

Gopher Tortoise Stakeholders Meeting
20 February 2006
Holiday Inn West, Gainesville FL.

Draft Meeting report.

Forty three representatives of stakeholders, the public and FWC (participant list attached) met from 1pm – 5pm and discussed FWC’s proposed new rule clarifying the regulation of the take of gopher tortoise burrows (agenda attached). After addressing some internal governance and logistics issues, the group received a presentation from Lt. Col. Michael Wiwi, assistant director for Law Enforcement FWC explaining the burrow rule and proposed draft language. Participants were advised on FWC’s justification for the rule. The rule is needed to clarify for law enforcement and State attorneys that gopher tortoise burrows are protected as “nests, dens and homes” as currently defined in FWC Rules 68A-4.001 FAC and to assist law enforcement identify gopher burrows. Effects of the new rule on past and current FWC practice regarding agricultural and forestry activity; wildlife management practices; issuance of permits; continued validity of current permits; calculation of gopher populations from burrow counts; and estimation of mitigation fees based on calculated ‘take’ of gophers and active, inactive and apparently abandoned burrows were explained. In every case no change is intended or anticipated from current FWC practice. Discussion followed on the different elements of the rule and how it might be applied. Particular topics explored in detail were:

- Application by FWC Law Enforcement and how to discover buried burrows.
- FWC-LE process of generating successful prosecutions of infractions.
- Inconsistency between the new rule and old guidelines (needs to be resolved quickly by FWC)
- Effects on changing land use to different forms of agriculture.
- The biology, use and shape of gopher tortoise burrows.

Participants then discussed the most effective placement of the rule and its effect on the anticipated new rule for gopher conservation that will result from a change in gopher tortoise listing by FWC. Finally participants drafted an amended and greatly simplified definition of gopher tortoise burrows that they recommend for FWC’s consideration. The meeting closed with brief discussion of additional draft materials that FWC will quickly provide to the group for review and the need for more regular meetings, their scheduling and location.

Decisions and agreements reached at the meeting.

1. Noting that both representatives from the large government land owners interest group were absent, and therefore the groups agreed quorum rule was not met (Governance section 8bi). The group agreed to proceed with discussion and drafting of recommendations that would require confirmation by electronic vote of the whole steering committee, to be accomplished the day following the meeting.

2. Use of the group's Sharepoint site for discussion has not been effective. However, the site is a useful and accessible compilation of background material, records of meetings and information. Therefore the group agreed to maintain the Sharepoint site for this purpose, but to conduct active discussion directly by e-mail.
3. A large proportion of the group agreed that based upon the information provided by FWC-LE and from their own experience, the rule was needed to improve enforcement of gopher protection. However a minority opinion was recorded from Mr. Rillstone, representing the Development industry, that some of his constituents were not convinced that the need justified the approach or rapidity of development of this rule, which could instead be integrated into future changes in gopher rules that will follow a change in listing.
4. FWC needs to quickly update its guidelines on gopher tortoise permitting and management practice to insure consistency between guidelines and the new rule so that they become effective at the same time.
5. FWC's draft articulation of its practice and intentions regarding agricultural and forestry activity should be quickly included in FWC guidelines on gopher tortoise permits and management practice.
6. The group considered whether the rule and burrow description could be placed more effectively in the body of existing protected species rules 68A- 4001, 68A-1.004 and , 68A-27.005 . However, we concluded that the draft rule would be most effectively placed in the position proposed by FWC Law enforcement and legal i.e. as a special rule 68A-27.005 concerning only gopher tortoises as listed species (understanding that this rule will likely be amended and expanded should the listed status of the gopher tortoise be changed).
7. The group drafted new language for the burrow definition.

“A gopher tortoise burrow is a tunnel with a cross-section that closely approximates the shape of a gopher tortoise.”
8. The group further recommended that the supporting characteristics (draft rule 3 a-e) be omitted from the rule BUT should be included in advisory and training information for Law enforcement personnel, contractors and the general public.
9. The group noted inconsistencies in the use of the word 'Take' among different FWC rules and recommended FWC harmonize these.
10. The group requested FWC to immediately provide draft proposals on developing policy and procedure regarding gopher turtles as these are produced by the FWC GT-2 team. FWC agreed that draft materials are immediately available concerning:

- a. Changing the requirement for URTD testing for relocation, including some short term adjustments to facilitate gopher management this coming year.
- b. Detailed objectives to be attached to the draft Measurable Biological Goals.
- c. Draft structural and procedure changes in gopher turtle relocation and incidental take permits.

11. In future, the presence of media at the meeting will be noted early.

12. The group agreed that to assist steering committee members, we will change governance section 3bv to read:

“ Full voting members of the steering committee may designate any other voting member of the steering committee to act as their proxy and vote in their absence. No member may exercise more than 2 votes and the facilitator shall be advised in advance of the meeting of such arrangements.”

(Members should also note article 3d vi “A Member of the Steering Committee who has missed two (2) consecutive meetings, may be asked to resign.”)

13. The group agreed to meet regularly for the next several months as the gopher tortoise management plan goes through critical stages in its drafting development. The group agreed to try and meet again within 6 weeks, at a location in Central Florida. Friday afternoons were favored. The facilitator was requested to find a location and poll the group for the least conflicted date.

(Facilitator will suggest last Friday of each month starting Friday March 31st to open discussion).

Gopher Tortoise Stakeholder Group

20 February 2006

	Name	Affiliation(optional)
	Steering committee	
1.	Ray Ashton	Gopher Tortoise Conservation Fr
2.	Boyde Blihovde	Gopher Tortoise Council
3.	Barbara Burgeson	Collier County Environmental Services
4.	Rebecca Eagan	Public
5.	Matt Aresco	FSU
6.	David Gordon	Quest Ecology
7.	Steve Godley	Biological Research Associates

	Name		Affiliation(optional)
8.	Bernie	Kaiser	Hills Co (Local Gov't Group)
9.	Tom H.	Logan	Breedlove Dennis & Associates
10.	M.C.	Davis	Citizen Conservationist
11.	Joe	McGlincy	Fla. Forestry Association
12.	Mike	Palmer	King Engineering
13.	Steve	Shea	St. Joe Company
14.	Lori	Wendland	UF
15.	Douglas	Rillston	Broad & Cassel
16.	Laurie	Macdonald	Defenders of Wildlife
17.	Ron	Concoby	Mosaic Fertilizer, LLC
	Alternates		
18.	Mary Ann	Gosa	FL Farm Bureau
19.	Jim	Bierly	Citizen
20.	George L.	Heinrich	Florida Turtle Conservation Trust
21.	Lora	Smith	Jones Ecological Research Center
22.	Jim	Handley	Florida Cattleman's Association
	Public		
23.	Vickie	Tatum	NCASI
24.	Terry	Witt	Press Citrus County Chronicle
25.	Wilma	Katz	GTC and Coastal Wildlife Club Inc.
26.	Roz	Holley	Coastal Wildlife Club Inc.
27.	Jen	Hobgood	The Humane Society of the U. S.
28.	Laura	Beven	The Humane Society of the U. S.
29.	Dave	Bruzck	Progress Energy Florida
30.	Public	A	Unknown
31.	Public	B	Unknown
	FWC		
32.	Greg	Holder	FWC Director SW Region
33.	Michael	Wiwi	FWC Assistant Director Law Enforcement
34.	Andy	Love	FWC Law Enforcement
35.	Monty	Hinkle	FWC Law Enforcement
36.	Joan	Berish	FWC Research
37.	Charles	Hardee	FWC Legal
38.	David	Arnold	FWC Office Policy and Stakeholder Coord.
39.	Rick	McCann	FWC Permits
40.	Perran	Ross	Facilitator
41.	Florence	Sergile	Support Staff University of Florida
42.	Adam	Wilcox	Support Staff University of Florida