



City of Cape Coral

Department of Community Development

Burrowing Owl/Gopher Tortoise Affidavit

Contractor or Owner _____

Block	Lot	Unit	Strap #
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Site Address _____

Within the last 30 days, I have inspected the property described above AND any vacant properties near the jobsite where I or my subcontractors may drive vehicles or place construction material.

1. I have found the following number of Burrowing Owl and/or Gopher Tortoise burrow(s) located on the property or adjacent to the aforementioned property, including those located in abutting City rights-of-way.

- No burrows found on the Property, Adjacent Property, or Right-of-Way
- On Property: Number of burrows One (1) Two (2) Three (3) (Other) _____
- Adjacent Property or Right-of-Way: Number of burrows One (1) Two (2) Three (3) (Other) _____

2. Please select ONE of the three available options below:

STATE AND/OR FEDERAL PERMITS ARE NECESSARY. I cannot protect the burrow(s) per instruction. I understand that State and/or Federal permits are required prior to the commencement of development activity.
 **Please indicate species, if known. BURROWING OWL GOPHER TORTOISE

No Burrowing Owl and/or Gopher Tortoise burrows exist on or adjacent to the aforementioned property, including those located in abutting City rights-of-way.

NO STATE PERMITS ARE NECESSARY. I agree that adequate protection zones will be maintained during all phases of development.
 **Please indicate species, if known. BURROWING OWL GOPHER TORTOISE

By accepting City building permits, I assume all responsibility of ensuring protection of Burrowing Owl and/or Gopher Tortoise and their burrow(s) during all phases of development activity. **Burrowing Owls:** protection zone should extend a radius of **33 feet** (66-foot diameter) from the owl burrow entrance, and **Gopher Tortoises:** a radius of **25 feet** (50-foot diameter) from the tortoise burrow entrance. All burrows must be staked and roped off using these dimensions. **No activity, materials, equipment, or parking is allowed within these buffers.** I understand that molesting, harassing, or injuring Burrowing Owls or Gopher Tortoises or their burrows is a State/Federal crime. The City is required to notify the law enforcement division of the Florida Fish & Wildlife Conservation Commission if a Wildlife violation is observed and the permit holder will be responsible for any illegal activity.

I fully understand the Federal and State regulations that prohibit the endangerment and/or harassment of Burrowing Owls or Gopher Tortoises and their burrows, and I accept full responsibility for the actions of my employees and subcontractors.

I understand that the City is not liable for an applicant(s) violation of State or Federal law. I understand that I, the applicant, is liable for any failure to obtain state and/or federal permits, failure to fulfill obligations imposed by a state and/or federal agency, and will be liable for any violations to state and/or federal law. Further, I also understand that the City requires that all applicable state and federal permits be obtained **prior to** the commencement of development activities and copies of permits are required prior to any City inspection. I am fully aware that the failure to secure such permits after work has commenced will result in a **Stop Work Order** being issued on my site.

Under penalty of perjury, I declare that I have read the foregoing document and that all information contained herein is true and correct to the best of my knowledge and that violation of these Laws is punishable by a fine and/or imprisonment.

BY:

Print Name & Title of Contractor or Property Owner _____

Signature of Contractor or Property Owner
(Signature Must be Notarized)

STATE OF _____, COUNTY OF _____

Subscribed and sworn to (or affirmed) before me this _____ day of _____, 20____, by

_____ who is personally known or produced _____
Printed name of person signing as identification

Exp. Date: _____ Commission Number: _____

Signature of Notary Public: _____

Printed name of Notary Public: _____