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Dr. Perran Ross, Facilitator  
Gopher Tortoise Management Plan  
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*Via email to [gt\\_plan@myFWC.com](mailto:gt_plan@myFWC.com)*

Dear Dr. Ross:

Thank you for the opportunity to provide the following comments on the FWC's Draft Gopher Tortoise Management Plan. Audubon of Florida not only views the gopher tortoise as a species important unto itself, but as an umbrella species whose conservation can direct the conservation of Florida's larger natural landscape, simultaneously benefiting a host of other species of conservation interest, both the commensals that share the tortoise's burrow as well as other species that rely on the same habitats that tortoises do. While we do not sit on the Gopher Tortoise Stakeholder Team, we have been following the development of this plan and have some thoughts on ways it could be improved. We applaud the FWC's efforts to move the gopher tortoise from Species of Special Concern to Threatened status, and hope the following comments will help improve the protections provided tortoises under this designation.

(1) As a whole, the plan is conservative in expressing the needs of and threats to gopher tortoises. Members of the stakeholder group have expressed concerns about the preferred fire intervals and burrow occupancy rates used in the plan, the distribution of the species, and even the degree to which tortoises use a diversity of habitats. Similarly, we feel that mortality due to feral cat predation and roadkill are not included sufficiently in the threats, and the tortoise's tolerance of soils with seasonally high water tables is underrepresented in the plan. The tortoise is being uplisted, and as such, we feel the plan should be more protective than conservative in the ways it considers the species and its conservation.

(2) ***Exempted Activities:*** We are concerned by the lack of oversight required of land owners who will be conducting agricultural/silvicultural, linear utility vegetation, and wildlife habitat management activities. In the former cases, there is no survey requirement prior to ground disturbance, so it is possible that these land owners may not even be certain of the species' presence. In the latter case, wildlife habitat management includes many different techniques and many different goals, not all of which are in the interests of gopher tortoises. If not permitting, some coordination with land managers would prove beneficial to this species. All land managers do not have similar backgrounds, funding levels or habitat management goals, and as such, it cannot be assumed that all wildlife habitat management activities will benefit or even consider tortoises.

(3) **Authorized Agents:** Reference is made to “authorized agents” who would be available for hire in the event of relocation, but no standards for their qualifications are expressed. We are similarly concerned to see (on pg. 21, scenario 1) that homeowners could be allowed to excavate burrows and relocate tortoises themselves without hiring a qualified, authorized agent. Burrow excavation requires not only experience with heavy equipment, but also with the species. This option should be removed from the suite available to individual homeowners.

(4) **Fees:** The fee structure for tortoise mitigation does not sufficiently represent the cost of this habitat modification to Florida. These fees should be commensurate with the cost of acquiring and managing replacement habitat, which at the current acreage goals stated in this plan, will likely total in the billions. The existing state land acquisition mechanism and any successor program modeled on it cannot be expected to meet all or even a significant portion of the need for habitat acquisition identified in this plan. Because of the limited funding and diverse priorities of these land acquisition programs, it is shortsighted to rely as heavily on them as this plan and its mitigation fee structure appear to do.

(5) **Bad Actors:** Currently, the permitting costs for bad actors after successful prosecutions are the same as for those who comply with the permitting requirements before developing tortoise habitat. It would be more appropriate to increase the permit fees for after-the-fact permitting of convicted bad actors. The current fee structure is a disincentive for compliance.

(6) **Homeowner Notification:** The plan does not sufficiently address how homeowners will be made aware of tortoise permitting requirements. One solution could be to require cities and counties to include tortoise permitting in their pre-application checklists, since these planning departments are frequently the first line of contact with land owners seeking to file new development applications.

(7) **Berming to Create Habitat:** The plan suggests that low-lying public lands could be enhanced for gopher tortoise habitat by the creation of mounds and berms (pg. 31). This statement should be qualified by a caveat that this will be used in places where this would not be disruptive of the hydrology of the site and might in fact correct past land uses that previously graded the site and eliminated relief features suitable for gopher tortoises. We do not think this plan’s intent is to suggest that public lands should be managed for a single species rather than overall habitat health; this suggestion would correct the plan so that it doesn’t read as though single species management would be prioritized at the expense of a site’s hydrology.

(8) **Tracking Prescribed Fire Implementation:** We are pleased to see the plan require an accounting of fire prescriptions and implementation on public lands. This accounting would be more effective however if it required an analysis of the reasons why fire prescriptions were not met and identified policy or practical solutions to remove all controllable obstacles to meeting our wildlands’ fire prescriptions. It is already widely accepted that Florida’s public lands are not burned with sufficient frequency. The purpose of this survey should not be simply to reinforce this knowledge, but to identify the shortfalls in funding, personnel, advanced training, and equipment among other limiting factors, and identify solutions to these challenges.

(9) **Habitat Census:** The provision for a five-year gopher tortoise habitat census is a good one. However, what will ensure compliance and accuracy, considering the number and diversity of land owners who would need to participate in order for this voluntary census to be meaningful? Similarly, with the rapid pace of development in Florida, five years is a very long interval; the species would benefit from these censuses being conducted more frequently.

(10) **Voluntary Participation of Counties and Municipalities:** Perhaps our greatest concern with this document is the tone of voluntary participation from counties and municipalities, with FWC making “suggestions” and “recommending” compliance with the Gopher Tortoise Management Plan. FWC is a regulatory agency with constitutional authority to protect Florida’s wildlife. It is incumbent upon the agency to expect compliance rather than request it. Local governments have had the opportunity to participate in the development and review of this plan. Mandatory local government compliance is the only way to ensure consistency throughout the state and confer meaningful protections on this species.

Thank you for this opportunity to comment. If you have any questions regarding our comments, please do not hesitate to contact Julie Wraithmell, Audubon of Florida’s Wildlife Policy Coordinator, at (850) 224-7546.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Anderson', with a long horizontal flourish extending to the right.

David Anderson  
Executive Director