

CHAPTER 12: MITIGATION MEASURES

Despite the minimization measures prescribed in this HCP, some take of covered species may occur as the result of activities authorized by the USFWS under the County's ITP. To mitigate for this take, the County commits to developing and implementing a Beachfront Light Management Plan (BLMP), as described below.

Beachfront Light Management Plan

Artificial beachfront lighting constitutes one of the major impacts to protected species covered under the ITP. As discussed elsewhere in this HCP, light trespass onto the beach/dune system interferes with the normal nocturnal behavior of sea turtles, beach mice and shorebirds. In the case of sea turtles, artificial lighting can substantially reduce the survivorship of emerging hatchlings. Thus, by reducing light trespass and improving the habitat of protected coastal species, the BLMP will mitigate the negative effects of shoreline armoring.

Beachfront Lighting Ordinance

Walton County has adopted beachfront lighting regulations acceptable to the USFWS and FWC (Ordinance 2009-03, Appendix B). These regulations, which apply to both existing facilities and new construction, are modeled after the State's Model Lighting Ordinance (Witherington and Martin 2006). Lighting regulations will become fully effective by the year 2010.

Public Education and Awareness

The County will develop and implement a public education/awareness program consisting of the following elements:

Initial Notification

Within six months of adoption of its beachfront lighting ordinance or upon issuance of the ITP, whichever is later, the County will notify affected property owners of ordinance adoption through the most practical means available. This initial notification will summarize key provisions of the ordinance, provide guidance on how to assess a property for compliance, and include a contact number for obtaining additional information. The County will create a space on its website to provide requisite information to assist property owners in their light management efforts. Additionally, the County will explore other means of alerting coastal property owners of the new ordinance, such as Public Service Announcements (PSAs) and notices in local newspapers.

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General Lighting Information

Within one year of issuance of the ITP, the County, in consultation with the USFWS and FWC, will develop a pamphlet, brochure, flier, and/or other medium for disseminating general information regarding beachfront lighting and its effects on wildlife. This information, which may be incorporated with other public awareness materials related to protection of beachfront structures (see Chapter 11), shall be made available to all beachfront property owners and/or managers within the jurisdictional boundaries of the lighting ordinance.

Property owners that remit TDC Bed Taxes within the jurisdictional boundaries of the beachfront lighting ordinance will be required to post standardized informational signs at conspicuous locations within common areas of their properties. Facility managers will also be required to post or distribute information notifying renters of the ordinance and its provisions. These materials will be developed by Walton County and provided at cost to affected property owners/facility managers.

The County will also develop a standard light management program for presentation, upon request, to hotel/motel manager's associations, condominium associations, rental agencies, clubs, civic organizations, chambers-of-commerce, and other affected groups. The presentation will address the effects of lighting on coastal wildlife, review lighting regulations, identify options for resolving problem lights, and provide contact information for obtaining technical guidance.

Workshops and Clinics

Within 18 months of issuance of the ITP, the County will organize a workshop to discuss lighting issues and provide examples of materials and methods that can be used to achieve compliance. Participants may include coastal property owners and managers, code enforcement personnel, lighting professionals (engineers, contractors, consultants, etc.), and local lighting suppliers. The County will coordinate this workshop with the FWC and USFWS to ensure that best available technologies are on display. The FWC and/or USFWS will conduct the workshop with the assistance and participation of the HCP Coordinator and/or other appropriate County staff. Additional clinics may be held, as deemed appropriate by the County.

Technical Assistance Program

Critical to the County's efforts to affect compliance with applicable lighting regulations will be the establishment of a technical assistance program for affected coastal residents. Although the public awareness program outlined above will contain many simple "how-to" options for effectively managing lights, there will undoubtedly be a number of residents who will need guidance in selecting the appropriate option for their particular situation. Additionally, many will have questions regarding ordinance standards and compliance deadlines.

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The technical assistance program will incorporate the following elements:

1. A County staff person to serve as point-of-contact on all lighting issues.
2. A citizen's guide to identifying and correcting problem lights adjacent to sea turtle nesting beaches that can be distributed upon request.
3. A standardized lighting evaluation form that will identify specific non-compliant lights on a property and provide property owners with practical solutions for resolving the identified problem(s).
4. Site visits to provide technical guidance in addressing identified lighting problems.
5. Development and maintenance of a library of lighting contractors, consultants, suppliers, and materials (fixtures, light sources, etc.).
6. A website providing ready access to the resource library and other relevant information pertaining to lighting and protected species issues.

Standard Protocol for Evaluating Beachfront Lighting

Walton County will develop a standard approach to its light management effort. Initially the County will develop new, or use existing layers in its GIS database to show the names, addresses, and owners of all beachfront properties within the jurisdictional boundaries of the lighting ordinance. At its discretion, the County may conduct an initial daytime inventory of these properties to develop an inventory of all exterior light fixtures visible from the beach. The base map and exterior light inventory will greatly facilitate light management efforts and provide baseline data for assessing the effectiveness of the BLMP in reducing light trespass over time.

Within one year of ITP issuance the County will develop a protocol for conducting both proactive and reactive nighttime lighting evaluations, including a system for identifying, photographing, and prioritizing lighting problems and providing recommendations for resolving identified problems. Standard evaluation forms will be developed. These records will serve to initiate and track light management efforts, including code enforcement action, when necessary.

Systematic Lighting Evaluations

Walton County Code Enforcement, HCP staff, and/or contracted lighting specialists will conduct both pro-active and reactive evaluations of beachfront lighting. Persons involved in these evaluations shall receive light management training to ensure that light management objectives are clearly understood and that lighting regulations are enforced in a consistent manner.

Pro-active, county-wide, nighttime evaluations of the Plan Area will be conducted twice each year for two years beginning in 2011. The first evaluation will be performed in the spring prior to the beginning of the nesting season (May 1) and then again in the summer prior to the major hatching period (July 1). In subsequent years, pro-active inspections

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may be reduced to once per year, depending on the effectiveness of the County's light management efforts during the first two years of evaluations.

Upon issuance of the ITP, the County will also begin responding to reports of hatchling disorientations. County staff will respond to sites of hatchling disorientations within 48 hours of receiving a disorientation report from sea turtle monitoring personnel. This response will not be required if there is already an active case (e.g., notice of violation, code enforcement action, light management activities in progress, etc.) at the subject property.

The County will maintain records of all public complaints of lighting problems and cross reference the complaints to active case files to determine where new lighting evaluations may be needed. The County will maintain a GIS database of all sea turtle nest locations and will prioritize its response to lighting complaints to focus on those areas.

Code Enforcement Process

The intent of the County's lighting regulations is to affect compliance. The County will work with property owners and facility managers to bring properties into compliance on a voluntary basis. Public awareness efforts will alert affected parties to the new lighting regulations and provide guidance on how to evaluate exterior lights for compliance. Workshops and technical assistance programs will guide homeowners in appropriate lighting modifications. The County will continue to work with property owners as long as they demonstrate good-faith efforts to bring lighting into compliance. However, if property owners are unwilling or unable to achieve compliance within a reasonable period of time, code enforcement action will be taken.

The first step in bringing non-compliant lights into compliance will be to send out a Notice of Non-compliance. This informal first step alerts property owners/facility managers that some exterior lights on their property do not comply with lighting regulations. Specific non-compliant lights will be identified and alternatives provided for affecting compliance. The County will then enter a consultation phase with the affected property, if requested, and provide technical guidance in resolving identified problems. At the completion of this effort, a new lighting evaluation of the property will be performed to determine if the modifications have been successful. This process will continue until the property achieves compliance with the ordinance.

In the event that Walton County determines that a property owner refuses to take action on a Notice of Non-compliance or is not acting in good faith to address identified lighting problems in a timely manner, a Notice of Violation will be issued. This is the first formal step in initiating code enforcement action. All enforcement activities, including Code Board hearings and the imposition of fines, will be conducted in conformance with the County's lighting ordinance and other applicable regulations.

Record Maintenance

The County will maintain records to document its light management efforts, including but not limited to:

- Dates and times of pro-active lighting evaluations and the person(s) conducting the evaluation;
- Dates and times of responses to reports of hatchling disorientations, including the date the report was received and the person responding;
- Dates of public complaints of lighting problems, alleged locations and type of problems, and the County’s response to the complaints (e.g., active case ongoing, code enforcement pending, evaluation performed on [Date], etc.);
- A list of all observed non-compliant lights on each property within the jurisdictional boundaries of the ordinance identified during nighttime lighting evaluations;
- Dates, times, and pertinent information regarding all communications, written and verbal, with property owners and/or facility managers relative to light management efforts initiated under the BLMP;
- Dates of transmittal of Notices of Non-compliance and Notices of Violation and the names/locations of the offending parties; and
- Code enforcement actions taken, including Code Board hearings, fines imposed, and case resolutions.

Acquisition of Beachfront Properties

In 2003, the County acquired two beachfront parcels that provide conservation value to listed species covered under the ITP. These parcels, although purchased prior to ITP issuance, may have served as mitigation credit under the HCP. However, the acquisitions were affected by grants and matching funds, and the County did not expend any of its own fiscal resources. Consequently, under Federal rule, the portion of the properties funded with Federal dollars cannot be used as formal mitigation credit. Nevertheless, the County wishes to acknowledge the purchases as furthering the conservation of protected species along its coastline.

Stallworth Lake Preserve

The Stallworth property was purchased in March 2003 for \$2,400,000. It consists of just under 3 acres (1.2 hectares) including over 260 ft (79.2 m) of beachfront property located directly on the Gulf of Mexico adjacent to Stallworth Lake (Figure 3). The property is bordered on the west by Topsail Hill Preserve State Park and to the east by a small subdivision known as Stallworth Preserve, a community that operates under an ITP for the conservation of beach mice. The site contains undisturbed primary, secondary and scrub habitat and a flat, partially vegetated Gulf front beach, as well as a coastal dune lake outflow area associated with Stallworth Lake. The natural beach and dune

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community is comprised of several distinct vegetative components. Sea oats, bluestem, seaside pennywort and many other pioneer plants cover much of the dune area. A significant feature of the site is that its location is within the historical range and designated critical habitat of the endangered Choctawhatchee beach mouse. This parcel was purchased to maintain, restore and protect the natural coastal processes of beach and dune ecosystems and the threatened and endangered species that they support (beach mice, sea turtles, and shorebirds).

Grayton Beach Conservation Area

The Grayton Beach Conservation Area (a.k.a. Garfield Access) was purchased in September 2003 for approximately \$1,200,000. It is a narrow rectangular parcel slightly less than one acre, with approximately 70 ft (21.3 m) of Gulf front (Figure 3). The site contains undisturbed primary and secondary dune habitat and a flat partially vegetated Gulf front beach. The natural beach and dune community is comprised of several distinct vegetative components. Sea oats, beach morning glories and other pioneer plants cover much of the dune area. A significant feature of the immediate area is Western Lake, a coastal dune lake to the east of the project site. A key component of the site is its location within the historical range and habitat of the endangered Choctawhatchee beach mouse. The reason for purchase was to maintain, restore and protect the natural coastal processes of beach and dune ecosystems and the threatened and endangered species that they support.