

Background Report
Gopher Tortoise Permitting Guidelines
Overview of proposed revisions
Agenda Item: 10 B
April 18, 2013

This supplemental report is intended to provide an overview of the more substantive proposed revision to the Gopher Tortoise Permitting Guidelines and does not include a complete list of all revisions.

OVERALL

- Revisions were made to improve plain language, correct typos, provide clarification, and improve readability.
- Added text where needed to ensure all standard permit conditions were also included in the permitting guidelines.

GLOSSARY- Revised the current glossary and added new definitions to make consistent with the Gopher Tortoise Management Plan (2012).

INTRODUCTION - Updated to make consistent with the Gopher Tortoise Management Plan (2012).

MITIGATION CONTRIBUTIONS - Added that refunds will be issued to the permittee less the 3% administrative service charge assessed by the Wildlife Foundation of Florida (WFF). The justification for this revision is that the WFF assesses a 3% admin service charge to all revenues when received. This charge is non-refundable to FWC therefore refunds issued should not include monies no longer available.

Table 1 - Added a new column that includes permit duration. This was a suggestion by stakeholders who use the guidelines and Table 1 regularly.

BURROW SURVEYS ON THE DEVELOPMENT SITE - Added an option for FWC to request an updated 15% survey when renewing relocation permits.

CATEGORICAL EXCLUSION FOR MILITARY INSTALLATIONS - Added text to make consistent with the Gopher Tortoise Management Plan.

LARGE, LANDSCAPE-SCALE CONSERVATION AGREEMENTS – Added text to make consistent with the Gopher Tortoise Management Plan.

CAPTURE, HANDLING, AND TRANSPORT OF RELOCATED TORTOISES

- **Capturing tortoise using backhoe excavation** – New guidelines for capturing gopher tortoises using backhoe excavation added. The current guidelines do not contain language on backhoe excavation in regards to the extent Authorized Agent must excavate the burrow ensuring that no tortoise is left behind. Proposed language provides the minimum an Authorized Agent must do to ensure all excavation/capture efforts are exhausted. Extensive input from Authorized Agents and stakeholders was obtained and incorporated as appropriate.
- **Fencing the project boundary** – Added a suggestion “best practice” to encourage developers to fence the project boundary during and after capture activities to prevent tortoises from re-entering the site. If tortoises re-enter the project site, a new permit may be needed and the project must stop until the tortoise can be safely relocated.

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TYPES OF PERMITS

- **Capture using a modified pulling rod** – Staff evaluated the need to permit future Authorized Agents (AA) to use a pulling rod (per guidelines) and recommends permit applications be evaluated on a case-by-case. Only a handful of AAs use this method.
- **Criteria for Suspension, Revocation, or Nonrenewal** of Authorized Gopher Tortoise Agent Permits and Registered Agent Authorization – Moved overview from the beginning of the Authorized Agent subsection here and added reference to new proposed criteria in Appendix 15.
- **Clarification on the “contiguous public lands” permit** - The current guidelines do not require a MOU between agencies (FWC + public lands recipient site). Language was added to clarify that a MOU and modified land lease are required (same as in Appendix 12).

RECIPIENT SITES

- **Stocking bonuses** - Clarification provided for recipient sites that are less than 40 acres are not eligible for stocking bonuses.
- **Enclosures** – Deleted text noting that temporary enclosures are “experimental.” A sufficient number of studies have shown that relocation does not work without the use of temporary enclosures.

DISTURBED SITE PERMIT - Clarification that additional mitigation contributions are not required when requesting “extra” tortoises on the permit.

HANDLING OF COMMENSAL SPECIES DURING RELOCATIONS - Updated to make consistent with the Gopher Tortoise Management Plan.

APPENDICES - The following Appendices have been revised or added:

Appendix 1. Updated to make consistent with the Gopher Tortoise Management Plan (2012).

Appendix 2. Updated permitting system process map.

Appendix 3. Information needs for applications:

- Clarified that a development plan or similar is required to demonstrate the need for a relocation permit.
- Added requirement for vegetation survey map with transects for recipient site applications.
- Added a requirement that the perimeter of the conservation easement for a recipient site be marked with posts or the GPS points recorded once the easement is finalized.
- Added an example of a cost estimate table for including habitat management costs in recipient site management plans.
- Added new Financial Assurance Guidelines, revised assurance instruments accepted, and provided standard templates for these instruments for Long-term Protected Recipient Sites (Appendix 3-1).

Appendix 8. Revised the Draft FWC Conservation Easement template.

Appendix 13. Revisions were made to the financial assurance subsection to be consistent with Appendix 3.

Appendix 14. New Guidelines for Accommodating Waif Tortoises (to make consistent with the Gopher Tortoise Management Plan).

Appendix 15. Criteria for Suspension, Revocation, or Nonrenewal of Authorized Gopher Tortoise Agent Permits and Registered Agent Authorization (New).