

Before work begins, learn the law

Before you break ground on your project it's important to know the rules and regulations regarding protected and listed species within Cape Coral. Here is a guide to help you understand some of the restrictions on construction activities regarding Cape Coral's protected wildlife.



Important Numbers

To report malicious destruction or harassment of protected species such as the burrowing owl or gopher tortoise, call Florida Fish and Wildlife Conservation Commission (Wildlife Alert Hotline) at **1-888-404-3922**

myfwc.com

Cape Coral Friends of Wildlife: A volunteer organization dedicated to the protection and preservation of all Cape Coral wildlife.

239-980-2593

ccfriendsofwildlife.org

City of Cape Coral Environmental Resources Division: for questions and concerns regarding environmental issues **239-574-0785**

City of Cape Coral Planning Division: for questions and concerns regarding permitting issues and listed species **239-574-0553**



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**City of Cape
Coral
Environmental
Resources
Division**



*Construction
Activities and
Protected and
Listed Species*

*Best Management
Practices*

**City of Cape Coral
Environmental Resources
Division**



Burrowing Owls



Burrowing owls in burrow near roadway

The burrowing owl (*Athene cunicularia*) is present throughout the state of Florida. Cape Coral has a substantial population of burrowing owls due to the availability of large open areas.

As the name implies, the burrowing owl is a ground nester, digging burrows as much as 8 feet underground. The burrow functions as shelter for the adults and young, and a protective nest for eggs. Owls are typically most active during dawn and dusk. However, both adults and young are frequently seen outside the burrow and surrounding territories during the day.

The burrowing owl is listed as a species of concern under the Federal Endangered Species Act, the Migratory Bird Treaty Act and the Florida Fish and Wildlife Guidelines.

Rules and Regulations Concerning Burrowing Owls

Nesting season is defined as February 15th to July 10th.

Both the owl and the burrow (nest) are protected under these provisions.

Nest removal is strictly prohibited during nesting season unless it has been abandoned; removal must be authorized by a wildlife professional.

Ideally it is best to work outside of a 50' radius from the nest site. 150' is a best possible scenario.

A permit will be required if work is to be performed within a 10' radius of the burrow entrance.



Gopher Tortoises

Another listed species that utilizes burrows, is the gopher tortoise (*Gopherus polyphemus*). This land tortoise is most often associated with upland habitats throughout the state of Florida, but is at home in dry sandy areas, pine woods, and palmetto scrub habitat.

The gopher tortoise burrow typically extends 10 to 15 feet beyond the entrance. Most often, multiple burrows in an area are utilized by a single gopher tortoise. Eggs are not laid or incubated within the burrow. The female gopher tortoise may use the mounded sand or "apron" at the entrance to the burrow as a nest site or choose another area in proximity to the burrow. Hatchling gopher tortoises fend for themselves at birth.

Rules and Regulations Concerning Gopher Tortoises

In Florida, the gopher tortoise is listed as threatened and is protected under state law by the Florida Fish and Wildlife Conservation Commission (FWC).

Under these provisions the tortoise, burrow, and eggs are protected.

Construction activities must maintain a 25' radius away from the entrance of a gopher tortoise burrow.

Breeding season is approximately March to October.

Blocking, filling and / or collapsing a gopher tortoise burrow, or relocation of a gopher tortoise without a permit, is a violation of state laws.



The half moon shaped entrance is a defining feature of the gopher tortoise burrow.

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