



Natural History:

The gopher tortoise (*Gopherus polyphemus*) is a medium-sized tortoise with a broad head and short tail. It is the only living species of tortoise that occurs throughout the Coastal Plain of the southeastern United States, with most populations being found in Florida and southern Georgia. In these areas, gopher tortoises live in dry habitats with well-drained sandy soils. These habitats are ideal for the burrowing habits of gopher tortoises. Using their specialized forelimbs, gopher tortoises dig a single-entry burrow up to 47 feet in length and 20 feet in depth. Gopher tortoise burrows also afford refuge to many species, a few of which cannot exist without the tortoise burrow. Gopher tortoises can live for over 60 years in their native habitat.

Legal Protection:

The Florida Fish and Wildlife Conservation Commission (FWC) uplisted the gopher tortoise to a threatened species status in April 2008, and substantially changed the regulations for tortoises and their burrows. Your county may also exercise authority to protect gopher tortoises and their habitat (for details, see MyFWC.com/GopherTortoise). This pamphlet summarizes these new regulations and requirements. Chapter

68A-27.004(2), Florida Administrative Code, states that no person shall take, pursue, molest, harm, harass, capture, possess, or sell any gopher tortoise or parts thereof or their eggs, or molest, damage or destroy gopher tortoise burrows, except as authorized by specific permit. Collapsing the tortoise burrow may kill a tortoise, as the burrows are one way, and the tortoise may not dig out. The FWC generally requires that a 25-foot setback be maintained from the burrow entrance to avoid harming the tortoise.

Gopher Tortoises and Land Development:

Prior to clearing land on your property, it is recommended that a qualified environmental professional conduct a survey for gopher tortoises and their burrows. If burrows are observed within 25 feet of your proposed clearing limits or building sites, it will be necessary to obtain a permit from the FWC prior to land clearing activities. Currently, there are several options for landowners that have gopher tortoise burrows.

1. Obtain a Relocation Permit for properties with 10 or fewer tortoise burrows. With this permit, the tortoises can be relocated either on-site if there is acceptable habitat, or off-site to a FWC-certified recipient site. Both permits require a \$200 FWC mitigation fee. If the tortoises are moved off-site or captured using a backhoe, the landowner must hire a FWC-certified authorized agent to conduct this work. If the landowner has completed FWC online training to capture tortoises by other approved methods, you can do the on-site work, which also requires temporary fencing to prevent gopher tortoises from returning to their burrows and temporary penning if more than one burrow is present.
2. Obtain a Conservation Permit for properties with more than 10 burrows. The landowner must hire a FWC-certified authorized agent to conduct this work. In addition, the landowner must pay a FWC mitigation fee that monetarily encourages the use of long-term protected recipient sites (\$200 for first 5 tortoises, \$300 each additional tortoise). For tortoise conservation, these sites have the advantage of being under conservation easement to the FWC and a funded management plan to ensure long-term habitat suitability. The FWC mitigation fee to relocate to a short-term protected recipient site is \$200 for first 5 tortoises and \$3000 for each additional tortoise, and \$3000 for every tortoise relocated to an unprotected area.

Services

3. An option for linear utility projects is to obtain a temporary exclusion permit. This permit (\$100 - \$300 per tortoise) requires silt fencing or comparable fencing to be placed on the outer edge of construction right-of-way, blocking tortoises from re-entry during construction activities. This permit authorizes capture of tortoises within the construction right-of-way and their immediate release on the other side of the temporary fencing into adjacent suitable habitat. The temporary fencing must be removed when construction is complete to allow gopher tortoises to naturally reoccupy restored habitat within the utility corridor.

4. Incidental take permits are no longer issued, except where there is an immediate danger to public health or safety. Currently held incidental take permits are still valid, based on the conditions included with issuance.

Gopher Tortoise Conservation Banks:

Under the new regulations, gopher tortoises that are relocated off-site must go to FWC-certified recipient sites. These recipient sites charge a market-driven fee for accepting tortoises, and create an opportunity for private or public landowners to establish a gopher tortoise conservation bank. This option is particularly attractive to conservation-minded landowners who have no plans for development, and want alternative income streams while maintaining existing land uses such as hunting and ranching on private lands, or passive recreation on public lands.

The FWC mitigation fees for Conservation Permits (described above) provide a ten-fold economic incentive for developers to use long-term protected recipient sites. If such sites also meet certain size and habitat criteria, the maximum allowable gopher tortoise density may be increased from two to four per acre.

ENTRIX, Inc. assists numerous agencies, landowners, and developers each year regarding gopher tortoises on their properties. We have more FWC-certified authorized agents than any other consulting firm in Florida. ENTRIX obtained the first Long-term Protected Recipient Site Permit issued by the FWC under the new Gopher Tortoise Permitting Guidelines, and have several more in process.

For questions about what gopher tortoise permitting option is the best for your site, contact one of our nine office locations.



Southeast Toll Free	800.497.9294
Riverview, FL	813.664.4500
Sarasota, FL	941.378.0660
Tallahassee, FL	850.681.9700
Panama City, FL	850.227.6697
Destin, FL	850.837.8004
Vero Beach, FL	772.299.0147
Fort Myers, FL	239.574.1919
Wellington, FL	561.791.6912
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