



FLORIDA PROGRAM

Florida Office

233 Third Street North
Suite 201
St. Petersburg, FL 33701
Telephone 727-823-3888
Fax 727-823-3873

Laurie Ann Macdonald
Florida Program Director
lmacdonald@defenders.org

Patricia Kiesylis
Florida Program Coordinator
pkiesylis@defenders.org

Elizabeth Fleming
Florida Representative
efleming@defenders.org

www.defenders.org
www.savewildflorida.org

National Headquarters

1130 Seventeenth Street, NW
Washington, DC 20036
Telephone 202-682-9400
Fax 202-682-1331
www.defenders.org

April 4, 2007

Florida Fish and Wildlife Conservation Commission
620 South Meridian Street
Mail Station 2A
Tallahassee, Florida 32399-1600

RE: Draft Gopher Tortoise Management Plan

On behalf of Defenders of Wildlife I would like to express our appreciation to the FWC GT teams for their efforts in drafting the gopher tortoise management plan and to the Steering Committee for its thoughtful deliberations and recommendations, regarding this keystone species so characteristic of and important to Florida's natural communities. Following are our comments and questions which we expect to supplement as the drafting process proceeds.

Broad issues

- * The overall goal rightly proposes to restore and maintain secure, viable populations of gopher tortoises throughout the species' current range in Florida; yet the measurable biological goal would accept a continued albeit slower decline even if the species is delisted. Continued decline is an unacceptable goal.
- * Need to maintain strident effort through FWC strategic planning, staff and resource allocation, land acquisition and management, collaborative programs, education, enforcement and rules to protect the gopher tortoise in its natural community.
- * Provisions for the protection of species associated with the gopher tortoise, especially listed burrow commensals, need to be greatly expanded in the plan. Members of the Steering Committee, including Defenders, have begun discussions of appropriate language and will continue to work on this subject.
- * Stop incidental take; clarify the extraordinary circumstances under which take will be permitted.
- * Monitoring of conservation actions needs to include more site visitation to verify automated input and self reporting in order to assure the process is understood and properly used by applicants, for reliable data and for establishing a sound basis for adaptive management.
- * The plan should be tied in with the FWC Comprehensive State Wildlife Conservation Action Plan. We find many opportunities in the various chapters to do so.

* The plan refers to continuation of the Stakeholder Steering Committee which is important to oversight, feedback and implementation; however, it would also be prudent to establish a staff position to assure implementation progress.

* A plan for funding the staff and programs needs to be developed and a constituency for advocating for the funding needs to be built.

Comments by Page

P.iii, Executive Summary: In the third paragraph where the gopher tortoise is briefly described, a sentence should be added about the burrow and commensals as they are such an important aspect of the tortoise's natural history.

P.iii; Executive Summary: See above reference that a measurable biological goal should not be continued decline.

P.iv, Executive Summary; 2nd full paragraph: Here and throughout the plan add the scientific community.

P.iv, Executive Summary: We recognize the final version of the executive summary will be updated and should probably refer to the stakeholder representatives as having made recommendations, but not having developed the plan.

P.x, Glossary: We have several recommended changes to the glossary which we will submit separately. The definition of take is of particular interest to Defenders as we have been recommending that the language in FWC rules be reviewed, compared across listing categories and revised. It is our understanding that a review is underway. This question arises later in the plan when the listing rule revisions are addressed.

P.1: Biological Background: include coastal and island populations in list of habitats.

P.1: The burrowing owl would be an important species to add to the list of those that use gopher burrows.

P.1: There are references to at least 400 rather than 360 species using gopher burrows.

P.2: Throughout the plan where habitat is described the percentage canopy cover and diversity of herbaceous ground cover are appropriately ranked of great importance. Another factor that perhaps should be mentioned is bare/open ground?

P.2: Include percentage of population inhabiting Florida.

P.3: The racing of tortoises was largely for sport, not necessarily for charity purposes.

P.4, Threat Assessment: Forestry practices beyond the planting of dense stands of sand pine have caused harm.

P.6: Another and important possibility why URTD was recently discovered is that the moving and mixing of tortoises which dramatically increased, can lower resistance and spread contagious disease.

P.7, Conservation Goal and Objectives: See comments on measurable biological goal.

P.7: The word development is used here and throughout the plan where often times land or habitat conversion or similar wording would be better. Another option is to define development as including urbanization, roads, intensification of agricultural operations, mining, etc.

P.7: “Encourage” is weak here. If a cooperative agreement is developed it should “include management” not just encourage them to manage.

P.8: We expect that the numbers being used in the plan are justifiable; however, without further clarification the plan may well be challenged.

P.9: Add action: Create incentives for site planning that is compatible with gopher tortoise and other wildlife conservation.

P.9: Objective 1: Recognize tortoise as one species within a system that needs to be managed for native biodiversity.

P.11, Conservation Action: In the first paragraph change the words “for easy” to “an efficient, while public and accountable, process for adjustments...”

P.11: Under Permitting in the first sentence after the word “development” add something like “or intensified agricultural, mining and other habitat conversion activities...”

P.12: Please change the word “customer” throughout FWC communications!. In this instance use applicant or better yet, because FWC is providing a service to people of the state, use “public and applicant services”.

P.13 and elsewhere.....: How will FWC assure they are receiving sound information from applicants?

P.13: Change the first sentence in the last paragraph to “The existing permit process attempts to mitigate for the loss of tortoises.”

P.15 & 19: Penalties for violating the law should be of an amount that restores that which has been lost and deters further violations (not a cost of doing business).

P.16:

P.24: “Local governments can contribute.....habitat, as well as, other Florida native species.”

P.24: The section on local government coordination needs more assertive action reflected in the text. Information, materials and presentations appear to be encouraged and available; however, FWC needs to invite themselves to the party. Schedule the sessions, seek opportunities at conferences to be speakers and relayers of technical knowledge and procedural navigation. Getting out to the various

communities, making the first move to be accessible and listening to local situations which vary so widely in Florida, will lead to innovative ideas and collaborations.

P.26: Is it possible to give a tutorial to judges? They do have to attend continuing education seminars.

P.27: Additions to list: Land Trusts, DCA, DOT, NRCS, other NGOs, the Century Commission.

P.28: Coordinate the plan with the FWC State Wildlife Action Plan, Cooperative Conservation Blueprint, and Century Commission CLIP process.

P.29. The references to habitat management funding fail to recognize that our public land management is currently under funded and there is great difficulty in obtaining additional money. A concerted effort should be made to demonstrate to the private sector that broad based advocacy for public land management funding is in everyone's best interest.

P.29: In the last paragraph the words "thinning pine trees" should be followed by "in accordance with natural forest conditions." Throughout the plan we need to be cognizant of promoting land management practices that benefit the community as a whole.

P.31: Public education about fire and other land management practices is essential.

P.32: Habitat management is ongoing.

P.33: Defenders is extremely reluctant with regard to accepting the practice of transferring gopher tortoises from peninsular Florida to the Panhandle. Not only are there risky biological consequences, in practice it condones further loss of peninsular populations which are already endangered. The plan reflects extensive effort to accommodate small and large development, but in south Florida there needs to be better and stricter habitat protection, planning, regulation, education and enforcement.

P.33: Bottom of page – Over time, as additional recipient sites are certified, restocking of tortoises should eliminate the practice of rescue operations.

P.35: Add Florida Land Council, Florida Land Trusts...

P.35: Contact and coordination with south Florida and central Florida, where the need is so great, is left off the action list.

P.37: Defenders would like to furnish the FWC with its analysis of the pros and cons of Safe Harbor Agreements and SHA recommendations.

P.38: Monitoring should include species associated with the tortoise.

P.39: We reiterate our concerns regarding monitoring and the need for site reviews.

P.40: Control of invasives, which cause huge losses of habitat, is another major management technique in Florida.

P.40: Add action: Track success rate.

P.42: Tracking acres should begin by Year Two.

P.42: No mention is made of monitoring emergency take?

P.43: Fact sheets on what is involved in the preservation option are omitted?

P.44: The category of Media should be addressed. Well informed media can make all the difference.

P.45: Is reproductive success being monitored, in particular, under various fire regimes?

P.46: Site fidelity on restocking areas may be closely tied to soil conditions including soil resistance (hardness/density). (Macdonald, Florida Institute of Phosphate Research Publication 03-105-126).

P.47: Commensals should be relocated and monitored, particularly listed species.

P.47: Not only should new studies be conducted, it could be extremely informative to return to many of the relocation sites where no follow up was done and/or where we can add to long term research.

P.49, Implementation Strategy: As in some of the previous lists of those with whom FWC should consult, the scientific community should be added early in the first paragraph and FDOT should be added in the latter part.

P.49: ARC also reviews the management plans for the state's public land holdings. Assessing progress and recommending changes is an important role to play. The checklist used by the Land Management Review Teams should perhaps be changed accordingly.

P.51: Economic, Social and Ecological Impacts: This section fails to include many of the benefits the state and its citizens accrue from gopher tortoise and gopher tortoise habitat protection. Upland communities are water recharge areas, provide water cleansing, oxygen production, carbon sequestration and other ecological services. The tortoise is an agent of restoration itself. Much of the challenge of preserving uplands seems to have fallen on the gopher tortoise; it is indeed reminiscent of the tortoise shouldering the Earth on the shell Nature designed so well!

P.51: "Hidden and intangible costs due to project delay" are not the fault of the tortoise and generally not the fault of FWC. Responsible developers and their consultants are aware of the need for a gopher tortoise permit. And "unaccountable costs incurred by the public"? What types of costs are these? How do they compare to the savings to the public by protecting the natural resources that the gopher tortoise and we all depend upon for survival?

Appendix 2: Defenders would like to be kept apprised of the process and progress related to the Memorandum of Intent, a very well written document.

Appendix 3: A model assessment, management and monitoring plan will be of great assistance to the land manager and applicant.

Appendix 4: As mentioned in our opening remarks, we are concerned about the definition of take across the categories of threat and look forward to working with FWC on establishing appropriate

language. Defenders finds that the state should include federal language addressing habitat modification to the extent it harms or causes detrimental changes in behavior.

Appendix 5: Intensifying agricultural uses, mining and other activities that cause harm to gopher tortoise burrows should be subject to the same rules as development.

Appendix 8: We have not been able to review Appendix 8 except to note that we would reword the opening paragraph. We would say that the reason public and private lands need to be identified as recipient sites isn't because incidental take is no longer acceptable, it is instead because we continue to develop gopher tortoise habitat.

Appendix 9: Defenders would like to forward further information regarding Landowner Assistance Programs for FWC review.

And on page 107....Could MacDonald be changed to Macdonald?

Defenders is pleased to be part of the effort to create a management plan for the gopher tortoise in Florida. For many years while the difficult questions surrounding the pros and cons of relocation were the focus of dealing with this species, the challenge of developing a comprehensive conservation plan for the tortoise was not addressed. We are pleased that a comprehensive plan will soon be complete. There are sections of this management plan that we were unable to review and thoughtfully comment on but we hope to do so as the process continues.

Respectfully,

Laurie Macdonald
Florida Director