



Proposed Revisions to the Gopher Tortoise Management Plan

September 5, 2012

Fish and Wildlife Conservation Commission

The proposed document is a revision of the 2007 Gopher Tortoise Management Plan and is intended to guide the continued recovery of the gopher tortoise through the year 2022. This presentation is intended to be a high-level overview of the proposed management plan revisions and not all changes will be covered.

Management plan history

- First plan approved in September 2007
- Status changed to Threatened with FWC Commission approval of plan
- Permitting Guidelines approved in April 2008
 - Subsequent improvements approved by Commission in September 2008, April 2009, June 2010, June 2011, and November 2011
- Five years of implementation by staff and partners



The Florida Fish and Wildlife Conservation Commission (FWC) published its first gopher tortoise (*Gopherus polyphemus*) management plan in 2007. This plan was the culmination of years of work and several appearances before the Commission for input and final approval. The species was reclassified from a Species of Special Concern to Threatened (68A-27 F.A.C.) upon approval of the management plan. One of the major components of the new plan was a framework and intent to develop permitting guidelines for the species. Staff worked closely with Commissioners, partners, and stakeholders to craft well-balanced guidelines over the next several years. All of these guidelines have been approved by the Commission and are incorporated by reference into the management plan. Therefore, the management plan and permitting guidelines are two separate documents that together form the conservation framework for the gopher tortoise.

Management plan achievements

■ Permitting

- Online permit system launched
- 370 gopher tortoise agents authorized
- 1,139 permits issued
- 13,885 tortoises moved out of harms way



■ Habitat conservation

- 29 recipient sites created
- 40,320 acres of habitat protected
- 92,500 acres of habitat managed



The gopher tortoise was classified as threatened because of an increasing rate of population decline due to habitat loss. The management plan included a new permitting program and habitat management actions as tools that would address this decline.

The original plan also listed a wide array of actions and many of them already have been accomplished. The FWC, partners, and stakeholders have been engaged in a wide array of management actions aimed at conserving the gopher tortoise in Florida. Conservation objectives and actions from the original plan that have been completed or achieved are included in Chapter 6 of the proposed plan. Some of the more noteworthy accomplishments include: development and successful implementation of our award winning online permit system; authorization of 370 gopher tortoise agents; issuance of 1,139 permits; the relocation of 13,885 gopher tortoises from harms way; creation of 29 recipient sites; protection of 40,320 acres of gopher tortoise habitat; and management of 92,500 acres of gopher tortoise habitat.

Management plan achievements

▪ Outreach and training

- 5 Law Enforcement Academy training sessions held
- 28 local workshops conducted
- 34,733 outreach materials distributed

▪ Research

- 4 research projects completed
- 3 research papers published



Additional noteworthy accomplishments include: holding five FWC Law Enforcement Academy training sessions; conducting 28 local government workshops; distributing 34,733 brochures and outreach materials; completing four research projects; and publishing three scientific papers on gopher tortoises.

The law enforcement training sessions included a review of gopher tortoise biology, relevant laws, and the law enforcement non-game wildlife training manual.

Why revise the plan?

- The 2007 plan calls for revision every five years
- We have five years of learning by doing now
 - Solid permitting foundation in place that has stopped the direct loss of tortoises
 - Time to add focus on increasing tortoise populations and other conservation issues
- Significant changes have occurred
 - Economy is in a different place than when plan was first developed
 - Gopher tortoise designated “warranted but precluded” for federal listing as Threatened



The 2007 Gopher Tortoise Management Plan calls for review and revision every five years. Additionally, FWC staff and partners have learned a great deal over the past five years of implementation. Florida now has a solid and well established gopher tortoise permitting foundation in place that addresses the direct loss of the species. We intend to build on this excellent foundation and bring additional focus on increasing gopher tortoise populations, commensal species conservation, and other important issues.

Additionally, since the Gopher Tortoise Management Plan was first approved, two significant events have occurred. The first event was the downturn in the economy which resulted in large reductions in development activity across Florida. The 2007 Gopher Tortoise Management Plan was developed during a booming economy and did not anticipate such a dramatic drop off in economic activity. The second event was a finding by the U.S. Fish and Wildlife Service that the gopher tortoise in the eastern portion of its range is warranted for federal listing as Threatened under the Endangered Species Act but precluded by higher priority actions. This finding means that unless its status changes prior to final listing action (probably in 5 to 8 years given the current backlog of federal listing needs), the gopher tortoise will become federally listed and fall under the protection of the Endangered Species Act.

Highlights of plan changes

- Updated goal, objectives, and actions
- Deletion of outdated portions
- Commensal species
- Focus on incentives
- Waif tortoises
- Habitat management guidance
- Coordination on military installations
- Expanded monitoring



Based on the experience of five years of implementation and interactions with partners, stakeholders and the public, staff is proposing extensive revisions and updates to the Gopher Tortoise Management Plan. While not a complete rewrite of the entire plan, these changes are substantial and occur throughout the plan. Editorial and other minor changes will not be covered in this presentation. More substantive changes include updated goal, objectives, strategies, and actions; deletion of outdated portions of the original plan now covered in the guidelines; a new chapter on management of commensal species (species that use gopher tortoise burrows); increased focus and actions on incentives for private landowners to conduct gopher tortoise conservation; new habitat management guidance; collaborate with the Department of Defense to conserve gopher tortoises in the unique environment of military lands; updated waif (homeless or injured) tortoise protocols; and expanded monitoring provisions to track the success of gopher tortoise conservation. Gopher tortoise conservation in Florida is improving rapidly and staff is excited to bring these important changes and enhancements to the Commission for approval and implementation.

Given the extensive nature of these changes, this presentation will highlight some of the important changes, but will not give full details of all changes.

Deletion of outdated portions

- Permitting framework
- FWC restocking protocol
- Law Enforcement procedures



Over the past five years, substantial portions of the management plan have been achieved and new experience has been gained through implementation. One of the major accomplishments has been the development and constant updating of Gopher Tortoise Permitting Guidelines. These guidelines now contain all of the permitting structure, process, and related details. Therefore, significant portions of the plan no longer are needed and are obsolete. These portions have been deleted from the proposed plan and clear linkages to the permitting guidelines put in place to ensure the continuity of operations and expectations across the two documents. The most critical portion in this regard is the original permitting framework and intent chapter. These components have been fully developed and now are core parts of the permitting guidelines. Other deletions include a protocol for assessment of FWC-managed lands for potential gopher tortoise restocking and some law enforcement procedures and protocols.

Goal and objectives

- Goal- *To restore and maintain secure, viable populations throughout Florida so the species no longer warrants listing*
- Conservation Objectives
 - Minimize the loss of gopher tortoises
 - Increase and improve gopher tortoise habitat
 - Enhance and restore gopher tortoise populations
 - Maintain the gopher tortoise's function as a keystone species



The ultimate conservation goal for gopher tortoise conservation is to restore and maintain secure, viable populations of gopher tortoises throughout Florida so the species no longer warrants state listing. The plan establishes the measurable overarching objective that works towards decreasing the rate of population decline of the gopher tortoise because it is necessary to immediately decrease the rate of decline so that the ultimate conservation goal can be achieved. For this 10-year plan, the overarching objective of no net loss of gopher tortoises will be accomplished by meeting all of the following objectives:

- Minimize the loss of gopher tortoises by 2022 by ensuring humane and responsible relocation of all gopher tortoises from lands proposed for development, minimizing illegal harvest of tortoises, creating best management practices (BMPs) for agricultural and silvicultural lands, implementing methods to reduce juvenile mortality, reducing loss of tortoises to disease, and reducing vehicle-related mortality through education and exclusion measures.
- Increase and improve gopher tortoise habitat by 2022. This will require ongoing coordination with public agencies on the management of gopher tortoise habitat on protected lands in addition to restoring degraded lands with potential gopher tortoise habitat. Both public and private land acquisition averaging 57,000 acres per year will help to conserve the species distribution and maintain wildlife corridors between undeveloped lands. Identifying additional incentives to encourage habitat management and conservation easements on private lands is instrumental to increasing the acres of managed and protected habitat.
- Enhance and restore gopher tortoise populations where the species no longer occurs or has been severely depleted on protected, suitable lands by 2022. This will require an evaluation of protected lands to determine where gopher tortoise populations are depleted and the condition of the habitat. Implementation of a range-wide population monitoring protocol to help evaluate the status of the species throughout Florida will help to determine where gopher tortoise populations need to be restored.
- Maintain the gopher tortoise's function as a keystone species by 2022 by addressing specific management needs and creating guidelines for relocation of priority commensal species from development sites as appropriate. Best management practices for priority commensal species on agricultural and silvicultural lands will also be created, and land managers and the general public will be targeted with information about the broader role of the gopher tortoise as a keystone species.

Commensal species

- Gopher tortoise is keystone species
- New chapter covers five mammals and herps plus select invertebrates
 - More than 350 commensals documented total
- Limited relocation approach for state-listed species
- Update Appendix 9 of Gopher Tortoise Permitting Guidelines



By virtue of the burrow it constructs, the gopher tortoise is recognized as a keystone species that provides significant resources for a large set of other wildlife species in Florida. Jackson and Milstrey (1989) listed 60 vertebrate and 302 invertebrate species that have been observed in gopher tortoise burrows. Commensals are species strongly associated with gopher tortoise burrows because of the burrow's relatively constant microhabitat (temperature and moisture) and the protection it offers from fire and inclement weather. For populations of these commensals to persist in Florida, healthy gopher tortoise populations are needed.

Chapter 5 focuses on the conservation of priority commensals. Priority commensal species are believed to depend significantly on resources provided by the gopher tortoise burrow or its community of inhabitants. The priority commensals covered in this chapter include: listed species that use gopher tortoise burrows, species that require the presence of gopher tortoises and their burrows to persist as viable populations in Florida, and species whose presence provides some benefit to gopher tortoises. This chapter of the gopher tortoise management plan also includes information regarding many invertebrate commensal species and interim guidance on how to address commensals encountered during gopher tortoise relocations. One important aspect of this interim guidance is that, in general, commensals should not be moved offsite. This limited relocation approach is recommended because there are potential serious difficulties with disease, genetic, and competitive effects that experts believe are better left alone until more definitive information is available.

Lastly, to ensure continuity with the Gopher Tortoise Permitting Guidelines, staff is requesting approval to update Appendix 9 of the permitting guidelines with the new commensal language in the proposed management plan revision.

Incentives

- Candidate Conservation Agreements with Assurances (CCAAs)
- Habitat Conservation Plans (HCPs)
- Landowner assistance cost sharing
- Payment for ecosystem services (PES)
- Habitat management assistance for local governments



Private lands will play an increasingly important role in achieving the goals and objectives for gopher tortoise conservation in Florida. Conservation-based incentives typically provide financial payments, regulatory assurance, or both, and help further the goal and objectives of both species' conservation and landowner plans. Conservation-based incentives can assist landowners to continue the good work they already are doing that benefit wildlife, and can help to increase the landowner base conserving gopher tortoises in Florida. Private lands comprise more than 60% of all potential gopher tortoise habitat in Florida. Collectively, private landowners throughout the eastern range of the tortoise have the ability to help preclude federal listing of the species. The revised plan is structured to provide incentives to partners encouraging their action and participation. These incentives are intended to promote an increase in the acreage of protected and managed tortoise habitat and focus FWC permitting work with partners and stakeholders to identify and develop new incentive-based conservation opportunities in addition to those included in the Gopher Tortoise Management Plan.

Implementation of this management plan will further require the cooperation of many agencies and partners outside the Florida Fish and Wildlife Conservation Commission. The FWC will continue to work with other state and federal agencies to develop incentives for active conservation measures on publically-owned lands such as county and state lands and military installations and bases. Available incentives can be categorized as either being associated with the revised permit system or with state and federally administered landowner assistance programs. Some of the more common incentive programs covered in the plan include: Candidate Conservation Agreements, Candidate Conservation Agreements with Assurances, Habitat Conservation Plans, landowner assistance and cost sharing, payment for ecosystem services, and habitat management assistance.

Stakeholder engagement

■ Outreach to stakeholders

- Pre-revision suggestion period
- 3 core assistance group meetings
- 3 Technical Assistance Group meetings
- 284 people contacted via gopher tortoise email lists
- Direct outreach to scientists and key interests

■ Outreach to public

- 3 drafts of management plan
- 4 public comment periods
- 2 press releases
- 51 comments received



Public input is integral to successful implementation and revision to the Gopher Tortoise Management Plan. Public comment and outside review were formally solicited and incorporated at several junctures during the revision of this management plan. A stakeholder core assistance group provided initial input on many of the revisions as they were completed.

Additionally, three public stakeholder meetings provided an opportunity for the public to provide both verbal and written input on the revisions to the plan. These meetings were noticed through FWC's gopher tortoise listserv that reaches more than 200 members of the public. A public comment period was noticed in the Florida Administrative Weekly to solicit public input on draft revisions of the management plan. Moreover, FWC reached out to its partners in Georgia, Alabama, South Carolina, the U.S. Department of Defense, and the U.S. Fish and Wildlife Service to obtain their input on Florida's conservation plan. Lastly, input from subject matter experts on gopher tortoises and associated conservation actions was obtained throughout the management plan revision process.

Throughout this process, staff based revision drafts and improvements on stakeholder feedback and comments, took these drafts back to the various groups for additional input, and made additional changes. Staff believes that this process of continuous drafting, vetting, and redrafting has led to robust plan revisions that balance the varied needs of those involved.

Stakeholder & public comments

- Overall positive feedback- revisions are good
- Commensal species
 - Appreciation for beginning to address the conservation needs of these species
- Waif tortoises and research
 - Good interest and discussion on these issues
- Agricultural and silvicultural activities
 - Keep burrow rule policy in the plan
 - Best Management Practices are an important next step



Throughout the stakeholder engagement process, staff received feedback and input that the revisions to the management plan overall were excellent and moving gopher tortoise conservation in the right direction. Especially when viewed in the context of the extremely contentious environment in which the original plan was developed, the vast majority of partners and stakeholders expressed appreciation and support for the excellent progress in original plan implementation and new plan revisions.

While staff received comments and input on all aspects of the revised plan, most comments centered on commensals, waif tortoises, research, and permitting exemptions for agricultural and silvicultural activities. Regarding commensals, most stakeholders pointed out that more work is needed, but that the current revision constitutes a great step forward in addressing this complex and important issue. Similarly, staff received positive feedback on the enhancements to waif (homeless or injured) tortoise actions and improved coverage of research topics. Many private landowners in both the agriculture and silviculture fields expressed concern over the importance of maintaining exemptions from incidental impacts to burrows during normal operation of their activities. These exemptions have been maintained and are clearly articulated in the permitting guidance and in the appropriate sections of the revised management plan.

Areas of future focus

- Update gopher tortoise permitting guidelines
- Coordinate with pending state imperiled species management planning effort
 - Further commensal species conservation
 - Develop gopher tortoise Best Management Practices (BMPs)
- Coordinate on federal listing work
 - Preclude need to list gopher tortoise



Conservation always is a work in progress and staff is dedicated to an adaptive, ever-improving approach to gopher tortoise conservation. Therefore, continual update and improvement will continue. Based on feedback and comments from the current revision effort, there are three areas that warrant follow up in the near future. The first is the permitting guidelines. As part of this plan revision, staff is seeking approval to update Appendix 9 because of the extensive and important changes to commensal species conservation. To reduce complexity and potential for confusion, staff is holding off on other changes to the guidelines. However, other more minor changes will be helpful to improve clarity and concordance with the revised plan. Staff plans to engage partners and stakeholders over the next year and bring any major changes to the permitting guidance to the Commission for review and approval.

The FWC currently is developing management plans for 60 state-listed imperiled species, including the gopher frog, Florida mouse, and Florida pine snake where a more comprehensive conservation plan and strategy will be included. Staff will coordinate gopher tortoise and commensal needs from the gopher tortoise management plan with these other planning efforts. Once completed, any changes brought about by these commensal plans will be incorporated into the appropriate gopher tortoise policies, procedures, permitting guidelines, and management plan. Likewise, staff will coordinate gopher tortoise related portions of the best management practices (BMPs) being developed for state-listed species.

Since the “warranted but precluded” finding by the U.S. Fish and Wildlife Service, there has been expedited work to collaborate across federal, state, and private domains to take proactive measures to prevent the future federal listing of the gopher tortoise. Towards this aim, FWC staff has been coordinating with federal and other partners, including private landowners, to create conservation success through Candidate Conservation Agreements, Candidate Conservation Agreements with Assurances, landowner assistance programs and funding, and increased research, monitoring, and management efforts. These are multi-jurisdictional undertakings with significant federal and state resources coming together.

Staff recommendation

- *Approve the proposed revisions to the Gopher Tortoise Management Plan, including an update to Appendix 9 of the Gopher Tortoise Permitting Guidelines to maintain continuity.*



In conclusion, staff believes that this revision represents a significant leap forward in conservation planning and organization for the gopher tortoise. Therefore, staff recommends approving the proposed revision to the management plan, including an update to Appendix 9 of the Gopher Tortoise Permitting Guidelines to ensure continuity and clarity.