

Gopher Tortoise Mosaic Agreement
Consent Agenda Item 8
December 5, 2012

Item 8 - Consent Agenda

Approval of the Memorandum of Agreement (MOA) Regarding Gopher Tortoises on Mosaic Land and granting the FWC Executive Director authority to execute the MOA.

Background

The Mosaic Company obtained gopher tortoise permits from FWC for many years prior to the Gopher Tortoise Management Plan approval in 2007 and subsequent Permitting Guidelines approval in 2008. Prior to the management plan approval and under the former permitting framework, the final permit issued to Mosaic provided a longer-term authorization for the relocation of gopher tortoises and more flexibility than the standard permit process. Once the management plan was approved, Mosaic approached FWC to discuss how their unique operations could fit into the new permitting framework considering the large scale of their operations, impact, and vast land holdings. The FWC and Mosaic began discussions in early 2010 about how to address the needs of Mosaic while providing a high level of conservation for the gopher tortoise.

The Agreement

Over the past 3 years, frequent meetings were held between Mosaic and FWC and the MOA took various forms. The parties explored different ways that FWC could provide the regulatory certainty and flexibility Mosaic needed, while ensuring a high level of conservation for the gopher tortoise, thus furthering the goal and objectives of the new management plan. Mosaic and FWC staffs are pleased with the final agreement that was reached on October 30, 2012. Highlights of the MOA are included below.

- The MOA serves as a 30-year commitment to conserving gopher tortoises on approximately 300,000 acres of privately-owned land held by the Mosaic Company.
- The MOA estimates Mosaic's need to relocate 18,000 gopher tortoises over 30 years from Mosaic Lands.
- The MOA provides flexibility and regulatory certainty regarding permitting for Mosaic.
- The FWC will issue 5-year permits to Mosaic for gopher tortoise relocation.
- Mosaic will obtain recipient site permits for each of the Mosaic recipient sites.
- All gopher tortoises relocated under this agreement and subsequent 5-year permits will be relocated to permanently protected recipient sites, established both on Mosaic lands and on other lands in Florida.
- New permanently protected recipient sites are estimated to encompass 9,000 acres of gopher tortoise habitat.
- At least 500 additional acres of "historic recipient sites" on Mosaic Lands (used in the former permit system) also will be permanently protected, managed, and financially assured.
- All new acres of permanently protected lands will include: 1) a perpetual conservation easement conveyed to FWC, 2) FWC-approved management plans, 3) a non-wasting

endowment to assure habitat management, and 4) long-term monitoring of the relocated gopher tortoises and habitat.

- Mosaic will provide \$60,000 annually to The Nature Conservancy's Resource Management Support Team (Fire Strike Team) for a total of \$1.8 million for the 30-year life of the MOA.
- Mosaic already has provided \$40,000 for gopher tortoise education and outreach via the PBS program "Save Space for the Gopher Tortoise."
- The forthcoming 5-year permits will also include authorization for up to 15 "unanticipated relocations" per year that can occur from anywhere on Mosaic lands (generally where human health & safety is compromised, or the gopher tortoise or burrow is at risk).
- Overall workload efficiency for FWC (large workload upfront, but minimal once permit is issued).
- 5-year permits will minimize the need for amendments should mine plans change.
- Current guidelines for surveying, capture and relocation of gopher tortoises are included.
- Mosaic submits \$300 per tortoise to FWC for mitigation contributions.
- Annual reporting all permitted activities.

As part of our continual outreach and engagement of partners and stakeholders, the draft MOA was presented to the Gopher Tortoise Technical Assistance Group on November 1, 2012. Feedback from the U.S. Fish and Wildlife Service (USFWS) also was obtained. Overall, Florida stakeholders and USFWS partners were pleased with the win-win outcome for large private landowners and gopher tortoise conservation.