



Florida Fish and Wildlife Conservation Commission

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GOPHER TORTOISE INCIDENTAL TAKE PERMIT DRAFT INTERIM POLICY MAY, 2007

The Florida Fish and Wildlife Conservation Commission (FWC) presently issues landowners two types of permits under Rule 68A-25.002, and 68A-27.005, Florida Administrative Code, – Permits for Taking Gopher Tortoises (GT) and Their Burrows, and Gopher Tortoise Relocation Permits. GTs have qualified for reclassification as a “threatened” species because of an inferred rate of population decline. To reduce the present rate of decline occurring as a result of limitations to permitted relocations caused by the FWC’s upper respiratory tract disease (URTD) policy, the FWC revised this policy on August 15, 2006. Under this revised policy, URTD testing is no longer required by the FWC as a prerequisite to the issuance of GT relocation permits.

The FWC recognizes that landowners prefer to relocate gopher tortoises and that sufficient recipient sites may not be available for some time. The FWC further recognizes that our knowledge about the efficacy of relocation has progressed and acknowledges its importance as a tool to conserve gopher tortoises. The FWC also understands the amount of time that will be necessary to approve and implement a Gopher Tortoise Management Plan, including species-specific regulations encouraging conservation-based relocation of GTs. Therefore, the FWC will implement the following, pending the FWC’s adoption of species-specific rules for GTs.

- A. The FWC will continue to issue both Relocation and Take Permits under the authority of Rules 68A-25.002, and 68A-27.005, Florida Administrative Code, and in accordance with the documents entitled “Available Options to Address the Presence of Gopher Tortoises on Lands Slated for Development”, August 15, 2006 (GT Options Document) and “Gopher Tortoise Incidental Take Permits”, including the February 14, 2007 amendment (GT Permit Document), until the FWC adopts species-specific regulations to implement conservation-based restocking and relocation programs.

- B. FWC tortoise Take Permits issued on or before July 30, 2007, will remain in effect consistent with the permit's specific terms and conditions. The FWC will encourage, but not require, permittees as an alternative to entombment, to voluntarily relocate GTs to available on-site or off-site GT habitat that does not otherwise qualify as a recipient site under the GT Options Document because of the parcel's size or management ("Relocation Parcel"). Upon notification that a current permittee wishes to voluntarily relocate GTs, FWC will expedite issuance of a letter amending the permit allowing the relocation to a Relocation Parcel. FWC will assist permittees, who opt for such voluntary relocation, to locate public and private landowners willing to accept such relocated GTs. FWC will expedite any approvals necessary for such voluntary relocations. Existing permittees may also obtain amendment letters conditioned upon the identification of a future Relocation Parcel.
- C. Applications for Take Permits which include the items referenced in Attachment 1 received by the FWC at 620 South Meridian Street, Tallahassee, Florida 32399-1600 (FWC Office) on or before July 30, 2007, will be reviewed, and Take Permits issued, consistent with the current GT Options Document and the GT Permit Document. The FWC will encourage, but not require, permittees as an alternative to entombment, to voluntarily relocate GTs to available on-site or off-site Relocation Parcels. FWC will assist permittees, who opt for such voluntary relocation, to locate public and private landowners with Relocation Parcels willing to accept such relocated GTs. FWC will condition these interim policy period permits with language which authorizes relocation to Relocation Parcels without any additional modification to the permit.
- D. Take Permits issued for applications either initially received by the FWC at the FWC Office before July 30, 2007 but remaining incomplete on that date (*e.g.*, do not contain items referenced in Attachment 1), or received by the FWC at the FWC Office after July 30, 2007, will include a specific condition that requires the landowner to relocate GTs to available on-site or off-site Relocation Parcels. A Relocation Parcel may not accept more than three GTs for each acre of GT habitat unless otherwise approved by the Executive Director. This policy does not apply to recipient sites approved under the GT Options Document. This policy will not authorize GT relocation to parcels where GTs were previously relocated under existing take permits unless otherwise approved by the Executive Director.
- E. Where permit applicants have complied with the requirements of Paragraph D above, but cannot either locate a Relocation Parcel or relocate GTs to a Relocation Parcel under reasonable conditions considering; (1) contractual commitments, (2) project delay, and (3)

additional economic burden associated with GT relocation the following shall apply:

- The applicant may convert its Take Permit to a Standard Relocation Permit and may receive a refund of mitigation contributions (minus the 7.3% administrative fees paid to the State of Florida Comptroller's Office) paid to the FWC, under the Take Permit, upon relocation of the GTs to a Standard Relocation Permit recipient site.
 - The applicant may apply for a Take Permit without designating a Relocation Parcel. Once such application is deemed complete (*e.g.*, includes the items referenced in Attachment 1), the FWC and the applicant will have 30 days to work cooperatively to determine if a Relocation Parcel is available under reasonable conditions, as noted above. Where either the FWC or the applicant locates such parcels under reasonable conditions, the Take Permit will be issued identifying such parcel(s) as the Relocation Parcel. In cases where such Relocation Parcels cannot be found or are not available under reasonable conditions, FWC will make its lands available for such relocations.
- F. A Take Permit is "issued" when signed by the FWC.
- G. During the interim period, mitigation contributions required for Take Permits will be based on the FWC's current policy.
- H. The FWC will maintain on its web site a current list and description of available GT recipient sites, including FWC lands available for these relocation efforts.
- I. This policy shall remain in effect pending implementation of the proposed permitting program described within the Draft Gopher Tortoise Management Plan.

Attachment 1

1. The name and mailing address of the applicant;
2. The address or description of the proposed development site location, including its range, township and section, the county parcel identification number;
3. A copy of the gopher tortoise survey methods and results for the proposed project area;
4. A description of how the applicant will accomplish the required compensatory tortoise habitat protection;
5. A general location map and a specific site boundary map, both of which delineate the proposed permit area boundaries (submitted in an 8 ½ inch by 11 inch, letter-sized, format); and
6. Proof of local government approval that is sufficient to provide at least preliminary subdivision plat approval, or to allow the applicant to begin either clearing and grading work, or actual construction activities within the project site; or a Development of Regional Impact development order; or a master planned unit development approval.