

EXECUTIVE SUMMARY
GOPHER TORTOISE RELOCATION POLICY

OBJECTIVE: To receive a recommendation from the Conservation Collier Land Acquisition Advisory Committee (CCLAAC) to be provided to the Board of County Commissioners (Board) on a gopher tortoise relocation policy; whether Conservation Collier should accept gopher tortoises from only public projects or both public and private projects.

CONSIDERATION: As a part of initial habitat monitoring and management that created the Caracara Prairie Preserve Mitigation Bank for Panther Habitat Units (PHU), staff and the Lands Evaluation and Management Subcommittee (LEMS) also considered a recommendation by the County's consultant that the Caracara Prairie Preserve was an appropriate site for gopher tortoise relocation. At the April 13 2009 CCLAAC meeting, staff requested and received a recommendation to establish a gopher tortoise preserve at the Caracara Prairie Preserve and to pursue any necessary permits. At their June 23, 2009 meeting, the Board of County Commissioners approved Caracara Prairie Preserve becoming a certified gopher tortoise recipient site on the consent agenda. In August 2009, Conservation Collier applied for a permit from the Florida Fish and Wildlife Conservation Commission (FWC). FWC is currently waiting to be notified that certain management actions have been taken in order to issue the permit. An additional requirement, placement of a Conservation Easement over the property, was part of the PHU Mitigation Bank, and is very close to being finalized. U.S. Fish and Wildlife Service (USFWS), permitting agency for the PHU Mitigation Bank, has indicated no issues with establishment of a gopher tortoise relocation site, and the Corkscrew Regional Ecosystem Watershed (CREW) Trust, acquisition partner in the Caracara Prairie Preserve, has indicated through its Director no issues as well.

As the Caracara Prairie Preserve gopher tortoise relocation site nears finalization, the question has arisen whether to allow tortoises from public, private, or a combination of both types of projects to be relocated there. For Panther mitigation, the USFWS will accept only public mitigation projects, but FWC, the permitting agency for a gopher tortoise relocation site, encourages tortoises from any type of project to be included.

A public meeting was conducted on June 17, 2010 to gather comment on this issue; however, it was not well attended. Attached is the presentation that was provided by staff, the Summary Notes from this meeting and a position paper provided by one of the attendees, the Conservancy of SW Florida.

PROGRAM IMPACT: If Conservation Collier sets up a relocation site for tortoises from only public projects, and there are no, or few public projects in the next several years, Conservation Collier will be obligated to take specific management actions that will be up and above routine management of this site.

RECOMMENDATION: Staff's recommendation is to allow both public and private projects to relocate gopher tortoises at Caracara Prairie Preserve initially and assess again in several years to see whether that works from a cost and capacity perspective.

Alexandra Sulecki, Coordinator, Conservation Collier Program

Public Meeting Summary Notes

June 17, 2010

Time: 5:30 p.m.

Location: 3301 Tamiami Trail E.
Building W, Training Room

Audio file available upon request

Attendees

Alex Sulecki (AS), Conservation Collier Program
Melissa Hennig (MH), Conservation Collier Program
Jessica Stubbs (JS), Conservancy of Southwest Florida
Chris Stephens (CS), Johnson Engineering
Peggy Grant (PG), Johnson Engineering

Acronyms:

GOTO – Gopher Tortoise
FDOT – Florida Department of Transportation
FWC- Florida Fish and Wildlife Conservation Commission
USFWS – U.S. Fish and wildlife Service

The meeting began at 5:40 p.m.

AS welcomed attendees; discussed purpose of meeting which is to gather comment regarding the question of whether to allow relocation of gopher tortoises from only public projects or public and private projects; advised that comments collected at this meeting would be given to the OPR and LEMS subcommittees, maybe July 9th, the subcommittees will make recommendation to the CCLAAC - in Sept., and the CCLAAC will make a recommendation to the BCC at the appropriate point.

Slide Presentation by staff:

First slide: GOTO “fast facts”

Second slide: – BCC authorized GOTO relocation on Starnes in 2009, the only appropriate size and available preserve at present is Starnes.

Third slide: looking at map of Starnes showing proposed 91-acre GOTO relocation site and results of staff and Johnson surveys in may and June 2009. Melissa Hennig noted that staff had marked all types of burrows and that some may be armadillo burrows. Johnson surveyed 20% of the site, found 4 GOTO burrows and extrapolated presence of 12 tortoises.

AS questioned whether this was truly an appropriate site considering that cleared agricultural fields may have been hydric hammock, a habitat considered unsuitable for GOTOS in the current permitting guidelines. Chris Stephens and Peggy Grant advised the soils were not indicative of hydric hammock and were the highest in the area and appropriate for GOTOS.

There was discussion that restoration of the row crop area to the east of the proposed location and addition of the area where Conservation Collier had found some burrows both have potential to expand the size of the relocation site in the future. Restoration of the row crop site could also bring greater value to panther mitigation credits in addition to benefitting GOTOS.

Fourth slide: Pros and Cons

Pro: More options for GOTOs to allow them to stay in Collier Co. Nearest relocation site within 100 miles is NW Hackletrap site in Palmdale (Lykes property). There are only 9 permitted sites in FL, with 9 more pending and others in the process.

Con: We have limited capacity at Starnes – 126 tortoises and it could fill up fast leaving GOTOs from public projects needing to be relocated out of county to Hackletrap.

CS – The 100 mile rule can be waived.

Pro: Fees can be charged to offset costs – structure of fees can be different for private and public mitigation. For County projects, we can only charge for actions up and above what we would normally do, but we could charge private parties the full range of costs.

CS: There could be three tiers of costs; you could also charge a different fee for other government entities.

JS – No other land acquisition program allows private projects to mitigate on public lands. This is more broad an issue than just GOTOs – USFWS does not allow private mitigation from public lands for panther credits. Florida Forever funded projects only allow public project mitigation. New FWC proposed GOTO Guidelines reflect this restriction.

CS: Under new guidelines there is concern that smaller preserves like Treviso Bay and Autumn Woods would not be allowed to have preserves as they do. Hoping for rule change to keep GOTOs in private areas where they are currently located. If they stick to 25 acres – it will be hard for private landowners to meet criteria in S. Florida. Huge cost to short-term preserves \$3,000 each GOTO relocated.

Hoping also – FWC will allow relocating GOTOs to Starnes to capacity and Conservation Collier can monitor health of GOTOs – 3 per acre is reasonable and may expand. Starnes not overall a natural site but could serve as a restocking site for smaller urban preserves. Starnes capacity may be limited as relocation sites must meet soils and vegetation to achieve “suitable” habitat. This criterion excludes some of Starnes natural areas due to presence of canopy cover.

AS: How does that issue interface with the question at hand?

CS: If Starnes site expands, and rule lessened, GOTOs could be kept in communities and not have to be relocated. CS explains the mechanics of relocating under existing permit regulations. Doesn't see rule change happening, and now don't have a relocation site for public or private in Collier. CS thinks Bowman's Beach in Lee County does allow some relocation.

PG: If developers do not have a local option they will go elsewhere, where costs are lowest.

JS: Rather than focus on just the County – look at net habitat. Starnes is already preserved; a failure of private interests to set aside preserves for GOTOs by relocation of GOTOs to Starnes would result in a net loss of habitat.

AS: Problem I have heard is that private preserves are not properly managed and there is not enough enforcement follow-up. Public lands have safeguards built in that require proper management. Public lands may be the best option for the GOTOs.

JS: If there are no other options, other land owners might see the opportunity to set aside their lands for preserves, like the Lykes, and preserve more land and habitat.

CS: It may not be cost effective for smaller sites (than Lykes) to create preserve sites, due to costs associated with preserve requirements. It is true that many sites are not being managed properly. Not enough law enforcement to force proper management. It may not be beneficial for landowner to set up a preserve as there is little to no profit to be realized.

JS: Do not understand why there is disconnect between Federal rules not allowing private mitigation and state rules.

CS: There are some state lands where mitigation credits are being sold. There are more poaching and illegal activities in rural lands. Don't like relocating tortoises to rural lands without oversight. It used to not be acceptable under old guidelines to relocate GOTOs out of county, but now it is acceptable. County staff seems to want GOTOs to stay in the county.

JS: If open to both public and private, Starnes would be at capacity quickly. Understand that fees are important for management.

AS: One of Conservancy's points is that at some point management fees could run out and taxpayers would pick up costs. Relates to one of the cons on the slide:

Con: Management and relocation costs are difficult to estimate into the future, and public lands could end up at some future point subsidizing private relocation if fees are set too low. If fees are set too high it is not a viable option.

That brings us to costs:

Fifth slide: Management estimates and estimates of what fees would need to cover costs. Range of rates for GOTO relocation in FL – from \$800 per tortoise to \$3,000 per tortoise. Hackletrap is \$1,300 per tortoise.

AS notes that according to estimates, we would have to charge close to \$3,000 per tortoise to cover basic ongoing costs. Also notes that initial costs are very high. Public tortoises would have to pay part of costs, nearly the same fee, and private tortoises would need to cover all costs.

CS: If Conservation Collier and throughout state said only public here, other sites could legitimately charge more. It makes it only cost effective to conserve tortoises on public lands.

AS: We are not trying to compete, but what if there are not enough public projects, as is the case now and maybe for the next decade, and this site goes empty and GOTOs from private projects are relocated out of County?

JS: asks whether FWC calculations for GOTO density account for natural population increase.

CS: Yes, that is why Railhead Scrub does not allow more, they are at capacity. That is why we are looking at farm fields, most of the pine flatwoods and scrub sites are at capacity or something has happened, like poaching, to exclude them.

PG: Since this site is already being managed for panther, could it have GOTO management piggy-backing on existing requirements?

AS: There are different and additional requirements – prescribed fire on certain specified rotations, potential re-vegetation requirements, and fencing.

CS: Fire impacts other species, too.

AS: Ongoing costs to manage make this not a moneymaker. The high state rate of \$3,000 is just enough to cover costs.

JS: That would be why you would want to save the preserve for County projects.

PG: FDOT projects are also looking for sites to relocate.

AS: What is Conservancy position on allowing other Govt. entities like FDOT access?

JS: As long it was public, I think that would be acceptable. Depending on location, other places may be better.

CS: Thinks GOTO Guidelines should be revised to allow relocation to soil types that have a higher water table but are successful donor sites in South Florida.

JS: A major point the Conservancy has made is trying to maintain GOTOs onsite.

AS: Moving to recommendation to CCLAAC: Considering this one site, 126 tortoises, estimated costs, what kind of recommendations would you make on the issue?

JS: Definitely, Conservancy feels it is not compatible with program's goals to allow private relocation to Conservation Collier's preserves.

AS: Which specific goals?

JS: Had that in previous comments, mainly that emphasis in ordinance and program on benefitting the public.

AS: Would public also be benefitted by having a place to relocate for private development as they pay the cost to relocate ultimately through developer?

JS: That is a choice.

PG: Agrees that costs do roll down and hit the homeowner.

AS: Public project relocation benefits the public by charging only necessary costs, and no profit, via taxes and impact fees.

PG: Allowing both benefits the public in that it keeps the resource (GOTOs) here and places tortoises on site that will be managed for their long term existence.

JS: Still thinks it results in overall loss of habitat to the species.

PG: If option is available for developer to choose lands in Glades County and it is cheaper, they will.

JS: Still better for species to have more habitat in whatever county.

CS: Back to rules: better to allow smaller preserves and keep tortoises. Now, fees are so high that it is unlikely that developers will keep onsite here. As consultants we present options to clients and it often comes down to dollars.

JS: Distinguishes between public lands and Conservation Collier lands. This program was voted for certain purposes. Comes down to fundamentals of what program is about. This may set a dangerous precedent for program; USFWS already has said PHUs on public lands can only be used for public projects. Doing otherwise could open the door to other requests.

CS: Conservancy may have a larger issue with loss of tortoises on site. Hate to see tortoises shipped out of the area.

AS: Any more recommendations?

MH: Presents idea to set aside some of the spots for public, a certain percentage. Perhaps a hybrid of the two could work.

AS: Asks if cost have been estimated accurately on slide?

CS: Total estimate is pretty accurate, but the individual costs may be different.

MH: 4 options:

- County public only
- County and private – first come first serve
- County and percentage of private
- Public only that could include County and other government entities

JS: Does transport of the GOTOs impact costs?

CS: Transportation is typically provided by recipient site, but donor can also provide. Conservation Collier does not have to offer that.

AS: Also consider fees would trickle in, not all at once like on the slide, also note the dollar values on the slide are ballpark figures.

AS: Asks if there is anything else to discuss or put on recommendations sheet?

Hearing nothing, attendees were thanked and meeting was concluded.

AS: Invited attendees to e-mail any additional thoughts to be provided to subcommittees. JS provided sheet of written points from the Conservancy of SW Florida which is attached to these Summary Notes.

Meeting ended at 6:45 pm.



THE CONSERVANCY Of Southwest Florida

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Gopher Tortoise Relocation on Caracara Prairie Preserve

The Conservancy of Southwest Florida provides the following comments in regards to Conservation Collier's proposal for the Caracara Prairie Preserve to become an FWC certified gopher tortoise recipient site. Public comment was given to the BCC on June 23rd, 2009 addressing our concerns. The Conservation Collier subcommittees were also addressed on April 12th, 2010. If you have any further comments or questions please contact Jessica Stubbs at jessicas@conservancy.org or at (239) 403-4231. Thank you.

The Conservation Collier Program should only accept Gopher Tortoises from public projects because:

- Growth should pay for growth, with land acquisition for mitigation associated with private developments being the responsibility of the developer
- Conservation Collier lands were purchased with public dollars and we support their use for the mitigation associated with public projects
- Opportunities still exist within the county for private developers to purchase suitable mitigation lands for gopher tortoises and those resources should be exhausted first before even considering the utilization of public lands
- Allowing private development to mitigate on public lands will accelerate habitat loss through allowing already preserved habitat areas to be the offset for newly destroyed areas – rather than acquiring additional vulnerable habitat areas as compensation.
- We support Caracara Prairie Preserve becoming an FWC certified gopher tortoise recipient site to accept tortoises in mitigation associated with public projects
- The true cost of maintaining the Caracara Prairie Preserve for gopher tortoises into perpetuity is difficult to estimate, and therefore; Conservation Collier should “bank” this resource for future county projects, as well as to allow Gopher Tortoise populations to increase naturally on the Preserve
- We believe that in order to preserve the long-term viability of the gopher tortoise and its habitat, their habitat needs to be replaced whenever it is destroyed.



Welcome!

**Public Meeting to discuss
Gopher Tortoise Relocation onto
Conservation Collier Lands**



Gopher Tortoise Fast Facts

Source: FWC- A Guide to Living with Gopher Tortoises



- Gopher tortoises are protected by the Florida Fish and Wildlife Conservation Commission .(FWC) They are listed as Threatened.
- Burrows average 15ft long and 6.5ft deep and may be more than 40 feet long.
- A tortoise may have multiple burrows within the area it spends most of its time.
- Burrow openings are half-moon shaped with the curve at the top, and its size is a fair representation of the size of the tortoise. Burrows with round openings have generally been taken over by an armadillo.
- Adult tortoises are generally 9-11 inches long and weigh 7-9 pounds and can live up to 60 years.
- Females begin to reproduce when they are 9-21 years old (age depends on local conditions); males begin slightly younger.
- They breed March-October but generally dig nests in May and June. One clutch is laid per year with an average of six eggs. Many eggs never hatch because they are eaten by mammals, birds and snakes.
- The biggest threat to the gopher tortoises' long term survival is loss of habitat.
- **It is the law that Gopher tortoises must be relocated out of harm's way pending site development. Relocation requires a permit from FWC.**

Gopher Tortoise Relocation Public Projects Only?

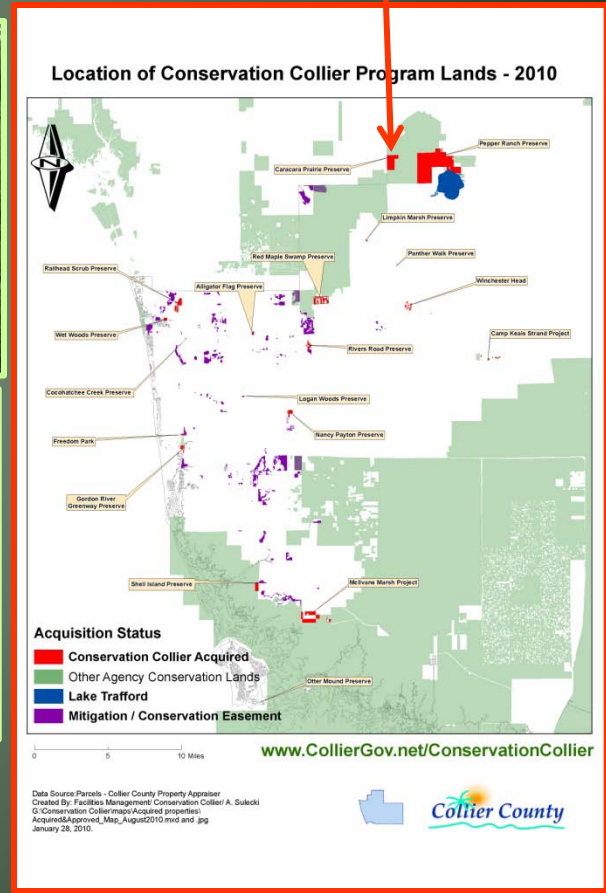
Conservation Collier has one site appropriate and available for Gopher Tortoise relocation – the Caracara Prairie Preserve

At its June 23, 2009 meeting the Collier County Board of County Commissioners authorized the Caracara Prairie Preserve to become a certified Florida Fish and Wildlife Conservation Commission gopher tortoise recipient site.

The Florida Fish and Wildlife Conservation Commission will be granted a conservation easement over the Caracara Prairie Preserve.



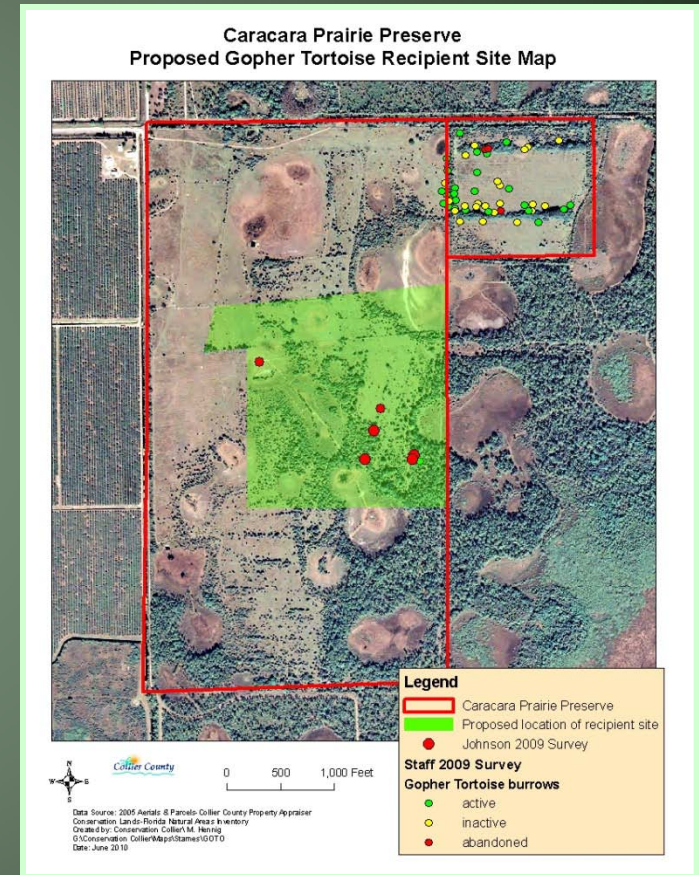
Caracara Prairie Preserve



Caracara Prairie Preserve



- Preserve size – 367 acres
- Proposed GOTO Relocation site – 91 acres – contains about 63 acres of suitable habitat
- Relocation potential – 2 to 3 per acre (based on soil type) or approx. 200 tortoises – consultant estimates 126 – **stocking number not determined yet.**
- Staff GOTO Survey (May 2009)
Active burrows = 26
Inactive burrows = 22
Abandoned burrows – 3
- Johnson Engineering GOTO Survey (July 2009)
Active and inactive burrows -4
Estimated population in survey area - 12





Should Conservation Collier Preserves be open to private projects for gopher tortoise relocation ?

PROs	CONs
Gopher tortoises will have a local relocation option – currently the closest relocation site is in Glades Co. - NW Hackletrap site, which has room for 985 tortoises	Caracara Prairie Preserve could fill up quickly from private projects and tortoises from public projects will have to be relocated elsewhere at possibly greater expense to local government budgets.
Fees can help to offset management costs	Management and relocation costs are difficult to estimate into the future, and public lands could end up at some future point subsidizing private relocation if fees are set too low. If fees are set too high it is not a viable option.

Private spots could be limited to a specific number reserving the remainder for public projects.



Estimated Costs

private tortoises Number	Annual Interest* \$1,300	Annual Interest* \$3,000
60	\$780	\$1,638
126	\$1,800	\$3,780

*Calculated on 2% interest with 1.5% annual inflation

Management Action	Estimated Initial Cost*	Estimated Annual Cost*
Mowing	\$1,475	\$1,475
Prescribed fire		\$300
Restoration	\$30,000	\$1,000
Fencing	\$5,700** \$4,500***	\$50****
Permitting and Monitoring	\$28,600	\$500
Total	\$70,275	\$3,325

*Estimated on 63 acres
 ** 2,000 bales of hay @ \$2.75 each – does not include labor
 ***8,358 ft GT fencing @\$40 per 75 ft – does not include labor
 ****\$40 per 75 feet – calculated on 100 ft Does not include labor