

GOPHER TORTOISE STAKEHOLDERS GROUP
STEERING COMMITTEE – MINORITY DISSENT

At the October 20, 2006, Gopher Tortoise Stakeholders Group Steering Committee meeting, a majority of the Steering Committee voted to:

- Approve in concept the draft permit process documents presented by the Florida Fish and Wildlife Conservation Commission (“FWC”) staff; and
- Encourage the FWC to continue to develop these draft documents for further Steering Committee review.

The undersigned appreciate the FWC Staff’s efforts to develop components of the required state gopher tortoise (“GT”) management plan. We encourage the FWC to timely complete the draft plan which, in accordance with Rule 68A-27.0012(3), Florida Administrative Code, must address not only GT permit procedures but also the anticipated economic, ecological, and social impacts of FWC decisions regarding GT management and conservation. However, as stated at the October 20, 2006, Steering Committee meeting, we have concerns about the draft permit process, including the:

- Absence of specific information in the permit model, including identification of permit criteria and fee schedule;
- Reliance on burrows (rather than gopher tortoises) as the basis for application of permit requirements, which may be interpreted as an attempt to impermissibly extend FWC species regulation to habitat;
- Need to address fundamental fairness in the permit process (e.g., the proposal to exempt permit applicants with fewer than 10 burrows on the project site from the mitigation contribution requirement);
- Lack of provision for incidental take authorization other than a “no relocation” option for emergency incidental take or the loss of a tortoise during a permitted relocation; and
- Negative precedent and policy considerations of prohibiting “incidental take” as that term has been applied by the FWC.

The FWC staff solicited comments and suggestions from the Steering Committee at this meeting for consideration as the draft conceptual permit process evolves. Considering the concerns outlined above and the Steering Committee’s numerous comments and suggestions, we believe the Steering Committee should have deferred action until the FWC presents a revised draft reflecting the agency’s consideration of and decisions regarding such comments, concerns, and suggestions. We believe this approach would provide the Steering Committee with more information regarding the details and potential ramifications of the draft permit process documents and offer the FWC staff more meaningful feedback on its permit proposal.

Dated: October 25, 2006