

Gopher Tortoise stakeholder group  
Draft Burrow rule discussion issues- 31 January 2006 J.P. R.

I received/monitored 31 responses from steering committee, 40+ exchanges among general public, including comments posted to the Sharepoint site. To focus the discussion, and outline an agenda for our 20 February meeting, I offer the following general summary points that you have raised:

Process issues

1. Concern about the timing, notice given and schedule of presentation of the draft rule to public and to the Commissioners.
2. Concern about rushing it - Concern about undue delay.
3. Concern about whether the burrow rule should be self standing correction to current rule or integrated into the proposed changes to gopher rules.
4. Question whether the burrow description should be rule or guidelines
5. Concern that the proposed rule is wrongly placed in the 'take' section of listed species rules and should instead be placed—where?

Effect of the rule issues:

6. Will the rule change regulation of agricultural and forestry activity?
7. Will the rule change regulation of wildlife management activities?
8. Will the rule require additional new burrow take permits?

Wording of the proposed rule issues:

9. "Proximity" is too vague.
10. Restricting to soil types or drainage is inaccurate (tortoises in wet soils missed).
11. Whether to define different useage states of burrows- 'active', 'inactive', 'abandoned'
12. More clearly define 'Take' and 'Incidental Take'
13. The definition proposed does not protect habitat of juvenile tortoises.

General concept issues:

14. Should the rule be specific, describing every possible variant of burrow?  
Or
15. Should the rule generally describe most obvious burrows sufficient to allow enforcement of current regulations?
16. Is a definition based only on cross sectional shape sufficient to identify most burrows?  
And
17. What techniques are available to relocate and identify lost,/buried/destroyed burrows (probing, excavation, side scan radar)
18. Will FWC enforcement personnel receive training on burrow identification?