildlife biologist.

"St. Joe already has good plans in place to protect the mouse," Sneckenberger said.

Galvin said critical habitat carries a "higher threshold of protection" than a typical habitat conservation plan. He also believes it is irresponsible to exempt Florida's largest landowner from the law.

"It sets a bad example if the big operators can muscle around the law," he said.

At WaterSound, approximately 80 acres of prime beach mouse dune habitat, including nearly a mile of beachfront, will remain undeveloped through the habitat conservation plan. All development is set back a significant distance from the beach, up to 1,500 feet in some places. Miles of wooden boardwalks

crisscross the dunes.

Beach mice were relocated to the WaterSound property in 2003 and again in 2005 under the supervision of St. Joe wildlife biologist Jim Moyers.

"Thanks to our partnership we've actually been able to expand the beach mouse's territory," Moyers said recently as he scouted for mouse tracks and burrows on WaterSound's dunes.

Moyers noted that the Choctawhatchee beach mouse, one of four endangered beach mouse subspecies, was relegated to three state parks before the animal was reintroduced at WaterSound.

"Now we have a viable population on private land," he said.

Yet WaterSound may be more the exception than the rule.

Part of the exclusive resort's attraction is its seclusion and natural beauty. Potential homebuyers pay more to live near a fully intact dune system.

Moyers acknowledges that smaller property owners may have more economic incentives to develop environmentally sensitive lands. If Congress does change the Endangered Species Act, he believes the most important issue to address is the economic one.

"Where the law runs afoul of people are when the economic interests come into play," he said.

Galvin, however, believes it would be "ridiculous" to compensate every property owner who is affected by the Endangered Species Act.

"There's always going to be a balance against private property rights and the greater public good," he said. "Just like you can't build a toxic waste dump next to a school, you shouldn't be able to adversely affect habitat that is critical to a species' survival."