



Frequently Asked Questions

Gopher tortoise permitting guidelines

Why did FWC revise the gopher tortoise permitting guidelines?

The permitting guidelines are the first step in implementing the Gopher Tortoise management plan (approved September 2007). The guidelines will help Florida meet the plan's objective of "decreasing gopher tortoise mortality on lands proposed for development through a redesigned FWC gopher tortoise permitting system."

How is the new permitting system proposed in the guidelines different from FWC's previous permitting program for gopher tortoises?

The new guidelines provide incentives for relocating tortoises to lands that have long-term protection and management. In addition to permitting tortoise relocations, the new system will authorize gopher tortoise agents who will be responsible for capturing, handling, and transporting gopher tortoises. Agents must demonstrate experience or training prior to being authorized to handle tortoises. The new system will also require recipient site certification for private landowners who would like to receive displaced tortoises. All permits will require a mitigation contribution to FWC to fund activities that help achieve the conservation goals of the management plan, including administration of the new permitting system (previously, the "five or fewer" and standard relocation permits were "no cost" permits).

How long will it take to implement the new permitting guidelines?

With passage of the guidelines, FWC is implementing the new tortoise capture, handling, health, and transport guidelines; and emergency take and settlement permits for new violations being reported and investigated. Also, people whose standard relocation permit and interim incidental take permit applications remain incomplete after May 31, 2008 and those whose applications are received by the FWC after that date will be required to use soft-release (i.e., enclosures) at all recipient sites – in conformance with the April 2008 guidelines. Applications for authorized agents and certified recipient sites will be accepted by the FWC after June 1, 2008. The online permitting for the new types of relocation permits (e.g., 10 or fewer burrow permits and conservation permits) and the associated mitigation contributions will be implemented in spring 2009.

I am interested in obtaining the most current information on how to become a permitted tortoise recipient site. Has an official application been developed, and if so, can you provide me with a copy?

Now that the guidelines have been approved by our Commissioners, FWC staff are developing a recipient site application in preparation for the 1 June 2008 implementation date. It is anticipated that the application will be available on our website by 15 May 2008. However, the use of certified recipient sites will not be required by the FWC until the conservation and 10 or fewer burrow permit processes are implemented, which are tentatively scheduled for spring of 2009.



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How do I go about requesting certain lands be evaluated as potential gopher recipient sites?

You must apply for consideration. FWC staff will provide application forms for recipient site certification by 1 June 2008 on our website. Criteria for recipient sites are outlined in the approved tortoise permitting guidelines. Soil type, canopy cover, and ground cover are required information that will be considered in determining site suitability. FWC permitting staff will then evaluate information on the application and will coordinate with the applicant to conduct a site visit.

If the on-site habitat does not meet the minimum size criteria for a "long-term protected area" nor the minimum size criteria for a "short-term protected" recipient site but still has adequate stocking capacity for the resident tortoises (greater than 10 burrows) to be relocated there, does the conservation permit permittee need to obtain a recipient site permit for this on-site relocation recipient area?

No, the permittee will not need to obtain a separate recipient site permit for smaller on-site recipient areas. However, those areas will need to be approved as providing suitable gopher tortoise habitat by the FWC before they can be used.

Are you going to have some sort of certification process to allow people to dig up and relocate tortoises, and manage recipient sites?

Yes, the authorized agent permit will certify those individuals who meet the qualifications specified in the guidelines. Moving gopher tortoises must be done only by those who have permits to do so. An agent works for a conservation permit holder or a certified recipient site permit holder to perform any and all actions approved by the permit. The authorization permit is an indication that the agent is qualified to conduct certain actions; however, in order to carry out such actions, there must be a separate permit which has been issued to specify the details of where and when gopher tortoise conservation activities are to be conducted by the agent.

Where can I get the application for an Authorized Agent permit?

FWC staff are developing a new application form for Authorized Agent permits in preparation for the 1 June 2008 implementation date which will be available on FWC's website around 15 May 2008. However, use of an authorized agent to conduct activities associated with issued gopher tortoise relocations will not be required by the FWC until the conservation and 10 or fewer burrow permit processes are implemented, tentatively scheduled to begin in spring 2009.

Will people have to demonstrate knowledge of digging burrows, bleeding tortoises, etc?

The qualifications for becoming an authorized agent include completion of an approved training course *or* having an average of 240 hours experience per year over the prior four year period (see pp 10-12 of the April 2008 guidelines for other qualifications). Approved training courses should include specific hands-on components which would demonstrate that a person is qualified for specified activities.



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Will FWC be teaching classes or contracting out to a private entity?

No, FWC will not provide training nor will we contract with a private entity. However, FWC is establishing a course curriculum and will send out a request for those individuals or companies that wish to train. Some are already conducting such training, and others are hoping to begin training in the near future.

My group is interested in teaching courses in our areas. How would one go about becoming certified to teach proper techniques to others in the field?

The FWC will evaluate all proposed course curriculum for approval. The training proposals that we have received thus far include instructors who are well-experienced gopher tortoise consultants/handlers/biologists. Those are generally the type of instructors that are included in training courses. Instructors may also be authorized agents themselves, especially if they are performing field work in conjunction with their training course.

When applying for a certified recipient site permit, will an authorized agent be allowed to perform surveys in the course of evaluating the suitability of a potential certified recipient site?

Agents who are authorized to perform gopher tortoise surveys may do so at any time they are performing work that is in support of a current or future gopher tortoise permit application.

Are settlement permits the same as the old "after-the-fact" permit? How is the settlement permit different?

Settlement permits are not the same as "after-the-fact" permits. Permit applicants are moved into the settlement permit process when site disturbance has occurred on the project site which prevents complete gopher tortoise surveys from being conducted, or which prevents FWC from site-checking such surveys. As part of the settlement permit process, an FWC law enforcement investigation is conducted to determine if FWC rules have been violated. FWC will not issue settlement permits until such investigations have been completed.

Are there any activities that do not require a permit under the new gopher tortoise guidelines?

The guidelines provide clear direction for activities that do not require a permit such as agricultural, silvicultural, and wildlife management activities that are conducted in accordance with the Gopher Tortoise Enforcement Policy, found in Appendix 1 of the guidelines.

Can I still apply for an "interim incidental take permit" with mandatory relocation, and is there a cut-off date for this permit type?

Standard relocation and interim incidental take permits will continue to be issued until the conservation permits, temporary exclusion, and 10 or fewer burrow permits are implemented in spring of 2009.



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I already have a permit application in process; will I be required to use soft release (i.e., enclosures) at the recipient site, or will I be grandfathered under the interim policy?

Complete applications for standard gopher tortoise relocation or interim incidental take (I.T.) permits received in hard copy at the FWC at 620 South Meridian Street, Tallahassee, Florida 32399-1600 (FWC Office) on or before 5 p.m. EDT on 31 May 2008, will be reviewed, and permits issued, consistent with the current guidelines "Available Options to Address the Presence of Gopher Tortoises on Lands Slated for Development (26 October 2007)" and the current standard tortoise relocation permit conditions.

Standard Relocation Permits and interim I.T. permits issued for applications either initially received by the FWC at the FWC Tallahassee Office before 5 p.m. EDT 31 May 2008 but remaining incomplete after that time (e.g., do not contain all required items to be considered a complete application), or received by the FWC at the FWC Office after 5 p.m. 31 May 2008, will include a specific condition that requires the permittee to relocate all gopher tortoises to on-site or off-site recipient areas using soft release (enclosures), as described in the Gopher Tortoise Permitting Guidelines (April 2008).

I am receiving tortoises on my property now under the old permitting guidelines, what changes will affect my ability to continue to receive tortoises?

After 1 June 2008, soft release (as described in the April 2008 permitting guidelines) will be required to help tortoises settle into recipient areas. Although certification will not be required this year, we urge recipient sites to become certified and will begin accepting such applications on 1 June 2008. By next spring (2009), recipient sites that are not permanently protected will be at a disadvantage because the mitigation contributions paid to FWC will be 10 times greater than those for tortoises being moved to protected sites.

We are preparing to clear a lot for development and the adjacent lot has an active gopher tortoise burrow eight feet from our lot boundary. Can we clear our entire lot since the gopher tortoise is on the other lot, or what precautions should we take?

The gopher tortoise permitting guidelines state that burrows must be avoided by 25 feet during development activities. If your gopher tortoise survey indicates that a burrow on someone else's property is closer than 25 feet to where you propose to actually disturb the site (dig, bulldoze, pave, etc) you should contact FWC for further directions. If you also own the neighboring site and it is slated for future development, you may want to hire an Authorized Agent to advise you or to assess the potential impacts to gopher tortoise burrows for you.