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Ken Hagan
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Kimberly Overman
Stacy White



Executive Director

Janet L. Dougherty

General Counsel

Ricardo Muratti

Meeting time

1:30 p.m.

COMMISSION SPECIAL MEETING AGENDA December 8, 2021

Location

Virtual meeting via communications
media technology – details below

1. ROLL CALL

2. PUBLIC COMMENT

Each speaker is allowed 3 minutes unless the Commission directs differently. If you wish to provide public comment please submit the online [public comment form](#) by 8 a.m. the day of the meeting.

3. SPECIAL AGENDA ITEMS

- a. Approve a letter of support of H.R. 4946, the Manatee Protection Act of 2021 (*Commissioner White*)
- b. Issue a letter expressing concerns regarding recent proposals by the Florida Fish and Wildlife Conservation Commission (FWC) and FWC Executive Order 21-27 related to gopher tortoises (*Commissioner Smith*)

ADJOURN

Any person who might wish to appeal any decision made by the EPC regarding any matter considered at the forthcoming public hearing or meeting is hereby advised that they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based.

This meeting will be available LIVE as follows: Spectrum - Channel 637, Frontier - Channel 22, Comcast - Channel 22, PC: <http://www.hcflgov.net/HTVlive>, and iOS: <http://65.49.32.149/iosvideo/ios.htm>



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item #3.a.

Date of EPC Special Meeting: December 8, 2021

Subject: Letter of support for H.R. 4946, the Manatee Protection Act of 2021

Agenda Section: SPECIAL MEETING AGENDA ITEM

Requester: Commissioner's Request for Agenda Item by Commissioner Stacy White

Recommendation: Authorize the Chair to send a letter on behalf of the EPC in support for H.R. 4946, the Manatee Protection Act of 2021.

Brief Summary: Commissioner White requests the EPC Commission send a letter in support of H.R. 4946, the Manatee Protection Act of 2021, which will re-establish protected status for the West Indian Manatee.

Financial Impact: No Financial Impact

List of Attachments: Letter of support for consideration

Background:

Commissioner White requests the EPC Commission authorize the Chair to send a letter in support of U.S. House of Representative's bill, H.R. 4946, the Manatee Protection Act of 2021, which will re-establish protected status for the West Indian Manatee (*Trichechus manatus*) under the Endangered Species Act of 1973.

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Sterlin Woodard, P.E. WETLANDS DIVISION

December 1, 2021

U.S. Representative Vern Buchanan
2110 Rayburn HOB
Washington, DC 20515

RE: Endangered Species Status for West Indian Manatee (*Trichechus manatus*)

Representative Buchanan:

The Environmental Protection Commission of Hillsborough County (EPC) is pleased to provide this letter of support for the Manatee Protection Act of 2021 (H.R. 4946) re-establishing protected status for the West Indian Manatee (*Trichechus manatus*) under the Endangered Species Act of 1973.

As a local environmental protection and resource management agency, the EPC has worked collaboratively with our local, State, and Federal partners for decades to ensure West-Central Florida's manatees, and those habitats on which they rely, remain a vibrant and valuable legacy for our communities and future generations. EPC scientists have worked tirelessly with local stakeholders, NGO's, and governmental agencies to establish manatee protection speed zones, seagrass protection areas, and educational campaigns to raise public awareness of this irreplaceable resource.

Sadly, with over 1000 manatee deaths in Florida so far in 2021, the importance of this federal designation, particularly now, cannot be overstated. Increasing numbers of boaters, statewide losses of seagrass, and increased frequency and severity of red tide outbreaks, have all contributed to one of the worst losses in manatee population in years owing to the fragility of this species and the need for heightened protected status.

The Environmental Protection Commission of Hillsborough County Florida, therefore, proudly supports and strongly encourages Congress to pass the Manatee Protection Act of 2021 (H.R. 4946). Thank you for your leadership on this important issue and please feel free to contact our office with any comments or questions.

Sincerely,

Commissioner Mariella Smith
EPC Chair

Environmental Excellence in a Changing World

Environmental Protection Commission - Roger P. Stewart Center
3629 Queen Palm Drive, Tampa, FL 33619 - (813) 627-2600 - www.epchc.org



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item #3.b.

Date of EPC Special Meeting: December 8, 2021

Subject: Gopher Tortoise Concern Letter regarding Florida Fish and Wildlife Conservation Commission (FWC) Executive Order 21-27 and related matters

Agenda Section: SPECIAL MEETING AGENDA ITEM

Requester: Commissioner's Request for Agenda Item by Commissioner Mariella Smith

Recommendation: Authorize the Chair to send a letter on behalf of the EPC expressing our concerns with FWC Executive Order 21-27 of Nov. 18, 2021; asking them not to extend those rule waivers or make them permanent. The letter should echo the concerns of the Gopher Tortoise Council and the Center for Biological Diversity; and express our willingness to work together on solutions including the provision of new recipient sites in Hillsborough County.

Brief Summary: On November 18, 2021, the Florida Fish and Wildlife Conservation Commission (FWC) issued Executive Order 21-27 authorizing a temporary 90-day deviation from the Gopher Tortoise Permitting Guidelines. Environmental and conservation groups have released statements advising that this order will further threaten the gopher tortoise population in Florida. The FWC will be meeting on December 15th to decide on future actions regarding the Gopher Tortoise Relocation Program. Written comments from interested parties are due by December 10th.

Financial Impact: No Financial Impact

List of Attachments: FWC Executive Order 21-27; FWC Agenda for December 15, 2021 meeting; Letter from the Center for Biodiversity; and Letter from the Gopher Tortoise Council.

Background:

The Gopher Tortoise is listed as a threatened species and they continue to come under threat from development throughout the state. The Gopher Tortoise is also a "keystone species," meaning that many other species rely on Tortoise burrows for their survival. On November 18, 2021, the Florida Fish and Wildlife Conservation Commission (FWC) issued Executive Order 21-27 authorizing a temporary 90-day deviation from the Gopher Tortoise Permitting Guidelines. Environmental and conservation groups have released statements advising that this order will further threaten the gopher tortoise population in Florida.

The FWC will be meeting to decide on future actions regarding the Gopher Tortoise Relocation Program on December 15, 2021. Written comments are due by December 10, 2021. Items in EO- 21-27 of particular concern include:

- Waiving the 100-mile distance for relocation could lead to a great regional loss of tortoises, their habitat, and other wildlife dependent on this "Keystone Species."
- Waiving the 72-hour limit to let developers hold tortoises in on-site pens indefinitely, with no time

limit, could lead to additional stress and loss of animals.

- Relocating tortoises temporarily to public lands, then relocating them again later to permanent locations - if and when such permanent sites become available - multiplies all the risks of relocation.
- Reducing the FWC mitigation contributions (fees) is not helpful since all mitigation contributions support gopher tortoise conservation actions as specified in the FWC-approved Gopher Tortoise Management Plan.

Commissioner Smith requests that the EPC authorize the Chair to send a letter on behalf of the EPC expressing our concerns with FWC Executive Order 21-27 of Nov. 18, 2021; asking them not to extend those rule waivers or make them permanent. The letter should echo the concerns of the Gopher Tortoise Council and the Center for Biological Diversity; and express our willingness to work together on solutions including the provision of new recipient sites in Hillsborough County.

**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:

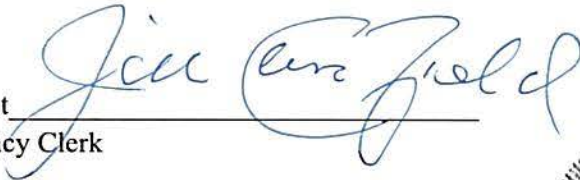
Article IV, Section 9, Florida Constitution; 68-1.009, F.A.C.
Article IV, Section 9, Florida Constitution

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

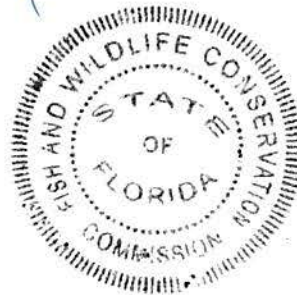


Eric Sutton
Executive Director

Attest
Agency Clerk



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





December 2021 Commission Meeting

Date: Dec 15, 2021

Time: 8:30 am

Date: Dec 16, 2021

Time: 8:30 am

Location:

The Henderson Beach Resort
200 Henderson Resort Way
Destin, Florida 32541

Public comments will be accepted via [comment form](#) or mail in advance of the meeting.

This meeting is open to the public

The Florida Fish and Wildlife Conservation Commission (Commission) is committed to providing opportunity for public input at each Commission meeting. The Commission is offering the opportunity for stakeholders to provide their comments in advance as well as in person. **Advance comments should be submitted no later than 5:00 pm on Friday, December 10th, 2021.** Those comments can be submitted using the [online comment form](#). If you would like to provide comments via mail, please send those comments to the following address:

FWC Commissioners
620 South Meridian Street
Tallahassee, Florida 32399

The Commission will also welcome public input in person using the speaker registration process and time limits. **To accommodate as much input as possible from those attending, the Chairman reserves the right to designate the amount of time given to a topic or speaker. With regard to public comment on items not on the agenda, the Commission will have a designated time period on the agenda at the**

end of day two, December 16th. The deadline for registration to speak on items not on the agenda is 9:00 a.m. on December 16th. Those who wish to offer comments during this period will be asked to make sure their comments are not related to any agenda item.

The Chairman may opt to take action on any agenda item presented, even those listed as staff reports. Agenda items may be re-ordered or moved by the Chairman to accommodate scheduling issues. The meeting may include fact-finding field trips to learn about management and enforcement activities.

If any person decides to challenge any decision with respect to any matter considered at the meeting, they may need to ensure that a verbatim record of the proceedings is made, which includes testimony and evidence upon which the challenge is based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting should notify the agency at least 10 calendar days before the meeting by calling (850) 488-6411. Contact the agency using the Florida Relay Service at (800) 955-8771 (TDD) or (800) 955-8770 (Voice) if you are hearing or speech impaired.

For information on the area, you may call the Destin Chamber of Commerce at (850) 837-6241 or find additional details at www.destinchamber.com.

8:30 a.m., Wednesday, December 15th

1. Call to Order

- A. Call to Order
- B. Invocation and Pledge of Allegiance

2. Administrative Matters

- A. Review and Approve October 2021 Commission Meeting Minutes
- B. Approve Regular Meeting Agenda
- C. Approve Consent Agenda

Details for all consent agenda items are listed at the end of this document. Any questions or concerns about a consent agenda item should be addressed to agency staff prior to the Commission meeting. Any item not approved as part of the consent agenda may be moved to the regular agenda or postponed at the discretion of the Chairman.

3. Executive Director's Report

4. Awards and Recognitions

- A. Featured Artist Recognition
- B. Shikar Safari Officer of the Year Award

C. Prosecutor of the Year Awards

BREAK

5. Items Requiring Action

- A. Proposed Final Rule – Protection Zones for Springs. Staff will present proposed rule language for 68D-24.0035 F.A.C. to create guidelines and criteria for the establishment of Springs Protection Zones in accordance with section 327.45, Florida Statutes. The proposed rule does not create any Springs Protection Zones. Staff will request approval to publish the proposed rule and file for final adoption without further hearing, unless requested. **Public comment on this agenda item will be limited to no more than 1 hour.**

Note: Staff is requesting Commission approval to advertise the proposed rules and file for adoption as soon as possible. If the rules are approved for final adoption, Commission staff will file the rules as allowed by s. 120.54(3), Florida Statutes, without further public hearing.

- B. Proposed Final Rule – Captive Wildlife Permit Requirements and Exceptions. Staff will request approval to modify the rule language in 68A-6.003 F.A.C. to prevent licensees who are being revoked or non-renewed for a captive wildlife license resulting from certain violations from being able to transfer ownership of the animal(s) or maintain control or interest in the business, including continued involvement in the care of captive wildlife. Staff will request approval to publish the proposed rules and file for final adoption without further hearing, unless requested. **Public comment on this agenda item will be limited to no more than 1 hour.**

Note: Staff is requesting Commission approval to advertise the proposed rules and file for adoption as soon as possible. If the rules are approved for final adoption, Commission staff will file the rules as allowed by s. 120.54(3), Florida Statutes, without further public hearing.

- C. Proposed Final Rule – Reporting Criteria for Injuries, Bites and Escapes of Captive Wildlife. Staff will request approval to modify the rule language in 68A-6.018 F.A.C. to require captive wildlife licensees to report all incidents, bites, and escapes from captive wildlife. The proposal will also include modified rule language for technical clarifications and definitions in 68A-6.001 and 68A-6.009 F.A.C. Staff will request approval to publish the proposed rules and file for final adoption without further hearing, unless requested. **Public comment on this agenda item will be limited to no more than 1 hour.**

Note: Staff is requesting Commission approval to advertise the proposed rules and file for adoption as soon as possible. If the rules are approved for final adoption, Commission staff will file the rules as allowed by s. 120.54(3), Florida Statutes, without further public hearing.

- D. Proposed Final Rule – Aquaculture and sale of Florida largemouth bass for food. Staff have completed a series of public meetings on this item and will provide proposed rule language related to recent statutory changes in F.S. 597.004 that were coordinated with Commission staff regarding current prohibitions of the aquaculture and sale of Florida largemouth bass as food in Florida. Staff will request approval to publish the proposed rules and file for final adoption without further hearing, unless requested. **Public comment on this agenda item will be limited to no more than 1 hour.**

Note: Staff is requesting Commission approval to advertise the proposed rules and file for

adoption as soon as possible. If the rules are approved for final adoption, Commission staff will file the rules as allowed by s. 120.54(3), Florida Statutes, without further public hearing.

ANTICIPATED LUNCH BREAK

- E. Proposed Final Rule – Largemouth Bass Fishing Regulations. Staff will present a packet of rule proposals to facilitate management of trophy largemouth bass in 4 select waterbodies. The proposed changes are a part of FWC's Florida Trophy Bass Project and would affect length limits, bag limits, and gear restrictions at Lake Victor Fish Management Area (FMA), Suwannee Lake FMA, Tenoroc FMA, and Fellsmere Water Conservation Area, with the goal of promoting more trophy bass production at these waterbodies. Staff will request approval to publish the proposed rules and file for final adoption without further hearing, unless requested. ***Public comment on this agenda item will be limited to no more than 1 hour.***

Note: Staff is requesting Commission approval to advertise the proposed rules and file for adoption as soon as possible. If the rules are approved for final adoption, Commission staff will file the rules as allowed by s. 120.54(3), Florida Statutes, without further public hearing

- F. Proposed Rule – Imperiled Beach Nesting Birds. Staff will provide an overview and seek approval for draft Species Conservation Measures and Permitting Guidelines for four State-Threatened beach-nesting birds: the least tern, black skimmer, snowy plover, and American oystercatcher. If approved, staff will return to a future Commission Meeting for a final hearing on these guidelines and to seek approval to incorporate these guidelines into Rule 68A-27.003 by reference. ***Public comment on this agenda item will be limited to no more than 1 hour.***

- G. Proposed Rule – Changes to Hunting Regulations 2022 – 2023. Staff will present draft rule amendments to revise select statewide hunting regulations and specific area regulations on Wildlife Management Areas, Wildlife and Environmental Areas and miscellaneous areas, and to conform hunting dates to calendar year date changes. If approved, staff will return to a future Commission Meeting for final hearing. ***Public comment on this agenda item will be limited to no more than 1 hour.***

6. Staff Reports

- A. Gopher Tortoise Relocation Program. Staff will provide an overview of the gopher tortoise relocation program. The gopher tortoise is a state-Threatened species and under consideration for federal listing; the relocation program has been a successful component of the state's conservation of tortoises for the last 13 years. Increased development in Florida has led to increased need for tortoise recipient sites, and staff will present an update on short and long-term actions to meet these needs. ***Public comment on this agenda item will be limited to no more than 30 minutes.***
- B. Manatee Unusual Mortality Event Update. Staff will provide an update on ongoing or planned response efforts for the manatee Unusual Mortality Event that began in December 2020. In addition to enhanced monitoring, FWC is working with the U.S. Fish and Wildlife Service and other partners to develop contingency plans for rescue, rehabilitation, and recovery. Habitat and water quality improvement projects are underway but will not provide short term solutions

for manatee forage. Supplemental feeding is being considered, along with temporary regulations to protect a feeding area if necessary. ***Public comment on this agenda item will be limited to no more than 30 minutes (This item could get moved to day 2).***

- C. Alligator Management Program Update. Staff will present a high-level overview of all the elements in the FWC's Alligator Management Program (AMP). Particular focus will be given to how Florida's nuisance alligators are proactively managed through the Statewide Nuisance Alligator Program to ensure public safety needs are met while recognizing alligators for their important ecological, aesthetic, and economic value. ***Public comment on this agenda item will be limited to no more than 30 minutes (This item could get moved to day 2 or postponed).***

7. Recess Wednesday's portion of the meeting no later than 6:00 p.m.

8:30 a.m., Thursday, December 16th

8. Call to Order

9. Items Requiring Action

- A. Final Rule – Diamondback Terrapin. Staff will present a final rule proposal to prohibit take of diamondback terrapin from the wild and prohibit possession without a permit, as well as to require all recreational blue crab traps to have rigid entrances no larger than 2 x 6 inches. Changes to commercial blue crab traps are not being considered at this time. In addition, staff will provide an overview of diamondback terrapin conservation efforts, upcoming research related to interactions between diamondback terrapins and the commercial blue crab fishery, and stakeholder input. ***Public comment on this agenda item will be limited to no more than 1 hour.***
- B. Proposed Rule – Dolphinfish. Staff will present a rule proposal to modify recreational bag and vessel limits for dolphinfish in Atlantic state waters and clarify that captain and crew are prohibited from retaining a daily bag and possession limit. The proposal includes reducing the recreational bag limit from 10 to 5 fish per person, and the recreational vessel limit from 60 to 30 fish in Atlantic state waters. In recent years, recreational fishermen have raised concerns about declines in size and abundance of dolphinfish in south Florida, and the Commission has expressed interest in taking a proactive management approach for this fishery. If approved, staff will return to a future Commission Meeting for final hearing. ***Public comment on this agenda item will be limited to no more than 1 hour.***
- C. Proposed Rule – Shrimp. Over the last few years, FWC has undertaken a long-term project to modernize and streamline shrimp regulations. As the third and final phase of this project, staff will recommend the Commission consider a series of proposed rules to address several aspects of this topic. If approved, staff will return to a future Commission Meeting for final hearing. ***Public comment on this agenda item will be limited to no more than 1 hour.***

10. Staff Reports

- A. Gulf of Mexico Fishery Management Council (GMFMC) Report. Staff will report on actions and discussions from the GMFMC's October 25-28 meeting. Topics will include king mackerel, red

and gag groupers, greater amberjack, and vermilion snapper. ***Public comment on this agenda item will be limited to no more than 30 minutes.***

- B. South Atlantic Fishery Management Council (SAFMC) Report. Staff will report on actions and discussions from the SAFMC's December 6-10 meeting. Expected topics include cobia, king mackerel, and several reef fish species, such as red snapper, red porgy, and yellowtail snapper. ***Public comment on this agenda item will be limited to no more than 30 minutes.***

11. **Public Comment on Items Not on the Agenda**

Public comment on items not on the agenda will be limited to no more than 3 hours.

12. **Future Agenda Items**

13. **Commissioner Exchange**

14. **Adjournment**

The next Commission Meeting is scheduled for March 2 – 3, 2022, commencing at 8:30 a.m. each day.

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Pursuant to section 120.74, Florida Statutes, the Fish and Wildlife Conservation Commission has published its **2019 Agency Regulatory Plan**.



For Immediate Release, November 19, 2021

Contact: Elise Bennett, Center for Biological Diversity, (727) 755-6950, ebennett@biologicaldiversity.org
George Heinrich, Florida Turtle Conservation Trust, (727) 599-1843, george@heinrichecologicalservices.com

Florida Order Weakens Protections for Imperiled Gopher Tortoise

Gopher Tortoise at Greater Risk From Widespread Urban Sprawl

ST. PETERSBURG, Fla.— The Florida Fish and Wildlife Conservation Commission has issued an [executive order](#) that weakens protections for tortoises displaced from development sites around the state and authorizes indefinite “temporary relocation” measures. The order comes as uncontrolled urban sprawl has caused a shortage of relocation sites for the rare and beloved tortoise.

“Gopher tortoises are caught in a habitat loss crisis, yet the commission is suggesting what amounts to a temporary storage solution,” said Elise Bennett, a senior attorney at the Center for Biological Diversity. “This move is deeply disappointing and dangerous to these imperiled animals, but it’s also no surprise. For years the state has enabled sprawl development by simply moving tortoises out of the way. Now there’s nowhere left to put them.”

The order, issued by commission executive director Eric Sutton, broadly waives a rule that prohibits the relocation of tortoises more than 100 miles north or south of a given development site. The “100-mile rule” exists to ensure tortoise populations are relocated to areas that support long-term population viability and genetic integrity.

Because urban sprawl in peninsular Florida is consuming much of the tortoise’s remaining habitat, waiver of the 100-mile rule will likely direct tortoises from the species’ core range to peripheral areas in the Florida panhandle, where populations may struggle to survive.

“We are shocked by the recent executive order, which diminishes the conservation outlook for tortoises,” said George L. Heinrich, executive director of the Florida Turtle Conservation Trust. “We have long urged the commission to be more proactive with their efforts to conserve imperiled tortoise and freshwater turtle species. The fact that our state wildlife agency has allowed it to get to this point is shameful. They simply must do better.”

The order also authorizes wildlife officials to approve several “temporary relocation” options for developers to proceed with construction. This enables “temporary on-site relocation” by holding tortoises in pens on-site, waives a 72-hour maximum “holding time” for tortoises, and allows for “temporary offsite relocation” to public lands.

The order provides no new maximum holding time for tortoises and no restrictions on how long temporary relocation may last. This may subject tortoises to high stress and risks spreading disease.

“It’s particularly egregious that the commission would support using our public lands as temporary dumping grounds for these beleaguered animals. This short-sighted order shifts conservation responsibility from private developers, who are forcing these tortoises out of their homes, to the public,” said Bennett.

The order also permits wildlife officials to deviate from survey timelines intended to ensure that tortoises are accurately accounted for and relocated. The order will remain in force for 90 days until amended or replaced by another order.

The gopher tortoise relocation program is on the [agenda](#) for the commission’s Dec. 15 meeting. The commission is accepting public comment in writing by Dec. 10 and orally at the meeting.

Background

In 2007, in response to growing urban sprawl and rules that allowed developers to legally kill, harm and entomb [gopher tortoises](#) in their burrows, Florida passed laws requiring the permitted relocation of tortoises to “recipient sites.”

Critics of the rule have warned that it would lead to a net loss of habitat for the species, resulting in fewer and fewer places for the species to live.

In recent years, a shortage of recipient sites has led to a conservation crisis for the tortoise and staggering relocation fees for developers, spurring concern that developers may be incentivized to skirt the permitting process altogether. Investigations have also revealed poorly managed recipient sites, with sick and dying tortoises and mismanaged habitat.

State wildlife officials had been working with tortoise experts through the Gopher Tortoise Technical Advisory Group to thoughtfully resolve these issues before the commission abruptly released the executive order.



Gopher tortoise photo courtesy Craig O'Neal, Wikimedia Commons. [Image is available for media use.](#)

The Center for Biological Diversity is a national, nonprofit conservation organization with more than 1.7 million members and online activists dedicated to the protection of endangered species and wild places.

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To whom it may concern:

The Gopher Tortoise Council was formed in 1978 by a group of southeastern biologists and other citizens concerned with the decline of the gopher tortoise. The goals of the Council are: (1) to offer professional advice for management, conservation, and protection of gopher tortoises; (2) to encourage the study of the life history, ecology, behavior, physiology, and management of gopher tortoises and other upland species; (3) to conduct active public information and conservation education programs; (4) to seek effective protection of the gopher tortoise and other upland species throughout the southeastern United States. The Council is committed to science-based conservation, and as such supports using research to inform policy and management activities.

In response to the Florida Fish and Wildlife Conservation Commission's Executive Order No. EO 21-27, which authorizes deviations from the current Florida Gopher Tortoise Permitting Guidelines, the Gopher Tortoise Council raises the following concerns. First, deviation #2 allows relocation of tortoises more than 100 miles to the north or south. This will result in loss of regionally significant populations in the rapidly developing Florida peninsula. Deviations 4d and 4e authorize "temporary" relocation of tortoises either on-site (4d) or to public lands (4e), which puts both relocated and resident tortoises at risk of disease or other harm from overstocking, or multiple relocations from temporary to permanent recipient sites, or unsuitable habitat (particularly for on-site) with lack of adequate monitoring. EO 21-27 is not supported by science and is in opposition to work being done by the Gopher Tortoise Technical Assistance Group and the tortoise research community.

This statement has been approved by the Executive Committee of the Gopher Tortoise Council.

Becca Cozad, Senior Co-Chair