

Environmental Regulations Update

GOPHER TORTOISE DRAFT MANAGEMENT PLAN RELEASED

In June 2006, the Florida Fish and Wildlife Conservation Commission (FFWCC) proposed an increase in the protection status of the Gopher Tortoise



(Gopherus Polyphemus) from a Species of Special Concern to Threatened. The Commission cited the chief reason was an overall population decline due to critical habitat loss as a direct result of heavy development pressures.

A Gopher Tortoise Draft Management Plan was released on February 15, 2007 that outlined the framework for conserving and managing the species. Through the new management plan, the FFWCC has decided to cease issuing Incidental Take Permits (ITP) as a mitigation option for dealing with tortoises. The FFWCC expects to phase out 90% of ITP's within a year of enactment of the approved management plan. The only mitigation options available will be avoidance and relocation. The final version of the plan is not expected to be approved and released until September 2007 at the earliest, and will not be fully enacted until a year after approval. The public has until April 4, 2007 to provide comments to FFWCC. As your environmental consultant, AVID Group Environmental Scientists have been attending the stakeholder meetings and voicing our concerns and comments on your behalf.

The draft management plan can be found at: http://myfwc.com/imperiledspecies/plans/draft_gopher_plan.pdf

Implementation of the proposed State of Florida gopher tortoise management plan will change how the development community addresses the presence of tortoises and mitigation costs by requiring relocation of the species prior to development. Importantly, the proposed mitigation costs for relocation will ultimately be related to the market value for land in any given region. The location of an approvable recipient mitigation site may become a challenge, requiring a balance between available recipient site land costs, relocation efforts and project build-out requirements.

The species can be generally found throughout most of the area's uplands, and many times a parcel will have numerous tortoises contained within its boundaries. With adoption of the proposed regulations, relocation of tortoises to off-site locations will create significant challenges. Notably, prices for upland parcels suitable to accommodate relocated tortoises will be driven by competing land uses – such as construction and development. In turn, the market driven price for relocating tortoises to public lands will follow suit. Therefore, mandated relocation requirements will directly impact the cost of construction.

Finally, with local values at an all time premium, relocation mandates will decrease the overall availability of land for future construction. With a relocation limit of two tortoises per acre, a development project with forty tortoises will have to acquire approximately twenty additional acres of existing uplands – a potentially large expense! With most area uplands already containing a significant number of tortoises, this number could climb much higher.

Ultimately, the new gopher tortoise management plan will increase the cost of mitigation for impacting tortoises and their habitat. A prospective developer must conduct an appropriate level of due diligence before embarking on a development project. If the site is home to gopher tortoises, then a qualified biologist should be engaged to determine an exact population and possible cost effective mitigation options.

