

MEMORANDUM



To: Florida Fish and Wildlife Conservation Commissioners
From: Kipp Frohlich, Director, Habitat and Species Conservation
Date: July 23, 2020
Subject: Draft Rule – Revisions to the Gopher Tortoise Permitting Guidelines

Purpose:

Obtain approval for revisions to the Gopher Tortoise Permitting Guidelines (Guidelines) and to publish two draft rule revisions that incorporate the Guidelines by reference.

Why:

Proposed revisions to the Guidelines improve the permitting process by enhancing clarity for constituents, allowing for better data collection to assess the program goals, and incorporating current science.

Top Points:

1. The Gopher Tortoise Management Plan and associated Guidelines provide the management framework for gopher tortoise conservation in Florida.
2. These are the tenth set of revisions made to the Guidelines to keep them current and state-of-the-art.
3. The gopher tortoise permitting program issues hundreds of permits annually; last year, more than 10,000 gopher tortoises (a state-Threatened species) were safely relocated as part of the permitting program.

Affected Parties:

Potentially affected parties include landowners, environmental consultants, mining industries, utilities, universities, conservation organizations, local municipalities, county and state governmental entities.

Summary:

Guidelines clarify protections, outline activities where permits are needed, provide methods and qualifications for individuals conducting gopher tortoise relocation, and outline requirements for sites that receive gopher tortoises. The initial Guidelines were approved in 2008 with periodic revisions approved by the Commission thereafter. Proposed revisions to the Guidelines include clarifications and updates to data, permitting, and mitigation requirements. Proposed rule revisions incorporate the Guidelines by reference, delete parts of the rule inconsistent with current protections, and clarify prohibitions related to paint applied to turtle or tortoise shells or body parts. Ongoing stakeholder concerns include the allowance of ATV burrow surveys on donor sites for data collection purposes. Stakeholders are also concerned about the new Authorized Gopher Tortoise Agent renewal criteria - especially local government employees, and revised recipient site methodology. Staff has engaged with stakeholders through the public stakeholder and comment process. Changes to renewing Authorized Gopher Tortoise Agent permits and changes to monitoring requirements for future recipient sites are anticipated to generate the greatest interest from affected parties.

Staff Recommendation:

Approval of the revisions to the Gopher Tortoise Permitting Guidelines and to publish proposed draft rules and file for adoption without further hearing, unless requested.

Staff Contact and/or Presenter: Melissa Tucker, Habitat and Species Conservation