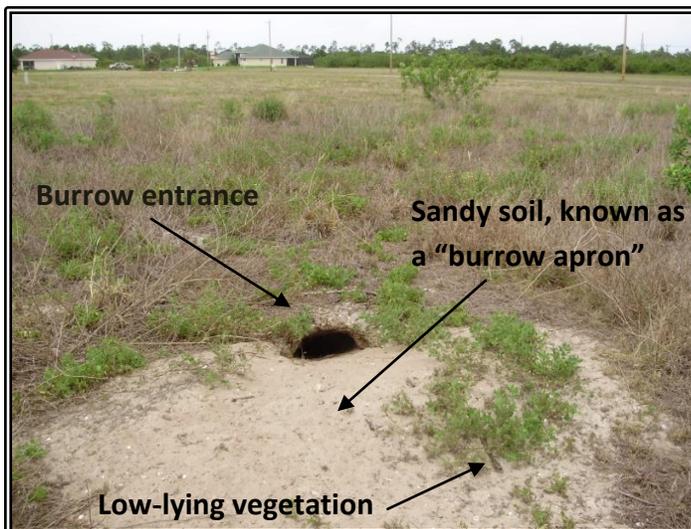


# City of Cape Coral Gopher Tortoise Information & Permit Procedures

## Biological Information

FWC describes the gopher tortoise as “a moderate-sized, terrestrial turtle with stumpy elephantine hind feet and flattened, shovel-like forelimbs adapted for digging” (FWC, 2008). The gopher tortoise averages 9-11 inches in length and has an oblong and generally brown shell. Gopher tortoises dig long burrows, averaging 15 feet in length and 6.5 feet in depth. Gopher tortoise burrows have a distinct half-moon shaped entrance that is flat on the bottom and rounded at the top. As the gopher tortoise becomes larger, so does the entrance to the burrow. Protruding from the entrance of the gopher tortoise burrow is the “burrow apron”, which consists of excavated sand from the burrow. The burrows provide gopher tortoises protection from fire, predators and extreme climate conditions. Gopher tortoises have been known to share their burrows with as many as 81 other animal species, some of which are protected species.



Gopher tortoises thrive in well-drained, sandy areas with an abundance of herbaceous ground cover. Gopher tortoises require a sparse tree canopy, where sunlight can penetrate through to the ground. As a result, gopher tortoises are dependent on natural fires to suppress thick vegetation so that low-lying vegetation can continue to grow without competition. In addition, this also allows the gopher tortoise to move around with ease.

The gopher tortoise can live between 40-60 years under natural conditions. They reach reproductive maturity between 9 and 21 years of age. Breeding typically occurs between February and June, and results in one clutch ranging between 5 and 9 eggs. The incubation period typically lasts 80-100 days. Despite the relatively high number of hatchlings produced, gopher tortoises are threatened by a number of factors. The biggest threat to their survival is habitat loss due to construction and development. In addition, hatchling predation is common amongst foxes, raccoons, and other species (Ankersen, Fernandez, Seifert, Velez, 2003).

## Gopher Tortoise Protection under State Law

The gopher tortoise is a threatened wildlife species and is protected by state law in Florida. Chapter 68A-27 of the Florida Administrative Code makes it illegal to kill, harass, disturb or destroy gopher tortoises, gopher tortoise eggs or gopher tortoise burrows. As such, several land development activities require a permit from the Florida Fish and Wildlife Conservation Commission (FWC) prior to the commencement of any construction. There are, however, some development activities that are exceptions and do not require a permit. The following information consists of a summary of the [Gopher Tortoise Permitting Guidelines](#) established by FWC and is not considered to be inclusive of all regulations.



### Activities That Do Not Require a Permit

1. Development activities on a project site that avoid impacts to gopher tortoise burrows by 25 feet in all directions from the mouth of all burrows.
2. Landscaping activities and routine yard and vegetation maintenance that do not harm gopher tortoises or collapse gopher tortoise burrows.
3. Linear utility and highway right-of-way vegetation maintenance activities, such as mowing and tree cutting.
4. Agricultural, silvicultural and wildlife management activities that impact gopher tortoises or gopher tortoise burrows if they are conducted in accordance with the [Gopher Tortoise Enforcement Policy](#). Such activities include, but are not limited to: tilling, planting, mowing, harvesting, prescribed burning, disking, roller-chopping and tree-cutting.

### Activities That Require a Permit

A permit is required for any activity not covered above that causes take, harassment, molestation, damage or destruction to gopher tortoises or their burrows. Such activities that can lead to violations include, but are not limited to, land clearing, grading, paving, bulldozing, digging, building construction, and site preparation for development. A permit is required for any site preparation activity conducted as a precursor to development that disturbs vegetation or the ground which impact gopher tortoises or their burrows at the time of or as a result of development.

## Options to Address the Presence of a Gopher Tortoise on Lands Slated for Development

### *Maintain a Protection Buffer around the Gopher Tortoise Burrow (No permit required)*

No FWC permit is required if a 25 foot protection buffer can be maintained from the entrance of all gopher tortoise burrows during construction. No development activity or land alteration can take place within the protection buffer. Please see [Gopher Tortoise Permitting Guidelines](#) for further information.

### *10 or Fewer Burrows Relocation Permit (on-site/offsite)*

[The 10 or Fewer Burrows Relocation permit](#) is for projects that require the relocation of five or fewer tortoises. This permit is usually issued for smaller projects, such as single family construction; however, larger properties may also be eligible for this permit so long as they meet the requirements. If tortoises are to be relocated on-site, the individual capturing and relocating the tortoises must complete the FWC online training course prior to relocation. For off-site relocation, an Authorized Gopher Tortoise Agent must capture and relocate the gopher tortoises to a FWC-certified Recipient Site. Backhoes may not be used for excavation. If a backhoe is required for excavation, an Authorized Gopher Tortoise Agent must be hired.

### *Conservation Permit (More than 10 burrows)*

[The Conservation permit](#) is appropriate for development projects that require the relocation of over 10 gopher tortoises. The gopher tortoise may be relocated to an on-site preserve or to an off-site FWC-certified Recipient Site by an Authorized Gopher Tortoise Agent.

## Questions?

For more information regarding Gopher Tortoise Relocation permits, please visit FWC's website (<http://myfwc.com/license/wildlife/gopher-tortoise-permits/>). For permitting questions, please call Ms. Heather Rigney at (941)721-2097.

If you suspect a wildlife law violation, report it to the FWC's Wildlife Alert Reward Program at 888-404-FWCC, 24-hours a day or online at <http://myfwc.com/contact/report/wildlife-alert/>.

## References

Ankersen, Fernandez, Seifert, Velez. "THE GOPHER TORTOISE AND UPLAND HABITAT PROTECTION IN FLORIDA: Legal and policy considerations." (2003): n. page. Web. 28 Mar. 2012. <<http://www.law.ufl.edu/conservation/pdf/gopher.pdf>>.).

Florida Fish and Wildlife Conservation Commission. Gopher Tortoise Permitting Guidelines. 2008. Web. <<http://myfwc.com/media/1410274/GTPermittingGuidelines.pdf>>.