

**STATE OF FLORIDA
FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION**

Order No. EO 21-27

Gopher Tortoise Recipient Site Capacity

The Fish and Wildlife Conservation Commission (FWC) of the State of Florida, acting under the authority of Article IV, Section 9, of the Florida Constitution, and acting through its Executive Director under Paragraph 22 of the Delegations of Authority, 68-1.009, F.A.C., and due to a shortage of recipient site capacity to accept relocated gopher tortoises, hereby authorizes deviations from the Gopher Tortoise Permitting Guidelines as follows:

1. FWC mitigation contributions for tortoises relocated to short-term protected recipient sites shall be reduced to \$223 for the first group of 10 burrows (up to 5 tortoises) and \$334 for each additional tortoise. If a previous relocation permit has been issued for a project, then the mitigation shall be \$334 per tortoise.
2. The provision that a gopher tortoise recipient site must be no more than 100 miles north or south of the donor site is waived.
3. Permittees and/or their Agents conducting offsite relocations under 10 or Fewer Burrows, Conservation, and Disturbed Site permits are required to immediately notify the designated recipient site where the reservation(s) is secured when the gopher tortoise relocation is complete for the project. Recipient site agents are required to get the gopher tortoise relocation data to the donor site agents within 15 days of the of the date the tortoises were released. The donor site agent must forward any after action report emails generated by the permit system to designated recipient site agent. This will expedite releasing unused capacity at recipient sites.
4. FWC staff are authorized to deviate from the Gopher Tortoise Permitting Guidelines to consider alternatives for donor sites on a case-by case basis. To be considered for a deviation, donor site Permittees or their agents must demonstrate the following situations: 1.) they are unable to obtain a permit for gopher tortoise relocation under any option currently authorized by the guidelines; and 2.) they are unable to secure a reservation letter at any permitted recipient site 30 days before initiating vegetation or ground disturbance activities that require a permit. Staff are not authorized to waive requirements related to the need for donor site Permittees or their Agents to secure local government approval before commencement of relocation. All approved alternatives will be temporarily authorized by FWC as a permit condition. These alternatives may include:
 - a. Temporary deviation from the maximum 72 hour holding time for tortoises.
 - b. Temporary deviation from the donor site survey timeframe outlined in the guidelines. Gopher tortoise relocation permit conditions state that a gopher tortoise burrow survey conducted using the approved survey method(s) for a project site, covering 100% of the gopher tortoise habitat, must be done by the Authorized Agent and a burrow location map depicting the survey results shall be submitted to the FWC (via the FWC online permit system or via email to GTPermits@MyFWC.com) no more than 90 days and no fewer than 72 hours (excluding weekends and holidays) prior to commencing any gopher tortoise capture and relocation activities. The deviation would consider

extending the timeframe to greater than 90 days for application submittal; all other aspects of the survey requirement remain the same: surveys must be conducted by the approved survey method(s) for the project site covering 100% of the gopher tortoise habitat and must be done by the Authorized Agent no fewer than 72 hours (excluding weekends and holidays) prior to commencing any gopher tortoise capture and relocation activities.

- c. Temporary exclusion permits may be issued for projects in addition to major linear utility corridors. The habitats within the project site must provide suitable habitat for tortoises following completion of the project.
 - d. Temporary on-site relocation. Soft release pens on site must still meet the specifications on page 34 and 35 of the Guidelines as it relates to number of tortoises per pen, materials, cover and shade, and regular monitoring.
 - e. When all other options have been exhausted, temporary offsite relocation to an FWC authorized location on public lands may be authorized. Permittees and their authorized agents will be responsible for transporting, marking, and releasing tortoises. Such placement is temporary while the applicant procures the first available permanent recipient site reservation(s) and mitigation contributions relating to the permanent placement shall be consistent with the guidelines.
5. All other provisions of the Gopher Tortoise Permitting Guidelines and rules or orders of the Commission relating to the take and transport of gopher tortoises shall remain in effect.
 6. This order shall remain in force for 90 days until amended or rescinded by subsequent order.

Specific Authority:
Law Implemented:

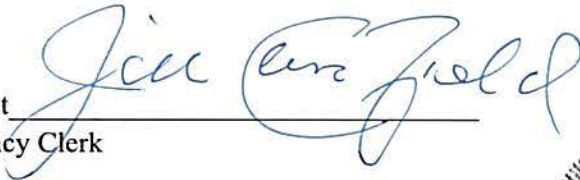
Article IV, Section 9, Florida Constitution; 68-1.009, F.A.C.
Article IV, Section 9, Florida Constitution

Given under my hand and seal of the Florida
Fish and Wildlife Conservation Commission
on this 18th day of November, 2021.



Eric Sutton
Executive Director

Attest
Agency Clerk



/s/ Emily J. Norton
Approved as to form and legal sufficiency

