

Revised Gopher Tortoise Permitting Guidelines

Talking Points

- The gopher tortoise is a state threatened species; both the tortoise and its burrow are protected under state law.
- The Gopher Tortoise Permitting Guidelines were first created in 2008 by the FWC, with input from stakeholders, to provide a comprehensive overview of the permitting process developed as one tool to accomplish the goal and objectives set forth in the FWC's Gopher Tortoise Management Plan.
- These guidelines clarify protections, outline activities where permits are needed, and provide methods and qualifications for individuals conducting gopher tortoise relocation.
- Revisions to the Guidelines include clarifications and updates to data, permitting, and mitigation requirements associated with gopher tortoise relocations.
- Clarifications apply to permitting terms and glossary definitions, the permitting process, stocking rates, and methodologies.
- Through these revisions, a data collection effort is established to determine efficacy of all-terrain vehicle (ATV) burrow surveys on donor sites.
- Noteworthy changes that apply to the Authorized Gopher Tortoise Agent permit include new renewal criteria and authorized activities, as well as an extended permit duration.
- The revisions also restrict those working under Registered Agent permits to two relocation permits within a 12-month timeframe.
- In addition, permitting criteria were added for 10 or Fewer Burrow permits for on-site relocation and Scientific Collecting permits.
- Major revisions were made to Authorized Agent infraction criteria and monitoring and reporting requirements for recipient sites.
- The guidance regarding commensals encountered during permitted activities was revised to ensure consistency with Commission-approved Species Action Plans and Species Conservation Measures and Permitting Guidelines.
- A draft of the revised permitting guidelines is available at:
<https://myfwc.com/gophertortoise>

FAQs

Q: Was stakeholder input sought for this revision by the FWC?

A: Yes! Representatives from both public and private landowners/managers provided extensive input over the course of two years. Two public comment periods were held in Fall 2019 and Spring 2020. Additionally, two public webinars were held during the Spring 2020 public comment period. The public comment periods, presentation material, and public webinars were publicly advertised through GovDelivery and directly to the Gopher Tortoise Technical Assistance Group (GTTAG). Staff received over 100 comments from a wide variety of partners and stakeholders.

Q: Were stakeholders concerned about these revisions?

A: Ongoing stakeholder concerns include the allowance of ATV burrow surveys on donor sites for data collection purposes. Stakeholders also are concerned about the new Authorized Gopher Tortoise Agent renewal criteria (especially local government employees) and revised recipient site survey methodology and monitoring requirements.

Q: How was stakeholder input incorporated since the last public comment period (April 20-May 20, 2020)?

A: Additional revisions were made in response to public comment feedback and to balance stakeholder concerns with the need for improved data to inform gopher tortoise relocation practices. The most recent changes include, but are not limited to:

- Updates to ATV survey data collection specifications
- Reversion of 25% recipient site burrow survey requirement to 15% survey requirement
- Elimination of maximum burrow survey transect length and clarification of transect width
- Consolidation of recipient site monitoring categories to 25 Tortoises or Less and > 25 Tortoises
- Application of recipient site capacity reservation limit only when > 10 burrows reserved
- Addition of ponding definition, reference to FWC Rare Snake Sightings webpage, and instruction for Depth to Water Table (DWT) data entry when data is unavailable
- Specification that burrow aprons should be probed for nests during nesting season and that burrow surveys on recipient sites should be scheduled as close as possible to the time immediately following habitat management activities (e.g., a prescribed burn) to improve detectability
- Elimination of contradictory language regarding stocking density of soft release enclosures
- Clarification of language regarding interim after action reports, capture, authorized activities, fencing, marking, and guidance for limited relocation of commensals
- Clarification that, prior to development of a recipient site-specific LTDS survey design, all applicants should include belt transect with burrow scoping as the proposed monitoring method in their application but indicate in the comment section if they intend to seek FWC approval to amend their permit, management plan, and trust agreement to include a recipient site-specific LTDS survey method (once developed)
- Clarification that providing incomplete or incorrect information on an application or after action report is an example of a non-risk infraction category and that criteria for permit revocation includes those criteria found in 68-1.010, F.A.C.

Q: Are other actions being taken in response to the public comment feedback?

A: Yes, when applicable, we are addressing concerns related to relocation practices through our research prioritization process.

Q: If approved, when will the revised guidelines be implemented and what are the implications for permit applications submitted prior to implementation?

A: The revised guidelines will be implemented approximately 40 days after the July 23 Commission meeting, if approved by the Commission (~ September 7th, 2020). Complete permit applications submitted prior to implementation of the revised guidelines will be permitted under the 2017 Gopher Tortoise Permitting Guidelines. Permit applications deemed incomplete by implementation date of the revised guidelines will be subject to the revised guidelines upon permit issuance.

Q: Will this revision affect those with permits issued under previous versions of the guidelines?

A: Authorization to conduct the specified activities in association with the relocation of gopher tortoises is subject to the Guidelines that are in effect at the time permits are granted. Permit conditions for previously permitted relocations and recipient sites will not change because guidelines are revised, unless a permit amendment to change the conditions is submitted by the permittee or agent.

Q: Can Authorized Gopher Tortoise Agent permits be renewed early to remain under the renewal criteria in the 2017 guidelines?

A: An Authorized Gopher Tortoise Agent whose permit will expire prior to December 7, 2020 may renew their permit under the 2017 guidelines if they submit a complete renewal request in the online permit system prior to implementation of the revised guidelines (~ September 7, 2020).

Q: Will this version of the guidelines be incorporated into Rule?

A: Yes, revisions to 68A-27.003, F.A.C. are also proposed to incorporate the Guidelines for state-Threatened gopher tortoises.

Q: Are other proposed revisions to 68A-25.002, F.A.C. and 68A-27.003, F.A.C. applicable to gopher tortoises?

A: Yes. Revisions to the respective rules eliminates inconsistencies with current protections and clarifies prohibitions related to paint applied to turtle or tortoise shells or body parts.

Stakeholder feedback received during the public comment period held from April 20th - May 20th, 2020 has been incorporated into the Gopher Tortoise Permitting Guidelines. A draft of the revised guidelines will be presented at the July 2020 Commission meeting. More information is available at <https://myfwc.com/gophertortoise>, including the draft of the revised guidelines, an informational flier with talking points and FAQs, and a spreadsheet containing public comments. Contact Katherine Gentry at Katherine.Gentry@myfwc.com or 850-921-1028 with questions.