



Gopher Tortoise 10 or Fewer Burrows

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Habitat and Species Conservation

Wildlife Diversity Conservation Section

620 South Meridian Street, Mail Station 2A

Tallahassee, Florida 32399-1600

(850) 921-1031

Permittee Name: City of Indian Harbour Beach Permit Number: GTT-23-01098

Permittee Address: 2055 S Patrick Drive Effective Date: 08/15/2023
INDIAN HARBOUR BEACH, FLORIDA Expiration Date: 08/15/2024
32937 UNITED STATES

Agent Name: JON SHEPHERD
Agent Address: Atlantic Environmental of Florida, LLC
657 Montreal Avenue
MELBOURNE, FLORIDA 32935
UNITED STATES

IS AUTHORIZED TO:

- Capture, transport and relocate all gopher tortoise (*Gopherus polyphemus*) hatchlings less than or equal to 60 mm carapace length (CL), gopher tortoises greater than 60 mm CL by non-harmful means, and to molest, damage or destroy gopher tortoise burrows while conducting these activities, subject to the following conditions and provisions, in association with development activities within the following site that contains 10 or fewer gopher tortoise burrows.

Total number of gopher tortoises authorized: 7

Authorized Capture Methods:

1. Capture gopher tortoises using bucket traps
2. Capture gopher tortoises using hand shovel excavation of gopher tortoise burrows
3. Mark captured gopher tortoises
4. Supervise backhoe excavation of gopher tortoise burrows to capture gopher tortoises
5. Release gopher tortoises at recipient sites

AUTHORIZED LOCATION(S): 11.80-acre Algonquin Sports Complex Project Site (Latitude 28° 9' 23.04" N Longitude 80° 35' 34.16" W), City MELBOURNE, County BREVARD
Off-site relocation - Recipient Site Name: 711 Ranch (Tier3)
Unit Name: 711 Ranch Phase I - Reserved Tortoise Capacity: 7
(Latitude 27° 49' 25.95" N Longitude 80° 57' 59.81" W), Counties OSCEOLA
Authorized under permit GTSR-22-00006

Permittee Signature: John W. Snow Date: 16 Aug 23

Not valid unless signed. By signature, confirms that all information provided to issue the permit is accurate and complete, and indicates acceptance and understanding of the provisions and conditions listed below. **Any false statements or misrepresentations when applying for this permit may result in felony charges and will result in revocation of this permit.**

Authorized By: JOHN SNOW Authorized for: Melissa Tucker, Division Director

Authorizing Signature: _____ Date: _____ 08/15/2023
Wildlife Diversity Conservation Section

PERMIT CONDITIONS AND PROVISIONS:

- 1 Authorization to conduct the specified activities in association with the relocation of gopher tortoises in Florida is subject to Rule 68A-9.002 and Chapter 68A-27, Florida Administrative Code (F.A.C.), and the Florida Fish and Wildlife Conservation Commission's (hereafter, "FWC") Gopher Tortoise Permitting Guidelines (April 2008 - revisions incorporated April 2023) [hereafter, "Permitting Guidelines"], and the following provisions/conditions. Authorized activities are also predicated and conditioned on the information and assurances provided in the 04/25/2023 application (as supplemented), the assurances of which are herein incorporated by reference.
- 2 Gopher tortoise capture and relocation activities may be conducted only if written local government approvals have been obtained for land clearing, grading, or construction activities and provided to the Gopher Tortoise Program (via the FWC online permit system or via email to GTPermits@MyFWC.com) prior to commencing relocation activities.
- 3 Some activities authorized under this Permit may be carried out by authorized personnel or contractors of the Permittee or the designated Authorized Gopher Tortoise Agent (Agent), provided any such activities are under the direct supervision and responsibility of the Permittee or Agent. The Permittee and Agent shall be as fully responsible for any such activities to the same extent as if they had themselves carried out those activities under this Permit. Assistants may work under the supervision of an agent named on a relocation or recipient site permit if those assistants are listed in the FWC online permit system under the named agent's Authorized Gopher Tortoise Agent Permit. Assistants shall only conduct the activities authorized on the named agent's Authorized Gopher Tortoise Agent Permit. Certain activities may not be conducted by contractors of the Permittee and must be conducted by the named Agent or their Assistants (i.e., marking tortoises, supervised backhoe excavation of gopher tortoise burrows, transport of tortoises, bucket trapping of tortoises, health assessments, etc.) The Agent shall utilize the FWC online permitting system to revise its list of designated Assistants to include a designated Assistant prior to that Assistant conducting any gopher tortoise activities authorized under the permit. The FWC reserves the right to deny an Agent's designation of an individual as an Assistant if the rights of the proposed Assistant to obtain gopher tortoise permits have been suspended or revoked. Both the named Agent and Assistants may be held accountable for noncompliance with permit conditions and guidelines requirements, as the named Agent is responsible for any such activities performed by an Assistant to the same extent as if they had personally carried out those activities under the designated permit. The named Agent or their Assistants shall not perform activities under a permit when the permit conditions and guidelines requirements are not met, even if the permit status is active (e.g., tortoises shall not be released at a recipient site when the structural integrity of the soft release enclosure is compromised, or the habitat management components of the management plan are not met). Assistants shall be directly supervised on-site by the Authorized Agent when the Assistant(s) are collecting gopher tortoise blood samples or during backhoe excavation of gopher tortoise burrows. The Authorized Agent shall be as fully responsible for activities conducted by Assistants and contracted backhoe operators to the same extent as if they had themselves carried out those activities under this Permit.
- 4 Either this original permit, or a complete copy, shall be clearly posted at the affected site at all times while engaged in the permitted tortoises relocation activities, and shall remain posted until construction activities are completed.
- 5 The Authorized Agent shall notify the Gopher Tortoise Program by uploading the notice to the FWC online permit system, by email at GTPermits@MyFWC.com, or by phone at (850) 921-1031, no more than 120 hours, and at least 24 hours (excluding weekends and holidays) before initiating the tortoise relocation effort. If relocation activities are delayed beyond the notification timeframe above, notification shall be resubmitted with the revised commencement date.
- 6 The Authorized Agent shall report any gopher tortoise mortality or injury that occurs while conducting activities authorized under this permit to the Gopher Tortoise Program (by phone at 850-921-1031 or by email to GTPermits@MyFWC.com) within 48 hours of the occurrence. An injured gopher tortoise shall be promptly taken to either a licensed wildlife rehabilitation facility or a licensed veterinarian for evaluation and treatment. Contact information for the facility or veterinarian shall be included with the information reported.
- 7 A gopher tortoise burrow survey conducted by the approved survey method(s) for this project site covering 100% of the gopher tortoise habitat shall 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. Site preparation or development activities that disturb the vegetation or the ground which prevent the FWC from checking the accuracy of 100% gopher tortoise burrow surveys shall not be conducted until all gopher tortoises have been relocated from the

project site, and at least 72 hours (excluding weekends and holidays) after the 100% burrow survey results and burrow location map have been received by FWC. If construction does not begin within 90 days from the date of the most recent 100% gopher tortoise survey or capture activities, a new 100% gopher tortoise burrow survey shall be completed to ensure that additional gopher tortoises have not moved onto the site.

- 8 The Authorized Agent shall submit a report detailing the capture and relocation activities via the FWC online permit system within 45 days of capture of the relocated tortoises. An after action report checklist is attached for use in that regard. Any request for permit renewal or extension should be submitted at least 45 days prior to the expiration date of this permit. If the Authorized Agent submits an interim after action report, or if no tortoise is captured, a final after action report shall be submitted for that permit no later than 30 days after the permit expires.
- 9 This permit does not authorize access to any public or private properties. Any required permission accordingly shall be secured from the appropriate landholders prior to undertaking any work on such properties.
- 10 The Permittee, by signing this permit, specifically agrees to allow authorized FWC personnel, upon presentation of credentials, access to the donor and recipient sites, at reasonable times, for the purpose of inspecting the capture/relocation activities authorized under this permit.
- 11 Gopher tortoise commensals listed in Chapter 68A-27 F.A.C. as State-designated threatened species and encountered in the gopher tortoise capture operation shall either be released on-site or allowed to escape unharmed, in accordance with Appendix 9 of the Gopher Tortoise Permitting Guidelines and appropriate Species Conservation Measures and Permitting Guidelines. Any observed Florida pine snakes shall be documented and submitted to Imperiled@myfwc.com. This report should include species name, GPS coordinates of where the species was found, if the animal was captured and relocated, final known disposition of the animal, and a photograph of the animal if possible. Other priority commensals (e.g., gopher frogs) should be reported to Imperiled@myfwc.com. This report shall include species names, an estimate of the number of animals found, if the animal was captured and relocated, final known disposition of the animal, and a photograph of the animal if possible. Refer to Appendix 9 of the Permitting Guidelines for additional information on gopher tortoise commensals.
- 12 Nonnative wildlife that are members of the families Pythonidae, Boidae, Varanidae, Iguanidae and Teiidae captured during gopher tortoise relocation activities shall be euthanized in accordance with the requirements of the Permitting Guidelines (Appendix 9.) Authorized Agents are authorized to transport conditional species for purposes of euthanasia in accordance with the transport requirements in the Permitting Guidelines. All other non-native wildlife captured shall be humanely euthanized using legal and humane methods such as those listed in the American Veterinary Medical Association euthanasia guidelines. If you are unable to euthanize the animal, contact a Nonnative Fish and Wildlife Biologist who can assist with a response at 1-888-IVEGOT1 and leave a message if an operator is not available. Sightings of Burmese python, Argentine tegu, or other nonnative wildlife species shall be reported to the FWC within 48 hours by either calling the toll-free number 1-888-IVEGOT1 (1-888-483-4681) or online at www.IveGot1.org.
- 13 Captured gopher tortoises that show signs of disease (i.e., nasal and ocular discharge, emaciation, etc.) shall not be relocated off-site to an authorized recipient site and shall be reported to the Gopher Tortoise Program (by phone 850-921-1031 or by email to GTPermits@MyFWC.com) within 48 hours of capture. At the Authorized Agent's discretion, symptomatic tortoises may be: relocated on-site; transported to and quarantined at a FWC-licensed wildlife rehabilitation center (list available upon request) or licensed veterinary facility for treatment and subsequent relocation of recovered, non-symptomatic gopher tortoises along with others from the population; transported and donated to a FWC-permitted disease research program; or humanely euthanized by a licensed veterinarian when disease is advanced.
- 14 This permit does not authorize the take of Federally-designated Endangered and Threatened species. Only individuals who are in possession of a valid permit or authorization issued by the United States Fish and Wildlife Service (USFWS) to capture or possess an eastern indigo snake or other Federally-designated Endangered and Threatened species may physically handle those species. If individuals without a USFWS permit or authorization encounter an eastern indigo snake during attempts to capture gopher tortoises or during subsequent land alteration or development activities within the property, all movement of heavy equipment and land alteration or development activities within the vicinity of the snake shall cease until the snake has vacated the work area. All sightings of eastern indigo snakes should be reported to Imperiled@MyFWC.com; please include GPS coordinates and photos when available so that species of similar appearance can be ruled-out.
- 15 This permit is non-transferable and shall be readily available for inspection at all times while engaging in the permitted activities. This permit may be suspended, revoked or not renewed for just cause pursuant to Rule 68-1.010, Florida Administrative Code, and Chapter 120, Florida Statutes. It is the responsibility of the Permittee, Authorized Agent, and their Assistants to comply with permit conditions and all applicable guidelines requirements. Permit noncompliance is grounds for enforcement action; for permit termination, revocation,

suspension, or modification; or denial of a permit renewal application (Rule 68-1.010 F.A.C.; see also Appendix 15). Failure of the Permittee, Authorized Agent and/or their Assistants to fulfill the responsibilities outlined in these guidelines puts tortoises at risk for take under Rule 68A-27.003 F.A.C.

- 16 During colder months, tortoises shall only be captured and relocated when the low temperature at the recipient site is forecasted by the National Weather Service (www.nws.noaa.gov) to be above 50° F for three consecutive days (72 hours) after release (including the day of relocation). This three-day window of milder temperatures is required to allow the relocated tortoises to settle into the recipient site and reduce the chance of cold-related stress or mortality. If release of tortoises cannot be accomplished within 72 hours of capture, then capture activities must not be initiated. If capturing tortoises using bucket traps, the Authorized Agent shall cover all traps on days forecasted to be below 50° F. The 28 consecutive day trapping period must restart at day 1 when a trap is closed for any reason.
- 17 The activities authorized by this permit may also require additional federal, state, or local authorization or permits; for example, a Coastal Construction Control Line Permit from the Florida Department of Environmental Protection for certain coastal projects. This permit does not relieve the Permittee from obtaining any additional required authorizations or permits. All required authorizations or permits shall be obtained before engaging in any activity authorized by this permit.

A person whose substantial interests are affected by FWC's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. A person seeking a hearing on FWC's action shall file a petition for hearing with the agency within 21 days of receipt of written notice of the decision. The petition must contain the information and otherwise comply with section 120.569, Florida Statutes, and the uniform rules of the Florida Division of Administration, chapter 28-106, Florida Administrative Code. If the FWC receives a petition, FWC will notify the Permittee. The attached Explanation of Rights statement provides additional information as to the rights of parties whose substantial interests are or may be affected by this action.